

CHAPTER 6

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Article A - Business Licenses

Section 6.1 Annual license tax

There is hereby levied an occupational license tax for the year 2003 and for each subsequent year, upon each person pursuing and conducting any business, trade, calling, profession or vocation, within the corporate limits of the Town of Brusly, subject to license under the Louisiana Constitution and laws of this state. (Ordinance No. 7 of 1982; Ordinance No. 9 of 1987; Ordinance No. 8 of 2002)

Section 6.2 Adoption of state laws

The amount of license tax levied in each case is hereby fixed, determined and ordained to be the same as that fixed, levied and collectable by the governing authority under, and shall be granted in accordance with, the provisions of Louisiana Revised Statutes, Title 47, Chapter 3, both inclusive, as amended, and all other applicable laws, all of which for all purposes of this ordinance are made a part hereof by reference as if written herein in extenso. (Ordinance No. 7 of 1982; Ordinance No. 9 of 1987; Ordinance No. 5 of 1990; Ordinance No. 8 of 2002)

Section 6.3 Peddlers

All peddlers, defined by Louisiana Revised Statutes, Title 47, Section 359(C), shall obtain a license costing \$200.00 (maximum of two hundred dollars) (Ordinance No. 7 of 1982; Ordinance No. 9 of 1987; Ordinance No. 3 of 1993; Ordinance No. 8 of 2002)

Section 6.4 Repealer clause

All other ordinances or parts of ordinances in conflict herewith are hereby repealed in their entirety. (Ordinance No. 8 of 2002)

Section 6.5 Severability clause

If any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items, or applications of this ordinance; they are hereby declared severable. (Ordinance No.8 of 2002)

Section 6.6 Penalty and interest

All license taxes levied herein shall be due and payable on January 1st of each year and all unpaid license taxes shall become delinquent on March 1st. (Ordinance No.8 of 2002)

1) When any taxpayer fails to pay the tax, or any portion thereof, on or before March 1st, interest at the rate of one and one-quarter percent per month shall be added to the amount of tax due and such interest shall be computed from the due date until the tax is paid. (Ordinance No.8 of 2002)

2) In addition to the interest charged on delinquent taxes there shall be imposed a penalty of five percent of the total tax due if the failure or delinquency is for not more than thirty days, with an additional five percent for each additional thirty days or fraction thereof during which the failure or delinquency continues, not to exceed twenty-five percent of the tax in the aggregate. (Ordinance No.8 of 2002)

Section 6.7 Effective date

This ordinance shall become effective February 13, 2003. (Ordinance No. 8 of 2002)

Section 6.8 Exemptions, Definitions, Classifications; Adoption

(Ordinance No. 7 of 1982; Ordinance No. 9 of 1987 repealed by Ordinance No. 8 of 2002)

Section 6.8A Mechanical or electronic amusement machines or devices

(Ordinance No. 7 of 1982; repealed by Ordinance No. 9 of 1987; repealed by Ordinance No. 8 of 2002)

Section 6.9 Interest penalty; rate; collection

Upon failure to pay the license tax levied pursuant to this Chapter and commencing thirty days after the date upon which the tax is due, there shall be assessed an interest penalty of one and one-quarter percent per month on the amount of the license tax which interest penalty shall be

collected by the municipality together with an in the same manner as the license tax. (Ordinance adopted October 11, 1982)

Section 6.10 Video draw poker devices

Every person engaged in operating any video draw poker device as defined in the Video Draw Poker Devices Control Law or who permits such device to be operated in his place of business shall pay a license tax of fifty (\$50) dollars for each such device. (Ordinance No. 5 of 1992)

Article B - Amusements

Section 6.11 Amusements other than in licensed places; permit required where admission is charged

It shall be unlawful for any person to give any fair, picnic, entertainment, musicale, dance, exhibition, demonstration or social of any kind or amusement of any kind where the public is admitted, whether an admission is charged or not, or where refreshments are sold, other than in a duly licensed theater, hall or amusement place without first having obtained from the mayor a written permit granting such right or permission and fixing the limit of time and the hours during which the privilege under such permit may be exercised.

Section 6.12 Permit required for use of streets

It shall be unlawful for any person to give or cause to be held a parade or any exhibition on the streets, sidewalks, bridges, crossings, or sides thereof without first having:

- 1) Secured a permit from the mayor
- 2) On parades, there shall be placed on deposit for the amount of \$2,500. Said deposit will be used to pay for additional police protection and/or clean-up, if necessary, at the sole discretion of the Mayor.
- 3) Notified the Chief of Police, in writing, at least two weeks prior to the parade or event.

Section 6.13 Selling refreshments near parties, etc.; consent required; exceptions

No person shall be permitted to sell ice cream, liquors, cakes, fruit or refreshments of any kind within a distance of two blocks of any house, church or building in which is being held any fair, ball, party or entertainment of any kind without obtaining the written consent of the person who has the management of such fair, ball, party or entertainment; provided, this section shall not apply to any person carrying on any regularly licensed establishment or business within such prescribed limits where such articles are regularly sold.

ARTICLE C - Barbershops and Beauty Shops

Section 6.21 Inspection

The parish health officer is hereby authorized and empowered to inspect all barbershops and beauty shops in the municipality, and all such shops shall be open for inspection any time during the business hours to the parish health officer or his deputies or assistants.

Section 6.22 Enforcement

The parish health officer is hereby authorized and empowered to enforce the rules and regulations of the state and parish in all barbershops and beauty shops in the municipality.

ARTICLE D - Pawnbrokers and Junk and Secondhand Dealers

Section 6.31 Pawnbroker's record of transactions

All pawnshops and pawnbrokers within the municipality shall file with the police department a daily record of transactions made in jewelry, clothing, firearms, furniture, auto tires or accessories, and all other merchandise or junk of any kind.

Section 6.32 Junk dealer's register; duty to keep

All persons engaged in the business of buying junk, scrap iron, brass or other metals, bottles, sacks, rags, and the like, are hereby required to keep a register of the names of all parties from whom they purchase such articles, together with a description of the article purchased.

Section 6.33 Same; to be open to inspection

The register provided for in section 6.32 shall be open to inspection by the chief of police or any member of the police force at any and all times.

Section 6.34 Junk operations in public places prohibited

It shall be unlawful for any person to wreck, dismantle or store, for commercial purposes, any motor-driven vehicle, automobile, automobile truck or iron or steel junk on the public sidewalks, streets and other public places of the municipality.

Section 6.35 Fences for junkyards

No person shall store or offer for sale any iron and steel junk or wreckage of motor-driven vehicles, automobiles, or automobile trucks on any open lot or parcel of ground that is not properly enclosed on all boundary lines with a proper, suitable and substantial wooden fence not less than six feet nor more than ten feet high, and the enclosed area shall be properly screened from public view. Such fence shall be kept in a constant state of good repair, and no signs of other advertising matter shall be placed thereon.

ARTICLE E -Transient Merchants

Section 6.41 "Transient merchant" and "person" defined

(a) "Transient merchant" as used in this article means any person engaging temporarily in a retail or wholesale sale of goods, wares, or merchandise, in any place in the municipality and who, for the purpose of conducting such business, occupies any lot, building, room, or structure of any kind. The term shall not be construed to apply to any person selling goods, wares, or merchandise of any description, raised, produced, or manufactured by the individual offering them for sale; nor to persons handling vegetables, fruits, or perishable farm products at any established municipal market; nor to persons operating stores or refreshment stands at resorts or having booths on or adjacent to the property owned or occupied by them; nor to any stands on any fairgrounds; nor to any vendor of soft drinks or refreshments.

(b) "Person" as used in this article includes any corporation, or partnership, or two or more persons having a joint or common interest. (Ordinance No. 15 of 1985)

Section 6.42 License required

It is unlawful for any person, either as principal or agent, to engage in business as a transient merchant in the municipality without having first obtained a license in the manner provided in this article. (Ordinance No. 15 of 1985)

Section 6.43 Application; agent for service of process; bond; license fee; disposition of fees

A person desiring to engage in business as a transient merchant within the municipality shall make and file with the mayor of the municipality a written application stating the applicant's name, residence, place where he intends doing business, and the kind of business. If the applicant is acting as agent for another person, he shall also cause to be filed a power of attorney appointing the mayor as the agent on whom service of process may be made in any suit commenced against him. The applicant shall, at the same time, deposit the sum of five hundred dollars (\$500.00), or a surety company bond in a like amount, and pay to the mayor the further sum of seventy-five dollars (\$75.00), as a license fee. Whereupon the mayor shall issue to the applicant a license as herein provided, if satisfied that the business to be conducted by such merchant is not maintained to cheat or defraud the public. The license shall expire on December 31 following the date of issue. All license fees paid pursuant to this article shall go into the general fund of the municipality. (Ordinance No. 15 of 1985)

Section 6.44 Deposits subject to claims; garnishment proceedings; remittance of balance of

cash deposit

(a) Deposits made with the mayor shall be subject to claims of creditors in all cases where a judgment has been obtained against the transient merchant in any court in this state and the time for appealing such judgment has expired.

(b) In such cases, garnishment proceedings may be commenced in such court against the mayor who shall thereupon remit to the court any balance of the cash deposit remaining in his hands not exceeding the amount of the judgment, for the purpose of satisfying the same.

(c) Any balance remaining in the hands of the mayor four months after the expiration of the license shall be remitted to the transient merchant; but if, at such date, the mayor has received notice of any suit then pending against the transient merchant, the deposit shall not be returned until sixty (60) days after the termination of the suit. (Ordinance No. 15 of 1985)

Section 6.45 License void when deposit exhausted; revocation of license; suit to set aside decision

(a) A license shall be void as soon as the deposit made with the mayor shall have been exhausted because of garnishment suits.

(b) The mayor may revoke any license issued by him, for good cause shown, after giving the licensee reasonable notice and opportunity to be heard, subject to the right of the licensee to bring a suit in the district court of the parish where the license may have been revoked, to set aside the decision of the mayor, the said suit to be filed within ten (10) calendar days after the decision of the mayor. (Ordinance No. 15 of 1985)

Section 6.46 Prima facie evidence

Transaction of business as defined in section 6.41, by any person for a period of less than six (6) months consecutively shall be prima facie evidence that the person was a transient merchant within the intent and meaning of this article. (Ordinance No. 15 of 1985)

Section 6.47 Violations; penalty

Whoever violates this article shall be fined not more than one hundred dollars (\$100.00), or imprisoned for not more than ninety (90) days, or by both. (Ordinance No. 15 of 1985)

ARTICLE F - Pool rooms

Section 6.61 License required; application; qualifications

(a) No person shall operate any poolroom or billiard hall within the corporate limits unless he first obtains a license therefore from the municipality.

(b) Application for a license to operate a poolroom or billiard hall shall be made in writing to the clerk.

(c) No license to operate a poolroom or billiard hall shall be issued to any person under the age of twenty-one years or to any person who has been convicted of a felony.

Section 6.62 Approval of application; issuance; revocation

(a) Upon compliance with all of the provisions of this article, the application for a license to operate a poolroom or billiard hall shall be referred by the clerk to the board for its approval. In the event the application is approved by the board, the mayor shall issue the license. (Amended by Ordinance No. 4 of 1986.)

(b) Upon the second conviction of any person holding a license under this article for violating any provision of this article, the license so issued to such person shall be revoked and canceled and such person shall be prohibited from applying for an receiving another license for a term of two years from the time the license is revoked and canceled.

Section 6.63 Display of obscene or indecent pictures

No obscene or indecent pictures shall be displayed upon the walls of any billiard hall or poolroom.

Section 6.64 Loud, obscene or indecent language

It shall be unlawful for any person to use or permit to be used any loud, obscene or indecent language in any billiard hall or poolroom within the municipality.

ARTICLE G - Gaming Permits

Section 6.71 Raffles, bingo and keno permitted

Charitable raffles, bingo and keno as defined in La.R.S. 33:4861.1 et seq. is hereby permitted within the corporate limits of the municipality, provided such charitable raffles, bingo and keno are duly licensed by the municipality and are conducted in strict accordance with the aforesaid statutes.

Section 6.72 Application for license

The mayor is hereby authorized to accept applications for a license as set forth in section

6.71. Each such application shall be submitted to the board for its consideration.