

**T.P. Ordinance No. 22-16**

**AN ORDINANCE AMENDING AND ENACTING CHAPTER 8 –  
AMUSEMENTS, ARTICLE III – PUBLIC AMUSEMENT**

**BE IT ORDAINED** by the Tangipahoa Parish Council-President Government, State of Louisiana, acting as the Governing Authority thereof revises and amends the Tangipahoa Parish Code of Ordinance, Chapter 8 – Amusements as follows:

**CHAPTER 8 – AMUSEMENTS**

**ARTICLE III – PUBLIC AMUSEMENT**

**DIVISION 1. GENERALLY**

**Sec. 8-84. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Place of public amusement* includes the following:

*Amusement park* means any place commonly known as an amusement park, amusement ground or amusement center where swimming, dancing, games, exhibits or shows are carried on, conducted or allowed whether an admission fee is charged or not; provided that beer, wine or liquor is not sold, kept, provided or given away in connection with such amusement park.

*Circus show* means all sideshows, circuses, traveling shows, animal shows, traveling carnivals, traveling or moving tent shows, exhibitions, temporary theaters or itinerant playhouses, except, however, motion picture theaters, playhouses being operated in a permanent structure, or the annual parish fair.

*Dance hall* means any place wherein dances are given, operated, conducted or permitted as a business enterprise, occupation or amusement whether or not music is provided by paid or amateur performers or by prerecorded means. Excluded from the definition of the term "dance hall" are dances conducted by any nonprofit or charitable organization; provided that the net profit from any dance does not accrue to the private profit of any person.

*Music festival* means any outdoor festival, carnival, dance or like musical activity, whether or not music is provided by paid or amateur performers or by prerecorded means, which is of a periodic nature and to which members of the public are admitted for a charge, whether or not the charge is directly or indirectly made.

*Public swimming pool* means a swimming pool to which members of the public are admitted for a charge, whether or not the charge is made directly or indirectly. Excluded from the definition of the term "public swimming pool" shall be those swimming pools constructed on the business premises of motels, which pools serve exclusively the registered guests of the motel.

*Special event* means an event confined to or designed for a definite field of action, purpose, or occasion where ~~500~~ 150 or more people are in attendance.

**Sec. 8-85. Penalty.**

Any person who shall violate any of the provisions of this article shall, upon conviction thereof, be punished as provided by section 1-13.

**Sec. 8-86. Prohibited conduct.**

It shall be unlawful for any person, partnership, corporation or unincorporated association, acting alone or in concert with any of the foregoing, to do any of the following:

- (1) Operate a public amusement without first procuring a license to do so.

- (2) Advertise or otherwise publicly announce that a public amusement will be held in the parish without a license first having been received for the conduct thereof.
- (3) Provide entertainment at a public amusement, whether or not compensation is paid for the performance of the entertainment, with the knowledge that a license has not been obtained.
- (4) Operate, conduct or carry on any public amusement in such a manner as to create a public or private nuisance.
- (5) Exhibit, show or conduct within the place of public amusement any obscene, indecent, vulgar or lewd exhibition, show, play, entertainment or exhibit, no matter by what name designated.
- (6) Blocking or parking on any public or private right of ways and/or access to event.

**Sec. 8-87 – 8-115. Reserved**

**DIVISION 2. LICENSE**

**Sec. 8-116. Required.**

- (a) Any person wishing to operate, maintain or conduct a place of public amusement within the confines of the parish and outside city boundaries, must first obtain a license to do so. No license shall be issued, however, until all conditions required have been met and fulfilled.
- (b) Any event at which alcoholic beverages will be consumed and which requires its guests, patrons, or attendees to pay for admittance into the facility or immovable property or pay for consumption shall first obtain all liquor licenses and permits described in Chapter 6 prior to holding any events.

**Sec. 8-117. Application.**

Any person desiring to operate a place of public amusement shall file a written application, consisting of an original and five copies, with the sheriff which shall contain the following facts and information:

- (1) The name, age, residence and mailing address of the person making the application. If the application is made by a partnership, the names and addresses of the partners must appear. Where the applicant is a corporation, the application must be signed by the president, vice-president and secretary thereof and must contain the addresses of such corporate officers, and a certified copy of the articles of incorporation shall be submitted with the application.
- (2) A statement of the kind, character or type of the place of public amusement which the applicant proposes to conduct, operate or carry on.
- (3) The address or legal description of the place or premises where the proposed public amusement is to be conducted, operated or carried on. Additionally, the applicant must submit proof of ownership of the place where the public amusement is to be conducted or a statement signed by the owner of the premises indicating his consent that the site be used for the proposed amusement.
- (4) The number of days for which the license is sought. A license authorizes the conduct of a public amusement for a maximum of 365 days and must thereafter be renewed.
- (5) An estimate of the number of customers, spectators, participants and other persons expected to attend the public amusement for each day it is conducted.
- (6) Applicant must provide all other agency approvals with the application to the Sheriff's Office. These agencies shall be but not limited to the Parish Health Office, Director of Public Works, and the State Fire Marshall Office

### **Sec. 8-118. Filing Fee.**

A nonrefundable filing fee of \$250.00 shall be collected from the applicant for a license under this division.

### **Sec. 8-119. Distribution of applications; investigation; public hearing.**

- (a) Upon receipt of the application for a license under this division, the sheriff shall file copies of the original application and other agency approvals for distribution. ~~Copies are to be distributed to the to parish clerk shall file the original application and distribute one copy thereof to the sheriff, the parish health officer, the director of the department of public works, the state fire marshal, district attorney and the parish council. These parish department heads shall thereupon cause an investigation of the application.~~
- (b) The sheriff shall forward the complete application with all recommendations to the parish council clerk shall to set the matter for public hearing at a regular meeting of the parish council. This application shall be received which shall be not no later than 60 days from the date of the filing of the application. Ten days' written notice of the date of such hearing shall be given to the applicant and ~~to the all~~ parish departments and agencies relating to receiving a copy of the application.
- (c) The parish council shall, based upon the reports of the interested parish departments and on the testimony of witnesses and evidence presented at the hearing, grant the application, deny the application or set conditions which must be met before a license may be granted.
- (d) Where conditions are imposed pertaining to section 8-120, the parish clerk must certify to the sheriff that all conditions have been met before a license may be issued. The clerk shall require written notice from parish departments charged with responsibility under section 8-120 that conditions have been met before issuing its certification.
- (e) When the parish clerk certifies that conditions have been met, the tax collector shall immediately issue a license for the kind of public amusement licensed and note the number of days operation is authorized. The licensee shall keep the license posted in a conspicuous place upon the premises at which the public amusement is conducted.

### **Sec. 8-120. Council may impose conditions prior to granting; standing requirements and conditions**

- (a) At the hearing required under section 8-119, the parish council may establish conditions which must be met prior to the issuance of any license under this division except that the council may take a matter under submission before determining which conditions shall be imposed. Where the council takes a matter under submission, written notice of any conditions imposed as prerequisite to the issuance of a license must be mailed to the applicant within 15 days of the original hearing.
- (b) The conditions which may be imposed by the council regarding the parish's general police power for the protection of health, safety and property of local residents and persons attending public amusements in the parish are as follows:
  - (1) *Police protection.*
    - a. Every licensee shall employ at his own expense ~~at least one~~ private patrol officer or guard, approved by the sheriff, whose duty shall be the preservation of order and protection of property in and around the place of public amusement. In the case of public amusements expected to attract large numbers of persons, provision for additional private patrol officers and security guards may be required. ~~One patrol officer or security guard for every 300 persons expected to be in attendance may be required.~~
    - b. Such patrol officers may be required to be licensed and to be in attendance, wearing uniforms, at all times the public amusement is in operation. Where the sheriff authorizes the employment of off-duty peace officers to meet the requirements of this section, the peace officers shall be under the direction and control of the sheriff. The sheriff will do a threat assessment to determine the number of officers ~~must be satisfied that the requisite number of private~~



~~patrol officers or guards will be provided~~ that will be required at all times of operation before a license is issued. Submittal by the applicant of a written agreement between the applicant and a licensed private patrol agency may be required.

(2) *Water facilities.*

- a. Every licensee shall provide an ample supply of water for drinking and sanitation purposes on the premises of the public amusement. Quality and quantity of water and location of facilities must be approved by the parish health officer prior to the issuance of a license.
- b. In the case of outdoor public amusements, a supply of ten gallons of water for each person expected to be in attendance may be required. All water shall meet ~~United States Public Health Service standards~~ Department of Health and Hospitals. Public and/or private lavatories and drinking facilities may be required. Drainage and sewage systems relating to such facilities shall be adequate to the satisfaction of the parish health officer and shall be subject to his prior approval.

(3) *Low alcoholic beverages.* Selling of low alcoholic beverages is permitted in accordance with the low alcoholic content license provisions in chapter 6, article III.

(4) *Food concession.* In the case of public amusements proposed to be held in areas located a substantial distance from markets, restaurants or like eating establishments, the applicant may be required to demonstrate that food will be available at the premises for each day of operation to adequately feed the number of persons expected to be in attendance. Concessionaires must be licensed pursuant to local regulation and state laws. Quality and quantity of food and location of concessions must be approved by the parish health officer prior to the issuance of any license.

(5) *Sanitation facilities.*

- a. Every licensee must provide at least one closed toilet facility marked "men" and one such facility marked "women" on the premises of a public amusement. If large crowds are expected, a toilet for each 40 males and for each 40 females expected to be in attendance may be required.
- b. Where flush-type toilets cannot be made available, the supervisors may consent to the use of portable chemical toilets. Such chemical toilets must meet the approval of the parish health officer before any license may be issued. Chemical toilets must be emptied at the licensee's expense as necessary and according to procedures established by the parish health officer.
- c. Every licensee shall be required to furnish at least one trash can with 32 gallons' capacity for every 25 persons expected to be in attendance. Proof that the requisite quantity of trash and refuse receptacles will be available must be made to the parish health officer. Trash and refuse shall be emptied at the licensee's expense as necessary and pursuant to procedures established by the parish health officer.

(6) *Medical facilities.*

- a. Where a proposed public amusement is expected to attract large numbers of persons and is planned for a site which is located a substantial distance from existing medical treatment facilities, the applicant may be required to provide emergency medical treatment facilities on the premises of the public amusement. The location of such facilities, number of doctors, psychiatrists, psychologists, nurses and other aides needed to staff the facilities and the quantity of medical supplies, drugs, ambulances and other equipment that must be on the site must be approved by the parish health officer prior to the issuance of any license under this division.
- b. The parish health officer shall calculate the need for medical services based on the number of persons expected to attend a public amusement, their expected age group, the duration of events planned and the possibility of exposure to inclement weather and outdoor elements.

(7) *Parking areas.* Persons desiring to operate or conduct public amusements may be called upon to provide a separate parking space for every two persons

expected to attend the public amusement by motor vehicle. Such individual parking spaces shall be clearly marked and shall be not less than nine feet wide and 20 feet long. The director of public works must approve an applicant's parking plan before a license shall be issued.

- (8) *Access and parking control.*
- a. Every licensee shall provide adequate entrance and exit to his public amusement premises and parking areas therefor. Necessary roads, driveways and entranceways shall exist to ensure the orderly flow of traffic into the premises from a highway or road which is a part of the parish system of highways or which is a highway maintained by the state. The director of public works must approve the licensee's plan for entrance and exit before a license shall be issued.
  - b. Additionally, any applicant may be required to show that traffic guards are under his employ to ensure orderly traffic movement and relieve traffic congestion in the vicinity of the public amusement area.
- (9) *Hours of operation.* All public amusements which are subject to licensing under this division shall close and cease operation continuously between the hours of 1:00 a.m. and 6:00 a.m. of each day.
- (10) *Illumination.* Every licensee planning to conduct a public amusement after dark, or planning to allow persons who attend the public amusement to remain on the premises after dark, shall provide electrical illumination to ensure that those areas which are occupied are lighted at all times. The director of public works must approve an applicant's lighting plan as a prerequisite to issuance of a license hereunder. A licensee may be required to illuminate specific areas on the premises in accordance with the following scale of lighting intensity:

*Scale of Lighting Intensity*

Open areas reserved for spectators	5—10 footcandles
State areas	75—100 footcandles
Parking and overnight areas	1—5 footcandles
Restroom and concession areas	20—50 footcandles

- (11) *Overnight camping facilities.* Every licensee authorized to allow persons who attend the public amusement to remain on the premises overnight shall provide camping facilities and overnight areas. Such areas and facilities must be approved by the parish health officer and public works director prior to the issuance of any license. Not to exceed 72 hours or 3 days.
- (12) *Bond.*
- a. Any licensee may be called upon to post an indemnity bond and/or a performance bond in favor of the parish in connection with the operation of a public amusement. Bonds required by this subsection (12) must be approved by the parish counsel prior to issuance of a license.
  - b. An applicant may be required to submit a surety bond written by a corporate bonding company authorized to do business in the state by the department of insurance, in a penal amount determined by the council. The bond shall indemnify the parish, its agents, officers, servants and employees and the council against any and all loss, injury and damage of any nature whatsoever arising out of, or in any way connected with, the public amusement and shall indemnify against loss, injury and damage to both person and property.
  - c. Additionally, the parish may demand that the applicant provide a corporate surety bond written by a corporate bonding company authorized to do business in the state, indemnifying the parish and the owners of property adjoining the public amusement site for any costs necessitated for cleaning up and/or removing debris, trash or other waste from, in and around the premises. The bond shall be in an amount determined by the council.
- (13) *Miscellaneous conditions.* Any applicant may be required to meet any other condition prior to receiving a license to conduct a public amusement which is reasonably calculated as necessary to protect the health, welfare and property of local residents and persons attending a public amusement.

**Sec. 8-121. Grounds for denying application; notice of denial.**

- (a) After holding the required public hearing under this division, the parish council may deny issuance of a license if it finds any of the following:
  - (1) That the applicant fails to meet the conditions imposed in this division.
  - (2) That the proposed public amusement will be conducted in a manner and/or location not meeting the health or safety standards established by the ordinances of the parish or the laws of the state.
  - (3) That the applicant has knowingly made a false, misleading or fraudulent statement of material fact in the application for license, or in any other document required by this division.
  - (4) That the applicant, his employee, agent or any person connected or associated with the applicant as partner, director, officer, stockholder, associate or manager, has previously conducted the type of public amusement being applied for which resulted in the creation of a public or private nuisance.
  - (5) That the applicant, his employee, agent or any person associated with the applicant as partner, director, officer, stockholder, associate, or manager has been convicted in a court of competent jurisdiction, by final judgment of:
    - a. An offense involving the presentation, exhibition or performance of an obscene production, motion picture or play or the selling of obscene matter;
    - b. An offense involving lewd conduct;
    - c. An offense involving the use of force and violence upon the person of another; or
    - d. An offense involving misconduct with children.
- (b) Where the application is denied, the parish clerk shall mail to the applicant written notice of denial within 14 days of the action, which notice shall include a statement of the reasons the application was denied.

**Sec. 8-122. License fees; exemptions.**

- (a) The license fees for operating places of public amusement shall be established from time to time by the council, a schedule of which shall be on file in the office of the parish clerk.
- (b) A neighborhood or community benefit organization, organized for charitable or religious purposes, shall be exempt from paying the license fee provided for in this section; provided that the net proceeds from any such activity does not accrue to the benefit of any private person.

**Sec. 8-123. Revocation.**

The parish council shall have the power to revoke any license under this division, or to revoke and reinstate any license upon suitable conditions, when the following causes exist:

- (1) The licensee fails, neglects or refuses to pay to the tax collector the fee prescribed by this division.
- (2) The licensee, his employee or agent fails, neglects or refuses to fulfill any or all of the conditions imposed with reference to this division.
- (3) The public amusement violates any law or regulation established by the ordinances of the parish or the laws of the state.
- (4) The licensee allows the public amusement to be conducted in a disorderly manner or knowingly allows any person to remain on the premises of the public amusement while under the influence of intoxicating liquor, or any narcotic or dangerous drug.
- (5) The licensee, his employee or agent is convicted of any of the offenses enumerated under section 8-121(a)(5).

**Sec. 8-124. Notice of intent to revoke; licensee entitled to public hearing.**

Notice of intent to revoke any license under this division shall be given and the licensee shall be entitled to a hearing. The parish clerk shall give notice, setting forth the causes for revocation and shall state the time and place at which the matter of revocation will be heard before the parish council. The notice shall be mailed not later than ten days prior to the date set for the hearing. The council shall hear all interested parties and may revoke a license only for one or more causes enumerated by section 8-123.

**Sec. 8-125. Complaints concerning establishments.**

Any person may file a complaint with the parish clerk or may petition the parish council to conduct a hearing concerning the revocation of the license of any licensee under this division. The clerk shall notice the petition for hearing in accordance with the provisions of section 8-124.

**Sec. 8-126. Renewal.**

A license under this division may be renewed upon the same terms, conditions and pursuant to the same procedures required herein for the issuance of an initial license.

**BE IT FURTHER ORDAINED** that this ordinance shall become effective immediately upon signature of the Parish President and all previous ordinances in conflict with said ordinance are hereby repealed.

This ordinance having been submitted in writing, having been introduced at a public meeting of the Tangipahoa Parish Council, discussed at a public hearing of said council and was submitted to an official vote of the Tangipahoa Parish Council.

On motion by Mr. Vial and seconded by Mrs. Coates, the foregoing ordinance was hereby declared adopted on this 23rd day of May, 2022 by the following roll-call vote:


**YEAS:** Forrest, Ingraffia, Joseph, Bruno, Ridgel, Mayeaux, Wells, Vial, Hyde, Coates


**NAYS:**

**ABSENT:**

**NOT VOTING:**

**ATTEST:**

  
Jill DeSouge  
Clerk of Council  
Tangipahoa Parish Council

  
Brigitte Hyde  
Chairwoman  
Tangipahoa Parish Council

INTRODUCED: May 9, 2022

PUBLISHED: May 19, 2022 OFFICIAL JOURNAL Hammond Daily Star

ADOPTED BY TPC: May 23, 2022

DELIVERED TO PRESIDENT: 24th day of May, 2022 at 8:00am

APPROVED BY <sup>CAO</sup>~~PRESIDENT~~:  5/24/22  
Robby Miller Shelby Thomas Date

VETOED BY PRESIDENT: \_\_\_\_\_  
Robby Miller Date

RECEIVED FROM PRESIDENT: 24th day of May, 2022 at 9:30am





POST OFFICE BOX 215  
AMITE, LOUISIANA 70422

OFFICE (985) 748-3211  
FAX (985) 748-7576

**ROBBY MILLER**  
PARISH PRESIDENT

May 19, 2022

Tangipahoa Parish Council Clerk

In accordance with the Home Rule Charter Section 3-08 (B), I am notifying you in writing that Chief Administrative Officer, Joe Thomas, is my designee to exercise the powers and duties of the office of president in the event that I am absent from and unavailable to the Parish.

Sincerely,

Robby Miller,  
Tangipahoa Parish President

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**COUNCIL**

TRENT FORREST  
DISTRICT 1  
EMILE "JOEY" MAYEAUX  
DISTRICT 6

JOHN INGRAFFIA  
DISTRICT 2  
LIONELL WELLS  
DISTRICT 7

LOUIS "NICK" JOSEPH  
DISTRICT 3  
DAVID P. VIAL  
DISTRICT 8

CARLO S. BRUNO  
DISTRICT 4  
BRIGETTE HYDE  
DISTRICT 9

H. G. "BUDDY" RIDGEL  
DISTRICT 5  
KIM LANDRY COATES  
DISTRICT 10