

**ORDINANCE
(AS AMENDED)
CITY OF NEW ORLEANS**

CITY HALL: March 15, 2012

CALENDAR NO. 28,967

NO. 24834 MAYOR COUNCIL SERIES

BY: COUNCILMEMBER GISLESON PALMER AND HEAD

AN ORDINANCE to amend and re-ordain Article IV, Sections 66-136 and to ordain 66-209 of Chapter 66 of the Code of the City of New Orleans in order to provide a definition for commercial enterprises with respect to noise-related ordinances and to establish placement of loudspeakers in commercial enterprises within the Vieux Carré Historic Districts and the Central Business Districts, and all subdivisions related thereto.

1 **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**
2 **ORDAINS**, That Article IV, Section 66-136 of Chapter 66 of the Code of the City of New Orleans
3 is hereby amended and reordained to read as follows:

4 **“Sec. 66-136 – Definitions.** The following words, terms, and phrases, when used in this article,
5 shall have the meanings ascribed to them in this section, except where the context clearly indicates a
6 different meaning:

* * *

7
8 *Commercial enterprise* means any entrepreneurial operation in an enclosed building,
9 at a premises in a fixed location, in which goods (including but not limited to food and/or
10 beverages) and/or services are sold and/or provided.

* * *

1 **SECTION 2. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**
2 **ORDAINS**, That Article IV, Section 66-209 of Chapter 66 of the Code of the City of New Orleans
3 is hereby amended and ordained to read as follows:

4 **“Sec. 66-209 – Placement of Loudspeaker(s).**

5 (a) This section governs the placement of loudspeaker(s) by commercial enterprises
6 operated within the Vieux Carré Historic Districts and the Central Business Districts,
7 as defined in the Comprehensive Zoning Ordinance.

8 (b) Each of the following is a “responsible party” for assuring compliance on the
9 premises of a commercial enterprise governed by this section:

- 10 (1) An owner of the premises;
- 11 (2) A manager of the premises;
- 12 (3) Any person controlling the volume of a sound amplification device on the
13 premises, including but not limited to disc jockeys;
- 14 (4) Any person named in the occupational license for the premises; or
- 15 (5) The commercial enterprise.

16 (c) A responsible party for any commercial enterprise governed by this section must
17 assure compliance with the following requirements regarding placement of
18 loudspeaker(s) operated by the enterprise or any person described in Section 66-
19 209(b):

- 20 (1) In all commercial enterprises, no loudspeaker(s) shall be located beyond the
21 interior walls of the building or be oriented in such a way that the face or
22 front of the loudspeaker(s) points in the direction of any exterior door,
23 window, or other opening to the exterior of the building. This provision shall

24 not apply to permanently closed doors, windows, or emergency exits. No
25 loudspeaker(s) shall have any openings on the back or side that project sound.

26 (2) For commercial enterprises that hold a Class A alcoholic beverage permit so
27 that they are lawfully permitted, whether a permanent or temporary permit, to
28 sell alcoholic beverages for consumption on the premises:

29 a. Loudspeaker(s) shall be located in the interior of the building and
30 must be located at a distance greater or equal to ten (10) feet from any
31 exterior door, window, or other opening to the exterior; or

32 b. If loudspeaker(s) are located less than ten (10) feet from any exterior
33 door, window, or other opening to the exterior of the building, then such
34 windows, doors, or openings to the exterior must remain closed during the
35 hours of operation. In the event that a door subject to this section constitutes
36 an emergency fire exit that is required to remain open during hours of
37 operation then the Fire Marshal, pursuant to city and state law, may exempt
38 such door from the requirements of this section. Written documentation
39 issued by the Office of State Fire Marshal of such authorized exemption must
40 be located at the commercial enterprise and must be available upon request.

41 (3) For commercial enterprises that do not hold a Class A type alcoholic
42 beverage permit so that they are not lawfully permitted to sell alcoholic
43 beverages for consumption on the premises:

44 a. Loudspeaker(s) shall be located in the interior of the building at a
45 distance greater or equal to twenty (20) feet from any exterior door, window,
46 or other opening to the exterior of the building.

47 (d) Penalties. A Commercial enterprise is subject to the following penalties upon a
48 finding of a violation of this section:

49 (1) For a first violation, a fine of up to \$500.00.

50 (2) For a second violation and any subsequent violation within 12 months of the
51 initial violation, the fine shall be \$500.00 for each violation.

1 SECTION 3. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY
2 ORDAINS, that the requirements of Section 66-209 of the Code of the City of New Orleans
3 augment, and are in addition to all requirements outlined in Article IV, of Chapter 66.

1 SECTION 4. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY
2 ORDAINS, that the requirements contained in Section 2, relative to the placement of speakers
3 located beyond the interior wall(s) of a building shall take effect ninety (90) days from the date of
4 adoption.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS April 5, 2012

Jacquelyn B. Clarkson
PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON April 9, 2012

APPROVED:

DISAPPROVED: April 12, 2012

Mitchell J. Landrieu
MAYOR

RETURNED BY THE MAYOR ON April 12, 2012 AT 2:20 p.m.

Peggy Lewis
CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell,
Johnson - 7

NAYS: 0

ABSENT: 0

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY
Peggy Lewis
CLERK OF COUNCIL