

OFFICIAL MaCCNO STATEMENT: Resurrected ABO Ordinance (#32,523) Once Again Puts Culture, Small Businesses at Risk

History repeats itself, but we never expected the turn around to be this fast. Nine months ago, we helped lead a coalition that defeated the anti-privacy, pro-gentrification, Head/Landrieu Alcoholic Beverage Outlet (ABO) Surveillance Ordinance. Now, despite its resounding rejection by New Orleans residents, Councilmembers Kristen Palmer and Cyndi Nguyen have resurrected many of the worst ideas from the defeated ordinance, once again putting New Orleans' bars, music venues, restaurants, and other small businesses at risk throughout the city. As currently written, the Palmer/Nguyen ABO Ordinance does not target 'nuisance' alcoholic beverage outlets; instead, it treats all alcoholic beverage outlets as a potential nuisance:

5 complaints from residents and property owners *within a half-mile* can result in the loss of a liquor license.

Not only would this allow a resident who lives so far away they cannot conceivably see or hear a business be able to file a complaint against it, the ordinance would also allow out of state AirBnB owners to file complaints against, say, a small neighborhood bar in the 7th Ward because the brass band plays too late and bothers their guests. Get five complaints? A business could be forced to close.

Real Time Surveillance cameras are back, including inside businesses.

Though the ordinance does not require all ABOs to install monitored cameras, businesses with ANY type of violation could be forced to install both interior AND exterior cameras linked to the Real Time Crime Center.

Safety and Permits director Zachary Smith has also clearly stated that the cameras, which do not record sound, will be used to look for noise violations—which means they will be silently looking for things that have the potential to be loud—like people with instruments.

Not only is this very likely unconstitutional, it would also be left to the unelected, 7 member Alcoholic Beverage Control Board to determine which businesses—and by extension, which populations and activities—would be surveilled by local, state, and federal law enforcement agencies.

It doubles down on a prohibition against live entertainment in ABOs in residential districts.

This creates a situation where a restaurant without live music could open in a residential business district and get a liquor license, but an identical restaurant in the exact same location—but with a piano player—would not be allowed.

There's a huge increase in fines.

The ordinance raises the allowable fines levied against businesses from a \$50 minimum/\$500 maximum to a \$100 minimum/\$500 maximum *per violation per*

day. That's a death sentence for a small neighborhood business already working with extremely small profit margins.

Councilmember Palmer has often spoken about the need for a more sustainable tourism infrastructure in New Orleans, particularly in our neighborhoods. We agree. Councilmember Nguyen has pushed for more economic development in New Orleans East and the Lower 9th Ward. We agree with that too. Yet this ordinance runs counter to both of those goals, putting many of the small cultural businesses our city *says* we celebrate at risk; creates a regulatory structure that will make it more difficult for working and middle class New Orleanians to open their own business; further criminalizes cultural practice; and creates potential new pathways for the persecution of vulnerable communities.

There's no doubt that there are a small percentage of alcoholic beverage outlets that are legitimate nuisances, indisputably harming their neighborhoods. Let's work together to solve that problem, not push through a series of changes that have already been roundly rejected once before.

Please contact the City Council about Ordinance #32,523 and express your opposition to the radical expansion of the complaint system; real time surveillance in private businesses; and the massive increase in fines, and demand the council to engage all stakeholders, including neighbors and neighborhood associations, small business owners, musicians and traditional culture bearers, and service industry workers, before making any changes to existing law. The ordinance could be heard as early as January 31st at the Governmental Affairs Committee, so contact the Council now.

[Read our detailed section-by-section analysis of Ordinance #32,523, including a full copy of the ordinance, here.](#)

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