ORDINANCE

CITY OF NEW ORLEANS

CITY HALL: December 1, 2017

CALENDER NO. 32,107

NO. __________ MAYOR COUNCIL SERIES

BY: COUNCILMEMBER HEAD (BY REQUEST)

AN ORDINANCE to amend and reordain Sections 10-1, 10-4, 10-46, 10-49, 10-52, 10-53, 10-76, 10-78, 10-79, 10-80, 10-101, 10-106, 10-110, 10-113, 10-121, 10-123, 10-124, 10-125, 10-128, 10-131, 10-132, 10-134, 10-136, 10-137, 10-157, 10-160, 10-236, 10-237, 10-238, 10-261, 10-262, 10-263, 10-401, 10-403, 10-428, 10-429, 10-430, and 10-566 of the Code of the City of New Orleans, to create, clarify, and augment regulations pursuant to the City’s police powers regarding the application and issuance of alcoholic beverage permits, enforcement and applicable penalties for alcoholic beverage outlets, ensuring consistency with the Comprehensive Zoning Ordinance and to provide for permit issuance via the Department of Safety and Permits in lieu of Department of Finance; to repeal Sections 10-5, 10-6, 10-11, 10-12, 10-50, 10-107 through 10-109, 10-111, 10-112, 10-130, 10-133, 10-187, 10-286, 10-311 through 10-318, 10-341, 10-540 and reserve them accordingly; and to provide otherwise with respect thereto.

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY

ORDAINS, That Sections 10-1, 10-4, 10-46, 10-49, 10-52, 10-53, 10-76, 10-78, 10-79, 10-80, 10-101, 10-106, 10-110, 10-113, 10-121, 10-123, 10-124, 10-125, 10-128, 10-131, 10-132, 10-134, 10-136, 10-137, 10-157, 10-160, 10-236, 10-237, 10-238, 10-267, 10-262, 10-263, 10-401, 10-403, 10-428, 10-429, 10-430, and 10-566 of the Code of the City of New Orleans are hereby amended
and reordained to read as follows; and that Sections 10-5, 10-6, 10-11, 10-12, 10-50, 10-107
through 10-109, 10-111, 10-112, 10-130, 10-133, 10-187, 10-286, 10-311 through 10-318, 10-
341,10-540 are repealed and reserved as follows:

“Sec. 10-1. - Definitions.

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Applicant means a natural or juridical person that submits an application for consideration of any
permitting available and/or required by this chapter.

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Brewery means a facility licensed as a “Manufacturer or brewer” as defined in Title 26, Section
241, of the Louisiana Revised Statutes. The facilities may include an on-site tasting room as an
accessory use with retail sales of only those alcoholic beverages produced at the facility for
consumption on or off the premises. An on-site tasting room shall be subject to the use and
parking standards of a bar and any limitations provided for in state law.

Business entity means any juridical person that has legal standing under the law, including but
not limited to a partnership, a limited liability company, and corporations.

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Director means the director of the department of finance or the department of safety and permits,
as determined by the authorized duties in the relevant section.

Distillery means a facility licensed as a “Manufacturer” as defined in Title 26, Section 2, of the
Louisiana Revised Statutes. The facilities may include an on-site tasting room as an accessory
use with retail sales of only those alcoholic beverages produced at that facility for consumption
on or off the premises. An on-site tasting room shall be subject to the use and parking standards
of a bar an any limitations provided for in state law.
Manager means individual designed by the permittee to exercise responsibility over the
establishment in the absence of the permittee.

Micro-Brewery means a facility licensed as a “Microbrewer” as defined in Title 26, Section 241,
of the Louisiana Revised Statutes. The facilities may include an on-site tasting room with retail
sales of alcoholic beverages for consumption on or off the premises. An on-site tasting room
with retail sales of only those alcoholic beverages produced at that facility shall be a permitted
accessory use, subject to the use and parking standards of a bar and any limitations provided for
in state law. An on-site tasting room with retail sales of alcoholic beverages purchased from a
licensed wholesale dealer shall be considered to be a bar.

Micro-Distillery means a facility licensed as a “Microdistiller” as defined in Title 26, Section 2,
of the Louisiana Revised Statutes. The facilities may include an on-site tasting room with retail
sales of alcoholic beverages for consumption on or off the premises. An on-site tasting room
with retail sales of only those alcoholic beverages produced at that facility shall be a permitted
accessory use, subject to the use and parking standards of a bar and any limitations provided for
in state law. An on-site tasting room with retail sales of alcoholic beverages produced at that
facility and any other alcoholic beverages purchased from a licensed wholesale dealer shall be
considered to be a bar.

Outlet means any person or dealer who draws or removes any alcoholic beverages from
its container for sale or consumption on the premises. For purposes of this Chapter, package
houses are outlets.
Sec. 10-4. - Enforcement.

(a) This chapter shall not give the police power of the department of police to the department of finance, but on the contrary, the enforcement of this chapter is hereby vested in the department of police and it shall be the duty and authority of the department of police to enforce the provisions of this chapter.

(b) The Departments of Finance, Safety and Permits, and Law, as provided herein, shall have administrative enforcement jurisdiction over provisions of this chapter and may bring enforcement action under the provisions of this chapter before the Alcoholic Beverage Control Board or may seek administrative relief through the provisions of Chapter 6 of this Code.

Sec. 10-5. – Reserved.

Sec. 10-6. – Reserved.

Sec. 10-11. – Reserved.

Sec. 10-12. – Reserved.

Sec. 10-46. - Unlawful to sell without permit.

It shall be unlawful for any person, whether as a manufacturer, rectifier, distiller, micro-distiller, importer, manufacturer's agent, wholesaler or retail dealer, knowingly to sell, donate or deliver in any place to any person alcoholic beverages unless such person holds a city permit for the sale of such alcoholic beverages.

Sec. 10-49. – Wholesale and retail dealers permits required.

Before engaging in the business of dealing in alcoholic beverages, all wholesale and retail dealers shall obtain from the department of safety and permits, a permit to conduct each separate wholesale or retail business, and shall renew the permit annually.

Sec. 10-50 – Reserved.

Sec. 10-52. - Special events permits.

(a) The director of the department of safety and permits or his designee may, upon receipt of written or electronic approval by the office of a member of the city council, authorize the issuance of alcoholic beverage permits for special events when such functions will not continue for a period in excess of three days. No more than 12 such permits may be issued to
any one organization within a single calendar year. The department of safety and permits may issue an alcoholic beverage permit or permits to the applicant named in the letter notwithstanding any ordinance or moratorium to the contrary upon payment, if applicable, of the alcoholic beverage permit fee specified in this section.

Sec. 10-53. - Class A permits.

The director of the department of safety and permits shall issue the following types of Class A retail alcoholic beverage permits:

(1) Class A-General:

a. A Class A-General retail permit for alcoholic beverages shall be issued only to a retail outlet where alcoholic beverage is sold on the premises for consumption on or off the premises by paying customers. Such an establishment must be equipped with a permanent wet bar equipped with a nonmovable sink and backbar or similar equipment for public display and to inform the public of brands and flavors offered for sale.

b. A Class A-General retail establishment shall be staffed by a bartender whose primary duty is to open and/or prepare alcoholic beverage products for consumption on or off the premises by paying customers, or prepared with an appropriate lid or cover on the container for takeout service. Such an establishment must meet all state and city health and zoning requirements as set forth by the state or the city; and

c. Except as otherwise provided in this section, a Class A-General retail permit shall be issued only to an establishment where city and state law provides that no person under the age of 18 years is allowed on the premises except as provided by R.S. 26:90(A)(8)(a) and 26:286(A)(8)(a).

(2) Class A-Restaurant permit:

a. A Class A-Restaurant permit shall be issued only to a "restaurant establishment" as defined in subsection b. below. Restaurant shall have a valid Class "R" permit issued by the state.

b. For purposes of this section, "restaurant establishment" shall be defined as an establishment:

1. Which operates a place of business whose purpose and primary function is to take orders for and serve food and food items;

2. Which serves alcoholic beverages in conjunction with meals;

3. Which serves food on all days of operation;

4. Which maintains separate sales figures for alcoholic beverages; and

5. Which operates a fully equipped kitchen used for the preparation of uncooked foods for service and consumption of such foods on the premises of the establishment; and
6. Which grosses at least 50 percent of its average monthly revenue from the 
retail sale of food, food items that are prepared for service and consumption 
on the premises of the establishment, and nonalcoholic beverages.

Sec. 10-76. - Authority of Alcoholic Beverage Control Board.

(a) Pursuant to the authority contained in the Home Rule Charter of the City of New Orleans 
and La. R.S. 33:4785, the Alcoholic Beverage Control Board shall have the power and authority 
to conduct hearings and to suspend or revoke city alcoholic beverage permits issued by the 
department of safety and permits, or to impose other remedial sanctions as set forth in section 
10-160; to hear and decide appeals from persons who have been denied alcoholic beverage 
permits by an administrative official in the enforcement of applicable state or municipal laws.

(b) No board member shall have ownership, leasehold interest in nor be an employee of a 
permitted alcoholic beverage outlet.

Sec. 10-78. - Suspension, revocation procedure.

(a) Upon petition fully filed by either the mayor or the superintendent of police, the director of 
the department of finance, the director of the department of safety and permits, or the city 
attorney, setting forth the causes for suspension, revocation, or other remedial sanctions as set 
forth in section 10-160, a hearing shall be held by the alcoholic beverage control board to 
determine whether the permit of the person charged shall be suspended or revoked, or whether 
remedial sanctions shall be imposed. A notice shall be served upon the holder of the permit 
stating the time and place of the hearing to be held by the board, which shall be not less than ten 
calendar days from the date such notice is given. The notice shall be sent by the clerk of the 
council and shall enumerate the cause or causes for suspending or revoking the permit, or for 
imposing remedial sanctions. The notice shall be mailed by regular and registered or certified 
mail to the holder of the permit at the address of his place of business as given in his application
for the permit, or it may be served on him in person by a police officer or employee of the
department of finance or the department safety and permits.

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(e) Upon the determination by the Mayor, Superintendent of the Police, or the Chairman of the
Alcoholic Beverage Control Board that a violation of this chapter has occurred that directly
endangers the health, safety and welfare of the community, the Mayor, Superintendent of the
Police, or the Chairman of the Alcoholic Beverage Control Board may order the immediate
suspension of an Alcoholic Beverage Permit, pending review of the Alcoholic Beverage Control
Board. The just cause for the immediate and temporary suspension shall be in writing, shall
detail the manner in which the operation threatens the health, safety, and welfare of the
community, and shall provide notice as to the date of review before the Alcoholic Beverage
Control Board. The order shall be provided to a manager or other representative of the permitted
location.

Sec. 10-79. - Notice.

Where the holder of, or applicant for, an alcoholic beverage permit and the owner of the real
property are different and a permit has been denied, suspended or revoked, or remedial sanctions
have been imposed under this article, in addition to the notification required to be given to the
holder thereof, or applicant therefor, the department of finance, the department of safety and
permits, or the alcoholic beverage control board, as appropriate, shall notify one or more of the
owners of the real property upon which the business, in the name of which the alcoholic
beverage permit was issued, is located.

Sec. 10-80. - Standing before board.

Any person desiring to appear before the alcoholic beverage control board relative to the appeal
of the denial of an alcoholic beverage permit by the department of safety and permits or the
suspension or revocation of an alcoholic beverage permit by the alcoholic beverage control board
or the imposition of remedial sanctions by the alcoholic beverage control board shall have
standing before the board.

Sec. 10-101. - Form and content.

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(1) That the applicant is a person of good character, reputation, and over 18 years of age.

(2) Each applicant must give concise and correct previous home addresses in which the applicant
has lived for a period of the past five years prior to making application for a permit, and if such
applicant has engaged in the sale of alcoholic beverages within five years of the date of the
application, then the applicant shall also give a correct and concise address of previous
businesses so conducted within the past five years, together with the name under which the
business was conducted.

(3) That the applicant has not been convicted within a period of five years, of a felony under the
laws of the United States, this state, ordinances of the city or of any other state, sovereignty,
parish, county or municipality, or of any misdemeanor involving moral turpitude, and if so
convicted, permits shall not be issued.

(4) That the applicant has been a citizen or resident alien of the United States and of this state
continuously for a period of not less than two years next preceding the date of the filing of such
application. However, the requirements as to United States and state citizenship do not apply to
wholesalers or retailers who held permits on or prior to January, 1950.

(5) That the applicant is the owner of the premises wherein the business or operation is to be
conducted or has a bona fide written lease for the same. A true copy of such lease or rental
agreement shall be filed with the application.

(6) That the applicant is not the spouse of a person who is ineligible for a permit, unless legally
separated. However, the age, residency and citizenship of an applicant's spouse shall in no event
be a ground for denial of a permit.

(7) That the applicant or property whereby permitting is being sought does not owe the United
States, State, or City any delinquent taxes, penalties, interest, or government liens, excluding
items under formal appeal pursuant to applicable statutes. If an applicant has outstanding taxes, penalties, interest and/or government liens, permits shall not be issued.

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**Sec. 10-106. - How application mailed.**

All applications for permits regulated by this chapter shall be mailed or delivered to the department of safety and permits and, when an applicant must also apply for one or more local permits, all applications shall be mailed and delivered to the respective authorities, including the state, within 24 hours of each other. If the applicant fails in this respect the application may be withheld and the permit denied.

**Sec. 10-107. - Reserved.**

**Sec. 10-108. – Reserved.**

**Sec. 10-109. – Reserved.**

**Sec. 10-110. - Investigation by administrative agencies.**

(a) Safety and Permits: The department of safety and permits shall conduct whatever investigations may be required to properly certify that the proposed business location complies with:

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(3) Section 10-236, as amended, regarding the proximity of such business to playgrounds, churches, public libraries or schools; providing that the department of safety and permits may issue permits to business locations which do not comply with section 10-236, but which are lawfully permitted to sell alcoholic beverages for the year 1985 and providing that if the property is a legal nonconforming use, that it has maintained its status as a nonconforming use in accordance with the provisions of the comprehensive zoning ordinance, as amended;
(6) Compliance with all applicable provisions of the Code of Ordinances of the City of New Orleans.

The department of safety and permits shall not issue permits if the location does not comply with such requirements.

Sec. 10-111. – Reserved.

Sec. 10-112. – Reserved.

Sec. 10-113. - Continued investigation and revocation on subsequent findings.

All applicable administrative agencies shall continue investigating the qualifications of all applicants for permits under the provisions of this chapter. Subsequent to the issuance of permits, should it be ascertained that the applicant was not qualified for his permit under the provisions of this chapter, or that the applicant falsified his application, the department of safety and permits shall take immediate steps, on its own volition or at the written request of any other local authority to begin the process to suspend or revoke the permit.

Sec. 10-121. - Procedure for withholding or denying permits.

(b) Upon receipt of an application for a permit or upon receipt of an affidavit for a renewal of a permit, the department of safety and permits shall conduct an investigation to determine whether the application meets all of the requirements of this chapter. After the department of safety and permits has completed its investigation and received reports regarding the application from the other departments of the city, as required in this division, then the department shall determine whether the application for the permit or the affidavit for a renewal of a permit shall be granted or denied.
(c) If the department of safety and permits finds that the application for the permit or the affidavit for a renewal of a permit is not in compliance with this chapter or that the applicant does not meet the qualifications required by this chapter, then the department shall deny the application for a permit or affidavit for renewal of a permit. This denial shall be communicated to the applicant by registered or certified mail, giving the specific reason for such denial.

(d) In order to afford every person a full opportunity to be heard, it is hereby provided that when an application for a permit or a renewal thereof is denied, the applicant, within ten days from the date of notification of such denial, may petition in writing to the alcoholic beverage control board for a review of the action taken by the department of safety and permits in denying or withholding the issuance of a permit or a renewal thereof.

(e) At this hearing, the director of the department of safety and permits or his duly designated representative and the city attorney or an assistant city attorney shall be present to assist in presenting the facts in the particular case to the alcoholic beverage control board or its designate. At such a hearing, the applicant shall appear in person and may be represented by counsel.

(f) After reviewing the file in the case and considering the evidence, the alcoholic beverage control board or its designate shall determine whether the action of the department of safety and permits in denying the issuance of the permit or a renewal of a permit should be upheld or reversed. Should the applicant fail to appear for the hearing, the alcoholic beverage control board shall nevertheless decide the matter without further delay.

Sec. 10-123. - Permit fees due annually and penalties thereto.

(a) The permit fees fixed and established for retailers and wholesalers of beverages of low and high alcoholic content, as provided in section 10-122, and also the permit fees fixed in section
10-50, shall be due and payable by April 1 for the ensuing year. Failure to timely pay permit fees shall result in the imposition of delinquency penalties. If not renewed by June 30, in addition to penalties, an applicant shall be required to submit a new application.

(b) The delinquency penalty relative to low content shall be twenty-five percent over and above the regular fee paid.

(c) The delinquency penalty relative to high content shall be five percent over and above the regular fee paid if the failure to pay is for not more than thirty days. There shall be an addition five percent for each additional thirty days or fraction thereof during which the failure continues.

(d) Should it become necessary for the city to make claim in any court of competent jurisdiction for all or a portion of any of the permit fees and penalties provided in this chapter, an additional charge of ten percent may be added for attorney fees.

Sec. 10-124. – Failure to timely pay permit fees.

The failure to timely pay permit fees constitutes a violation of this chapter, and such violation may be deemed good and sufficient grounds for refusing to issue a renewal of a permit, or the imposition of any other remedial sanctions as set forth in section 10-160.

Sec. 10-125. – Permits to be displayed.

All permits issued under the provisions of this chapter shall be displayed in a conspicuous place at all times on the licensed premises. If the operation of an alcohol beverage outlet is granted by ordinance from the city council, all enumerated operating provisos shall also be displayed.

Failure to display the aforementioned shall constitute a violation of this chapter.

Sec. 10-128. - Maintenance of responsible person on licensed premises.

No alcoholic beverage outlet shall operate without someone in attendance with managing authority over such establishment. Every place not directly supervised and managed by the permittee shall designate a manager to exercise responsibility over the establishment. No
alcoholic beverage outlet shall remain open unless the owner or the manager is in attendance therein. Owners and managers of such establishments shall notify the department of safety and permits of any change in the managers employed by such establishment within five days of such change. Managers must have all the personal qualifications prescribed by law for owners. Failure of the owner to comply with this section shall constitute a penal violation of this Code.

Sec. 10-130. – Reserved.

Sec. 10-131. – Change of manager(s).

The holder of a permit issued under this chapter shall notify the department of safety and permits of any change in manager(s), and such manager(s) must qualify in accordance with the provisions of this chapter.

Sec. 10-132. – Applications for permit renewals.

(a) Every alcoholic beverage outlet permit issued under the authority of this Chapter shall expire on May 31st of each year, and must be recertified annually by the Department of Safety and Permits. Applications for renewal shall be submitted by April 1 of each year. The original permit shall be renewed by the permittee to whom it was issued.

(b) If a person holding permits under this Chapter fails to file an application for renewal in accordance with this Chapter by April 1, the Department of Safety and Permits may temporarily suspend the alcoholic beverage outlet permit pending proceedings before the Board.

(c) Renewals are subject to all the rules and provisions of this Chapter and may be withheld or denied accordingly.

Sec. 10-133. – Reserved.

Sec. 10-134. - Fingerprints, etc., may be required again for renewals.
The department of safety and permits may require applicants for permits under this division who have already furnished the department with fingerprints, photographs and the other requirements of this chapter, to furnish such information so required again for the renewal of permits.

Sec. 10-136. – Neighborhood Compatibility.

(a) Under the provisions of this chapter, no permit shall be issued or renewed for any applicant who has not submitted a litter abatement plan form, which shall be provided and certified by the department of safety and permits, and shall provide as follows:

1. The name and phone number of the particular individual, be it the manager, owner, etc., to contact should a violation of the litter abatement plan occur.

2. If applicable, a photo of the screened dumpster used in conjunction with the petitioned site that is visible from the public right-of-way or parking area. All fences shall be a six-foot opaque fence with gates. No dumpsters are permitted to be placed within the public right-of-way.

3. The dates, general time, and location area for the sweeping and periodic hosing of the public right-of-way. At a minimum, every alcoholic beverage outlet shall perform daily sweeps of the entirety of the public right-of-way fronting the alcoholic beverage outlet, the adjoining parking lot, and any other public rights-of-way directly bounding an outlet, if applicable. If the requirements contained herein are contracted out by an alcoholic beverage outlet to a third party, a copy of the executed contract shall be attached to the litter abatement plan form.

4. Presentation of a site plans indicating all litter receptacles outside an alcoholic beverage outlet.

5. The frequency of trash pick-up, including the day’s pick-up is scheduled to occur.
6. All applicants shall file any amendments that deviate from their initially filed litter abatement plan form with the department of safety and permits. Failure to have an updated litter abatement plan shall constitute a violation of this Chapter.

(b) Under the provisions of this chapter, no permits shall be issued or renewed for any applicant upon the determination of the ABC Board that the alcoholic beverage outlet constitutes a nuisance or is detrimental to the health, safety and welfare of a community. When any alcoholic beverage outlet has five written complaints from residents or owners of real property within a one-half mile radius filed with the Department of safety and permits that detail violations of this Chapter, the ABC Board shall conduct a public hearing and determine if sanctions as provided in 10-160 are appropriate. Written complaints shall be in the form of a petition or sworn affidavit.

10-137. – Participation in Community Security Systems

Outlets shall install City approved video security camera systems outside the premises that archive video footage for a period of not less than fourteen (14) days to a cloud based platform integrated with the City’s system.

Sec. 10-157. – Grounds for revocation or suspension of permit.

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(5) Permitting any disturbance of the peace or obscene, lewd, sexually indecent, immoral or improper conduct on the licensed premises. Improper conduct, as specified in this subsection, shall consist of actions which violate the penal provisions of this Code, state statute or other penal ordinances of the city.

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(11) Failure to pay any sales, amusement or other excise taxes, or fees, liens or fines due the city in connection with the licensed premises.
(16) Conviction of the permit holder of a felony under the laws of the United States, any State, or municipality, or the conviction of a misdemeanor involving moral turpitude, or a conviction of an employee of the permit holder of a felony committed on the permitted premises or in connection with the business. If a business entity, a permit holder includes: all partners, officers and directors and all stockholders or members owning in the aggregate more than ten percent of the stock or of the membership interest in a limited liability company and the person or persons who shall conduct or manage the business.

(23) Written complaints (individually or in petition form) from five or more residents or owners of real property within a one half mile radius of the alcoholic beverage outlet that the outlet constitutes a nuisance in the neighborhood.

(27) Failure to comply with sales tax audit requests or installment payments.

(28) Any other violation of this Chapter.


(30) Sale without permit. To sell or offer for sale at wholesale or at retail any of the articles taxed in this chapter, without first having procured a permit as a wholesale or retail dealer, as may be required.

(31) Violation of rules, etc. To violate any lawful rule or regulation made and pursuant to this chapter.
(32) Refusal, etc., of inspection. To refuse to allow, on demand, the department of finance or any officer or agent of the department to make a full inspection of any place of business where any of the articles taxed in this chapter are sold or otherwise to hinder or prevent such inspection.

(33) Concealing violations. To use any artful device or deceptive practice to conceal any violation of this chapter or to mislead any agent of a department tasked with the enforcement of this chapter, or to do any other act tending to defraud the city of its revenue.

(34) Failure to produce invoices. For any retail dealer or his agent or employee to fail to produce, on demand of the department of finance or safety and permits, all invoices of alcoholic beverages bought by him or received at his place of business within six months prior to such demand, unless he can show by satisfactory proof that the nonproduction of such invoices was due to providential or other causes beyond his control.

(35) False invoices. For any person to make, use, present or exhibit to the department of finance or department of safety and permits or any of its agents any invoices of alcoholic beverages which bear an untrue date or falsely state the nature or quantity of the goods invoices as provided by this chapter.

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Sec. 10-160 – Fines and penalties.

Upon a finding of a violation of this Chapter, the Board may elect to suspend or revoke an outlet’s alcoholic beverage permits. The Board may also impose one or more of the following remedial sanctions in addition to, or as an alternative to suspension or revocation:

(1) A fine of no less than $50.00 and no more than $500.00 per violation, per day.

(2) Limitations on operating hours.

(3) Limitations on the use of the premises.
(4) Institution of security procedures at the premises, including:
   a. requiring that the alcoholic beverage outlet install video surveillance systems both
      inside and outside the premises, as dictated by the City, that archives video footage
      for a period of not less than fourteen (14) days to a cloud based platform integrated
      with the City’s system;
   b. installing lighting systems on the exterior of the premises or around the perimeter of
      the premises;
   c. requiring security guards on premises during particular days/times.

(5) Requiring additional off-street parking spaces.

(6) Sound proofing measures.

(7) Bond for payment of fines and/or fees.

(8) Augmenting litter abatement measures.

Sec. 10-187. – Reserved.

Sec. 10-236. - Restrictions as to property near schools, churches, etc.

(a) It is hereby declared the sense and policy of this section and section 10-238 that no permit
    shall be granted for the opening of any bar, adult performance venue, live performance
    venue and venue authorized to provide live entertainment as a secondary use that is also
    authorized to sell alcoholic beverages for the consumption on premises within 300 foot
    radius of any playground, church, public library, or school. Exempted from these provisions
    are the following:

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(3) Any person or corporation who are within the 300-foot prohibited limit, and who obtain
    by approval of a sworn affidavit of not less than 75 percent of the property owners
    within such 300 foot radius as recorded by the assessor of Orleans parish.

(b) The word "school" as used in this section shall not include a school for business education
    conducted as a business college or school within the city.

Sec. 10-237. - Restrictions on retail sales of package liquor near churches, schools, etc.

(a) No permit shall be granted for opening of any retail sales of packaged liquor within 300 foot
    radius of any playground, church, public library, school, funeral home, or mortuary.
(b) The provisions of this section shall not apply to a package liquor store where the wholesale cost of package liquor stocked and displayed does not exceed 15 percent of the wholesale cost of other merchandise stocked and displayed and where package liquor display does not constitute more than ten percent of all display area and where package liquor is not advertised outside or off the premises. Any permit obtained under this subsection shall be limited to the type or types of establishments represented in the original application. A sworn statement of continued use shall be required before each periodic renewal of such license and the operation of any additional type or variation of type shall be a violation of this section and cause for the immediate revocation of such license by the department of finance.

(c) The provisions of this section shall not apply to package liquor store locations which are licensed to sell alcoholic beverages on the effective date of the ordinance from which this section was derived and which are continuously operated as such with no lapse in the operation for a period in excess of six consecutive months.

Sec. 10-238. - How distance measured.

(a) The 300-foot distance provided for in sections 10-236 and 10-237 shall be measured as a 300 foot radius from all sides of a parcel upon which the establishment seeing to be licensed will be located to the nearest point of any parcel occupied by as a person walks, using the sidewalk, from the nearest point of the property line of the a playground, church, public library or school, to the nearest point of the premises to be licensed.

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(c) It shall be unlawful for any person or any other legal entity who is engaged in the operation of a bar, adult performance venue, live performance venue and venue authorized to provide live entertainment as a secondary use that is also authorized to sell alcoholic beverages for the consumption on premises, to keep or allow to be kept any benches or seats on the sidewalks in the vicinity of any such business establishment, unless approved subject to sidewalk use provisions in Chapter 146 of this Code.

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Sec. 10-261. - Alcoholic beverage outlets prohibited in residential and park districts.

No alcoholic beverage outlet permit shall be granted or license issued for the establishment or opening of any bar, adult performance venue, live performance venue and venue authorized to provide live entertainment as a secondary use that is also authorized to sell alcoholic beverages for the consumption on premises, in any residential district or park and recreation district of the city as defined in the comprehensive zoning ordinance of the city, as now or hereafter amended. The provisions of this section shall not be construed to apply to any premises which, at the time of the passage of this section, were lawfully operated as bona fide barroom, saloon, cabaret, night club or other place where beverages of high alcoholic content or beer or ale were lawfully
sold at retail to be consumed on the premises, and for which the proper licenses and permits have been granted and are in effect which are continuously operated as such with no lapse in the operation for a period in excess of six consecutive months, it being the intent of this section that the nonconforming status of such property shall be considered as having been maintained for both high alcoholic beverages licenses and beer licenses where only one such license is maintained and in effect provided that 60 percent of the property owners within 600 feet have consented in writing thereto, as computed in section 10-238. Nothing in this section shall be deemed to repeal, restrict or modify any of the prohibitions or restrictions of the comprehensive zoning law of the city.

Sec. 10-262. - Exceptions to section 10-261.

(a) Permits shall be granted or licenses issued for the sale of beverages of high alcoholic content or beer or ale, to be consumed on the premises, in single-family residential districts to those private recreational clubs operated exclusively for the use of private members and their guests provided that such club must be located on a site having a minimum of three acres.

(d) Permits shall be granted or licenses issued for wine tastings and limited retail sale of wine in single-family residential districts and R-RE rural residential districts to farms at least ten acres in size that include cultivation, processing, and fermentation of grapes, berries or citrus fruits relative to the products raised on the premises.

(e) Permits shall be granted to approved non-residential uses authorized in Regional Parks pursuant to the standards of the comprehensive zoning ordinance.

Sec. 10-263. - Package liquor stores in residential districts prohibited.

(c) The provisions of this section shall not apply to retail and service facilities as an accessory use within a building containing an approved Planned Development.

Sec. 10-286. – Reserved.

Secs. 10-311. – 10-318 – Reserved.

Sec. 10-341. – Reserved.

Sec. 10-401. - Sales restricted to within premises.

(a) Any location with an alcoholic beverage license issued pursuant to this chapter is prohibited from conducting sales through a window, door, or other opening to a customer located on a sidewalk or other public way.

(b) No bar, counter, or other service location shall be established within ten (10) feet of the outermost wall of the licensed establishment.
(c) The provisions of this section do not apply to locations with a valid sidewalk use permit issued pursuant to the standards of Chapter 146, and then such service may only occur in a manner and location consistent with such permitting.

Sec. 10-403. - Sidewalk seats not permitted.

a) It shall be unlawful for any person engaged in the operation of any bar, live performance venue or other place where alcoholic beverages are sold at retail, to be consumed on the premises, to keep or allow to be kept any benches or seats on the sidewalks in the vicinity of any such business establishment.

(b) The prohibition of this Section shall not apply to any location issued a valid sidewalk use permit under the provisions of Chapter 146 of this Code.

Sec. 10-428. - Enlargement of premises without consent prohibited.

Enlargement or modification of the licensed premises is prohibited without prior approval having been inscribed on the license by the department of safety and permits.

Sec. 10-429. - Anaesthetics not to be kept on premises.

No person owning, operating or having control of any bar, live performance venue or other place where alcoholic beverages are sold shall own, possess, have, use or permit to be used or permit to be kept on or brought on such premises any anaesthetics, including, but not being limited to, chloral hydrate, ether, chloroform or any other chemical substance commonly known or used as "knock-out drops" or "mickey finns."

Sec. 10-430. - Prostitution on premises prohibited.

No person owning, operating or having control of any bar, live performance venue or other place where alcoholic beverages are sold shall permit or allow prostitution or the soliciting of patrons to consort with prostitutes on, within or upon the same premises or within the same building, the location for which a license has been issued under this chapter for the sale of alcoholic beverages.

Sec. 10-540. – Reserved.

Sec. 10-566. Authority to search for violations.

The departments of safety and permits may search and examine any warehouse, boat, store, storeroom, automobile, truck, conveyance, vehicle or other place of storage, except a private residence which may be searched only in the manner provided for by law, and any means of
transportation, whenever there is probable cause to believe that the terms of this chapter have
been, or are being violated.”

SECTION 2. Should any section, paragraph, sentence, clause, phrase or word of this
Chapter be declared invalid or unconstitutional by a court of competent jurisdiction, such
invalidity or unconstitutionality shall not affect any of the remaining words, phrases, clauses,
sentences, paragraphs or sections of this Chapter.

SECTION 3. The provisions of this ordinance shall not be construed to supersede and
waive any other requirements of other applicable city, state, or federal laws.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS ____________

____________________________
PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON _________________

APPROVED:
DISAPPROVED: ______________________

____________________________
MAYOR

RETURNED BY THE MAYOR ON _________________ AT _________________

____________________________
CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS: ______________________

NAYS: ______________________

ABSENT: ______________________

RECUSED: ______________________