

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

11 ***

12 *Brewery* means a facility licensed as a “Manufacturer or brewer” as defined in Title 26, Section
13 241, of the Louisiana Revised Statutes. The facilities may include an on-site tasting room as an
14 accessory use with retail sales of only those alcoholic beverages produced at the facility for
15 consumption on or off the premises. An on-site tasting room shall be subject to the use and
16 parking standards of a bar and any limitations provided for in state and/or local law.

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

19 ***

20 *Distillery* means a facility licensed as a “Manufacturer” as defined in Title 26, Section 2, of the
21 Louisiana Revised Statutes. The facilities may include an on-site tasting room as an accessory
22 use with retail sales of only those alcoholic beverages produced at that facility for consumption
23 on or off the premises. An on-site tasting room shall be subject to the use and parking standards
24 of a bar and any limitations provided for in state and/or local law.

25 ***

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

31 in state and/or local law. An on-site tasting room with retail sales of alcoholic beverages
32 purchased from a licensed wholesale dealer shall be considered to be a bar.

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

41 ***

42 *Outlet* means any person or dealer who draws or removes any alcoholic beverages from a
43 container for sale or consumption on or off the premises. For purposes of this Chapter,
44 package houses are outlets.

45 ***

46 **Sec. 10-4. – Enforcement.**

47 * * *

48 (c) Determinations made by the Department of Safety and Permits regarding the issuance or
49 renewal of a permit for the sale of alcoholic beverages, and the satisfaction of application
50 and eligibility requirements relative thereto, may be appealed by the applicant to the
51 alcoholic beverage control board within 30 days of the Department’s written
52 determination.

53 **Sec. 10-6. – Reserved.**

54 **Sec. 10-11. – Reserved.**

55 **Sec. 10-12. – Reserved.**

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

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

61 **Sec. 10-50. – Reserved.**

62 **Sec. 10-53. – Class A permits.**

63 * * *

64 (4) *Class A – Hotel permit:* A Class A-Hotel permit shall be issued only to a hotel as defined
65 in the Comprehensive Zoning Ordinance and as licensed as such by the Department of
66 Safety and Permits.

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

68 ***

69 (e) Upon the determination by the Mayor or Superintendent of the Police that a violation of
70 this chapter has occurred that directly endangers the health, safety and welfare of the
71 community, the Mayor or Superintendent of the Police order the immediate suspension of
72 an alcoholic beverage Permit, pending review of the alcoholic beverage control board.
73 The just cause for the immediate and temporary suspension shall be in writing, shall
74 detail the manner in which the operation threatens the health, safety, and welfare of the
75 community, and shall provide notice as to the date of review before the alcoholic
76 beverage control board. The order shall be provided to a manager or other representative

77 of the permitted location. If the state suspends or revokes a permit at a location, such
78 suspension or revocation shall constitute just cause for the suspension or revocation of
79 the same permit holder's city alcohol permit.

80 **Sec. 10-101. - Form and content.**

81 ***

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

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

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

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

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

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

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

109 * * *

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

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

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

119 (c) The delinquency penalty relative to high content shall be five percent over and above the
120 regular fee paid if the failure to pay is for not more than thirty days. There shall be an

121 addition five percent for each additional thirty days or fraction thereof during which the
122 failure continues.

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

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

127 The failure to timely pay required fees, liens, taxes or fines in connection with the licensed
128 premises shall constitute a violation of this chapter, and such violation may be deemed good and
129 sufficient grounds for refusing to issue a renewal of a permit, or the imposition of any other
130 remedial sanctions as set forth in section 10-160.

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

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

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

137 No alcoholic beverage outlet shall operate without someone in attendance with managing
138 authority over such establishment. Every place not directly supervised and managed by the
139 permittee shall designate a manager to exercise responsibility over the establishment. No owner
140 or manager can simultaneously be in attendance in more than one alcoholic beverage outlet.
141 Each alcoholic beverage outlet must have an owner or manager on the premises at all times. No
142 alcoholic beverage outlet shall remain open for business at any time unless the owner or the
143 manager is in attendance therein. Owners and managers of such establishments shall notify the

144 department of safety and permits of any change in the managers employed by such establishment
145 within five days of such change. Except spousal requirements, managers must possess all other
146 the personal qualifications prescribed by law for owners. Failure of the owner to comply with
147 this section shall constitute a penal violation of this Code.

148 **Sec. 10-130. – Reserved.**

149 **Sec. 10-131. – Reserved**

150 **Sec. 10-136. – Neighborhood Compatibility.**

151 * * *

152 (b) Under the provisions of this chapter, no permits shall be issued or renewed for any
153 applicant as directed by the alcoholic beverage control board upon the determination of
154 the Board that the alcoholic beverage outlet constitutes a nuisance or is detrimental to the
155 ~~health, safety and welfare of a community.~~

156 (c) When an alcoholic beverage outlet has distinct, written complaints filed with and verified
157 by the Department of Safety and Permits from five or more residents or owners of real
158 property within a one-half mile radius of any lot line of the outlet, it shall constitute a
159 rebuttable presumption that the outlet is a nuisance or is detrimental to the health, safety
160 and welfare of the community at a hearing before the Board. Written complaints shall be
161 in the form of a petition or sworn affidavit and shall detail the violations of this Chapter.

162 **Sec. 10-157. – Grounds for revocation or suspension of permit or remedial sanctions**

163 (a) Any city retail alcoholic beverage permit may be suspended or revoked, with or without
164 remedial sanctions, as set forth in section 10-160, for any one of the following reasons:

165 * * *

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

170 * * *

171 (11) Failure to pay any sales, amusement or other excise taxes, or fees, liens or fines due the
172 city or state in connection with the licensed premises.

173 ***

174 (16) Conviction of the permit holder or retention of a manager convicted of a felony under the
175 laws of the United States, any State, or municipality, or the conviction of a misdemeanor
176 involving moral turpitude, or a conviction of an employee of the permit holder of a felony
177 committed on the permitted premises or in connection with the business. If a business
178 entity, a permit holder includes: all partners, officers and directors and all stockholders or
179 members owning in the aggregate more than ten percent of the stock or of the
180 membership interest in a limited liability company and the person or persons who shall
181 conduct or manage the business.

182 ***

183 (23) Written complaints (individually or in petition form) from five or more residents or
184 owners of real property within a one half mile radius of the alcoholic beverage outlet that
185 the outlet constitutes a nuisance in the neighborhood, due to noise, litter, loitering, or
186 other factors as provided in Section 10-136.

187 ***

- 188 (27) Failure to comply with requests for audits or installment payments for sales tax, fees,
189 liens, or fines.
- 190 (28) Any other violation of this Chapter.
- 191 (29) Any violation of La. R.S. Title 26.
- 192 (30) Sale without permit. To sell or offer for sale at wholesale or at retail any of the articles
193 taxed in this chapter, without first having procured a permit as a wholesale or retail
194 dealer, as may be required.
- 195 (31) Violation of Code or rules. To violate any lawful rule or regulation made pursuant to this
196 chapter, or violation(s) of the City Code.
- 197 (32) Violation of provisos. To violate any proviso enumerated by the city council, for an
198 alcohol beverage outlet whose operation is granted by ordinance from the city council.
- 199 (33) ~~Refusal of inspection. To refuse to allow, on demand, the department of finance,~~
200 ~~department of safety and permits, or any officer or agent City to make at any time a full~~
201 ~~inspection of any place of business where any of the articles taxed in this chapter are sold~~
202 ~~or otherwise to hinder or prevent such inspection.~~
- 203 (34) Concealing violations. To use any artful device or deceptive practice to conceal any
204 violation of this chapter or to mislead any agent of a department tasked with the
205 enforcement of this chapter, or to do any other act tending to defraud the city of its
206 revenue.
- 207 (35) Failure to produce invoices. For any retail dealer or his agent or employee to fail to
208 produce, on demand of the department of finance or safety and permits, all invoices of
209 alcoholic beverages bought by him or received at his place of business within six months

210 prior to such demand, unless he can show by satisfactory proof that the nonproduction of
211 such invoices was due to providential or other causes beyond his control.

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

216 (37) State revocation. If the state suspends or revokes an outlet's permit for the sale of
217 alcoholic beverages, the City has automatic grounds to suspend or revoke.

218 ***

219 **Sec. 10-160. – Fines and penalties**

220 The Board may revoke or suspend an outlet's alcoholic beverage permit, and/or impose one or
221 ~~more of the following remedial sanctions~~ in addition to or as an alternative to any penalty
222 available by law:

223 (1) A fine of no less than \$100.00 and no more than \$500.00 per violation, per day.

224 (2) Limitations on operating hours.

225 (3) Limitations on the use of the premises.

226 (4) Institution of security procedures at the premises, including:

227 a. requiring that the alcoholic beverage outlet install video surveillance systems both
228 inside and outside the premises, as dictated by the City, that archives video footage
229 for a period of not less than fourteen (14) days to a cloud based platform integrated
230 with the City's system;

231 b. installing lighting systems on the exterior of the premises or around the perimeter of
232 the premises; and/or

233 c. requiring security guards on premises during particular days/times.

234 (5) Requiring additional off-street parking spaces.

235 (6) Sound proofing measures.

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

237 (8) Augmenting litter abatement measures.

238 **Sec. 10-161. – Impact of state suspension or revocation.**

239 (a) If the state has suspended or revoked an alcoholic beverage license or permit, the
240 alcoholic beverage control board shall take the same action with respect to city alcoholic
241 beverage permits at that location. Such actions shall be subject to the procedures
242 provided in Sec. 10-78.

243 (b) Except when prompted by state action, the board shall send written notice of any decision
244 to suspend or revoke an alcoholic beverage permit within three business days of the
245 signing of the Board's judgment, and provide such decision to those state officers,
246 departments, or agencies with jurisdiction over or interest in such permits including but
247 not limited to the Louisiana Office of Alcohol and Tobacco Control requesting that the
248 state take similar action.

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

250 (a) It is hereby declared the sense and policy of this section and section 10-238 that no
251 permit shall be granted for the opening of any bar, adult performance venue, live
252 performance venue and venue authorized to provide live entertainment as a secondary use
253 that is also authorized to sell alcoholic beverages for the consumption on premises within
254 300 foot radius of any lot line of a playground, church, public library, or school.

255 Exempted from these provisions are the following:

256 * * *

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

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

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

263 (a) No permit shall be granted for opening of any retail sales of packaged alcoholic
264 beverages within 300 foot radius of any lot line of a playground, church, public library, or
265 school.

266 (b) The provisions of this section shall not apply to a package liquor store where the
267 ~~wholesale cost of package liquor stocked and displayed~~ does not exceed 15 percent of the
268 wholesale cost of other merchandise stocked and displayed and where package liquor display
269 does not constitute more than ten percent of all display area and where package liquor is not
270 advertised outside or off the premises. Any permit obtained under this subsection shall be limited
271 to the type or types of establishments represented in the original application. A sworn statement
272 of continued use shall be required before each periodic renewal of such license and the operation
273 of any additional type or variation of type shall be a violation of this section and cause for the
274 immediate revocation of such license by the department of finance.

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

279 **Sec. 10-238. - How distance measured.**

280 (a) The 300-foot distance provided for in sections 10-236 and 10-237 shall be measured as a
281 300 foot radius from all lot lines of a lot upon which the establishment seeing to be
282 licensed will be located to the nearest point of any lot occupied by as a person walks,
283 using the sidewalk, from the nearest point of the property line of a playground, church,
284 public library, or school, to the nearest point of the premises to be licensed.

285 * * *

286 (c) It shall be unlawful for any person or any other legal entity who is engaged in the
287 operation of a bar, adult performance venue, live performance venue and venue
288 authorized to provide live entertainment as a secondary use that is also authorized to sell
289 alcoholic beverages for the consumption on premises, to keep or allow to be kept any
290 ~~benches or seats on the sidewalks or other public rights-of-way in the vicinity of any such~~
291 business establishment, unless approved subject to sidewalk use provisions in Chapter
292 146 of this Code.

293 ***

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

295 No alcoholic beverage outlet permit shall be granted or license issued for the establishment or
296 opening of any bar, adult performance venue, live performance venue and venue authorized to
297 provide live entertainment as a secondary use that is also authorized to sell alcoholic beverages
298 for the consumption on premises, in any residential district or park and recreation district of the
299 city as defined in the comprehensive zoning ordinance of the city, as now or hereafter amended.
300 The provisions of this section shall not be construed to apply to any premises which, at the time
301 of the passage of this section, were lawfully operated as a bar, adult performance venue, live

302 performance venue and venue authorized to provide live entertainment as a secondary use that is
303 also authorized to sell alcoholic beverages , and for which the proper licenses and permits have
304 been granted and are in effect which are continuously operated as such with no lapse in the
305 operation for a period in excess of six consecutive months, it being the intent of this section that
306 the nonconforming status of such property shall be considered as having been maintained for
307 both high and low alcoholic beverages licenses where only one such license is maintained and in
308 effect provided that 60 percent of the property owners within 600 feet have consented in writing
309 thereto, as computed in section 10-238. Nothing in this section shall be deemed to repeal, restrict
310 or modify any of the prohibitions or restrictions of the comprehensive zoning law of the city.

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

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

316 * * *

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

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

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

324 * * *

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

327 **Sec. 10-286. – Reserved.**

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

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

332 (b) No bar, counter, or other service location shall be established within ten (10) feet of the
333 outermost wall of the licensed establishment.

334 (c) The provisions of this section do not apply to locations with a valid sidewalk use permit
335 issued pursuant to the standards of Chapter 146, and then such service may only occur in
336 a manner and location consistent with such permitting.

337 **Sec. 10-403. – Reserved**

338 **Sec. 10-429. - Anesthetics not to be kept on premises.**

339 No person owning, operating or having control of any place where alcoholic beverages are sold
340 shall own, possess, have, use or permit to be used or permit to be kept on or brought on such
341 premises any anesthetics, including, but not being limited to, rohypnol, chloral hydrate, ether,
342 chloroform or any other chemical substance that can incapacitate a person.

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

344 No person owning, operating or having control of any place where alcoholic beverages are sold
345 shall permit or allow prostitution or the soliciting of patrons to consort with prostitutes.

1 **SECTION 2.** Should any section, paragraph, sentence, clause, phrase or word of this
2 Chapter be declared invalid or unconstitutional by a court of competent jurisdiction, such

3 invalidity or unconstitutionality shall not affect any of the remaining words, phrases, clauses,
4 sentences, paragraphs or sections of this Chapter.

1 **SECTION 3.** The provisions of this ordinance shall not be construed to supersede and
2 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: