

DEPARTMENT OF HEALTH  
**CITY OF NEW ORLEANS**

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**CITY OF NEW ORLEANS HEALTH DEPARTMENT**  
**GUIDELINES FOR COVID-19 REOPENING**

**January 3, 2022**

**I. PURPOSE**

Mayor LaToya Cantrell issued a “Mayoral Proclamation to Further Promulgate Emergency Orders During the State of Emergency Due to COVID-19” (“Mayoral Proclamation”) on May 15, 2020, which allows the City of New Orleans to enter into a phased reopening of businesses following a two month Stay at Home Mandate. These phases will continue to prohibit certain activities in the interest of public health and to prevent the further spread of the SARS-CoV-2 virus. The New Orleans Health Department provides this document to aid in the interpretation and implementation of the May 15, 2020 Mayoral Proclamation and to provide guidance and mandates for residents and businesses in the City of New Orleans.

**II. FACTUAL BACKGROUND**

SARS-CoV-2, the virus that causes Coronavirus 2019 Disease (“COVID-19”) is a communicable respiratory disease that can be easily transmitted especially in group settings. It is believed to be spread easily amongst the population by various means of exposure, including person to person transmission and attaching to surfaces for prolonged periods of time. Due to the contagious nature of the virus and emerging scientific evidence regarding transmission, non-pharmacological interventions are indicated to slow the spread of the virus, such as physical and social distancing, increased sanitation protocols, and use of personal protective equipment as much as possible while in public. Slowing transmission through these measures safeguards public health and safety, protects the most vulnerable populations that have been disproportionately affected by COVID-19, and protects the ability of health care providers to avoid surge conditions in response to an influx of patients. As a novel virus, there is a limited scientific understanding of this virus, and measures specific to reducing harm from COVID-19 must be guided by sound evidence-based research as it emerges. One known proven way to slow transmission is to limit interactions among people to the greatest extent practicable through non-pharmacological interventions such as those described above.

Another proven way to slow the spread of COVID-19 is through vaccination. The U.S. Centers for Disease Control and Prevention (“CDC”) has stated that vaccination is an effective tool to prevent the spread of COVID-19 and benefits both vaccine recipients and those they come into

contact with, including persons who for reasons of age cannot themselves be vaccinated.

Due to the direct and definitive threat to public health and safety from COVID-19, Mayor LaToya Cantrell has taken emergency actions to mitigate the effects and prevent further deaths and illness for the people of the City of New Orleans from COVID-19. On March 11, 2020, Mayor Cantrell filed a “Mayoral Proclamation of a State of Emergency Due to COVID-19,” which allowed Mayor Cantrell to exercise the emergency authorities provided to the Mayor in La. R.S. 29:727, and in coordination with state and federal agencies, to thoroughly prepare for and respond to the COVID-19 emergency. Following the dramatic increase in the number of positive cases in New Orleans, from one (1) case on March 9, 2020 to seventy-five (75) cases and two deaths in Orleans Parish as of March 15, 2020, Mayor Cantrell filed the March 16, 2020 Mayoral Proclamation to impose restrictions on public and private gatherings, to close businesses where large gatherings routinely occur, and to limit restaurant operations to take out and delivery. On April 16, 2020, there were 5,847 positive cases and 302 deaths due to COVID-19; therefore, Mayor Cantrell extended the Mayoral Proclamation due to the continued high number of new cases and deaths.

On May 15, 2020, Mayor Cantrell issued a Mayoral Proclamation to Further Promulgate Emergency Orders During the State of Emergency Due to COVID-19, which extends the April 15th restrictions until Health Department guidance provides otherwise. The Proclamation directs the Department of Health to promulgate temporary regulations to introduce a phased approach to easing the restrictions in place, with flexibility provided to the public health professionals to immediately respond in real time and adjust restrictions if necessary with adjustments based on public health data, guidance of the CDC and State health department, or applicable law.

### III. PUBLIC HEALTH MILESTONES

As of May 15, 2020, the City of New Orleans had met the public health milestones for entering a phased reopening process as described by evidence-based guidance for jurisdictions and health departments issued by the World Health Organization, White House, Centers for Disease Control and Prevention (CDC), and Johns Hopkins University. This guidance identifies when it may be safe to enter a phased easing of restrictions, which allows the reopening of some businesses during the COVID-19 emergency. It requires jurisdictions to meet the following four public health milestones in order to enter a phased reopening process. The four public health milestones and thresholds are currently defined as follows.

#### **Sustained decrease in number of new cases**

Jurisdictions must see a downward trajectory of documented cases within a 14 to 21-day period. The New Orleans Health Department will continue to monitor new positive cases to determine the need to reissue restrictions if cases increase above 50 per day (averaged over at least 3 days) or consecutive increase in cases for more than 5 days. The positivity rate showing the percent of new cases over the total number of tests reported and the R0 which shows the transmission rate will also be factors to consider. The positivity rate should fall below 5% and R0 should remain at or below 1.0. As of December 30, 2021, case counts, positivity rate, and transmission rate have been rapidly increasing for the last three weeks. Average case counts are more than 600 new cases per day, the positivity rate is 13.5% , and the transmission rate is 1.76.

### **Consistently testing at 4-5% of population**

Jurisdictions must be able to test 4-5% of their population over the course of a month to ensure that all symptomatic individuals have access to testing, and that the number of new cases is representative of the disease spread within the community and not a result of diminished testing capacity. The City of New Orleans continues to have high rates of testing through healthcare providers and community-based testing locations. The number of tests completed will be monitored by the New Orleans Health Department to ensure that testing remains at this capacity of at least 15,000 per month. Across New Orleans, there have been over 1,000 tests per day since July 2020.

### **Adequate staffing for contact tracing**

In order to isolate and identify exposure of close contacts, the Louisiana Department of Health will need to continue their ability to implement contact tracing. The New Orleans Health Department will work with LDH to determine the levels of contact tracing necessary and provide assistance if necessary.

### **Adequate healthcare system capacity**

Healthcare systems, especially hospitals, must be able to care for all COVID-19 and non-COVID-19 patients without using surge capacity. The New Orleans Health Department utilizes data from regional hospitals and LDH to monitor hospitalization rates and availability of hospital beds, intensive care unit (ICU) beds, ventilators, and personal protective equipment supplies.

The CDC considers an individual to be fully vaccinated when at least two weeks have passed since receiving the last dose of a complete vaccine series. As of December 30, 2021, the City of New Orleans has fully vaccinated more than 80% of all adults with the COVID-19 vaccine. However, only 64.6% of all New Orleanians have been fully vaccinated, and just 34.2% of the 5 to 17 year old population has been fully vaccinated. Furthermore, there are several census tracts in the City with vaccination rates below 50%. Additionally, the highly contagious Omicron variant of the coronavirus has resulted in large increases in cases and hospitalizations in a short period of time. Therefore, the New Orleans Health Department is placing restrictions on certain activities but leaving several restrictions in place pursuant to the Mayor's emergency powers provided by La. R.S. 29:727(F) and the "Mayoral Proclamation to Further Promulgate Emergency Orders During the State of Emergency Due to COVID-19" filed on May 15, 2020. These restrictions will be effective as of **January 3, 2022 at 6:00 A.M.**

## **IV. MANDATES FOR RESIDENTS AND BUSINESSES IN THE CITY OF NEW ORLEANS**

### **General Directives to All Individuals and Businesses**

Pursuant to the May 15, 2020, Mayoral Proclamation to Further Promulgate Emergency Orders During the State of Emergency Due to COVID-19, the New Orleans Health Department provides the following general directives to all individuals and businesses to best mitigate the further spread of COVID-19 in New Orleans. The CDC advises the best way to prevent the spread of the illness

is to avoid being exposed to the virus, so individuals and businesses should follow these directives to the maximum extent feasible, effective **January 3, 2022**. If there exists a conflict within these guidelines between general directives/requirements and specific directives/requirements applicable to specific facilities or activities, the specific directives or requirements shall apply.

- All residents and visitors to the City of New Orleans should take personal responsibility to prevent the further spread of COVID-19, including but not limited to, remaining in their homes whenever possible and avoiding gatherings;
- Individuals who are considered high risk for complications due to COVID-19, such as the elderly and people with pre-existing health conditions should remain at home unless accessing essential services;
- Individuals are required to wear face coverings in the following settings:
  - While passengers and operators of public conveyances, including airplanes, ships, ferries, trains, buses, taxis, ride-shares, and the corresponding transportation hubs; and
  - In all healthcare facilities, including physician's offices, hospitals, and long-term care facilities;
  - **All K-12 educational institutions, unless the institution has adopted an isolation and quarantine policy for students, faculty and staff consistent with the protocols set by the Louisiana Department of Health.**
- All individuals over the age of 2 and without breathing complications (i.e. use of oxygen) are strongly encouraged to wear a mask while in public indoor spaces;
- Businesses must comply with all safety requirements as set forth herein;
- Nothing in these guidelines shall prevent private businesses from requiring masks or social distancing to conduct operations;
- Movement around the City should be limited so as to minimize interaction with large groups; and
- Live entertainment is only allowed following the rules set forth on pages 8-13, in addition to the specific directives below, when applicable.

#### **Specific Directives: Entry to Certain Indoor Establishments**

In accordance with CDC guidance that vaccination is an effective tool to mitigate the spread of COVID-19 among the general public, including vaccine recipients and those they come into contact with, restrictions will remain in place on premises that feature or routinely allow for higher-risk interactions among patrons and staff. On the premises of these establishments, it is critical that vaccination or testing requirements be implemented in order to provide protection for the individual and those around them (including children who cannot be vaccinated), protecting public health while still preserving essential work and commerce. Therefore, proof of vaccination or frequent testing with negative test results shall be required prior to entry into certain indoor establishments, as provided below.

Prior to entering the following indoor establishments, all individuals **who are 5 years of age or older** must provide evidence to designated staff or leaders of:

- 1) having received at least one dose of a COVID-19 vaccine that has received full approval or emergency use authorization from the U.S. Food and Drug Administration or the World

Health Organization; or

- 2) having received at least one dose of a COVID-19 vaccine as part of a clinical trial; or
- 3) evidence of a negative antigen or PCR COVID-19 test taken no more than 72 hours before entry, with the individual's name, date of test, and result clearly visible on an official report.

**Establishments Subject to this Requirement:**

Indoor dining and drinking:

- Restaurants
- Bars
- Breweries, Microbreweries, Distilleries and Microdistilleries

Indoor fitness:

- Gyms
- Indoor group fitness centers or individual fitness classes

Indoor entertainment and/or performances:

- Indoor sports complexes/stadiums/arenas
- Concert and music halls
- Event spaces (hotel ballroom, event venue, reception halls)
- Pool halls, bowling alleys, indoor play centers, arcades, skating rinks, indoor playgrounds and arcades
- Adult live performance venues
- Casinos, racetracks, and video poker establishments
- Indoor amusement facilities

Acceptable evidence of a COVID-19 vaccination includes:

- 1) LA Wallet App's SMART Health Card,
- 2) An original, digital photograph, or photocopy of CDC Vaccination Card (both sides)
- 3) An official vaccine record issued by another state, a foreign nation, or the World Health Organization.
- 4) An official vaccine record issued through a vaccine clinical trial

Staff and employees of establishments listed above who are unvaccinated may provide evidence of a negative COVID-19 test taken at least every 7 days for entry to the workplace.

Nothing in these guidelines should be interpreted to restrict businesses that are not included in the above list from issuing vaccination and testing requirements for their staff and patrons.

**Specific Directives: Gathering Size, Mandatory Closures**

Pursuant to the May 15, 2020, Mayoral Proclamation to Further promulgate Emergency Orders During the State of Emergency Due to COVID-19, the New Orleans Health Department further provides the following specific directives and guidance to best mitigate the further spread of COVID-19 in New Orleans, effective January 3, 2022.

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As defined by the Centers for Disease Control and Prevention (“CDC”) and adopted by the City of New Orleans, a gathering refers to a planned or spontaneous event, indoors or outdoors, with a small number of people participating or a large number of people in attendance such as a community event or gathering, concert, festival, conference, parade, wedding, or sporting event. The City of New Orleans further considers gatherings to include any time when members of different households congregate for any reason not otherwise set forth in these guidelines.

a) Indoor Events of More than 500 Individuals

- o Individuals attending indoor events of more than 500 individuals are strongly recommended to wear masks through the duration of event (except while actively eating or drinking).
- o All individuals attending indoor gatherings in the types of establishments listed in the previous section are subject to the requirement to show proof of their COVID-19 vaccination or a negative test result as outlined in that section, **regardless of the size of the indoor gathering.**

b) Outdoor Events of More Than 500 Individuals

- o Individuals attending outdoor events of more than 500 individuals are strongly recommended to wear masks through the duration of event (except while actively eating or drinking).
- o Individuals attending outdoor events of more than 500 individuals at which total attendance is greater than 50% of the outdoor venue’s full capacity must provide proof of full vaccination status OR a negative COVID test result from a test conducted within 72 hours of the time the event begins.

**Mandatory Safety Requirements for all Businesses and Institutions Allowed to Operate**

All businesses and institutions allowed to operate effective January 3, 2022, must implement and comply with the following Mandatory Safety Requirements in order to limit interactions among individuals and limit virus transmission:

- All essential and exempt businesses should take measures to prevent gatherings of employees, customers, visitors, and any other individuals while operating, to the maximum extent feasible. Loitering outside of any essential service providers or open businesses shall be prohibited;
- When working inside, doors and windows should be opened to promote air flow to the greatest extent possible and the number of people occupying a single indoor space should be limited to the smallest number feasible;
- When two or more people are occupying a vehicle for work related purposes, they are required to wear face coverings;
- All workers must have easy and frequent access to soap and water or hand sanitizer during the duration of work, and frequent handwashing or hand sanitizing is required, including before entering and leaving job sites;

- All common spaces and equipment, including bathrooms, frequently touched surfaces and doors, tools, equipment, and vehicles must be cleaned and disinfected routinely throughout the work day;
- A translucent shield or "sneeze guard" should be provided for retail cashiers, when applicable (the presence of this shield does not replace the need to wear a face covering);
- Congregation of workers is discouraged;
- If the nature of an employee's work or the work area does not allow employees to safely consume meals in the workspace, an employer may designate a common area or room where meals may be safely consumed, provided the following conditions are met
  - Occupancy shall be limited to the smallest number feasible
  - Hand washing facilities and/or hand sanitizer shall be immediately available at the entrances of a designated common area or room;
  - There shall be cleaning of the area at regular intervals throughout the day;
- At the entrances of a designated common area or room the employer shall clearly post the policy limiting the occupancy of the space, and the minimum hand washing/hand sanitizing, spacing and cleaning requirements;
- To the extent feasible, employers should be considerate of employees with pre-existing morbidities or health conditions;
- All workers should observe strict social distancing of at least six feet while on the job, unless they are fully vaccinated.

#### **Employee Isolation and Quarantine Requirements**

- Workers shall not report to, or be allowed to remain at, a work or job site if sick or symptomatic (with fever higher than 100.4°F/38.0°C, cough, and/or shortness of breath, diarrhea, or any other symptom suggestive of COVID-19);
- Employees who test positive for COVID-19 who are non-symptomatic or mildly symptomatic are not allowed on site for at least five days after testing positive, regardless of their vaccination status. If on day 5 the worker is still non-symptomatic or mildly symptomatic and a repeat test performed on day 5 is negative, they may return to work. If the repeat test on day 5 is positive, the employee should remain in isolation and test every two days until a negative test result is obtained. When the employee tests negative, they can return to work.
- When diagnostic testing is in short supply, these individuals may return to work after day 5 without a test if asymptomatic they continue to wear high-quality masks (surgical, KN95 or N95) for 5 days after return.
- Employees who test positive for COVID-19 who are moderately or severely symptomatic with fever are not allowed on site for at least seven days, regardless of vaccination status. The employee shall isolate until s/he has no fever for at least 24 hours without the use of fever-reducing medicine and other symptoms have improved, and a repeat test on day 7 is negative. If a repeat test on day 7 is negative, they may return to work but should wear high-quality masks (surgical, KN95 or N95) around others for at least 5 days thereafter.
- When diagnostic testing is in short supply, these individuals may return to work after day 10 without a test if asymptomatic.
- Any employee who has contact with a worker or any other person who is diagnosed with COVID-19 should follow CDC's quarantine guidelines based on the exposed employee's vaccination status: <https://www.cdc.gov/media/releases/2021/s1227-isolation-quarantine->

[guidance.html](#)

### **Additional Requirements for Individuals, Certain Businesses, and Institutions**

#### **CHILDCARE, EARLY LEARNING CENTERS, K-12 SCHOOL AND SUMMER PROGRAMS**

Childcare, Early Learning Centers, K-12 School and Summer Programs shall be allowed to open according to restrictions put forth by the local governing school system, Louisiana Department of Health, Louisiana Department of Education, and other state agencies.

#### **ADULT DAY CARES AND PACE PROGRAMS**

Adult Day Care and PACE programs shall be allowed to open according to restrictions put forth by the Louisiana Department of Health.

#### **INDOOR AND OUTDOOR RECREATION SPACES AND SPORTS COMPLEXES**

Indoor and Outdoor Recreation Spaces and Sports Complexes shall be allowed to open according to the gathering size guidelines above.

- Youth and recreational sports must follow the general and sport-specific guidelines put forth by the LHSAA. Collegiate sports must adhere to both City and conference general and sport-specific guidelines.

#### **RESTAURANTS, BARS, BREWERIES, MICROBREWERIES, DISTILLERIES, AND MICRODISTILLERIES**

Pursuant to the May 15, 2020, Mayoral Proclamation to Further Promulgate Emergency Orders During the State of Emergency Due to COVID-19, the Department of Safety and Permits, in conjunction with the New Orleans Health Department, provides the following additional temporary options for outdoor seating to Restaurants, Bars, Breweries, Microbreweries, Distilleries and Microdistilleries, effective January 3, 2022:

All Restaurants, Bars, Breweries, Microbreweries, Distilleries and Microdistilleries may provide indoor and outdoor seating to customers only if they operate in accordance with the guidelines from the State Fire Marshal.

Restaurants, Bars, Breweries, Microbreweries, Distilleries and Microdistilleries that would like to apply for a sidewalk café permit, or whose sidewalk café permit requires renewal, may apply for a temporary sidewalk use permit without fees. The same is true for businesses seeking to apply for parklet permits. The added value brought to citizens and public health by expanding the availability of outdoor restaurant seating outweighs the fees associated with these applications during the COVID-19 emergency. These temporary sidewalk café permits and parklet permits will be evaluated under the current sidewalk café regulations and parklet standards, as well as for compliance with the guidelines from the State Fire Marshal. **All such permits will expire on February 1, 2022**, or the expiration date listed on the face of the permit, whichever is later, unless the City determines that an extension of this date is warranted.

Enforcement of the off-street parking provisions contained in the CZO applicable to Restaurants,



Bars, Breweries, Microbreweries, Distilleries and Microdistilleries is hereby temporarily suspended. Restaurants, Bars, Breweries, Microbreweries, Distilleries and Microdistilleries with off-street parking may use those spaces for outdoor seating, provided they operate in accordance with the guidelines from the State Fire Marshal, the safety measures herein, and all other applicable law. Tables shall be arranged in a way to ensure ADA compliance and shall be located no closer than 8' from the center of any required walking path. Loitering in or near the outdoor seating areas of any of these establishments shall be prohibited. In no way shall this temporary privilege be construed as a permanent right.

Sidewalk cafes, parklets, and seating in parking lots shall be considered part of the premises for purposes of this section.

### **Live Entertainment Guidance (effective January 3, 2022)**

Live entertainment for the purposes of the COVID-19 reopening guidelines is defined as: Any one (1) or more of any of the following live performances, performed live by one (1) or more persons, whether or not done for compensation and whether or not admission is charged: musical act, theatrical play or act, including stand-up comedy, magic, dance performances, dance clubs, and disc jockey performances using vinyl records, compact discs, computers, or digital music players when the disc jockey is in verbal communication with the clientele of the establishment. This does not include adult live performances. These guidelines have been created based on the most current recommendations from scientific research institutions.

### **Indoor Live Entertainment**

Indoor Live Entertainment in front of an audience may be performed in restaurants, bars, concert halls, music halls, live performance venues, and event venues following the capacity limits listed above based on the business type. All venues must follow all occupancy capacities and other guidelines as listed for the business type. All venues must obtain a Special Event permit or a Certificate of Registration to allow live entertainment.

- Venues are encouraged to provide at least one of the following mitigation measures if singing and/or wind-blown instruments are included in the performance:
  - HVAC system(s) that provides a minimum of 6 air changes per hour (ACH) within the space occupied by the audience and performers. Guidance on calculating this rate can be found at [opensafely.la.gov](https://opensafely.la.gov).
  - Direct air flow towards the performers/stage and away from the attendees at a minimum rate of 2,000 Cubic Feet per Minute (CFM). Guidance on calculating this rate can be found at [opensafely.la.gov](https://opensafely.la.gov).
  - An independent HVAC system, dedicated exclusively for the performance area that provides a minimum of 6 air changes per hour (ACH).
  - Use of a physical barrier, like Plexiglass, in front of sources of high-velocity aerosols including singers and wind-blown instruments.
  - Singers are required to wear well fitted masks during indoor performances, which allow for proper vowel formation while keeping the mouth and nose covered, throughout the entire performance.
- A minimum of 10 feet of separation should be provided between the performers and attendees.

The performance area should not be above the attendees (e.g. indoor balconies), but an elevated stage with the required 10-foot separation is permitted.

- All patrons must be seated and are required to wear masks indoors unless actively eating and drinking.
- Seating should not be allowed within 3 ft of aisles or above entrances, exits or performers.
- If a performer tests positive for COVID-19 or is exposed to someone who is diagnosed with COVID-19, they should follow the Employee Isolation and Quarantine Requirements included in the above section titled Mandatory Safety Requirements for all Businesses and Institutions Allowed to Operate
- All conductors are required to wear facemasks while indoors. Performers that play wind-blown instruments should wear a face mask while indoors with an opening to fit the mouthpiece of the instrument.
- Live music events are permitted only by performers who are contracted or hired by the business. Singing and performances by patrons (karaoke or open mic) is not permitted.
- All wind-blown instruments must have a bell cover or be in an instrument bag.
- Spit valves are prohibited from being emptied onto the floor, and performers should use a PuppyPad or similar device to empty spit valves.
- Performers must not share music stands, sheet music, instruments, or microphones, and items such as stands and microphones should be sanitized after each performance.
- Signage must be posted indicating that singing and instrumental music produced by wind instruments are thought to be higher risk activities for COVID-19 spread. Older adults and people with certain medical conditions are at increased risk to become severely ill from COVID-19. It is especially important for people at increased risk of severe illness from COVID-19, and those who live with them, to protect themselves from getting COVID-19.

### **Outdoor Live Entertainment**

Outdoor Live Entertainment in front of an audience shall be allowed provided that all requirements set forth in these guidelines are adhered to, including the gathering size limitations. All events or venues must obtain a Special Event Permit.

- All patrons must be seated and should wear face coverings over the nose and mouth unless actively eating and drinking unless fully vaccinated.
- Performers must follow the Employee Isolation and Quarantine Requirements
- Performers that play wind-blown instruments should wear a face mask with an opening to fit the mouthpiece of the instrument unless fully vaccinated.
- All wind-blown instruments must have a bell cover or be in an instrument bag.
- There must be a 2-foot aisle between audience and performers.
- All singers and speakers should use amplification if necessary to avoid projecting their voices to increase their volume.
- Spit valves are prohibited from being emptied onto the floor, and performers should use a PuppyPad or similar device to empty spit valves.

### **Special Event Permits for Live Entertainment**

Any party seeking to host a live entertainment performance during this phase shall be required to

obtain a **special event permit** from the City in order to do so. A special event permit may allow live entertainment when it is otherwise not permitted. Pursuant to her Emergency Proclamation, the Mayor has waived prohibitions in the CZO and in the municipal code limiting the number of special event permits a venue may be eligible for as well as prohibitions regarding the frequency of permitted special events.

**Live Entertainment Permitting Guidelines:**

- Applications to permit live entertainment may be submitted online or by email to [speialevents@nola.gov](mailto:speialevents@nola.gov).
- Special event permit applications submitted less than seven (7) days in advance of the event seeking permitting or registration may be summarily denied.
- Special event permits which include live entertainment as part of the event shall apply subject to the guidelines set forth by the Governor, State Fire Marshal, and Mayor.
- Pursuant to her Emergency Proclamation, the Mayor has waived prohibitions in the CZO against outdoor live entertainment for establishments meeting all of the requirements contained in this document and which obtain a special event permit.
- Hosting live entertainment without obtaining a proper permit, or in violation of the terms of the permit and documentation submitted therewith shall be considered to be a violation of these guidelines and may subject the hosting venue to enforcement activity, including but not limited to revocation of the permit, revocation of a business's ability to open under these guidelines, misdemeanor charges for owners, managers, and/or staff, and cessation of electrical service to the business. Businesses holding Alcoholic Beverage Outlet permits from the City are also advised that the right to maintain such permits is contingent on the business following all applicable laws, including those contained in any Mayoral Proclamation and in these guidelines or any subsequently issued by the City.
- Live entertainment permits shall be initially granted for a ten-day period. The application must list all proposed events during said ten-day period. After the conclusion of this ten-day period, applicants may apply to extend their permit for up to a six-month period. All proposed events must also be detailed in that application as directed by Safety and Permits.

**STREET PERFORMERS AND BUSKERS**

- Street Performers and Buskers shall be allowed to perform on public rights-of-way.
- Street Performers and Buskers are encouraged to maintain small audiences.
- If a performer tests positive for COVID-19 or is exposed to someone who is diagnosed with COVID-19, they should follow the Employee Isolation and Quarantine Requirements included in the above section titled Mandatory Safety Requirements for all Businesses and Institutions Allowed to Operate
- Performers that play wind-blown instruments are required to wear a face mask indoors with an opening to fit the mouthpiece of the instrument.
- All wind-blown instruments must have a bell cover or be in an instrument bag.
- All singers and speakers should use amplification if necessary to avoid projecting their voices to increase their volume.

**FRONT PORCH CONCERTS**

Live entertainment at private residences in front of an audience may take place in accordance with the following rules. The City will deem the following events to be eligible for Porch Concert

Permits and waive fees for these permits which meet the following criteria. **If any of these criteria are not met, a special event permit is required:**

- The applicant seeks to hold the event at their private residence. Proof may be required in the form of an act of sale or lease if DSP determines it is necessary.
- Amplification is allowed as long as (1) the concert does not violate the City’s noise ordinance and (2) there is no modification of existing electrical systems on the premises.
- The event will not include any of the following:
  - Stages or other platform or structural construction
  - Tents
  - The sale of alcohol
  - Entry fees of any kind.
  - The event will include no more than 25 individuals.
- The following rules must be followed at all Front Porch Concerts:
  - All audience members should be seated and should wear face coverings over the nose and mouth unless actively eating or drinking.
  - If a performer tests positive for COVID-19 or is exposed to someone who is diagnosed with COVID-19, they should follow the Isolation and Quarantine Requirements included in the above section titled Mandatory Safety Requirements for all Businesses and Institutions Allowed to Operate
  - Performers that play wind-blown instruments should wear a face mask with an opening to fit the mouthpiece of the instrument unless fully vaccinated.
  - All wind-blown instruments must have a bell cover or be in an instrument bag.
  - All singers and speakers should use amplification if necessary to avoid projecting their voices to increase their volume.
  - Spit valves are prohibited from being emptied onto the floor, and performers should use a PuppyPad or similar device to empty spit valves.

### **Special Event Guidance**

Any party seeking to host a special event in the City during the current phase shall be required to obtain a special event permit from the City in order to do so. Pursuant to her Emergency Proclamation, the Mayor has waived prohibitions in the CZO and in the municipal code limiting the number of special event permits a venue may be eligible for as well as prohibitions regarding the frequency of permitted special events. For the purposes of these reopening guidelines, “special events” are defined as any event that is not allowed by right by an establishment’s zoning designation under the CZO (or by an approved conditional use) and by these guidelines.

### **SPECIAL EVENT GUIDELINES:**

Special events must adhere to the following rules:

- Anyone hosting a special event must prohibit individuals from entering the event premises if they have symptoms of illness, shall require that all participants and attendees wear face coverings indoors, should, to the extent feasible, have unused face coverings in stock to provide to participants and attendees who do not have face coverings upon entry, and must post signage at all entrances to the event clearly indicating such requirements and prohibitions.
- Participants and attendees must have easy and frequent access to soap and water or hand

sanitizer during the duration of the event, including any set-up or dismantling of the event space, and frequent hand washing or hand sanitizing is required including before entering and after leaving the event.

- All common spaces and equipment, including bathrooms or port-o-lets and frequently touched surfaces and doors, tools, and equipment must be cleaned and disinfected before, during, and after the event.
- Everyone attending the event, including those who may be working or volunteering at the event, shall be considered to be a “participant or attendee” as the term is used herein.
- All attendees at special events should have socially-distant seating. Applicants are expected to provide plans regarding how they will ensure that these activities do not occur.
- Applications to permit special events may be submitted online or by email to [specialevents@nola.gov](mailto:specialevents@nola.gov).
- Special event permit applications submitted less than seven (7) days in advance of the event seeking permitting may be summarily denied.
- Applications to permit special events shall be required to submit the following information, as well as any other information requested by the Department of Safety and Permits:
  - A site plan showing the area where the event will take place, including any stage or performance areas, all tables and chairs, restrooms, and any other relevant physical features. The site plan must conform to social distancing requirements.
  - A detailed organizational plan for the event which specifies the following:
    - A listing of any food or beverages to be sold, including whether alcoholic beverages will be sold;
    - Any ticketing or attendance fees;
    - A planned schedule of the event;
    - Any other information requested by the Department of Safety and Permits.
  - A list of safety measures to be taken to ensure that the event can proceed without endangering the public health, including but not limited to:
    - Sanitizing stations;
    - Ability to collect names and contact information of all participants for contact tracing purposes, as well as policies to retain this information for at least 21 days;
    - Policies to prevent congregation;
    - Policies to encourage mask wearing;
    - Policies to prevent symptomatic participants or attendees from joining the event;
    - Policies to enforce maximum occupancy; and
    - Noise mitigation policies.
- Special event permits are a privilege, not a right, and the City retains the ability to grant or deny any application for any reason.
- Hosting live entertainment without obtaining a proper permit, or in violation of the terms of the permit and documentation submitted therewith shall be considered to be a violation of these guidelines and may subject the hosting venue to enforcement activity, including but not limited to revocation of the permit, revocation of a business’s ability to open under these guidelines, misdemeanor charges for owners, managers, and/or staff, and cessation of electrical service to the business. Businesses holding Alcoholic Beverage Outlet permits from the City are also advised that the right to maintain such permits is contingent on the business following all

applicable laws, including those contained in any Mayoral Proclamation and in these guidelines or any subsequently issued by the City

- Special event permits may be initially granted for a ten-day period. The application must list all proposed events during said ten-day period. After the conclusion of this ten-day period, applicants may apply to extend their permit for up to a six-month period. All proposed events must also be detailed in that application as directed by Safety and Permits.

Based on public health data and emerging evidence of the SARS-CoV-2 virus and COVID-19 disease, the Director of Health may amend, update, revise, or clarify any portion of this document including public health milestones, definitions of phases, eligible businesses, or any other provision, in order to institute updated measures for the control of the epidemic and to protect the health and safety of the public. Exemptions may be revoked based on failure to comply with requirements set forth in this document, or due to other public health data that indicate such a setting or activity is not aligned with minimizing exposure to the virus.

## **V. ENFORCEMENT OF THESE GUIDELINES**

The Louisiana Homeland Security and Emergency Assistance and Disaster Act provides that “any person . . . violating any order, rule, or regulation promulgated pursuant to this Chapter, shall be fined not more than five hundred dollars, or confined in the parish jail for not more than six months, or both.” La. R.S. 29:727(G). Additionally, Section 54-501 of the City Code provides that whoever “violates any provision of an emergency order issued by a competent official under authority of a declaration of emergency made pursuant to state law, or whoever during such a declared state of emergency sells anything at a price that violates R.S. 29:732, shall be guilty of a misdemeanor.” Section 54-25 of the City Code says that such a misdemeanor “shall be punished by a fine not exceeding \$500.00, or by imprisonment for not more than five months or both such fine and penalty . . . .” Mayor Cantrell has declared a state of emergency to exist in New Orleans via proclamation on March 11, 2020 and has imposed orders subject to these penalty provisions in her May 15, 2020 Proclamation. These emergency orders will be strictly enforced, and compliance is of the utmost importance.

Enforcement measures may include, but are not limited to, prohibiting a business from offering take-out services, revocation of a business’s ability to open under these guidelines, revocation of any special event or live entertainment permits, revocation of certificates of registration, misdemeanor charges for owners, managers, and/or staff, and cessation of electrical service to the business. Businesses holding Alcoholic Beverage Outlet permits from the City are also advised that the right to maintain such permits is contingent on the business following all applicable laws, including those contained in any Mayoral Proclamation and in these guidelines or any subsequently issued by the City.