



CITY OF HAMMOND ORDINANCE No.

_____ C. .S.

**An Ordinance to Amend the Code of Ordinances
Regarding Renewal, Suspension and Revocation of Alcohol Permits and
Related Matters**

WHEREAS, the Hammond City Council desires to promote the general welfare, provide for public safety, security and good order of City and thereby adopts the following:

BE IT ORDAINED by the Hammond City Council that:

1. The Hammond Code of Ordinances is amended as follows:

A. By amending Section 5-20 to read as follows:

Sec. 5-20. Applications-Generally; submission to procedure

Each application shall contain a printed statement, signed by the applicant, that the applicant stipulates and agrees to be bound by and governed by the provisions of [section 5-33](#), et seq. as it relates to suspension and revocation of alcohol permits, and, if applicable to provide the documentation upon demand as required in [section 5-2\(3\)](#). Applications shall be mailed or delivered to the city within twenty-four (24) hours of the mailing or delivering of the state application to the commissioner in Baton Rouge at the state capitol. If the applicant fails to do so, the city may deny the application. Payment of the application/license fee shall be remitted after the approval of the council.

The collector shall present all ~~applications for the renewal of existing~~ licenses and permits to the city council ~~for renewal~~ on or before the first meeting in the month of October each year. ~~The application for a renewal shall include payment of the applicable renewal fee.~~ The city council shall no later than the first meeting in the month of November each year approve each renewal unless facts exist as provided in this section to deny said renewal application and/or license.

The collector's office shall forthwith notify an applicant ~~and the alcohol permit board of review~~ in writing in the event of the denial of approval of the renewal by the city council ~~and refund the renewal~~

~~fee. A renewal form shall accompany the submission of the license fee, which shall be submitted to the collector's office no later than December 1 of each year, or the next business day thereafter if said date falls upon a weekend or holiday.~~

B. By amending Section 5-21 to read as follows:

Sec. 5-21. Late Same Penalties for late filing.

Should any retail dealer or wholesale dealer to whom a permit has been issued under this article fail to file his application for renewal of the permit for an ensuing year and pay the applicable renewal fee on or before the first day of October ~~December~~ of each year, the application may be denied without notice or hearing. ~~and the applicants right to do business suspended, or a penalty may be imposed of five (5) per cent of the amount due for the permit applied for, plus an additional five (5) percent per month thereafter without notice of hearing, or both.~~

C. By amending Section 5-27 to read as follows:

Sec. 5-27. - Opposition to initial grant of permit or renewal thereof.

The right to determine what persons shall or shall not be permitted or have a permit renewed under this article shall be exercised in the following manner:

(1)

Any citizen of the city of Hammond ~~who has, for at least six (6) months prior thereto, resided in Tangipahoa Parish, or any elected~~ or appointed city or parish public official or state or local law enforcement officer may oppose the issuance of permits by filing with the city permit office ~~permit office and the department of public safety~~ a sworn petition of opposition. The ~~If this~~ petition must be filed ~~is filed~~ within thirty five (305) calendar days of the filing of the application for local permit, the city must shall withhold the issuance of the permit and immediately notice the state commissioner of the action, enclosing the petition of opposition and any supporting documents.

(2)

~~Any trade organization consisting of brewers and distributors of low alcoholic content, through its authorized representatives, may oppose the issuance of permits by filing with the city permit office and the director of public safety a sworn petition of opposition within thirty five (35) calendar days of the filing of the permit application. Upon receipt of the sworn petition, the city shall withhold the issuance of the permit and immediately notify the state commissioner of the action, enclosing the petition of opposition and any supporting documents.~~

(23)

No petition of opposition shall be accepted or acted upon unless it is sworn to by the petitioner in an affidavit which also affirms that the petitioner together with witnesses, if any, will appear at the hearing to establish the allegations of the petition and unless the petitioner sets forth facts with supporting evidence constituting a cause or causes enumerated in Title 26, Chapter II of the Revised Statutes of the State of Louisiana, or under this article.

By amending Section 5-29, subsections (i) and (ii) to read as follows:

(i)

Violation of this section ~~is punishable as provided for in R.S. 26:171 and is also~~ sufficient cause for the suspension, revocation, or non-renewal of a permit.

(ii)

Notwithstanding the issuance of a permit by way of renewal, the city council ~~City of Hammond~~ may revoke or suspend such permit, as prescribed by this article, for violations of this section occurring during the permit period immediately preceding the issuance of such permit.

By amending Section 5-32 to read as follows:

Sec. 5-32. - Civil petition for revocation or suspension of permit.

The city, or any representative, agent, or officer thereof on behalf of the city, or any citizen of the age of majority residing within the municipal limits of the City of Hammond, ~~and/or any trade organization consisting of manufacturers and distributors of alcoholic beverages through it authorized representation having its registered office in the City of Hammond,~~ may cause a permittee to be cited ~~by the director of public safety~~ to show cause before the city council why his permit or permits should not be suspended or revoked, in accordance with the provisions of this article.

D. By amending Section 5-33 to read as follows:

Sec. 5-33. - Procedure for suspending or revoking permit.

The procedure for the suspension, revocation, or non-renewal of permits shall be substantially as follows:

(1)

The city shall enact rules providing for the periodic examinations of the business of all persons holding permits under this article. If a violation of any provision of this article or of any rule or regulation of the city is observed, the city may give the permittee a written warning. If the permittee has been previously warned or if the violation is of a sufficiently serious nature, the city may instruct any agent or employee of the city to prepare and file, upon information and belief based upon the facts in hand, a petition for suspension, revocation, or non-renewal of the permit, setting forth the facts and circumstances of the violation and/or cause, and shall thereupon summon the permittee to appear before the city council and show cause why the permit should not be suspended, revoked, or not renewed.

(2)

Any person may file with the city council clerk ~~director of public safety~~ a sworn petition, executed before an appropriate notary public, with supporting evidence attached requesting that a permit be suspended, revoked or not renewed. When such a petition is received by the city council clerk, ~~director~~

~~public safety~~ the permittee shall be summoned to appear and show cause before the city council why his permit should not be suspended, revoked, or not renewed.

(3)

No such petition shall be considered by the city council unless sworn to by the petitioner in an affidavit with supporting evidence which also affirms that the petitioner, together with witnesses, if any, will appear at the hearing to establish the allegations of the petition, and unless the petition sets forth facts constituting a cause or causes enumerated in or authorized by this article or under Louisiana law for the suspension, revocation, or non-renewal of a permit.

(4)

No such petition shall be considered by the city council unless presented to the city council clerk ~~director of public safety~~ within thirty (30) one week (7 calendar days) after the alleged event or events constituting just cause to withhold, suspend or revoked occurred, or within seven (7) ~~one week (7) calendar~~ days after the discovery of the event, but in no case later than sixty (60) calendar days after the alleged event or events.

(5)

The city council clerk ~~director of public safety~~ shall notify the city clerk of the council ~~and the mayor~~ of the receipt of the petition, and shall verify that the required provisions ~~of this article~~ have been complied with.

By amending Section 5-35 (c) to read as follows:

(c)

No violation herein may be the subject of revocation, suspension, or non-renewal of a permit unless the revocation, suspension, or non-renewal action is initiated within sixty (60) days one (1) year of the date of the incident or sixty (60) days one (1) year from the date of conviction, or unless the violation pertains to the qualifications of the permittee under Section 5-22.

E. By amending Section 5-38 to read as follows:

Sec. 5-38. - Hearings.

(a) Hearings required by this article shall be conducted by the city council ~~alcohol permit board of review (hereinafter the "board")~~, who shall make a written finding of fact ~~and recommendation to the council~~. All hearings shall be presented by the city attorney or his designee.

(b) ~~After the hearing is conducted by the board, the council shall not be required to conduct another hearing unless a majority of the council votes to do so.~~ No permit shall be suspended, revoked, or non-renewed, ~~or written warning issued~~ except by a majority vote of not less than (3) members of the city council. No rehearing shall be granted after a decision of the council had been made.

(c) The council ~~or "board"~~ may administer oaths, issue subpoenas for attendance of witnesses, production of documents, may receive testimony and may examine witnesses.

(d) Whenever a hearing is conducted ~~before the board~~, an opportunity shall be afforded all parties to present evidence on all issues of fact and law, conduct direct and cross-examination of witnesses, and submit arguments and legal briefs.

(e) Strict rules of evidence and procedures shall not apply. The ~~councilboard~~ may accept any evidence considered of value and relevant.

(f) Testimony received shall be taped or ~~otherwise stenographically~~ recorded, together with all documentary evidence, oral or written arguments or briefs submitted, and made part of the record.

F. By amending Section 5-39 to read as follows:

Sec. 5-39. - Role of the director of public safety, designee.

The director of public safety of the City of Hammond, or such person otherwise designated by the mayor, shall administer and enforce the provisions of this ordinance, in conjunction with the council, ~~and the alcohol permit board of~~, pertaining to the withholding, suspension, or revocation of permits issued or requested to be issued under this section. He or she shall be responsible for assuring that all provisions necessary for the administration of the aforementioned duties are complied with.

G. By amending Section 5-40 to read as follows:

Sec. 5-40. - Notice of hearing.

(a) Whenever a hearing is set pursuant to the provisions of this section a written summons or notice thereof shall issue to the applicant or permittee, as the case may be, directing him to show cause why his application should not be refused or why his permit should not be suspended or revoked. The notice or summons shall state the time, place, and hour of the hearing, which shall be not less than ~~seven ten~~ ~~(7-10)~~ calendar days nor more than thirty (30) calendar days from the date of the notice. The notice or summons shall enumerate, generally, the cause or causes alleged for refusing the application or for suspending or revoking the permit. When a petition has been filed opposing the issuance of the permit or asking for its suspension, revocation, or non-renewal, a copy of the petition shall accompany the notice or summons. All notices or summonses shall be sent by certified mail to the applicant or permittee and directed to him at the address of his place of business as given in his application for the permit or by personal delivery. When so addressed and mailed, notices or summonses shall be conclusively presumed to have been received by the applicant or permittee.

~~(b) When the matter is before the board, hearings shall be conducted by the director of public safety, or, in his absence or inability to conduct the hearing, by any person designated and authorized by the mayor. If the hearing is to be held by a person designated by the mayor, that person shall take an oath for the faithful performance of his duties. When the matter is before the council, the hearing shall be conducted by the council president or his designee. The oath may be administered by anyone qualified by law to administer oaths in this state. The director of public safety, or the person designated to hold a hearing, or the city council president, shall administer oaths, and may examine any witnesses and shall receive testimony at the hearing. All documentary evidence, if any, and all written arguments or briefs submitted shall be made submitted to the city council and certified by the director of public safety, hearing examiner, or council president, respectively, for consideration and decision.~~

(c) If a permittee or applicant who has been notified of a hearing does not appear, the ~~councilperson conducting the hearing~~ may proceed in his absence.

(d) All requests for the continuance of hearings before the council ~~and/or board~~ shall be in writing, filed with the city council clerk ~~and with the director of public safety~~, and shall not be granted by the council ~~or board~~ except for good cause shown. The failure or inability to retain or procure counsel to appear on one's behalf, may be considered but shall not ordinarily constitute good cause. Except in the case of an extreme emergency or in unusual and justified circumstances, no request for a continuance will be considered unless filed with the clerk of the council ~~and with the director of public safety~~ at least three (3) ~~business working~~ days in advance of the time set for the hearing. A continuance may be granted, prior to the hearing date, by the council president chairman, or vice-president chairman in the absence of the president chairman, ~~or if a case is referred to the board, by the director public safety~~. If the continuance is granted to a fixed future date by written consent or in the presence of the permittee, applicant, or his counsel, no further notice of the hearing date need be given. In all other cases the same notice of hearing as in original hearings shall be given.

H. By amending Section 5-41 to read as follows:

Sec. 5-41. - Basis for determination by council to suspend, revoke, or non-renew permit.

(a) In determining cases involving the suspension, revocation, or non-renewal of permits, if the violation is of a minor nature, or if there are extenuating circumstances or reasonable grounds to expect that the permittee will not again violate any of the provisions of this article, the permit may be suspended by the council for such time as the council thinks proper. If the permittee has previously been fined or had a permit suspended or revoked, or if the violation is flagrant or serious, the council city may revoke the permit or permits and shall immediately notify the state and local authorities of this action. The city council director of public safety or hearing examiner shall retain jurisdiction to re-open cases at any time upon petition or by its own action ex proprio motu, and for good cause shown may modify, revise, or reverse its his former findings and decisions, and all such re-opened cases shall be heard and determined under the same rules of procedure as original cases.

I. By deleting Sections 5-42 and 5-43 (relating to alcohol board of review)

J. By amending Section 5-44 to read as follows:

Sec. 5-44. - Notice of decision.

The city council shall render its decision within five (5) calendar days of the hearing. If the council determines that a license/permit should be suspended, revoked, or not renewed any provision of this article is being or has been violated, either pursuant to its own hearing, or a hearing conducted by the board, the council shall notify such party in writing by certified mail or by personal service of the notice the person(s) or organization(s) in violation, indicating the nature of the violation and ordering the action necessary to correct it, and stating any fines when appropriate, and, if applicable, stating whether the party's permittee's or applicant's license has been withheld, suspended, revoked, or non-renewed, and the date said action is effective.

2. All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed in whole or in part, to the extent said ordinance or ordinances conflict(s) with the contents of this ordinance as enacted herein.

The above and foregoing ordinance having being duly submitted to the Hammond City Council in writing; introduced at a public meeting on, 2026 of the Hammond City Council and discussed at a public meeting held on _____, 2026.

On a motion by _____ and second by _____ the foregoing ordinance was hereby declared adopted on _____ by the following roll call vote:

VOTE: Kip Andrews (), Carlee White Gonzales (), Sam DiVittorio (), Steve Leon () Devon Wells (), Motion _____

WHEREFORE the above and foregoing ordinance was declared duly adopted on is _____ day of _____, 202~~5~~6 at Hammond, Tangipahoa Parish, Louisiana.

Kip Andrews President,
Hammond City Council

Honorable Pete Panepinto, Mayor

Lisa Cockerham, Clerk Hammond City Council