Sec. 5-2. - Carrying, possessing, drinking from open containers prohibited.

(a)

It shall be unlawful for any person to possess any open container, whether glass, metal, wood, plastic or other material, containing any alcoholic beverage of either high or law alcoholic content in, upon or onto any public street, roadway, thoroughfare, right-of-way, sidewalk, park, school property, public building, public land or public waterways within the parish. This prohibition includes passengers in motor vehicles and boats as well as the operator of same.

(b)

It shall also be unlawful for any person to possess any open container, whether glass, metal, wood, plastic or other material containing any alcoholic beverages of either high or low alcoholic content in, upon or onto the property of another unless that person has the property owner's express permission to allow the consumption of alcoholic beverages upon the owner's property or the premises consists of a business licensed to sell such alcoholic beverages.

(c)

An open container is defined as any drinking vessel or container whether it is made of glass, metal, wood, plastic or other material upon which the manufacturer's seal has been broken after purchase such that the alcoholic beverage is readily consumable by the possessor of the drinking vessel or container. This specifically includes but is not limited to glass bottles wherein the cap or top has been opened, cans that have been opened and all manner of drinking cups, glasses, canteens, wine bags and any other container not sealed for sale by the manufacturer.

(d)

Whoever violates the provisions of this section shall be punished by a fine not exceeding $500.00 or imprisonment for a term not exceeding 30 days or both by such fine and imprisonment within the discretion of the court.

Sec. 5-4. - Prohibition on the consumption of alcoholic beverages between the hours of 2:00 a.m. and 6:00 a.m. at establishments holding alcoholic beverage licenses.

(a)

It shall be unlawful for any person to possess an open container, being a container containing an alcoholic beverage of either high or low alcoholic content, or to consume such an alcoholic beverage from an open container at any establishment where alcoholic beverages of either high or low alcoholic content are licensed for sale at retail between the hours of 2:00 a.m. and 6:00 a.m. The presence of a person with an open container containing an alcoholic beverage of either high or low alcoholic content on the premises of an establishment licensed for the sale of alcoholic beverages of either high or low alcoholic content shall constitute proof of a violation of this section.

(b)

Whoever violates the provisions of this section shall be punished by a fine not exceeding $500.00 or imprisonment for a term not exceeding 30 days or both by such fine and imprisonment within the discretion of the court.

(c)

As used in this section, an open container shall consist of any container, whether glass, metal, wood, plastic or other material containing any alcoholic beverage of either high or low alcoholic content.

(Ord. No. 10-13, 3-22-10)

Sec. 5-45. - Closing hours.

(a)

No holder of any retail dealers permit for the sale of alcoholic beverages of high alcoholic content obtained pursuant to article II of this chapter and no employee, agent, servant, permittee or representative of such a permit holder shall sell or allow to be sold any alcoholic beverage whether for consumption on or off the premises between the hours of 2:00 a.m. and 6:00 a.m. Furthermore, no holder of any retail dealers permit for the sale of alcoholic beverages of high alcoholic content obtained pursuant to article II of this chapter and no employee, agent, servant, permittee or representative of such permit holder shall allow any alcoholic beverages from any source to be consumed on the premises between the hours of 2:00 a.m. and 6:00 a.m. of any day.

(b)

Excepting for the holder of a "Class A-General" retail permit for the sale of alcoholic beverages of high alcoholic content obtained pursuant to article II of this chapter and operating a retail outlet where beverage alcohol is sold on the premises for consumption on the premises by paying customers, all other permit holders, including but not limited to "Class A-Restaurant" permit holders may remain open at all times for the sale of any and all other items permitted by law excepting alcoholic beverages. However, no holder of any retail dealers permit for the sale of alcoholic beverages of high alcoholic content obtained pursuant to article II of this chapter and/or employee, agent, servant, permittee or representative of such permit holder shall allow any alcoholic beverages from any source to be consumed on the premises between the hours of 2:00 a.m. and 6:00 a.m. of any day.

(c)

During the hours that the holder of a "Class A-General" retail permit that operates a retail outlet where beverage alcohol of high alcoholic content is sold on the premises for consumption on the premises by paying customers is required to be closed, no business shall be conducted on these premises and no customers, patrons or members of the general public shall be present on the premises. Any persons located upon the premises during these hours when the said business is required to be closed, shall be persons engaged in work for the permit holder. Such workers may be present while engaged in bona fide work however no alcoholic beverages shall be consumed by any persons working on the premises.

(d)

Whoever violates the provisions of this section shall be guilty of a misdemeanor offense punishable by a term of imprisonment of up to 30 days in the parish jail or a fine of up to $500.00 or both.

(e)

The violation of the provisions of this section shall also constitute grounds for the suspension or revocation of any permit issued pursuant to article II of [chapter 5](http://library.municode.com/HTML/12493/level2/PTIICOOR_CH5ALBE.html#PTIICOOR_CH5ALBE) of the Tangipahoa Parish Code of Ordinances.

(Ord. No. 05-06, 3-28-05; Ord. No. 10-14A, 3-22-10)

**Sec. 5-85. - Closing hours.**

(a)

No holder of any retail dealers permit for the sale of alcoholic beverages of low alcoholic content obtained pursuant to article III of this chapter and no employee, agent, servant, permittee or representative of such a permit holder shall sell or allow to be sold any alcoholic beverage whether for consumption on or off the premises between the hours of 2:00 a.m. and 6:00 a.m. Furthermore, no holder of any retail dealers permit for the sale of alcoholic beverages of high alcoholic content obtained pursuant to article III of this chapter and no employee, agent, servant, permittee or representative of such permit holder shall allow alcoholic beverages from any source to be consumed on the premises between the hours of 2:00 a.m. and 6:00 a.m.

(b)

Excepting for the holder of a "Class A-General" retail permit for the sale of alcoholic beverages of low alcoholic content obtained pursuant to article III of this chapter and operating a retail outlet where beverage alcohol of low alcoholic content is sold on the premises for consumption on the premises by paying customers, all other permit holders, including but not limited to "Class A-Restaurant" permit holders may remain open at all times for the sale of any and all other items permitted by law excepting alcoholic beverages. However, no holder of any retail dealer's permit for the sale of alcoholic beverages of low alcoholic content obtained pursuant to article III of this chapter and/or employee, agent, servant, permittee or representative of such permit holder shall allow any alcoholic beverages from any source to be consumed on the premises between the hours of 2:00 a.m. and 6:00 a.m. of any day.

(c)

During the hours that the holder of a "Class A-General" retail permit that operates a retail outlet where beverage alcohol is of low alcoholic content sold on the premises for consumption on the premises by paying customers is required to be closed, no business shall be conducted on these premises and no customers, patrons or members of the general public shall be present on the premises. Any persons located upon the premises during these hours when the said business is required to be closed, shall be persons engaged in work for the permit holder. Such workers holder may be present while engaged in bona fide work however no alcoholic beverages shall be consumed by any persons working on the premises.

(d)

Whoever violates the provisions of this section shall be guilty of a misdemeanor offense punishable by a term of imprisonment of up to 30 days in the parish jail or a fine of up to $500.00 or both.

(e)

The violation of the provisions of this section shall also constitute grounds for the suspension or revocation of any permit issued pursuant to article III of [chapter 5](http://library.municode.com/HTML/12493/level2/PTIICOOR_CH5ALBE.html#PTIICOOR_CH5ALBE) of the Tangipahoa Parish Code of Ordinances.

*(Ord. No. 05-06, 3-28-05; Ord. No. 10-14A, 3-22-10)*

***State law reference—*** *Sunday closing law, R.S. 51:191 et seq.*

Sec. 5-116. - Permits required for persons who dispense alcoholic beverages; exceptions.

(a)

No person shall dispense alcoholic beverages of a low or high alcoholic content in any business within the parish for on-the-premises consumption without first having been certified to do so by the sheriff's department in accordance with the provisions of this article.

(b)

The holder of a permit to sell alcoholic beverages at a particular establishment may dispense alcoholic beverages at that establishment without having a certification of qualification required by this article.

(c)

The provisions of this article shall apply to all persons dispensing alcoholic beverages except as provided in subsection (b) above, on and after April 15, 1975, and the certificate must be publicly displayed in the premises designated by the certificate.

(d)

For purposes of this article the term "dispense" shall mean the sale to, service of, or allowing the self-service by any person of any alcoholic beverage of high or low alcoholic content to any other person.

(Ord. No. 05-06, 3-28-05)

Sec. 5-117. - Applicants to be photographed, fingerprinted.

Each applicant seeking a certificate to dispense alcoholic beverages for on-the-premises consumption within the parish shall be photographed and fingerprinted by the sheriff's department.

(Ord. No. 05-06, 3-28-05)

Sec. 5-119. - Qualifications of applicants.

Each applicant for a certificate to dispense alcoholic beverages shall possess the following specifications:

(1)

Is a person of good character and reputation and over 18 years of age.

(2)

Is a citizen of the United States and of this state and a resident of this state continuously for a period of not less than one year preceding the date of the filing of the application.

(3)

Has not been convicted of a felony under the laws of the United States, this state or any other state or country.

(4)

Has not been convicted in this or any other state or by the United States or any other country of soliciting for prostitution, pandering, letting premises for prostitution, contributing to the delinquency of juveniles, keeping a disorderly place or illegal dealing in narcotics.

(5)

Has not had a license or permit to sell or deal in alcoholic beverages by the United States, any state or by a political subdivision of any state authorized to issue permits for licenses revoked within one year prior to application, or been notified or had a judgment of court rendered against him involving alcoholic beverages by this or any other state or by the United States for one year prior to the application.

(6)

Has not been adjudged by the board or convicted by any court of violation of the provisions of R.S. [Title 26](http://library.municode.com/HTML/12493/level2/PTIICOOR_CH26FIPRPR.html#PTIICOOR_CH26FIPRPR)

(7)

Has not been convicted of violation of any municipal or parish ordinances adopted pursuant to the provisions of R.S. 26:493.

(8)

Has not had a certification of qualification to dispense alcoholic beverages issued by any other parish, municipality or state suspended or revoked.

(Ord. No. 05-06, 3-28-05)

**State law reference—** Qualification for permits, R.S. 26:80 and 26:280.

Sec. 5-201. - Consumption of alcoholic beverages at a place of public entertainment between 2:00 a.m. and 6:00 a.m. prohibited.

(a)

It shall be unlawful for any place of public entertainment as defined in this article, to permit the consumption of alcoholic beverages at his/her/its/their establishment or place of business in the rural and unincorporated areas of Tangipahoa Parish between the hours of 2:00 a.m. and 6:00 a.m.

(b)

It shall be unlawful for any person to consume alcoholic beverages at any place of public entertainment between 2:00 a.m. and 6:00 a.m. of each day in the rural and unincorporated areas of Tangipahoa Parish.

(Ord. No. 10-20, 4-12-10)