



13 accessory use with retail sales of only those alcoholic beverages produced at the facility for  
14 consumption on or off the premises. On-site tasting facilities shall be subject to the use and  
15 parking standards of a bar and any limitations provided for in state and/or local law.

16 *Caterer* means any businesses that does not operate as a restaurant or bar, but who operates a  
17 fully equipped kitchen where food is prepared for the purpose of furnishing food and alcoholic  
18 beverage service for private functions, occasions, or events. At least 70% of their gross annual  
19 revenue for the business must be derived from the sale of food or food-related product, and at  
20 least 40% of the gross revenue per event catered must be derived from the sale of food or food-  
21 related product.

22 \*\*\*

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

28 \*\*\*

29 *Microbrewer* means any person who, directly or indirectly, personally or through any agency,  
30 person, or establishment, engages in the making, blending, rectifying, brewing, or other  
31 processing of beer or other malt beverages for sale in an amount not to exceed 12,500 barrels per  
32 year.

33 *Micro-Brewery* means a facility licensed as a “Microbrewer” as defined in Title 26, Section 241,  
34 of the Louisiana Revised Statutes. The facilities may include on-site tasting facilities with retail  
35 sales of alcoholic beverages for consumption on or off the premises. On-site tasting facilities  
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. On-site tasting facilities with retail sales of alcoholic beverages  
39 purchased from a licensed wholesale dealer shall be considered to be a bar under the terms of  
40 this Ordinance and the CZO.

41 *Micro-Distillery* means a facility licensed as a “Microdistiller” as defined in Title 26, Section 2,  
42 of the Louisiana Revised Statutes. The facilities may include on-site tasting facilities with retail  
43 sales of alcoholic beverages for consumption on or off the premises. On-site tasting facilities  
44 with retail sales of only those alcoholic beverages produced at the facility shall be a permitted  
45 accessory use, subject to the use and parking standards of a bar and any limitations provided for  
46 in state and/or local law. On-site tasting facilities with retail sales of alcoholic beverages  
47 produced at that facility and any other alcoholic beverages purchased from a licensed wholesale  
48 dealer shall be considered to be a bar under the terms of this Ordinance and the CZO.

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

52 \*\*\*

53 **Sec. 10-4. – Enforcement.**

54 \* \* \*

55 (c) Any applicant seeking to contest a determination made by the Director of the Department of  
56 Safety and Permits regarding the issuance or renewal of a permit for the sale of alcoholic  
57 beverages, and the satisfaction of application and eligibility requirements thereto, shall appeal to  
58 the Alcoholic Beverage Control Board within 30 days of the Department’s written determination.

59 **Sec. 10-5. – Reserved.**

60 **Sec. 10-6. – Reserved.**

61 **Sec. 10-11. – Reserved.**

62 **Sec. 10-12. – Reserved**

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

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

68 **Sec. 10-50. – Reserved.**

69 **Sec. 10-53. – Class A permits.**

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

72 (1) *Class A-General:*

73 a. A Class A-General retail permit for alcoholic beverages shall be issued only to a  
74 retail outlet where alcoholic beverage is sold on the premises for consumption

75 on or off the premises by paying customers. Such an establishment must be  
76 equipped with a permanent wet bar equipped with a nonmovable sink and  
77 backbar or similar equipment for public display and to inform the public of  
78 brands and flavors offered for sale.

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

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

89 (2) *Class A-Restaurant permit:*

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

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

- 95 i. Which operates a place of business whose purpose and primary  
96 function is to take orders for and serve food and food items;
- 97 ii. Which serves alcoholic beverages in conjunction with meals;
- 98 iii. Which serves food on all days of operation;
- 99 iv. Which maintains separate sales figures for alcoholic beverages;  
100 and
- 101 v. Which operates a fully equipped kitchen used for the preparation  
102 of uncooked foods for service and consumption of such foods on  
103 the premises of the establishment; and
- 104 vi. Which grosses at least 50 percent of its average monthly revenue  
105 from the retail sale of food, food items that are prepared for  
106 service and consumption on the premises of the establishment,  
107 and nonalcoholic beverages.

108 (3) *Class A-Restaurant-Conditional permit:*

109 a. Any retail establishment may be issued a Class A-Restaurant-Conditional  
110 permit provided it meets the requirements of subsection (2)b.1., 2., 3., 4. and 5.  
111 of this section during the hours of 7:00 a.m. and 9:00 p.m. each day of operation.

112 b. Notwithstanding subsection (1)c. of this section or any other law to the  
113 contrary, any establishment which qualifies and receives a Class A-Restaurant-  
114 Conditional permit in accordance with this subsection may permit any person  
115 under the age of 18 on their premises between the hours of 7:00 a.m. and 9:00  
116 p.m.

117 (4) *Class A – Hotel Permit:*

- 118 a. A Class A-Hotel Permit shall be issued only to a hotel as defined in the  
119 Comprehensive Zoning Ordinance and as licensed as such by the Department of  
120 Safety and Permits.
- 121 b. A Class A-Hotel Permit shall permit a hotel to serve alcoholic beverages at one  
122 (1) bar in the lobby, which is open to all guests and which may be open to the  
123 general public, to guest rooms through room service or in-room mini-bars, and at  
124 amenities open exclusively to hotel customers and other paying guests, such as  
125 pool areas or in spas. Any additional publicly-accessible bars in the facility must  
126 be separately licensed.

127 (5) *Caterer Permit*

- 128 a. A Class A-Caterer Permit shall be issued only to a caterer as defined herein.
- 129 b. A Class-A Caterer Permit shall allow a caterer, as defined herein, to provide  
130 alcoholic beverage service to guests at private functions, occasions, and/ or  
131 events.
- 132 c. The holder of this permit shall maintain a business office address, and must keep  
133 this address on file with the Department, but may provide service at remote  
134 locations, including but not limited to reception facilities and other event venues  
135 which are permitted by the Department of Safety and Permits to host events and  
136 which comply with all other applicable laws and licensure requirements.
- 137 d. The holder of this permit is subject to all State of Louisiana limitations on gross  
138 annual and per event alcohol sales caps and must maintain separate sales figures  
139 for alcoholic beverages available to the Director of Finance and Director of Safety  
140 and Permits. This permit shall not be issued in lieu of a special event permit.

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

142 \*\*\*

143 (b) Except as provided in subpart (e) herein, no permit shall be suspended or revoked, nor any  
144 remedial sanction imposed, except by majority vote of the Alcoholic Beverage Control  
145 Board. All petitions shall be prepared and prosecuted by the department of law. If proper  
146 notice has been served upon the defendant, the hearing may proceed without his presence if  
147 he fails to appear. Certified copies of convictions involving causes for suspension or  
148 revocation or for remedial sanctions being imposed in either the municipal courts or in the  
149 criminal district court of this parish shall constitute prima facie proof of a violation by the  
150 permit holder.

151 \* \* \*

152 (e) The Superintendent of the Fire Department, Director of the Department of Safety and  
153 Permits, or Superintendent of the Police Department may order the immediate, temporary  
154 suspension of an alcoholic beverage permit if, upon consultation with the City Attorney, the  
155 ordering official determines that a violation requiring emergency actions exists at a permitted  
156 establishment.

- 157 1. A violation requiring emergency action means a violation that creates a direct and  
158 imminent danger to the health, safety, and welfare of the public as a result of a  
159 condition, situation, violation, practice. or omission that can reasonably cause  
160 substantial physical harm to persons inside and/or outside of an establishment.
- 161 2. The order temporarily suspending an alcoholic beverage permit under this  
162 subsection shall be in writing, shall detail the manner in which the violation  
163 threatens the health, safety, and welfare of the public, and set forth the date of  
164 review before the Alcoholic Beverage Control Board. Review by the Alcoholic  
165 Beverage Control Board shall occur within ten business days of the emergency  
166 suspension. The order shall be provided to the owner, manager, or other  
167 representative of the permitted location. If the state suspends or revokes a permit  
168 at a location on an emergency basis, such suspension or revocation shall  
169 constitute just cause for the emergency suspension or revocation of the same  
170 permit holder's city alcoholic beverage permit.
- 171 3. If the establishment cures the violation requiring emergency action before the  
172 review by the Alcoholic Beverage Control Board to the satisfaction of the official  
173 ordering the suspension and the City Attorney,, the emergency, temporary  
174 suspension may be rescinded prior to the hearing.

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

176 Application for permits to engage in any business or operation regulated by this chapter shall be  
177 in writing and sworn to before a notary public or any other officer authorized by law to  
178 administer oaths. It shall contain the full name of the applicant, with his correct home address, an  
179 accurate description and correct address which shall be considered the proper address for all  
180 notices to applicants or permittees required by this chapter, and shall contain sworn statements  
181 showing that the applicant is a natural person, and that he and his spouse possess the below  
182 qualifications. The Department of Safety and Permits and NOPD shall be charged with the duty  
183 of making investigations to ensure that the required qualifications provided herein and elsewhere  
184 in this Chapter are satisfied before permit issuance, continue to exist during the duration of the  
185 permit, along with any renewals relative thereto.

- 186 1) That the applicant is a person of good character and reputation as provided in subpart  
187 3 herein, and is over 18 years of age.
- 188 2) Each applicant must give concise and correct previous home addresses in which the  
189 applicant has lived for a period of the past five years prior to making application for  
190 a permit, and if such applicant has engaged in the sale of alcoholic beverages within

- 191 five years of the date of the application, then the applicant shall also give a correct  
192 and concise address of previous businesses so conducted within the past five years,  
193 together with the name under which the business was conducted.
- 194 3) That the applicant has not been convicted within a period of five years, of a felony  
195 under the laws of the United States, this state, or of any other state or sovereignty, or  
196 any of the following misdemeanors or equivalent thereof in another jurisdiction:  
197 arson, assault, battery, burglary, domestic assault, domestic battery, enticing persons  
198 into prostitution, false imprisonment, false personation, hate crimes, illegal  
199 possession of stolen things, indecent behavior with juveniles, kidnapping, online  
200 impersonation, robbery, sexual battery, theft, and offenses committed with an intent  
201 to defraud another. If so convicted, permits shall not be issued.
- 202 4) That the applicant has been a citizen or resident alien of the United States and of this  
203 state continuously for a period of not less than two years next preceding the date of  
204 the filing of such application. However, the requirements as to United States and  
205 state citizenship do not apply to wholesalers or retailers who held permits on or prior  
206 to January 1950.
- 207 5) That the applicant is the owner of the premises wherein the business or operation is  
208 to be conducted or has a bona fide written lease for the same. A true copy of such  
209 lease or rental agreement shall be filed with the application.
- 210 6) That the applicant is not the spouse of a person who is ineligible for a permit, unless  
211 legally separated. However, the age, residency and citizenship of an applicant's  
212 spouse shall in no event be a ground for denial of a permit.
- 213 7) That the applicant has not had a license or permit to sell or deal in alcoholic  
214 beverages issued by the United States, this state, this city or of any other state,  
215 sovereignty, parish or county revoked within a one year period prior to the  
216 application for nonpayment of proper license taxes or other taxes in connection with  
217 such business; and that the applicant has not had a license or permit to sell or deal in  
218 beverage alcohol, issued by the United States, any state, or by any political  
219 subdivision of a state authorized to issue permits or licenses, revoked for any other  
220 reason other than the nonpayment of taxes within two years prior to the application.  
221 If any applicant has had any such revocations, the application shall be denied.
- 222 8) That if any applicant is a partnership or anyone in partnership with or financed by  
223 another, all members of the partnership or all the persons in any way financially  
224 interested in the business must also be qualified to obtain a permit. The application  
225 shall state the full names of all partners and persons financially interested and furnish  
226 their proper addresses, and each must furnish his sworn affidavit showing his  
227 qualifications as required of an applicant.
- 228 9) That a current federal wagering stamp has not been issued to any applicant; or, if the  
229 applicant is a corporation, that a current federal wagering stamp has not been issued  
230 to it or to any of its managers, officers, directors, stockholders or employees, or, if  
231 the applicant is a partnership, that there has not been issued to it or to any of its  
232 managers, employers, officers or partners, including partners in commendam, a  
233 current federal wagering stamp.

234 10) A copy of the application shall be served on the owner of the premises where the  
235 applicant intends to operate and do business. Such service shall be made at the last  
236 known address of such owner or on his agent, and proof of such service shall be  
237 furnished by the applicant to the city.

238 11) A retail dealer shall provide its monthly revenue from the sale of food and non-  
239 alcoholic beverages, and its alcoholic beverage sales, for the calendar year preceding  
240 the submission of a renewal application. The required record of sales figures shall be  
241 submitted on a form supplied and approved by the department of finance.

242 12) That the applicant or property whereby permitting is being sought does not owe the  
243 State or City delinquent taxes, interest, penalties – other than parking and traffic  
244 tickets, or government liens, excluding items under formal appeal pursuant to  
245 applicable statutes. If the applicant has outstanding taxes, penalties, interest and/or  
246 government liens, permits shall not be issued.

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

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

253 (b) The delinquency penalty relative to low content shall be twenty-five percent over and above  
254 the regular fee paid, beginning five days after April 1, if the failure to pay is for not more than  
255 thirty days. There shall be an additional five percent for each additional thirty days or fraction  
256 thereof during which the failure continues, but in no event shall penalties continue to accrue after  
257 June 30 when a new application is required.

258 (c) The permit and fees for retailers and wholesalers of beverages of high alcoholic content, as  
259 provided in section 10-122, shall be due and payable on April 1 for the ensuing year. Failure to  
260 timely pay permit fees shall result in the imposition of delinquency penalties. If not renewed by  
261 June 30, in addition to penalties, an applicant shall be required to submit a new application. In  
262 no event shall the monetary delinquency penalties continue to accrue after June 30.

263 (d) The delinquency penalty relative to high content shall be five percent over and above the  
264 regular fee paid, beginning five days after April 1, if the failure to pay is for not more than thirty  
265 days. There shall be an additional five percent for each additional thirty days or fraction thereof  
266 during which the failure continues, but in no event shall the monetary delinquency penalties  
267 continue to accrue after June 30.

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

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

272 (a) The failure to timely pay required fees, liens, taxes or fines in connection with the  
273 licensed premises shall constitute a violation of this chapter, and such violation may be  
274 deemed good and sufficient grounds for refusing to issue a renewal of a permit.

275 (b) Except pursuant to an order of the Alcoholic Beverage Control Board, no installment  
276 payments shall be permitted.

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

278 All permits issued under the provisions of this chapter shall be displayed in a conspicuous place  
279 at all times on the licensed premises. If the establishment's ability to sell alcoholic beverages is  
280 granted by ordinance from the city council, the operating provisos relative to that use shall also  
281 be displayed. Failure to display the aforementioned shall constitute a violation of this chapter.

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

283 (a) No alcoholic beverage outlet shall operate without someone in attendance with managing  
284 authority over such establishment. Every place not directly supervised and managed by  
285 the owner permittee shall designate a manager to exercise responsibility over the  
286 establishment. No owner or manager can simultaneously be in attendance in more than  
287 one alcoholic beverage outlet. Each alcoholic beverage outlet must have an owner or  
288 manager on the premises at all times. No alcoholic beverage outlet shall remain open  
289 unless the owner or the manager is in attendance therein. Owners and managers of such  
290 establishments shall notify the department of safety and permits of any change in the  
291 managers employed by such establishment within five days of such change. Except  
292 spousal requirements, managers must possess all the personal qualifications prescribed

293 by law for owners. Failure of the owner to comply with this section shall constitute a  
294 penal violation of this Code.

295 (b) Designated managers shall obtain from the Department of Safety and Permits a  
296 “Manager’s Identification Card”, that contains the name and photo of the manager, in a  
297 form prescribed by the Department. The alcoholic beverage outlet shall maintain a  
298 “personnel roster” of each manager in the following manner:

299	300	301	302	303
Manager ID No.	Name	Present Address	Date Employed	Date Terminated
1234	Jane Doe	123 Apple	1/3/2019	2/26/2019

302 **Sec. 10-131. – Reserved**

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

304 (a) Under the provisions of this chapter, no permit shall be issued or renewed for any applicant  
305 who has not submitted evidence of complying with the following requirements:

306 \* \* \*

307 (b) Any individual who has knowledge of any alleged violations of this Chapter may submit  
308 written allegations to the Department of Safety and Permits for review and investigation.

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

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

- 312 1) Selling or serving alcoholic beverages to any person under the age of 21 years.
- 313 2) Selling or serving alcoholic beverages to any intoxicated person.
- 314 3) Allowing or permitting any person under the age of 18 years to visit or loiter on  
315 any premises where alcoholic beverages are the principal commodity sold.
- 316 4) Allowing or permitting any disturbance of the peace or improper conduct on the  
317 licensed premises. Improper conduct, as specified in this subsection, shall consist  
318 of actions which violate the penal provisions of this Code or other penal  
319 ordinances of the city.
- 320 5) Selling any alcoholic beverage not allowed by the city alcoholic beverage permit.
- 321 6) Employing anyone under the age of 18 years when the sale of alcoholic beverages  
322 constitutes the main business. Where the sale of alcoholic beverages does not  
323 constitute the main business, an employee under 18 shall not sell or dispense  
324 alcoholic beverages.
- 325 7) Misstating or suppressing any fact in the application for the city permit.

- 326 8) Operating a retail alcoholic beverage outlet in the city with any person whose  
327 alcoholic beverage permit has been revoked or denied, either as partner, agent,  
328 spouse, employer, employee, or interposed party.
- 329 9) Failure to pay any sales, amusement or other excise taxes, or fees, liens, or fines  
330 due to the city or state in connection with the licensed premises.
- 331 10) Violation at the premises of any health or sanitation ordinance of the city or the  
332 state.
- 333 11) Violation at the location of any provision of the comprehensive zoning  
334 ordinance, M.C.S., Ordinance Number 4,264, as amended; provided, however,  
335 that any premises which has acquired a nonconforming use for the sale of  
336 alcoholic beverages under such comprehensive zoning ordinance shall not be  
337 considered to be in violation thereof by reason of application for renewal of an  
338 existing permit or for a new permit if the business conducted on said premise has  
339 transferred to a new party, except if such alcoholic beverage permit has not been  
340 legally used continuously for a period of six months or more at such location.
- 341 12) Violation at the premises of any of the provisions of the city building code.
- 342 13) Violation at the premises of any special condition, restriction, or proviso relative  
343 to land use or sale of alcoholic beverages at the premises imposed by ordinance  
344 of the council or specifically contained in any alcoholic beverage permit for the  
345 premises.
- 346 14) Conviction of the permit holder or retention of a manager convicted of a felony  
347 under the laws of the United States, any State, or the conviction of a  
348 misdemeanor listed in Section 10-101 (3), or the conviction of ~~or~~ an employee of  
349 the permit holder of a felony committed on the permitted premises or in  
350 connection with the business. If a juridical entity, a permit holder includes: all  
351 partners, officers and directors and all stockholders or members owning in the  
352 aggregate more than ten percent of the stock or of the membership interest in a  
353 limited liability company and the person or persons who shall conduct or manage  
354 the business.
- 355 15) Fraud on the part of an administrative official or employee or on the part of the  
356 applicant in connection with the issuance of an alcoholic beverage permit for  
357 which, absent such fraud, the permit would not otherwise have been issued.
- 358 16) Error or mistake on the part of an administrative official or employee or on the  
359 part of the applicant in connection with the issuance of an alcoholic beverage  
360 permit for which, absent such error or mistake, the permit would not otherwise  
361 have been issued.
- 362 17) Determination of the existence of a public nuisance, as defined in titles 13, 14  
363 and 40 of Louisiana Revised Statutes or any other applicable law, by a court of  
364 competent jurisdiction.
- 365 18) Accepting food coupons distributed by the United States Department of  
366 Agriculture as payment for alcoholic beverages and/or tobacco products.

- 367 19) Failing to provide the required information, pursuant to section 10-126, alerting  
368 patrons of the possible dangers to infants born to women who consume alcoholic  
369 beverages during pregnancy.
- 370 20) Maintaining or creating a nuisance within the meaning of article 667 of the  
371 Louisiana Civil Code.
- 372 21) Molesting passersby as prohibited in section 10-158.
- 373 22) Three or more violations of the litter ordinance within a period of one year.
- 374 23) Maintaining and operating a retail alcoholic beverage outlet in the city where two  
375 or more instances of "drug related criminal activity" or "criminal activity  
376 involving violence or weapons" or "maintenance of a nuisance", as those terms  
377 are defined in R.S. 13:4711, or weapons on or around the premises within a five-  
378 year period.
- 379 24) Failure to comply with requests for audits or installment payments for sales tax,  
380 fees, liens, or fines.
- 381 25) Any other violation of this Chapter.
- 382 26) Any violation of La. R.S. Title 26.
- 383 27) Sale without permit. To sell or offer for sale at wholesale or at retail any of the  
384 articles taxed in this chapter, without first having procured a city and state permit  
385 as a wholesale or retail dealer, as may be required.
- 386 28) Violation of Code or rules. To violate any lawful rule or regulation made  
387 pursuant to this chapter, or violation(s) of the health or sanitary regulations of the  
388 City Code or provisions that ensure that the business does not disturb the peace  
389 or improperly operate.
- 390 29) Refusal of inspection. To refuse to allow, on demand, the department of finance,  
391 department of safety and permits, or any office or agent of the City to make at  
392 any time a full inspection of any place of business where any of the articles taxed  
393 in this chapter are sold or otherwise to hinder or prevent such inspection.
- 394 30) Concealing violations. To use any artful device or deceptive practice to conceal  
395 any violation of this chapter or to mislead any agent of a department tasked with  
396 the enforcement of this chapter, or to do any other act tending to defraud the city  
397 of its revenue.
- 398 31) Failure to produce invoices. For any retail dealer or his agent or employee to fail  
399 to produce, on demand of the department of finance or department of safety and  
400 permits, all invoices of alcoholic beverages bought by him or received at his  
401 place of business within six months prior to such demand, unless he can show by  
402 satisfactory proof that the nonproduction of such invoices was due to  
403 providential or other causes beyond his control.
- 404 32) False invoices. For any person to make, use, present or exhibit to the department  
405 of finance or department of safety and permits or any of its agents any invoices  
406 of alcoholic beverages which bear an untrue date or falsely state the nature or  
407 quantity of the goods listed on the invoices as provided by this chapter.
- 408 33) State revocation. If the state suspends or revokes or fails to renew an outlet's  
409 permit for the sale of alcoholic beverages, the City has automatic grounds to

410 suspend or revoke their permit, without the necessity of holding a hearing before  
411 such revocation.

412 34) Allowing patrons to loiter on or about the premises.

413 35) Intentionally allowing or permitting illegal gambling on the premises.

414 (b) Allowing or permitting of any of the practices set forth herein as causes for city alcoholic  
415 beverage permit suspension or revocation, or for remedial sanctions being imposed, by the  
416 permit holder, his servant, agent or employee shall constitute grounds for revocation or  
417 suspension of such permit, or for remedial sanctions being imposed.

418 (c) The causes for revocation and suspension or for remedial sanctions being imposed set forth in  
419 this section shall also constitute penal violations of this Code and shall be in addition to any  
420 other regulations or prohibitions now contained in this chapter, except nonpayment of excise  
421 taxes.

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

423 a) Relative to monetary and taxation violations of this Chapter, the Alcoholic Beverage  
424 Control Board may revoke or suspend an outlet’s alcoholic beverage permit, and/or  
425 impose one or more of the following remedial sanctions in addition to or as an  
426 alternative to any penalty available by law:

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

428 2) Bond for payment of fines and/or fees.

429 b) Relative to all other violations, the Alcoholic Beverage Control Board may revoke or  
430 suspend an outlet’s alcoholic beverage permit, and/or impose one or more of the  
431 following remedial sanctions in addition to or as an alternative to any penalty available  
432 by law:

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

434 2) Limitations on operating hours-

435 3) Limitations on the use of the premises.

436 4) Institution of security measures at the premises, including:

437 a. requiring that the alcoholic beverage outlet install video surveillance  
438 systems outside the premises, as dictated by the City, that are capable of  
439 archiving video footage for a period of not less than thirty (30) days;

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

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

443 5) Sound proofing measures.

444 6) Bond for payment of fines and/or fees.

445 7) Augmenting litter abatement measures.

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

- 447 (a) If the state has suspended or revoked an alcoholic beverage license or permit, any city  
448 alcoholic beverage permits at that location shall be automatically revoked by action of  
449 law. Such actions shall not be subject to hearing requirements set forth herein.
- 450 (b) Except when prompted by state action, the Alcoholic Beverage Control Board will  
451 send written notice of any decision to suspend or revoke an alcoholic beverage permit  
452 within three business days of the signing of the Board's judgment, and provide such  
453 decision to those state officers, departments, or agencies with jurisdiction over or  
454 interest in such permits, including but not limited to the Louisiana Office of Alcohol  
455 and Tobacco Control, requesting that the state take similar action.

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

- 457 (a) No permit shall be granted for the opening of any bar, adult performance venue, live  
458 performance venue and venue authorized to provide live entertainment as a secondary use  
459 that is also authorized to sell alcoholic beverages for the consumption on premises within  
460 300 foot radius of any playground, church, public library, or school. Exempted from these  
461 provisions are the following:

462 \* \* \*

- 463 (3) Any person or corporation who are within the 300-foot prohibited limit, and who obtain  
464 by approval of a sworn affidavit of not less than 75 percent of the property owners  
465 within such 300 foot radius as recorded by the assessor of Orleans parish.
- 466 (b) The word "school" as used in this section shall not include a school for business education  
467 conducted as a business college or school within the city.

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

- 469 (a) No permit shall be granted for opening of any retail sales of packaged alcoholic  
470 beverages within a 300 foot radius of any playground, church, public library, or school.
- 471 (b) The provisions of this section shall not apply to a package liquor store where the  
472 wholesale cost of package liquor stocked and displayed does not exceed 15 percent of  
473 the wholesale cost of other merchandise stocked and displayed and where package liquor  
474 display does not constitute more than ten percent of all display area and where package  
475 liquor is not advertised outside or off the premises. Any permit obtained under this  
476 subsection shall be limited to the type or types of establishments represented in the  
477 original application. A sworn statement of continued use shall be required before each  
478 periodic renewal of such license and the operation of any additional type or variation of  
479 type shall be a violation of this section and cause for the immediate revocation of such  
480 license by the department of finance.
- 481 (c) The provisions of this section shall not apply to package liquor store locations which are  
482 licensed to sell alcoholic beverages on the effective date of the ordinance from which  
483 this section was derived and which are continuously operated as such with no lapse in  
484 the operation for a period in excess of six consecutive months.

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

486 (a) The 300-foot radius provided for in sections 10-236 and 10-237 shall be measured as a  
487 300 foot radius from all lot lines of a lot upon which the establishment seeking to be  
488 licensed will be located, to the nearest point of the property line of a playground, church,  
489 public library, or school.

490 \* \* \*

491 (c) It shall be unlawful for any person or any other legal entity who is engaged in the  
492 operation of a bar, adult performance venue, live performance venue and venue authorized to  
493 provide live entertainment as a secondary use that is also authorized to sell alcoholic  
494 beverages for the consumption on premises, to keep or allow to be kept any benches or seats  
495 on the sidewalks or other public rights-of-way in the vicinity of any such business  
496 establishment.

497 \*\*\*

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

499 No alcoholic beverage outlet permit shall be granted or license issued for the establishment or  
500 opening of any bar, adult performance venue, live performance venue and venue authorized to  
501 provide live entertainment as a secondary use that is also authorized to sell alcoholic beverages  
502 for consumption on the premises, in any residential district or park and recreation district of the  
503 city as defined in the comprehensive zoning ordinance of the city, as now or hereafter amended.  
504 The provisions of this section shall not be construed to apply to any premises which, at the time  
505 of the passage of this section, were lawfully operated as a bar, adult performance venue, live  
506 performance venue and venue authorized to provide live entertainment as a secondary use that is  
507 also authorized to sell alcoholic beverages for consumption on the premises, and for which the  
508 proper licenses and permits have been granted and are in effect which are continuously operated  
509 as such with no lapse in the operation for a period in excess of six consecutive months, it being  
510 the intent of this section that the nonconforming status of such property shall be considered as  
511 having been maintained for both high and low content alcoholic beverage licenses where only  
512 one such license is maintained and in effect, provided that 60 percent of the property owners  
513 within 600 feet have consented in writing thereto, the distance as computed in section 10-238.  
514 Nothing in this section shall be deemed to repeal, restrict or modify any of the prohibitions or  
515 restrictions of the comprehensive zoning law of the city.

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

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

521 \* \* \*

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

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

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

529 \* \* \*

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

532 **Sec. 10-286. – Reserved.**

533  
534 **Sec. 10-401. - Sales restricted to within premises.**

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

538 (b) No bar, counter, or other service location shall be established within ten (10) feet of any  
539 operable opening that provides patrons access to the public rights-of-way. Nothing  
540 contained herein shall prohibit an establishment that obtains a special event permit from  
541 the City – from erecting a temporary bar, counter, or service location within six (6) feet  
542 of the outermost wall for the duration of the special event permit.

543 (c) The provisions of this section shall not apply to the sale of alcohol which is an incidental  
544 service to online grocery ordering from a store with a valid Class B retail permit.

545 **Sec. 10-403. – Sidewalk seats not permitted.**

546 No person owning, operating, or having control of a bar, adult performance venue, live  
547 performance venue and venue authorized to provide live entertainment as a secondary use that is  
548 also authorized to sell alcoholic beverages for the consumption on premises, shall not place  
549 benches or seating on the public sidewalks outside the business establishment.

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

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

555 **Sec. 10-430. – Reserved.**

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:**