

## **MaCCNO Analysis: Palmer/Nguyen ABO Ordinance (#32,523) Would Severely Tighten Regulations on All Alcoholic Beverage Outlets, Put Many Businesses at Risk**

On December 20<sup>th</sup>, City Councilmembers Kristen Palmer and Cyndi Nguyen introduced Ordinance #32,523, which would drastically change how alcoholic beverage outlets (ABOs) are regulated in New Orleans. Much of the ordinance is very similar to Ordinance #32,107 (which we called the Head/Landrieu ABO Surveillance Ordinance), which was withdrawn in March of 2018 due to widespread community opposition.

Here are the major changes the ordinance would make to existing law (with a full list of changes following):

### **Drastically lowers the bar for complaints**

This Ordinance would make all alcoholic beverage outlets much more vulnerable to complaints from residents and property owners by dramatically expanding the distance from which they can make a complaint against an ABO; lowering the number of complaints necessary to spur action against ABOs; and streamlining the process to revoke alcohol licenses. It does this by changing the following:

- Changing the number of written complaints needed to spur action against an ABO from 10 per election precinct or 70% of property owners within 300 feet to 5 residents or property owners within A HALF-MILE.
- Adding language that written complaints from 5 distinct residents or property owners within a half mile of the ABO create the 'rebuttable assumption' that an ABO is a nuisance or 'detrimental to the health, safety and, welfare of the community'.
- Adding further language that if any ABO that is determined to be a nuisance or 'detrimental to the health, safety, or wellness of the community' no licenses shall be issued or renewed for the business.
- Adding even more language that says written complaints from 5 distinct residents or property owners from within a half-mile can result in the suspension or revocation of a permit.

### **Adds real time surveillance cameras as a penalty**

The ordinance allows members of the Alcoholic Beverage Control Board to mandate the installation of both exterior AND interior surveillance cameras linked to the Real Time Crime Center as a sanction for ABOs found in any violation of alcoholic beverage outlet regulations. (Note that this ordinance does not mandate that all ABOs install surveillance cameras linked to the Real Time Crime Center).

### **Massively raises 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*.

### **Ties ABO licenses to ‘provisos’**

Provisos are specific conditions required by the City Planning Commission and City Council each business must follow in order to be given approval to open and operate--for example, a proviso may require a bar or music venue to stop live music at midnight. This ordinance would make the violation of a proviso grounds for the revocation of a liquor license. So, in the previous example, if the business had live music that continued after midnight, they could lose their liquor license.

### **Doubles down on live music prohibition in residential areas**

Since 1977, live entertainment has been banned from new bars in all residential areas. By updating language to bring it in line with the current zoning ordinance, outdated terms like ‘cabaret’, ‘nightclub’ and ‘barroom’ are replaced with ‘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’. However, the new language not exactly analogous to the outdated terms, so this ordinance creates a situation where a restaurant can get a liquor license in a residential area, but a restaurant with any form of live entertainment—even a jazz brunch or single piano—would not be able to serve alcohol. All new bars in residential areas—even residential business districts—would be prevented from having live entertainment entirely.

### **Outlaws all sales of alcohol from windows and doorways**

No alcohol would be able to sold from any window, doorway, or other opening into the public right of way, and no new business could have a bar within 10 feet of its ‘outermost wall’ (which presumably includes the front door).

## **Full List of Palmer/Nguyen ABO Ordinance (Ord. #32,523) Differences With Existing Law**

### **Section 10-1**

#### **Definitions**

Adds definition of ‘Applicant’, ‘Brewery’, ‘Distillery’, ‘Micro-Distillery’, and ‘Outlet’.

### **Section 10-4**

#### **Enforcement**

Adds an appeal process for the permit applicant in regards to decisions made by the Department of Safety and Permits. Applicants would be able to appeal decisions to the Alcoholic Beverage Control Board within 30 days.

**Section 10-6**

**Enumeration of Specific Violations**

Repeals this section, which lists 6 types of violations for ABOs. These violations, some with slight modifications, have been added to Section 10-136 Neighborhood Compatibility.

**Section 10-11**

**Chapter Printed as Separate Pamphlet**

Repeals a requirement that physical copies of the laws governing ABOs be printed and made available.

**Section 10-12**

**Administrative and Enforcement Committee**

Repeals a 1997 requirement to establish an administrative and enforcement advisory committee.

**Section 10-46**

**Unlawful to Sell Without a Permit**

Adds several new definitions (from Section 10-1) to the list of businesses that need an alcoholic beverage permit and explicitly adds a requirement for a state permit.

**Section 10-50**

**Permit to Manufacture Berry or Orange Wine**

Repeals a requirement for specific permits for berry or orange wine.

**Section 10-53**

**Class A Permits**

Adds Class A Hotel Permit, allowing for retail alcoholic beverage sales at licensed hotels as defined by the Zoning Ordinance.

**Section 10-78**

**Suspension, Revocation Procedure**

Adds provision that allows the Mayor or Superintendent of Police to order the immediate suspension of the alcoholic beverage license of a business if they determine that it directly endangers the 'health, safety, and welfare of the community', pending a review from the Alcoholic Beverage Control Board. It also specifies that if the State suspends an alcohol license, it would also have to be suspended by the city.

**Section 10-101**

**Form and Content**

Removes section saying that applicants and employees may be required to be photographed and fingerprinted as a part of the application process.

Allows resident aliens as well as citizens to be granted liquor licenses.

Does not allow applicant or 'property' (i.e. landlord) to owe any delinquent taxes, penalties, interest, or government liens (local, state, and federal) unless they are under appeal or they will be denied a permit.

### **Section 10-123**

#### **Permit Fees Due Annually and Penalties Thereto**

If license renewal is not complete by June 30<sup>th</sup>, a new application would have to be submitted. (see Section 10-124 below regarding consequences for late payment fees, which also can result in non-renewal) Low and high content alcohol permit fees would have to be paid by April 1 to avoid penalties. Current law has a separate timeline for high content alcohol. The additional delinquency penalty for high content alcohol is retained.

### **Section 10-124**

~~When fee may be paid in installments; revoking permit and closing of establishments for failure to pay fee; payment of unpaid fee upon disposal of licensed business.~~

#### **Failure to Timely Pay Permit Fees**

This section is totally rewritten. Guidelines and requirements pertaining to the payment of fees in installments are removed. Instead, failure to pay fees in a timely fashion could result in the non-renewal of a permit, as well as the imposition of sanctions (including cameras linked to the real-time surveillance network).

### **Section 10-125**

#### **Permits to Be Displayed**

In addition to all permits being displayed, all provisos would have to be displayed as well.

### **Section 10-128**

#### **Maintenance of Responsible Persons on Licensed Premises**

Clarifies that a manager cannot be in charge at more than one ABO simultaneously, and exempts them from the spousal requirements of owners.

### **Section 10-130**

#### ~~Effect of Death, Receivership, Etc on Permits~~

Repealed.

### **Section 10-131**

#### **Change of Manager (s)**

Repealed, redundant with 10-128.

### **Section 10-136**

#### **Neighborhood Compatibility**

Any outlet with distinct, written complaints from 5 or more residents or property owners from within half a mile of its location could be presumed to be a nuisance or detrimental to the health, safety, and welfare of the community at a hearing before the ABO Board. No permits or renewals would be issued to applicants of outlets that have been determined to be a nuisance or detrimental to health, safety, and welfare of the community. In other words, 5 complaints from within a half-mile would be enough to revoke a permit from any business that sells alcohol.

### **Section 10-157**

#### **Grounds for Revocation or Suspension of Permit or Remedial Sanctions**

Clarifies that an alcoholic beverage permit can be revoked without any remedial sanctions being given.

Adds that 'improper conduct', as grounds for losing license, is as defined by the state, city code, or any other penal ordinances of New Orleans.

Any fees, liens, or fines due to the city or state in conjunction with the licensed premises would be grounds for revocation of alcohol permit.

A felony in any State or municipality in the US by the license holder, the employing of any manager convicted of a felony in any State or municipality, or the conviction of either the permit holder or a manager of a misdemeanor involving 'moral turpitude', would result in the revocation of a permit. Employees other than managers would be exempt, unless they are convicted of a felony on the premises or in conjunction with the business. If the permit is held by a business entity, all partners, officers, directors, and stockholders with more than 10% of stock would be considered permit holders.

The bar for potential revocation from complaints would be lowered from 10 residents per voting precinct or 70% of owners within 300 feet to 5 individuals within a half-mile submitting written complaints.

Failure to comply with an audit request or missing an installment payment for sales tax, fees, liens, or fines could result in loss of license.

Any violations of the any provision of the city code governing alcoholic beverage licenses could result in loss of license.

Any violations of the any provision of state law governing alcoholic beverage licenses could result in loss of license.

Any violations of City Code could result in loss of license. (modified from 10-6)

Any violation of any business-specific proviso dictated by City Council could result in the loss of license.

Selling alcohol without a permit could result in loss of license. (moved from 10-6)

Refusal or hindering of inspection, on demand, from the department of finance, department of safety and permits, or any officer or agent of the City at any time could result in the loss of license. (moved from 10-6)

Concealing any violation of defrauding the city of revenue could result in loss of license. (moved from 10-6)

Failure to produce invoices of the previous six months on demand of the department of finance or department of safety and permits could result in the loss of license unless the invoices are provably unavailable due to circumstances beyond the owner or employee's control. (moved from 10-6)

Presenting false invoices can result in loss of license. (moved from 10-6)

Revocation of an alcohol license by the state can result in automatic revocation by the City.

### **Section 10-160**

#### **Fines and Penalties**

Huge increase in fines from "No less than \$50 and no more than \$500" to "No less than \$100 and no more than \$500 *per violation per day*"

Change from potentially limiting live entertainment to potentially limiting all types uses of the premises.

Adds potential requirements to install video surveillance systems, both exterior and interior, that link to the Real Time Crime Center and archive footage for at least 14 days. No guidelines are included as to when cameras could be required.

Adds potential requirement for lighting systems on the exterior of buildings or around the perimeter.

Adds the possibility of increased litter control measures.

### **Section 10-161**

#### **Impact of State Suspension or Revocation**

If the state suspends or revokes an alcoholic beverage license or permit, the city will automatically do so as well. Also, if the city suspends or revokes a license, they will notify the state within three days requesting they do the same.

### **Section 10-236**

#### **Restrictions as to property near schools, churches, etc**

Changes language from “opening of any barroom, saloon, cabaret, or place where alcoholic beverages are sold at retail” to “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”. The new language seems to explicitly target the intersection of live entertainment and alcohol—a restaurant would be permitted if they only sold alcohol, but if they sold alcohol AND had a live piano player they would be in violation.

The requirement to get a plan from a licensed surveyor or engineer in conjunction with the affidavit of approval from 75% of neighbors within 300 feet is removed.

### **Section 10-237**

#### **Restrictions on Retail Sales of Package Liquor Near Churches, Schools, etc**

Changes language from “300 feet from any playground, church...” to “300 feet from *the lot line* of any playground, church...” which could expand the distance requirements considerably in certain areas.

Changes reporting requirements in this section from the Department of Safety and Permits to the Department of Finance.

### **Section 10-238**

#### **How Distance is Measured**

Specifies that the point of measurement for the 300 foot limitation is from the lot line of the property.

Once again, changes language from “barroom, saloon, cabaret, or place where alcoholic beverages are sold at retail” to “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”

### **Section 10-261**

#### **Alcoholic Beverage Outlets Prohibited in Residential and Park Districts**

Changes language from “any barroom, saloon, cabaret, night club or other place where beverages of high alcoholic content or beer or ale are sold at retail to be consumed on the premises” to “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.”, once again doubling down on prohibitions of live entertainment with alcoholic beverages. This is effectively a ban on live music and entertainment in bars or restaurants in ANY residential areas, including residential businesses districts. However, restaurants are still able to sell alcoholic beverages in residential areas, as long as they do not provide live entertainment of any kind.

**Section 10-262**

**Exceptions to Section 10-261**

Changes language allowing private clubs to sell alcohol in residential areas to match the current zoning ordinance.

Changes the language around wineries to match the current zoning ordinance.

Allows permits to be granted 'to approved non-residential uses' in regional parks if allowable in the current zoning ordinance.

**Section 10-263**

**Package Liquor Stores in Residential Districts Prohibited**

Allows package liquor stores in planned residential districts.

**Section 10-286**

**~~Sale, etc, of Alcoholic Beverages In Area Prohibited~~**

Repeals a number of prohibitions and restrictions against selling alcoholic beverages in the French Market area.

**Section 10-401**

**Sales Restricted to Within Premises**

Would prohibit all door and window sales of alcohol to a customer in the public right of way.

Would not allow any business to establish a bar within 10 feet of its outermost wall.

Would allow sidewalk sales with and according to a sidewalk use permit when applicable.

**Section 10-403**

**~~Sidewalk Seats Not Permitted~~**

Repeals prohibition against sidewalk seating in conjunction with the new sidewalk permitting ordinance.

**Section 10-429**

**Anesthetics Not to be Kept on Premises**

Slightly modernizes language around prohibited substances.

**Section 10-430**

**Prostitution on Premises Prohibited**

Clarifies language barring prostitution and the solicitation of prostitutes where alcohol is sold.

*Disclaimer: This document is a comparison with existing law only. Nothing in this document should be interpreted as legal advice.*





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:**