

Sec. 10-158. Molesting passersby.

City retail alcoholic beverage permits issued to retail dealers in connection with the sale of alcoholic beverages of low or high alcoholic content may be suspended or revoked by the alcoholic beverage control board whenever the owner, operator or manager of any establishment whose principal business is the sale of alcoholic beverages for consumption on the premises, or any other person, for or on behalf of such owner, operator or manager, shall permit or allow any doorman, barker, solicitor or other representative or employee of such establishment to touch, grab, manhandle or molest, by the use of any obscene gestures or words, or otherwise, any passersby for the purpose of importuning, inducing, persuading or soliciting such passersby to enter such establishment for the purpose of purchasing any merchandise sold therein, or witnessing any form of entertainment which may be staged therein.

(Code 1956, § 5-58.2)

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

Any dealer who sells alcoholic beverages is restricted to sales within such premises. All establishments holding Class B retail permits are prohibited from conducting sales transactions through a window or door to a customer on the sidewalk.

(Code 1956, § 5-18; M.C.S., Ord. No. 18,144, § 1, 3-20-97)

Sec. 54-492. Sale of food, beverages in certain areas.

(a) In the area bounded by the downriver side of Canal Street, the lake side of North Rampart Street, the downriver side of Esplanade Avenue, and the Mississippi River, it shall be unlawful for any person to:

- (1) Sell any food or beverage from any window, door or other aperture which opens onto a public street or other public way;
- (2) Sell any food or beverage from a temporary or movable bar, counter or other structure located within six feet of a window, door or other aperture which opens onto a public street or other public way;
- (3) Transfer possession of any food or beverage which is the subject of a sale when either the seller or purchaser is not located on the premises of an establishment licensed to sell the food or beverage; or
- (4) Sell any food or beverage from a temporary or movable bar, counter or other structure located in an open space, alley or patio on the premises of an establishment licensed to sell the food or beverage.

(b) Each such sale or transfer shall be a violation of the provisions of this section and shall constitute a separate offense and, upon conviction thereof, shall be punishable by a fine of not more than \$100.00 or by imprisonment for not more than ten days, or both, at the discretion of the court.

(Code 1956, § 42-109)

Sec. 54-489. Merchandising of certain items--Vieux Carre.

(a) It shall be unlawful for any person to hang or otherwise attach any poster, printed material, work of art, T-shirt or parts of T-shirts or any other articles of clothing, or parts of articles or any facsimiles of T-shirts or articles of clothing or any representation or message which may be imprinted on an aforementioned article or facsimile of clothing or any other merchandise on the facade of any building in the Vieux Carre, which is that area of the city bounded by Esplanade Avenue, North Rampart Street, Canal Street and the Mississippi River. Facade shall include but not be limited to any door, window or shutter whether permanently attached to the building or not, even when such door, window, or shutter opens to the interior of the building.

(b) In no instance shall any person place any such articles or signs so that they lean against the facade of the building, or occupy the space defined by the outermost frame of any open door or window for a depth of 36 inches into the establishment.

(c) Pursuant to the enforcement of the restrictions herein listed, the police department is hereby authorized to grant enforcement and citation powers to the inspectors of the Vieux Carre Commission for the purposes of obtaining compliance with this section only. Such powers of the Vieux Carre Commission inspectors shall be in addition to the normal enforcement and citation powers of the police department.

(d) Upon discovery of any violation of this section, the proper enforcing officer shall immediately issue a citation to the operator of the building to which the offending poster, printed material, work of art, T-shirt or parts of T-shirt or any other articles of clothing or parts of articles or any facsimiles of T-shirts or articles of clothing or any representation or message which may be imprinted on an aforementioned article or facsimile of clothing or any other merchandise is attached and/or is leaning against the facade of such building, or occupying the space defined by the outermost frame of any open door or window for a depth of 36 inches into the establishment. For the purpose of this section, the operator of the building shall be deemed to be any person on the premises who has the responsibility for conducting the business which pertains to the poster, printed material, work of art, T-shirt, article of clothing or part thereof, facsimile or representation or message, or any other merchandise.

(e) The penalty for each violation of this section shall be \$100.00, 90 days in jail or both. Each poster, piece of printed material or other merchandise, work of art, T-shirt, article of clothing or part thereof, facsimile or representation or message shall constitute a separate violation.

Sec. 54-411. Begging, solicitation of rides, business, employment, or charitable contributions prohibited.

(a) It shall be unlawful for any person to commit the crime of begging as set forth herein.

(b) Begging is the unauthorized solicitation for money or anything of value by any person.

(c) No person shall stand, sit, or remain next to or in a roadway or street, or upon the shoulder of any street or roadway, or upon a neutral ground of any street or roadway for the purpose of begging, soliciting or otherwise requesting a ride, soliciting employment, making known his/her availability for employment, soliciting business or charitable contributions, or selling items or services to or from the drivers or occupants of any vehicle.

(d) Individuals violating the provisions of this section may participate in a city-approved community service program in lieu of suffering the penalties imposed by this Code for violation of this section

Sec. 66-203. Specific nuisance noises prohibited.

In addition to the general prohibitions set out in this article, the following specific acts are declared to be in violation of this article:

(1) *Animals*. It shall be unlawful for the owner or keeper of any animal or fowl to allow frequent or continuing noise which disturbs a reasonable person of normal sensitivity.

(2) *Horns, signaling devices*. It shall be unlawful to sound any horn or signaling device on any street or public place in the city for purposes other than motor vehicle, driver, and/or pedestrian safety.

(3) *Radios, televisions, musical instruments and similar devices*.

a. It shall be unlawful to operate or play in any public right-of-way, public park, playground or recreational area, any musical instruments, radio, television, phonograph, tapeplayer, cassette player, compact disc player, or any sound device, including but not limited to loudspeakers or other devices reproducing or amplifying sound in such a manner, or with such volume, as to exceed an average of 80 decibels measured at a distance of 50 feet from the sound source. The New Orleans police department or the department of health shall order any person or persons in violation of this section to immediately cease creating or causing the creation of noise. If said person or persons fail to obey this order, appropriate action shall be taken pursuant to section 66-137. The readings shall be in succession.

b. It shall be unlawful to operate or play any radio, television, phonograph, musical instrument, loudspeaker or similar device that is plainly audible to any person other than the operator between 8:00 p.m. and 10:00 a.m. in parks, playgrounds, or recreation areas unless a permit has been issued.

c. Reserved.

d. It shall be unlawful between the hours of 9:00 p.m. Sunday through Thursday and 10:00 a.m. on the subsequent morning or between the hours of 10:30 p.m. on a Friday or Saturday and 10:00 a.m. the subsequent morning to operate or play in a dwelling occupying a parcel or lot of land or to operate or play anywhere on a parcel or lot of land contiguous or adjacent to another parcel or lot of land occupied by a neighboring dwelling any radio, television, phonograph, loudspeaker, sound-amplification equipment or similar device which produces or reproduces sound in such a manner as to be plainly audible at a distance of one foot from any exterior wall of the neighboring dwelling or at a distance beyond the boundary between the parcels or lots, whichever is the lesser distance from the point where the sound is produced or reproduced.

e. It shall be unlawful between the hours of 9:00 p.m. Sunday through Thursday and 10:00 a.m. on the subsequent morning or between the hours of 10:30 p.m. on a Friday or Saturday and 10:00 a.m. the subsequent morning to operate or play in an apartment, condominium unit or other dwelling unit of a multiple-unit structure occupying a parcel or lot of land or in any common or exterior area of such land any radio, television, phonograph, loudspeaker, sound-amplification equipment or similar device which produces or reproduces sound in such a manner as to be plainly audible within any other apartment, condominium unit or other dwelling unit within the same dwelling structure.

(4) *Neighborhood businesses.* Businesses operating in B-1 or B-2 commercial areas and under nonconforming use zoning within or adjacent to residential areas shall comply with the provisions of section 66-202.

a. Upon initial determination of a violation a neighborhood business will be given six months to comply with the terms of the ordinance if insulation or other major structural modifications are necessary for compliance.

b. Nothing in this subsection shall relieve the business owner or manager from the responsibility of taking other reasonable actions directed at reducing noise levels upon determination of a noise violation.

(5) *Loudspeakers.* It shall be unlawful to use or operate any loudspeaker, loudspeaker system or similar device that is plainly audible upon any street, alley, sidewalk, park or public property for the purpose of commercial advertising, or attracting the attention of the public to any building, structure, or vehicle.

(6) *Power equipment.*

a. It shall be unlawful to operate or permit to be operated any power equipment in residential zones outdoors between the hours of 10:00 p.m. and 7:00 a.m. the following day, and on weekends between 10:00 p.m. and 8:00 a.m.

b. During daytime hours (7:00 a.m.--10:00 p.m. weekdays, 8:00 a.m.--10:00 p.m. on weekends) power equipment rated five horsepower or less shall not exceed a sound level of 75 dBA at a distance of 50 feet. Power equipment rated more than five horsepower shall not exceed a sound level of 82 dBA at a distance of 50 feet.

Sec. 66-205. Persons playing musical instruments on public rights-of-way.

It shall be unlawful for any person to play musical instruments on public rights-of-way between the hours of 8:00 p.m. and 9:00 a.m. Persons may obtain a temporary permit as provided by this article. The provisions of this section shall not apply to any person who has obtained a temporary permit as provided for by section 66-176 or are specifically exempted from the provisions of this article as provided by sections 66-138 and 66-139 or any noise resulting from activities of a temporary duration, for which a temporary permit has been granted by the city as provided for in section 66-176.

(Code 1956, § 42A-15)

Sec. 30-1456. Use of Bourbon Street restricted.

It shall be unlawful for any person to perform any street entertainment on the street or sidewalk of Bourbon Street from the uptown side of Canal Street to the downtown side of St. Ann Street between the hours of 8:00 p.m. and 6:00 a.m.

(Code 1956, § 42-109.1(b))

Sec. 110-190. Cooking or vending of prepared foods from trailers or other mobile or temporary facilities or vehicles prohibited near restaurants.

(a) During the Mardi Gras season, it shall be unlawful for any peddler or vendor of prepared food to cook, sell, or vend from trailer, or other mobile or temporary facility, or vehicle, or on foot, any food or merchandise on the sidewalk on the same side of the street, in the street, or on the neutral ground (median) in front of any lawfully operating restaurant, cafeteria, public or private school, or any concession operated by a booster club sanctioned by the department of recreation.

(b) At all other times, it shall be unlawful for any peddler or vendor of prepared food to cook, sell, or vend from a trailer, or other mobile or temporary facility, or vehicle, or on foot, any food or merchandise within 600 feet of any lawfully operated restaurant, cafeteria, public or private school, or any concession operated by a booster club sanctioned by the department of recreation.

(c) In addition to any penalties which may be imposed by law for violation of this section, upon conviction of a violation of this section, a peddler or vendor shall forfeit any city permits issued to him to cook, sell, or vend prepared food within the city.

Sec. 110-222. Permits for distribution of advertising brochures, leaflets, etc.

(a) Any person desiring to use the city streets, sidewalks or public rights-of-way to:

(1) Distribute product samples, advertising brochures, leaflets, pamphlets, or commercial literature of any type whatsoever; and/or

(2) Canvass or solicit on city streets, sidewalks or house to house for commercial purposes,

shall first apply to and receive a permit from the department of finance. Each permit shall be \$50.00 for each separate solicitor or canvasser. Permits shall be transferable among agents or employees of the corporations, partnership or individual who obtained the permit. However, each agent or employee using the permit shall obtain identification cards from the department of finance. Each identification card shall be \$5.00 for each agent or employee.

(b) Permits required by subsection (a) shall not be valid within the following designated areas or locations:

(1) The area of the Vieux Carre, being that certain area bounded on the east by the Mississippi River, on the north by the uptown side of Esplanade Avenue projected to the Mississippi River, on the west by the riverside of Rampart Street, and on the south by the downtown side of Iberville Street projected to the Mississippi River;

(2) The area of the Convention center zone, being that certain area bounded on the east by the Mississippi River, on the north by the northern or the downtown side of Julia Street projected to the Mississippi River, on the west by the lakeside or westerly right-of-way of Convention Center Boulevard to Thalia Street and from Thalia Street by the westerly side of South Front Street to its intersection with Henderson Street, and on the south by the southerly side of Henderson Street projected to the Mississippi River;

(3) The area of the Riverfront Zone, being that certain area bounded on the east by the Mississippi River, on the north by the northerly or downtown side of Iberville Street projected to the Mississippi River, on the south by the northerly or downtown side of Julia Street projected to the Mississippi River, and on the west by the lakeside or westerly side of the right-of-way of Convention Center Boulevard to Poydras Street, and from Poydras Street to Canal by the Rivergate side of Delta Street, and from Canal to Iberville Street by the rivermost of westerly boundary of Canal Place Lots 3CP and 2CP; and

(4) The area of the Lower Riverfront Zone, being that certain area bounded on the east at Port Street by the dividing line between the Mandeville and Press Street Wharves, on the north by the riverside or southerly side of the curb of North Peters Street, and on the west by the projection of the westerly or uptown side of Barracks Street between North Peters Street and the Mississippi River.

Persons shall not distribute product samples, advertising brochures, leaflets, pamphlets, or commercial literature of any nature or kind whatsoever, and/or canvass or solicit in any manner on the public streets, sidewalks, and neutral grounds or medians within these areas.

(c) For purposes of this section "commercial" shall mean to propose a commercial transaction. Religious, political, charitable or other noncommercial groups soliciting or canvassing for purely voluntary donations shall be exempt from the provisions of this section. However, any person soliciting or canvassing for any religious, political, charitable or other noncommercial group who offers an item for sale and/or a fixed price shall be considered to be proposing a commercial transaction for the purposes of this section.

(d) Persons who have valid mayoralty permits issued under section 30-69 other than subsection 30-70(7) shall be exempt from the provisions of this section.

(e) Pursuant to the enforcement of the restrictions of this section, the police department is hereby authorized to grant enforcement and citation powers to the inspectors of the Vieux Carre Commission for the purposes of obtaining compliance with this section only. Such powers of the Vieux Carre Commission inspectors shall be in addition to the normal enforcement and citation powers of the police department. The Vieux Carre Commission shall coordinate the enforcement of the provisions of this section with the department of finance. Violations of such rules or regulations shall constitute a violation of this section and shall be punished as provided in section 1-13.

(Code 1956, § 46-6)

Secs. 110-223--110-255. Reserved.