



CITY OF NEW ORLEANS

THE MAYOR'S OFFICE OF CULTURAL ECONOMY

MITCHELL J. LANDRIEU, MAYOR

ZONING, PERMITTING, AND LICENSING FOR CULTURAL BUSINESSES



CITY OF NEW ORLEANS



ONE STOP

PERMITS & LICENSES

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ZONING 101

WHAT IS ZONING?

Zoning is how legislative bodies and commissions, like the New Orleans City Council and the City Planning Commission, plan how parcels of land throughout a city can be used. It is both a regulatory tool and a development tool, allowing the City to plan the placement of assets like housing, shopping centers, and industrial areas and keep those areas in balance.

Groups of parcels are placed in various zones, such as Residential, Commercial, and Industrial. Through law, the permitted, conditional, accessory, and prohibited uses of land within each of the zone types is listed. Essentially, zoning is a tool that determines what you can build and do on land throughout a city or parish.

HOW DOES ZONING EFFECT MY BUSINESS?

Before you buy or rent a property with the intent of doing business, you should always check the zoning designation of that property. Starting a business whose activities are not a permitted use in the zone without getting a conditional use or an occupational license; or introducing a new use, like Live Entertainment, to your existing business without checking the zoning or obtaining the needed zoning adjustments and permits is not recommended as a way to deal with zoning restrictions.

Before you can get an Occupational License and Mayoralty Permit (like an Occupancy Permit) from Revenue, the City checks your address/parcel and determines if your proposed use of the property is allowed in that neighborhood based on its zoning designation. A use is the activity you will be conducting on the premises. Live Entertainment is a use, as is Restaurant, Art Gallery, Reception Hall, Flea Market, Green Market, etc.

ZONING DEFINITIONS

PERMITTED USES: These are uses within a zoning district that are allowed, with some standard exceptions, without having to request a conditional use, non-conforming use, or variance. Examples of uses include: single-family homes, hotels, restaurants, sidewalk café, car washes, etc. The definition of individual uses and standards are included in the City's Comprehensive Zoning Ordinance (CZO) and can vary from city to city.

ACCESSORY USES: An Accessory Use is an additional activity (use) that is separate from the Permitted Use of a property, but is also supplementary use to the main, permitted use of the property. An Accessory Use is a necessary or usual activity that is necessary to or commonly paired with the Permitted Use.

For example, a detached garage may be accessory to the residential use of a property because it is reasonably related to the principal use (as a place to store a personal car) but does not eclipse it (the property is not going to turn into a parking garage without a residence).

For commercially zoned properties, the storage of products for a retail establishment can be an accessory use as having stock on hand is necessary to conduct business. Often, though, the volume or area of storage may be limited by the CZO so that the principal use (retail) is not eclipsed by storage, which would make the property a warehouse.

CONDITIONAL USES: These are uses that are complimentary with the Permitted Uses in a zoning district, but these uses may have effects that need to be mitigated in order for the use to be wholly compatible with the surrounding properties in the zone. For example, bars are often listed under Conditional Uses in the CZO because consumption of alcohol on a property can have effects on surrounding properties (intoxicated patrons can trespass or litter; late hours can affect near-by residents, etc.).

In order to obtain a permit for a Conditional Use and an Occupational License for that business, the business owner or property owner must apply to the City Planning Commission and ultimately win approval of the New Orleans City Council. More information on the Conditional Use application process is addressed on [page 6](#).

NON-CONFORMING USES: An applicant can request to use the land in a way that does not comply with the Permitted, Accessory, or Conditional Uses of the zoning ordinance, such as conducting commercial activity in a residential zone. You cannot request a Non-Conforming Use for a property that has not already been granted a Non-Conforming Use. You only apply if you wish to change the existing Non-Conforming Use to another Non-Conforming Use of the same or more restrictive classification. A Non-Conforming Use that remains vacant/inactive for a continuous period of six months can no longer apply for a Non-Conforming Use, but must adhere to the Permitted, Accessory and Conditional Uses of the zoning district. Non-Conforming Uses must also be consistent with the neighborhood surrounding the property and be providing a needed service for the neighborhood in order for the City Council to approve it.

In order to obtain approval for Non-Conforming Use, the business or property owner must apply to the New Orleans City Council through Safety and Permits and the City Planning Commission. More information on the Non-Conforming Use application process is addressed on [page 7](#).

VARIANCES: Variances allow for an applicant to request an exemption from certain dimensional requirements for lots or buildings in a zoning district, such as requesting to have more parking spaces than allowed by the CZO or to exceed the allowed building height. However, the applicant must demonstrate a compelling hardship that makes the variance necessary.

In order to obtain a variance from the CZO, the business or property owner must apply to the Board of Zoning Adjustments (BZA). More information on the variance application process is addressed on [page 7](#).

ZONING CHANGE: A property owner can request to change the zoning designation of his or her land. For example, a property owner who has a property zoned for Single-Family Residential who wishes to rent out a double shotgun home to two tenants may want to try to change that zoning designation to Two-Family Residential.

In order to obtain a zoning change, the property owner must apply to the City Planning Commission and ultimately win approval of the New Orleans City Council. More information on the Zoning Change application process is addressed on [page 6](#).

MORATORIUMS: City Council members can impose a temporary prohibition on certain uses and/or the issuance of permits and licenses. These are moratoriums and they have a limited life span and require a majority Council vote to come into effect. For example, a moratorium on the issuance of new Alcoholic Beverage Outlet licenses in a certain neighborhood (defined by specific street borders by the Council) is essentially a temporary prohibition on any use in that area associated with bars, liquor stores, etc.

Moratoriums cannot last more than 1 year. The Council can add up to two additional periods of 180 days to the 1 year for the purposes of agency review. After a moratorium has expired, the Council cannot institute the same or even a similar moratorium in the same geographic area for at least 1 year. The process for Moratoriums is codified in the City Charter, Section 3-126. See the Municipal Code Section on [page 29](#).

OVERLAY DISTRICTS: These zoning districts literally are an additional zoning designation that overlays the primary zoning designation. For example, Frenchmen Street is zoned as Historic Faubourg Marigny Commercial with an overlay district of Arts and Cultural Overlay District. The Overlay District is usually for the purpose of carrying out a specific development goal, such as to promote new cultural uses in a particular neighborhood or encourage development along major urban streets.

When your business or property is in an Overlay District, you must look at both the overlay designation and the underlying designation in their respective sections of the CZO to get an accurate picture of the various uses and requirements in the district. An overlay usually keeps all the permitted uses of the underlying zoning district in place, but also enhances or adds to those uses to further its development goal. Overlay and other special districts can be found in Article 10 of the CZO.

WHAT IS THE ZONING FOR MY PROPERTY?

The zoning designation for specific addresses can be found online on the City website:

<http://property.nola.gov/>.

However, the City strongly recommends that if you contact Safety and Permits to determine any use or building code restrictions that apply to your parcel at 504-658-7100 or read more through their website at <http://www.nola.gov/safety-and-permits/>.

APPLYING FOR CONDITIONAL USES, ZONING CHANGES, NON-CONFORMING USES, AND VARIANCES

CONDITIONAL USES AND ZONING CHANGES

- Guidelines and applications for [Conditional Uses](#) and [Zoning Changes](#) are available on the City Planning Commission website.
- The application for Conditional Use and Zoning Change is the same. It can be downloaded [here](#). Please note that the application is referred to as a Land-Use Request Application. Applicants check off either “Zoning Change” or “Conditional Use” on the first page.
- Fee Schedule varies by project type, lot size, and other designations.
- Review Process (complete instructions are included on the application):
 - Applicant submits form and required attachments to the City Planning Commission and pays associated fees
 - The application is assigned a zoning docket number
 - The conditional use request is published in the newspaper and signs are posted in the vicinity of the property
 - The CPC staff prepares a report of the conditional use request and forwards it to the applicant and the CPC
 - A public hearing is held and the public is allowed to address any concerns and issues (usually takes place 6 weeks after a complete application is received)
 - The CPC makes a recommendation on the application and forwards it to the City Council, who schedules a hearing date

- The Clerk of Council notifies speakers from the CPC public hearing and the applicant 10 days in advance of the Council hearing
- City Council Hearing
 - If approved, the City Attorney prepares an ordinance, which must be introduced:
 - Before being voted on and adopted by the Council and signed by the Mayor, the ordinance must be laid over for 21 days
 - If denied, the process ends
- At this point, applicant works with CPC staff to adhere to any required site plans or restrictions attached to the approval of the conditional use or zoning change

NON-CONFORMING USES

- Guidelines and applications can be viewed [here](#).
- Fee: \$500.00
- Review Process (complete instructions are included on the application)
 - Request a “Letter of Verification” from Safety and Permits in City Hall, 7th Floor, Room 7W03 and bring in the filled-out application form
 - Safety and Permits issues the letter only if the applicant meets the qualifications (see definitions above)
 - Submit a “Change of Non-Conforming Use Request Letter to the Clerk of Council in City Hall, 1st Floor, Room 1E09
 - Submit a copy of the Request Letter to the City Planning Commission in 1340 Poydras St., Ste. 900, 9th Floor
 - The Executive Director of the CPC submits a written recommendation to the Council
 - The Council conducts a public hearing
 - The Council approves, denies, or modifies the request for Change of Non-Conforming Use
 - If approved, the applicant submits floor plans and a copy of the Motion of Approval to Safety and Permits within 30 days and continues with the regular permitting process

VARIANCES

- Guidelines and applications can be viewed [here](#). The application can be downloaded [here](#).
- Fees: from \$150-\$250 based on project type (residential or commercial)
- Review Process (complete instructions are included on the application)
 - Filing deadlines are the first Monday of each month
 - Applicant sets up pre-application meeting with the staff of the Board of Zoning Adjustments. Call 504-658-7033 to make an appointment.
 - Application and Attachments are submitted to Board of Zoning Adjustments
 - The Applicant attends the monthly meeting on the second Monday of each month at which her application is being addressed and answer any questions the Board asks; the public may also testify for or against the application
 - The Board approves or denies the application for the variance
 - Appeals to denials can be made to the Civil District Court

USING THE ONLINE CZO

All of New Orleans’ codes, ordinances, resolutions, motions, and the Charter are available online at http://www.municode.com/Library/LA/New_Orleans. If you are looking for recent Council actions, please contact the Clerk of Council at 504-658-1085. Click on the New Orleans Zoning button to access the CZO. If you are unsure what the definition of a use or term is, such as “standard restaurant” or “single-family dwelling,” refer to the Definitions section, which is Article 2 in the left menu. The various permitted, accessory, and conditional uses for each type of zoning designation are each listed in their own chapter.

OCCUPATIONAL LICENSES, MAYORALTY, & OCCUPANCY PERMITS

HOW DO I KNOW IF I NEED A LICENSE OR PERMIT?

Almost every business in the city needs an occupational license and an occupancy or mayoralty permit. Any enterprise that sells tickets, art works, or transacts any other sort of business that involves revenue exchange, such as hiring a contractor or paying for a service, needs to get an occupational license and file monthly or quarterly sales tax returns. Fee exemptions for non-profits are detailed below, but please note that non-profits still have to get occupational licenses and file sales tax returns.

WHAT IS A MAYORALTY PERMIT AND HOW IS IT DIFFERENT FROM AN OCCUPATIONAL LICENSE?

Mayoralty Permits no longer have anything to do with the Mayor or his office. All Mayoralty Permits are issued by the Department of Finance through the Bureau of Revenue in cooperation with the Department of Safety and Permits.

Mayoralty Permits and Occupancy Permits allow you to use a space, such as a building, street, sidewalk, public or private lot, etc. to conduct business (i.e. buying and selling, contracting services, storing goods, manufacturing, etc.). Occupational Licenses are how the Bureau of Revenue collects sales and other taxes from businesses. The license is an agreement between you and the City to remit taxes. The License is tied to your business activity (selling clothes, selling tickets, being a caterer) and the taxes associated with it, and the Permit is tied to where you are conducting this activity and whether that activity is allowed in that specific place.

HOW DO I APPLY FOR A LICENSE OR PERMIT?

If you have never acquired an occupational license before you will need to fill out a Occupational/General Business License Application available [here](#) or you can apply and pay online directly by registering for the [One Stop App](#):

- If you already have an Occupational License and Occupancy/Mayoralty Permit, you can renew them online at the One Stop App website every year.
- For non-profit galleries, collectives, exhibition space, retail, etc. formally organized as a 501 with the IRS or a non-profit with Louisiana Sec. of State: As a non-profit, while you may be exempt from certain sales taxes, income, and/or selected property taxes, you **MUST** file your sales tax return each month in order to keep your license.
- As part of receiving an Occupational License, you will also receive an Occupancy or Mayoralty Permit. Safety and Permits checks your zoning designation, conducts inspections, and enforces the place-based components of running a business. Once approved by Safety and Permits, you will be issued both the Occupational License and the Occupancy or Mayoralty Permit.
- Please keep in mind that if you are not operating in a commercially zoned area, or if your proposed business is not a permitted, accessory or conditional use in your zoning designation, you may not be able to get an occupational license without a variance or other zoning applications. See [Zoning 101](#) for more details.

FEES

For retail, service, and rental establishments, the occupational license fee is based on the annual total sales of the business and ranges from \$50 per year for total sales under \$50,000 to \$6,200 for total sales over \$5.5 million. All new licenses require a \$50 sales tax deposit when issued.

Different rates apply to Gasoline Stations, Wholesale Dealers, Lending Businesses, and others. Flat annual license fees apply to some cultural businesses, such as mobile vendors, festival vendors, special events, and others. More information is available as you move through the application process for your specific business.

There are also fees associated with the Occupancy or Mayoralty Permit and any necessary Safety and Permits inspections and plan reviews. These fees vary based on the various business types and uses.

SALES TAXES

All businesses and non-profits that sell merchandise must file a sales tax return:

- Sales taxes can be [paid online](#) or forms can be downloaded [here](#).

Cultural Product Districts (CPDs) and Sales Tax Exemptions for Original Art:

- Within any of the 22 CPDs in Orleans Parish, original art is exempt from local and state sales taxes.
- Original works of art eligible for the tax exemption include:
 - Visual art: not limited to but including drawing, painting, sculpture, clay, ceramics, glass, fiber, leather, metal, paper, wood, installation art, light sculpture, wearable art, or mixed media
 - Art made by the hand of the artist or under his direction
 - Art not intended for mass production
 - Limited, numbered editions (up to 100) of lithographs, photography, silk screen, intaglios, etchings and graphic design
 - Ineligible media and products: performing arts, food products, live plants, music recordings, and reproductions of original art works
- However, a business must still file a sales tax return claiming the value of the sales that are exempt under the CPD program.

For more information on the Cultural District Program and Sales Tax Exemptions, please visit the [Cultural Products Districts website](#).



LIVE ENTERTAINMENT PERMITS

There is no permit that is titled “Live Entertainment;” businesses are issued a Mayoralty Permit that allows Live Entertainment in that location. Whether Live Entertainment is allowed is determined by zoning. This chapter provides a brief overview of the definition of Live Entertainment, the permit’s costs, and zoning designations that allow various types of Live Entertainment with various limits.

WHAT IS LIVE ENTERTAINMENT?

Live Entertainment is defined in the Comprehensive Zoning Ordinance (CZO) Article 26, page 26-24. Highlights of the definition are:

- Any one or more of any of the following live performances, performed live by one or more persons, whether or not done for compensation and whether or not admission is charged

Here are examples of activity that fall under Live Entertainment. Please note that there may be other activities that may be determined by the permitting departments as Live Entertainment that are not listed here:

- Theatrical productions
- Athletic contests
- Exhibitions
- Pageants
- Concerts, recitals
- Circuses
- Karaoke
- Bands, combos, and other live musical performances
- Audience participation contests
- Floorshows
- Dancing
- Fashion shows
- Comedy
- Magic acts
- Mime
- DJs, employees playing recording music and responding to requests

Live Adult Entertainment is its own category and is highly regulated in the CZO: “Any entertainment that features dancers, go-go dancers, exotic dancers, male or female impersonators or similar entertainers or live entertainment, where persons regularly appear in a state of nudity or where live performances are characterized by the exposure of specified anatomical areas or by specified sexual activities” qualifies as Live Adult Entertainment.

LIVE ENTERTAINMENT-SECONDARY USE

Some businesses have live entertainment folded in as a part of their principal use, such as Reception Facilities. To learn about the rules surrounding live entertainment for a business like a Reception Facility, refer to the “Use Standards” chapter of the Comprehensive Zoning Ordinance for that use, Article 20.

Bars, Standard Restaurants, and Indoor Amusement Facilities must apply for an additional use, a “secondary” use to have Live Entertainment. **Only if Live Entertainment-Secondary Use is a permitted or conditional use in your zoning designation**, then your business can apply for a live entertainment permit following certain conditions set out in the Use Standards chapter, Article 20, pages 20-22 to 20-23.

Exemptions to Live Entertainment-Secondary Use: If you are a standard restaurant providing music for patrons during full restaurant service, this is an exemption to the requirements to obtain a live entertainment permit as long as the restaurant adheres to the requirements in the definition section of the CZO, Article 26. More information is provided in the next section on Exemptions.

EXEMPTIONS TO LIVE ENTERTAINMENT-SECONDARY USE

For these uses, under the below conditions, no live entertainment permit is necessary NOR is it necessary that Live Entertainment-Secondary Use be a permitted or conditional use in the business's zoning designation:

- Periodic entertainment at educational facilities or places of worship, performances at cultural facilities, performances at reception facilities, performances at weddings or similar religious events, the playing of recorded music over speakers without a disc jockey, poetry readings, or spoken word performances.
- Musical accompaniment for patrons at a restaurant (standard or specialty), in conformance with the following use standards:
 - During the performance all doors and windows in the restaurant shall remain closed.
 - Any amplification used in support of musical accompaniment shall be directed towards the patrons of the restaurant, and not toward any door, window or outdoor space.
 - No cover charges.
 - Full restaurant service must continue during any musical performance.
 - No more than 10% of the seating area may be dedicated to staging for musical performers.
 - No seating may be removed or relocated during the performance in order to accommodate an audience and/or dance area.
 - Performances are limited to 10 PM Sundays through Wednesdays and 12:00 midnight Thursdays through Sundays.
 - Musical accompaniment shall only be performed inside the restaurant; outdoor entertainment is subject to the zoning and regulations of Live Entertainment-Secondary Use
 - The restaurant must be **outside of the Vieux Carre district**. Restaurants in the Vieux Carre districts must adhere to the zoning permissions and regulations governing Live Entertainment-Secondary Use.

Any musical accompaniment that does not or cannot fit the above requirements is subject to the regulations and zoning permissions covering Live Entertainment-Secondary Use. **Please note that restaurants can never charge a cover for entry as outlined in Article 20 of the CZO, Use Standards, page 20-34.**

PERMIT FEES

When applying for your Occupational License and Occupancy/Mayorality Permit for a new business you will need to inform Revenue that you intend to have Live Entertainment regularly. Check off one of the Entertainment options under the Amusement Permit section on the Occupational/General Business License Application or follow the directions and apply online at the [OneStop App](#). The application can also be downloaded [here](#).

Like Occupational Licenses, Live Entertainment Mayorality Permits have fees that vary based on the type of business requesting the permit and their gross sales. However, for Live Entertainment, there are additional costs for charging admission.

Gross Sales	With Admission Fee	Without Admission Fee	Restaurants
\$0-\$10,000	\$250.25	\$100.25	\$150.25
\$10,001-\$50,000	\$500.25	\$300.25	\$300.25
\$50,001 and above	\$750.25	\$500.25	\$500.25

Zoning designations where Live Entertainment-Secondary Use is a permitted or conditional use:

- Arts and Cultural Overlay Districts
 - AC-1, AC-2, AC-3, AC-4
- LaSalle Street Overlay District
- Commercial & Mixed Use Districts
 - C-1
 - C-2
 - C-3
 - MU-1
 - MU-2
- Central Business Districts
 - CBD-1
 - CBD-2
 - CBD-3
 - CBD-4
 - CBD-5
 - CBD-6
 - CBD-7
- Vieux Carre Districts
 - VCE
 - VCE-1
- Historic Marigny/Treme/Bywater Districts
 - HMC-2
 - HM-MU
- Historic Urban Districts
 - HU-MU
- Suburban and Lake Area Business Districts
 - S-B1
 - S-B2
 - S-LB1
 - S-LB2
 - S-LC



ARTIST PERMITS

If you are interested in selling visual art in either Jackson Square or Pirates Alley/Royal Street, you must first obtain a City-issued Artist A or B Permit (Mayorality Permit) and an Occupational License. This chapter will help you understand how to apply, and if you are approved, what general requirements you will need to abide by.

APPLICATION

The application process begins with the City's One Stop for licenses and permits, which is located on the 7th floor of City Hall (1300 Perdido Street).

For new applicants, there is a required 30 day waiting period from the day that the application is filed with One Stop. After the 30 days have elapsed, the One Stop will notify the applicant in writing at their provided address that they must appear to secure the permit within 15 days of the notification.

The new applicant must come to City Hall in person to secure the permit or they will have to begin the application process again. Renewals are not subject to the waiting period unless the permit holder fails to renew by January 31st of each year. Renewals must also be done in person unless the applicant provides medical proof of a disabling illness.

No applicant is guaranteed a Permit.

TYPES OF ARTIST PERMITS AVAILABLE

- **A Permit:** this permit allows the artist to set up, work, and sell visual artworks in the "Jackson Square set-up area AND the "vicinity of Jackson Square" (see below under Regulations for a list of locations)
- **B Permit:** this permit allows the artist to set up, work, and sell visual artworks ONLY in the "vicinity of Jackson Square" (see below under Regulations for a list of locations)

You will also need to obtain an Occupational License, which allows you to do business in New Orleans, in addition to the Artist A or B Permit (mayorality permit), in order to lawfully operate. Applying for and receiving this license is part of the permit application process; be sure that both items are included when you receive your permit.

FEES

- If approved, a permit fee of \$20.00, which shall be renewed annually;
- If approved, an occupational license fee of \$150.00, which shall be renewed annually;
- If approved, a one-time \$50.00 sales tax deposit;
- An identification card for \$5.00
- Any other applicable fee that may apply.

REGULATIONS FOR PERMITTED ARTISTS

- **Permits and correlating licenses expire on December 31st** and renewals thereof shall be made by January 31st.
- Permit holders who are renewing will be given preference over any application seeking a permit for the same location.
- **The number of Artist A permits issued shall be limited to 200 at any one time.** There is no limit on Artist B permits.
- **All artists must wear their identification badges at all times** when business is being conducted.

- **The mayoralty permit and prices for artwork must be displayed** on a temporary sign no larger than 8.5 x 11 inches at all times during business hours.
- Artists may set up, sell, and take down their displays **between the hours of 5 AM and 6 PM**, 7 days a week.
- **Only A and B permit holders may have furniture in the designated Artist areas during authorized vending hours.**
- Artists may not place their furniture in another artist's space or directly in front of another artist's space.
- Tents or other coverings (tarps, awnings) must be permitted by the Fire Department. Umbrellas with a diameter of 8 feet or less are exempt and may be used.
- Spaces within the two artist areas are available on a **first-come, first-serve basis.**
- **Holding spaces, holding spaces overnight, or claiming a space exclusively is not allowed.**
- Artists may not orally solicit potential customers or in any way attract attention to his or herself, their own work, or their own location when the customers are in another artist's area.
- Artists cannot block the sidewalk or pedestrian traffic in any way.
- Artists must **keep their areas clean from litter and debris.**
- Artists may only sell 2 dimensional visual art that is meant to be hung. This can include any sort of painting, sketch, drawing, collage or other item, whether on wood, canvas, or other materials, that can be hung on a flat surface.
- No artist may sell any other items or engage in any other kind of commercial transaction outside of selling their own artwork.
- **Artist A Permits are ONLY valid in these locations:**
 - **The Jackson Square set-up area:** The area extending 20 feet from the Jackson Square fence on St Peter Street, Chartres Street, and St Ann Street, and 5 feet from the fence facing Decatur Street.
 - **Vicinity of Jackson Square:** Pirates Alley and the area of the Royal Street sidewalk bounded by Pirates Alley and Pere Antoine Alley.
- **Artist B Permits are ONLY valid in these locations:**
 - Vicinity of Jackson Square: Pirates Alley and the area of the Royal Street sidewalk bounded by Pirates Alley and Pere Antoine Alley.
- **Artist Permits are NOT valid:**
 - When the City requires the use of its public right-of-way to facilitate projects or events within the right-of-way.



MOBILE FOOD TRUCKS

LICENSE AND MAYORALTY PERMIT

If you are interested in operating a food truck in any of the yellow areas indicated on the City's Food Truck Operating Areas map*, you must first obtain a City-issued food truck permit (mayorality permit) and an occupational license.

*The referenced map is for guidance purposes only. The City shall provide an applicant the specific type of application (permit or franchise) for a specific area.

PREREQUISITES FOR APPLICATION

The application process begins with the City's One Stop for licenses and permits, which is located on the 7th floor of City Hall (1300 Perdido Street). Along with a completed application, on forms provided by the City, you must also have all of the documents, certifications and inspections listed below. No application shall be processed until all required documentation is received. No applicant is guaranteed a Permit.

1. A copy of the mobile food truck's valid registration with the Louisiana Department of Motor Vehicles. All trucks must be registered in the State of Louisiana.
2. A copy of automobile insurance for the mobile food truck, providing insurance coverage for any automobile accident that may occur while driving on the road.
3. A copy of your commercial general liability insurance coverage policy with liability coverage of at least \$500,000, naming the City as an insured party, providing insurance coverage for any accident that may occur while selling your food and conducting your business on the public rights-of-ways. This coverage must be valid at the time of application and throughout the year when the permit is valid. The official address of the City for insurance purposes is 1300 Perdido St., New Orleans, LA 70112.
4. All approvals, inspections, and certificates required by the State Department of Health and Hospitals. For questions regarding the State Health requirements, please call 504-568-7970.
5. All approvals, inspections, and certificates required by the New Orleans Fire Department. For questions regarding Fire requirements, please call 504-658-4000.
6. A photo of the mobile food truck indicating the dimensions. No mobile food truck can exceed 26 feet in length or 8 feet in width. PLEASE NOTE: all food trucks must be self-propelled vehicles with two axles. Trailers are not permitted.
7. A copy of your valid Louisiana Driver's license.

You will also need to obtain an occupational license, which allows you to do business in New Orleans, in addition to the food truck permit (mayorality permit), in order to lawfully operate your food truck. Applying for and receiving this license is part of the permit application process, be sure that both items are included when you receive your permit.

Any driver of a food truck must possess a valid Louisiana Driver's license, as required by State law, and any driver and employee of a food truck must possess a City-issued employee I.D. card.

FEES

- A non-refundable application fee of \$50.00;
- If approved, a food truck permit (mayoralty) fee of \$400.25, which shall be renewed annually;
- If approved, an occupational license fee of \$150.00, which shall be renewed annually;
- If approved, a one-time \$50.00 sales tax deposit;
- A \$5.00 I.D. card fee per card; and
- Any other applicable fee that may apply.

REGULATIONS FOR OPERATIONS

- Food Truck permits and correlating licenses expire on December 31st and renewals shall be made by January 31.
- **As of January 1st, 2014, all mobile food trucks must comply with the Prerequisites for Application** listed on the front of this page to either renew or apply for permits and licenses.
- As of January 1, 2014, there is a limit of 100 mobile Food Truck Permits per calendar year.
- **There is no proximity restriction from restaurants** for food trucks.
- Licenses and permits must be displayed and affixed to the front windshield in the lower corner on the passenger side.
- Vendors must obey all applicable parking, traffic and vehicle safety laws, regulations, and restrictions. **This includes the feeding of parking meters.**
- Trucks can remain in one location no longer than 4 hours.
- Trucks may only sell food; no other goods, wares, or other items may be sold.
- Mobile food trucks may not operate:
 - Within 20 feet of any intersection;
 - Within 20 feet of any stop sign, flashing beacon, yield sign, or other traffic control signal located on the side of a roadway;
 - Within 3 feet of any public or private driveway, wheelchair ramp or bicycle ramp;
 - In any manner that impedes an exit or entrance of an operating building.
- **No vendor may sell alcoholic beverages**, controlled substances, or any other illegal item.
- **No furniture**, or any other objects can be placed in the street, sidewalk, or any right-of-way, except a trash receptacle.
- **All vendors must provide a trash receptacle** within three feet of the front or back of the truck on a public street.
- **All vendors must keep a 50 foot radius around the truck clean** during operation and up-coming operation.
- No horns, amplification systems, or other sound-producing devices or music systems which can be heard outside of the truck may be used.
- **No third party advertising** may be displayed on any mobile food truck.
- **No permit is valid in any area of the City that is the color blue** on the City's Food Truck Operating Areas map. If you desire to operate in a blue area, you must obtain a Franchise.
- In addition to not being able to operate in any blue area on the City's Food Truck Operating Area's map, **the following areas and times are also prohibited:**
 - The entirety of the Vieux Carre, bounded by: Iberville Street, the Northbound side of North Rampart Street, Esplanade Avenue and the Mississippi River;
 - The entirety of the Faubourg Marigny. bounded by Esplanade Ave, N. Rampart St, up to but not including Elysian Fields Ave, and the Mississippi river;

- Within two blocks of any elementary or secondary school when school is in session
- During the Mardi Gras Season in the locations governed by sections 34-34 et. seq.;
- During the Annual New Orleans Jazz and Heritage Festival Season within the area bounded by Florida Avenue on the north, North Broad Avenue on the east, Esplanade Avenue on the south, and Bayou St. John on the west (excluding the portion of that area contained within the exterior boundaries of the New Orleans Fair Grounds Race-track) commencing at 7:00 a.m. on the first day of live music performances and continuing through and until 11:59 p.m. on the concluding day of live music performances;
- In a clean zone as authorized by an ordinance adopted by the Council; and
- When the City requires the use of its public right-of-way to facilitate projects or events within the right-of-way.

MOBILE FOOD TRUCK FRANCHISES

If you are interested in operating a food truck in any of the blue areas indicated on the City's Mobile Food Truck Operating Areas map* and you have already received a City-issued Mobile Food Truck Permit and Occupational License, you must apply for and be granted a City-issued Mobile Food Truck Franchise from the New Orleans City Council.

*The referenced map is for guidance purposes only. The City shall provide an applicant the specific type of application (Permit or Franchise) for a specific area.

PREREQUISITES FOR APPLICATION

The Franchise Application process begins with the City's One Stop for licenses and permits, which is located on the 7th floor of City Hall (1300 Perdido Street).

Along with a completed application, on forms provided by the City, you must also provide:

1. A copy of your valid Mobile Food Truck Permit;
2. A copy of your valid Occupational License; and
3. An application fee of \$175.00.

No application for a Mobile Food Truck Franchise shall be processed until a copy of your Mobile Food Truck Permit and Occupational License are received. No applicant is guaranteed a Franchise.

Any driver of a mobile food truck must possess a valid Louisiana Driver's license, as required by State law, and any driver and/or employee of a mobile food truck must possess a City-issued employee I.D. card.

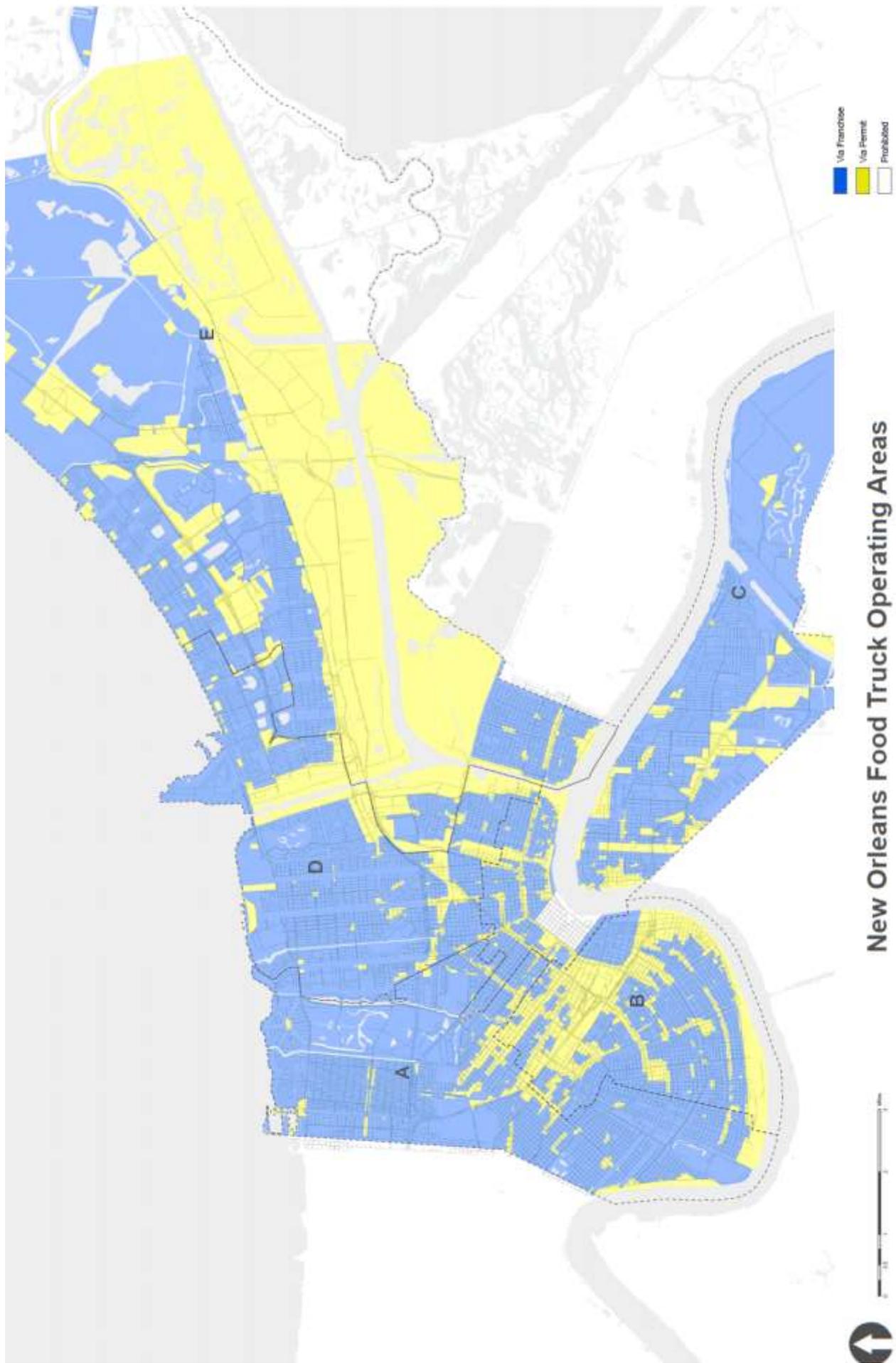
REGULATIONS FOR FRANCHISES

- **Mobile Food Truck Franchise applications are available as of January 1st, 2014.** There are no limits on the number of Franchise applications.
- Once you have submitted your application to One Stop Shop, the City will perform a traffic study to evaluate a Franchise applicant's desired location and communicate its findings and recommendations to the City Council. The City Council will then review this study determine if the Franchise location will be granted, and begin the process of creating an ordinance and holding a public hearing.
- 10 days prior to the City Council's public hearing an **applicant must post a city-issued notice at their desired location** to inform the public of the pending request and the public hearing.

- **If the City Council approves the Franchise request**, the City Council will pass an ordinance codifying your approved location, times, and operating parameters.
 - In order to pass an ordinance, it must first be put on the Council’s calendar, at the discretion of the Council, and introduced at a regular Council Meeting (1st and 3rd Thursdays, subject to change).
 - Before the introduction of any ordinance, notice of its introduction must be published by the Clerk of Council in the official journal of the city for at least 7 calendar days but not more than 14 calendar days.
 - At least 20 calendar days must pass from the day after the introduction before voting at another regular Council meeting
 - If the ordinance is passed by a majority vote of the Council present at the regular meeting; the Mayor has up to 10 calendar days to sign the ordinance, veto it, or take no action, which results in the ordinance passing.
 - References to the above legal requirements can be found in the City Charter, Sec. 3-112 to 3-113.
 - **Expect a minimum period of 45 days for voting and possible approval of a franchise after it has been advertised and placed on the calendar for introduction; but be aware that the Council has discretion in timing of ordinance introductions.**
- **There will be an annual Franchise fee** for operating at a Franchise location due to the City. The amount will be determined by the City Council in the Franchise ordinance. The amount is based on factors including the location and operating times.
- If a Franchise location is granted by the City Council, a mobile food truck can operate at the approved location, only during the approved days/times, and in the manner provided by the City Council.
- A Franchise holder must display and affix to the front windshield in the lower corner on the passenger side the Franchise credential provided by the City.
- **Franchises are prohibited:**
 - In the Vieux Carre, bounded by: Iberville Street, the Northbound side of North Rampart Street, Esplanade Avenue and the Mississippi River;
 - The entirety of the Faubourg Marigny. bounded by Esplanade Ave, N. Rampart St, up to but not including Elysian Fields Ave, and the Mississippi river;
 - During the Mardi Gras Season in the locations governed by sections 34-34 et. seq.;
 - During the Annual New Orleans Jazz and Heritage Festival Season within the area bounded by Florida Avenue on the north, North Broad Avenue on the east, Esplanade Avenue on the south, and Bayou St. John on the west (excluding the portion of that area contained within the exterior boundaries of the New Orleans Fair Grounds Race-track) commencing at 7:00 a.m. on the first day of live music performances and continuing through and until 11:59 p.m. on the concluding day of live music performances;
 - In a clean zone as authorized by an ordinance adopted by the Council; and
 - When the City requires the use of its public right-of-way to facilitate projects or events within the right-of-way.

APPLICATION PROCESS SUMMARY





SECOND LINE VENDORS

HOW TO APPLY

1. Fill out the Occupational/General Business License form.
2. The License form can be downloaded [here](#) or can be filled out in the One Stop: 1300 Perdido St, 7th Floor, New Orleans, LA 70112

FEES

- A permit fee of \$25.00, which shall be renewed annually
- A one-time only sales tax deposit of \$50.00

REGULATIONS FOR SECOND LINE VENDORS

- **ALCOHOLIC BEVERAGES MAY NOT BE SOLD ON CITY STREETS WITH THIS PERMIT.**
- **Each year, permits will expire on December 31st.** Renewals of your permit can take place after this date each January. You have until the end of January to renew your license each year.
- **Your permit is only valid one hour before, during, and one hour after a Second Line** that has a valid parade permit.
- You may also use this permit at a special event where a Social Aid and Pleasure Club has obtained a special event Promoter License and Mayoralty Permit.
- **You may not use this permit to sell food or items anywhere else in the city,** including the streets, sidewalks, parks, inside buildings, from vehicles, etc. except before, during and after permitted Second Line parades.
- **You may sell from parked vehicles or pushcarts** on the sidewalks as long as pedestrians can still pass easily.
- No vehicles may be parked on the neutral ground.
- If you are a stationary (not walking with the Second Line) vendor, you may sell in any single location 1 hour before the Second Line passes, during the Second Line, and 1 hour after the Second Line has passed.
- **You are allowed to move with the Second Line and sell if you are using a pushcart, walking, or other vehicle except for motor vehicles.** You must keep moving unless you are making a sale.
- No stands, card tables or other tables, except hand-carried or pushed displays are allowed on the streets, sidewalks, alleys, parks, squares, neutral grounds, or right-of-way for the sale or display of goods.
- Allowed food items: prepared and packaged foods, cooked food, food cooked to order, food cooked on, in, or next to the vendor vehicle or cart.
- Propane grills may not be used.
- **Menu required:** vendors must display a menu of food items with set prices that is attached to their vehicle, pushcart, or other means of transport.
- **Permits must be displayed** on the vehicle, pushcart or other means of transport that the vendor is using.
- **Trash cans or bags must be made available** by the vendor to the public at all times while the vendor is selling.
- **Vendors must keep a 10 ft. area around their vehicle, pushcart, etc. clean** of trash and litter while vending.
- Second Line Vendor permits are NOT valid during the two-week Mardi Gras season.
- **Vendors must pay City and State sales tax.** More information on sales tax will be given to you when applying for your permit.

SPECIAL EVENT TEMPORARY ALCOHOLIC BEVERAGE OUTLET LICENSES

TEMPORARY ABO: WHO NEEDS IT AND WHY?

For businesses that want to serve alcohol on a daily or frequent basis, obtaining an annual Alcoholic Beverage Outlet License (ABO) from the City and the State is required. Requirements are strict and include criminal background checks, restroom requirements, and other conditions.

For those businesses that wish to occasionally (Twelve 3 day (the 3 days must be consecutive) periods or less per year) serve alcohol **to the public** during a special event, such as a gallery opening, during a festival, or for a public reception, a Temporary Alcoholic Beverage Outlet (Temp. ABO) is required. This includes ticketed events. **If you have an annual ABO for your restaurant or bar, and you wish to serve/sell to the general public outside of your premises (on sidewalk, in parking lot, etc.) you DO need a Temporary ABO.**

City and State laws require a temporary license for any alcohol **sales or free distribution to the public**. If a business, household, or any other entity is holding a *private party on private property* and giving away alcohol to their guests, they would not need this license. If you *hired a catering company with its own ABO* to serve at a private event, you would not need this license. **If you are open and/or the general public can walk in or buy tickets and obtain alcohol (whether free or for a fee), you DO need this permit.**

The basic principle behind Temp. ABOs is that without any regulation of public sales or free distribution of alcohol at businesses that are not bars or restaurants, etc. or outside in public areas at special events, we undermine those businesses with annual ABOs who must comply with far more stringent regulations to hold their licenses (numbers of restrooms, criminal background checks, etc.). We also open up residential neighborhoods to commercial activity without their consent if we do not track and license special events that involve alcohol. As noted in the Zoning section above, activities that include alcohol may have impacts on surrounding businesses and properties such as litter, trespassing, and noise. A Temporary ABO helps enforcement identify who is responsible for the event.

HOW TO APPLY

Having the correct Temporary ABO License in Louisiana requires two steps and two licenses—one local license and one state license.

Step 1: You must apply for a New Orleans Temporary ABO license. The City's application process for Temporary ABO license allows the Revenue Department and Safety and Permits to screen zoning and get City Council approval, required by law. The Temp. ABO can last a maximum of 3 consecutive days (by state law). The application process can take up to 30 days to acquire due to the multiple approvals needed. Please note there is a maximum cap of local Temp. ABOs for any entity of 12 per year. **Once you have applied for your local license, be sure to write down the permit number of your application. You will need it to acquire your State license.** Applications are available [here](#) and can be brought to the One Stop at 1300 Perdido St., 7th, Floor, New Orleans, LA 70112 for processing.

Step 2: Acquire a State Temporary ABO License. This License is distributed by the Louisiana Department of Alcohol and Tobacco Control. Take your New Orleans permit number with you and apply a minimum of 10 days in advance of your event. The ATC has opened an office in New Orleans in Benson Tower, 1450 Poydras St., Ste. 850, New Orleans, LA 70112. Applications and assistance are available at the office or on their [website](#).

FEES

- City of New Orleans Fees:
 - Processing Fee: \$250.00
 - Beer: \$135.00
 - Liquor and Wine: \$500.00
- State of Louisiana Fees:
 - For 501(c)3 or 501(c)8 applicants: \$0
 - State or other non-501 non-profit organization: \$10.00
 - Businesses and all other applicants: \$100.00

MUNICIPAL CODE

Below are selected portions of the Municipal Code that refer to the content of this guide. To view complete ordinances and code chapters, please go to the Municode website: http://www.municode.com/Library/LA/New_Orleans.

COMPREHENSIVE ZONING DEFINITIONS FOR CULTURAL BUSINESSES

Section 2.1. - General Rules Of Construction.

The following general rules of text construction shall apply to the regulations of this Ordinance:

1. The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.
2. Words used in the present tense include the past and future tenses, and the future the present.
3. The word "shall" is always mandatory. The word "may" is permissive.
4. The word "building" or "structure" includes any part thereof, and the word "building" includes the word "structure."
5. Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning and customary usage.

Section 2.2. - Definitions.

For the purpose of this Ordinance, certain terms and words are hereby defined:

- **Aesthetically Sensitive Area.** Any geographical area, either publicly or privately owned, in the City of New Orleans which contains or displays distinctive, unusual or historic visual elements exemplary of, and/or peculiar to New Orleans. The aesthetics of such an area could be adversely affected if views of it were obscured, obstructed or altered in an adverse manner by the visual elements of a use, activity, building or structure being constructed, placed or positioned near it. Aesthetically sensitive areas include but are not limited to the following: churches, cemeteries, convents, schools, parks, nature preserves, wildlife refuges, lakes, bayous, national and local historic districts or landmarks, design review districts, urban corridor districts and design vistas. Visual elements which could adversely affect an aesthetically sensitive area include but are not limited to the following: outdoor general advertising signs and their support structures.
- **Amusement Place.** Establishments engaged in providing amusement or entertainment, excluding live adult entertainment, which may require a fee or admission charge and which must have an amusement tax license for such activities, including but not limited to dance halls; theatrical productions; bands, orchestras and other musical entertainment; billiard and pool establishments; commercial sports such as arenas, rings, rinks, coin- or token-operated devices in excess of three (3); expositions; game parlors, except off-track betting parlors. An establishment which holds valid City and State permits for the consumption of alcoholic beverages on the premises may allow the operation of three (3) validly licensed video draw poker devices on the premises which shall not be deemed to be coin- or token-operated devices for the purpose of this definition.
- **Artist Community.** Land and buildings used as a meeting place, retreat and/or exhibition center for the exchange of ideas between artists, members of the professional art community and the general public which may provide indoor and outdoor exhibition space, work space, meeting space, lecture halls, performance space and sculpture parks, as well as living and dining facilities for the staff, artists and participants in the center's retreat programs.

- **Bed and Breakfast Accommodation.** An owner-occupied residential structure, originally constructed as either a single-family or a two-family structure that is easily converted to a single-family structure, which provides sleeping rooms for overnight paid occupancy of up to seven (7) nights. Common bathroom facilities may be provided rather than private baths for each room. Proof of owner occupancy shall be established by submission of proof of a homestead exemption. If more than one building is existing on a lot of record or a site (meaning two (2) or more contiguous lots historically acquired together), and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, at least five (5) years prior to the establishment of the bed and breakfast, then it may be included in the operation of the bed and breakfast.
- **Bed and Breakfast Family Home.** Bed and breakfast accommodations limited to no more than two (2) sleeping rooms.
- **Bed and Breakfast Guest Home.** Bed and breakfast accommodations with three (3) to five (5) sleeping rooms; subject to a current certificate of liability insurance posted on the premises.
- **Bed and Breakfast Historic Homes.** Bed and breakfast accommodations with no less than three (3) and no more than nine (9) sleeping rooms subject to approval by the Historic District Landmarks Commission and subject to a current certificate of liability insurance posted on the premises. Historic home status will only be granted to structures that are at least 3,000 square feet in size, a minimum of fifty (50) years old, and capable of being architecturally rated as green, blue, or purple.
- **Bed and Breakfast Inns.** Bed and breakfast accommodations with a maximum of nine (9) sleeping rooms and subject to a current certificate of liability posted on the premises. Bed and breakfast inns will be limited to commercial and neighborhood business districts.
- **Brew Pub.** An establishment which contains a full service standard restaurant and sells alcoholic beverages. A brew pub may feature live entertainment if otherwise permitted in the district, but not live adult entertainment. This establishment also contains a mini-brewery as an accessory use provided the sales of the mini-brewery products are less than fifty (50) percent of total sales. This mini-brewery shall be for the brewing of handcrafted, natural beer intended for retail consumption on the premises and on any premises that has a license as a standard full-service restaurant owned and operated in its entirety by the same corporate ownership and management as the brew pub. Retail sales may also be made at City Council-approved festivals. Delivery vehicles for the beer from the main brew pub must not exceed a weight of five (5) tons. A loading space permit must be approved and installed by the Department of Streets prior to any deliveries of beer from the site.
- **Brewery.** A facility for the production and packaging of malt beverages of low alcoholic content for wholesale distribution, with a capacity of more than 15,000 barrels per year.
- **Brewery, Local.** A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on- or off-premises, with capacity of not more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.
- **Club, Private.** Buildings and facilities or premises used or operated by an organization or association for some common purpose, such as, but not limited to, a fraternal, social, educational or recreational purpose, but not including clubs organized primarily for profit or to render a service which is customarily carried on as a business. Such organizations and associations shall be incorporated under the laws of Louisiana as a nonprofit corporation or registered with the Secretary of State of Louisiana.
- **Cocktail Lounge.** A place for service or consumption of alcoholic beverages but not including live entertainment.

- **Cooking School.** An establishment that maintains courses of instruction or study in cooking or the culinary arts, taught by an instructor certified by a recognized professional body in such field(s), on specific days of the week during specified times consistent with the normal business hours of other educational institutions, and that maintains a place of business at which such courses are available through classroom instruction, where alcoholic beverages and/or food products associated with such courses may be sold or served for consumption on or off-premises, but where neither live entertainment or gambling are provided.
- **Culinary or Cooking Facilities.** A space in a dwelling arranged, intended, designed, or used for the preparation of food for a family. Facilities may include a sink, stove, cabinets, and refrigerator or any combination of these arranged in such space. A refrigerator alone shall not constitute culinary or cooking facilities under this definition.
- **Destination Resort/Entertainment Center.** A facility containing a minimum of one hundred fifty acres, located at the intersection of two (2) interstate highways, and having within its boundaries, as a primary use, an amusement place that is developed as a regional visitor tourist attraction and entertainment facility and/or theme park, containing amusement rides, games of skill and chance, etc., organized around a central theme or themes depicted through architecture.
- **Flea Market.** Flea market, swap meet, or similar activity or those uses which involve the setting up of two (2) or more booths, tables, platforms, racks or similar display area for the purpose of selling or buying merchandise; where the individual vendors may each operate one or more such booths, etc. under the supervision of the flea market proprietor, who shall rent or otherwise arrange for assigned space(s) for each vendor and see that all applicable laws are complied with. A flea market, as defined herein, is not intended to include "garage sale," "bake sale," fruit or produce stands, art festival or any similar activity conducted by a civic or nonprofit organization.
- **Green Markets.**
 - "Green market" is defined as any permanent or seasonal market located on private property which involves the setting up of two (2) or more booths, tables, platforms, mobile units, or similar displays where producers and/or growers sell fresh produce and/or value-added products direct to retail and wholesale customers at stalls or mobile units in an open air location; where individual vendors may each operate one or more booths, under the supervision of a green market proprietor, who shall rent or otherwise arrange for assigned space(s) for each vendor and see that all applicable laws are complied with. A green market, as defined herein, is not intended to include, open air markets in the VCS District, "flea markets," "itinerant mobile produce vendors" or "transient vendors."
 - A "seasonal marketplace" is defined as any marketplace that exists on a regular recurring basis (semiweekly, weekly, biweekly or monthly) at the same site.
 - A "producer" or "grower" is defined as any person offering for sale articles for human consumption, such as fruits or their juices, vegetables, edible grains, nuts and berries and value-added products or nonedible nursery items such as cut or potted flowers, which articles have been raised or prepared by the grower or producer, members of his family or persons in his employ. Permitted items for sale shall be limited to:
 1. "Fresh produce" which is defined as fresh fruits and vegetables, edible grains, nuts and berries, and herbs.
 2. "Nursery items and cut flowers" which are defined as plants and trees, fresh and dried flowers, and decorative vegetation grown or legally gathered by vendors themselves.
 3. "Value-added products" which are defined as juices, honey, jams and jellies, dried fruits, salsa and baked goods if the primary ingredients were grown or gathered by the sellers themselves.

- A “market proprietor” is defined as the sponsoring entity that holds legal and financial responsibility of the green market; and who oversees the operation in some cases of the structures or facilities in which the market is housed.
- **Home Occupation.** Any occupation within a dwelling and clearly incidental thereto, carried on by a member of the family residing on the premises provided that no person not a resident of the premises is employed, that not more than fifteen (15) percent of the floor area of the dwelling is used for the home occupation, and no stock in trade is kept or commodities sold, no mechanical equipment is used except such that is normally used for family, domestic, or household purposes, and there is no exterior indication other than a sign permitted by the district regulations, that the building is being used for any purpose other than a dwelling. When within the above requirements, a home occupation includes but is not limited to the following: (a) art studio; (b) dressmaking; (c) professional office of a lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent, or other similar occupations; (d) teaching, with musical instruction limited to not more than two (2) pupils at a time; however, a home occupation shall not be interpreted to include barber shops, beauty parlors, restaurants, or office of a physician or dentist where mechanical equipment is used.
- **Hotel.** A building containing fifteen (15) or more individual sleeping rooms or suites, having each a private bath attached thereto, and rented in their entirety to a single party, for the purpose of providing overnight lodging facilities to the general public for compensation with or without meals, excluding accommodations for employees, and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. Where a hotel is permitted as a principal use, all uses customarily and historically accessory thereto for the comfort, accommodation and entertainment of the patrons, excluding live adult entertainment, but including the service of alcoholic beverages, shall be permitted.
- **Live Entertainment.** A scheduled or planned performance or presentation during which both the performer(s) and audience are physically present at the time of occurrence and that is typically sponsored, promoted, advertised, or publicized in advance to attract patrons or guests. The performer(s), who may be amateur(s), participant(s) from the audience, patron(s) or guests, need not be compensated or remunerated. These uses include but are not limited to the following:
 - Theatrical productions, athletic contests, exhibitions, pageants, concerts, recitals, circuses, karaoke, bands, combos, and other live musical performances, audience participation contests, floorshows, literature readings, dancing, fashion shows, comedy or magic acts, mime and the playing of recorded music (disc, records, tapes, etc.) by an employee, guest or other individual, one of whose functions is the playing of recorded music and who is in verbal communication with the clientele of the establishment.
 - **Live Adult Entertainment.** Any entertainment that features dancers, go-go dancers, exotic dancers, male or female impersonators or similar entertainers or live entertainment, where persons regularly appear in a state of nudity or where live performances are characterized by the exposure of specified anatomical areas or by specified sexual activities as defined in Section 2.2.4(g) and 2.2.4(h) of the Comprehensive Zoning Ordinance.
 - Specific exemptions include: periodic entertainment by schools, churches, and nonprofit organizations; live entertainment at weddings, and similar religious events within certain facilities based upon a rational impact analysis justifying any different treatment.
- **Micro-Distillery.** A facility that produces alcoholic beverages in quantities not to exceed twelve thousand (12,000) gallons per year and includes a tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. Sales of alcohols manufactured outside the facility are prohibited. A separate liquor license is required for sales of alcohols manufactured on site.

- **Multi-Discipline Arts Center.** An art center that presents visual arts exhibitions, as well as performing arts, including music, dance and theater and having a minimum of 10,000 square feet of gallery space in addition to a minimum of 5,000 square feet of theater space.
- **Mural.** A work of art painted or otherwise applied to or affixed to an exterior wall surface. A mural is considered public art and such is subject to design review of the aesthetic qualities by the staff of the City Planning Commission, and, if in a historic district, by the staff of the appropriate public jurisdictional agencies prior to installation.

The Board of Murals shall review a proposed mural for its aesthetic qualities as well as for its intrinsic value to the community. Murals which serve to advertise or promote a business service, product, activity, cause, event or provide information of any kind and which advertisement or promotion text occupies less than twenty (20) percent of the wall area utilized by the mural shall not be considered a "sign" and as such, shall not be subject to the general sign regulations of Article 12, except insofar as those regulations refer to the present cap in the City's Sign Ordinance. Regardless of the number which may be permitted under the "cap," there shall not be more than ten (10) murals permitted under these regulations.

Approval of the Board of Murals Review shall constitute authorization for the issuance of a permit by the Department of Safety and Permits.

The Board of Murals Review shall be the seven (7) members of the New Orleans City Council, or any portion thereof, appointed or authorized for such purpose.

Appeal of the decision of the Board of Murals Review shall be to the Civil District Court.

- **Nightclub.** An establishment having a minimum entertainment floor area of 2,000 square feet, including discotheques, providing live entertainment, but not live adult entertainment, and/or a permanent area for dancing and which may serve food and/or alcoholic beverages. The entertainment floor area shall be composed of the wet-bar, dance floor and/or live entertainment stage area, and table area.
- **Reception facility.** A business establishment that functions as a hosting and rental facility or banquet hall for private events, including but not limited to wedding receptions, holiday parties and fundraisers, with food and beverages that are prepared and served on site or by a caterer to invited guests during intermittent dates and hours of operation but cannot be operated as any kind of restaurant, cocktail lounge, or nightclub with regular hours of operation. Live entertainment, excluding live adult entertainment, may be included as an accessory use of the private event.
- **Restaurants.** An establishment where prepared foods, desserts or beverages are offered for sale for consumption on or off the premises and where the sales of such foods, desserts or beverages, exclusive of alcoholic beverages, constitute fifty (50) percent or more of the revenue for said establishment (exclusive of a snowball stand which does not provide permanent seating, sells only snowballs and contains a maximum floor area of 144 square feet, and is of a seasonal nature, operating during the period from April 1st through September 30th). Unless otherwise expressly permitted, live entertainment of any type shall be prohibited. Where live entertainment is permitted, live adult entertainment shall be prohibited. For purposes of this Ordinance, restaurants shall be of the following types:
 - **Standard Restaurant.** A restaurant whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state, and where customers, normally provided with an individual menu, are served their food, desserts or beverages by a restaurant employee at the same table or counter at which said items are consumed.
 - **Cafeteria Restaurant.** A restaurant characterized typically by the selection of prepared food items by customers as they move in a line in front of the individual food items. An individual menu is not normally provided and food items are typically placed on the customer's plate by restaurant employees. The food items are transported to adjoining tables by the customer or by restaurant employees.

- **Fast Food Restaurant.** Fast food restaurants shall consist of (1) those restaurants which are part of a fast food chain, and (2) those which are not part of a chain but which demonstrate the attributes of a fast food restaurant.
 - Category 1. A restaurant which is part of a chain of fast food outlets, wherever located, whose principal business is the sale of foods, desserts or beverages to the customer in a ready-to-consume state, either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation bears all of the following characteristics:
 1. Food items at the majority of the outlets within the fast food chain are served in paper, plastic, or other disposable containers.
 2. Substantially similar food items are available at the majority of the outlets within the fast food chain.
 3. A majority of the outlets within the chain share substantially similar architecture, interior design and/or signage.
 - Category 2. A restaurant which is not part of a chain of fast food outlets, but whose principal business is the sale of foods, desserts or beverages to the customer in a ready-to-consume state, either within the restaurant building or for carry-out with consumption off the premises, and which has all of the following characteristics.
 1. Food items are served primarily in paper, plastic or other disposable containers.
 2. The restaurant provides rapid customer service by preparing the menu items in advance of the customer's order or by having the items in a ready-to-assemble condition.
- **Drive-In Restaurants.** A restaurant whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation or any portion of whose business is the serving of food items directly to the customer in a motor vehicle by a carhop or by other means which eliminate the need for the customer to exit the motor vehicle.
- **Specialty Food Restaurant.** A restaurant whose principal business is the sale of traditional New Orleans, ethnic, or unusual foods, desserts, or beverages to the customer in a ready to consume state within the building housing the restaurant and whose principal method of operation bears the following characteristics:
 1. The restaurant is always part of a food and beverage market located within a single structure of not less than 20,000 square feet.
 2. The restaurant is located in a building under single management where appropriate service and garbage handling facilities are provided.
 3. Food items are usually served in paper, plastic, or other disposable containers.
 4. A limited number of menu items are offered for sale.
- **Supper Club.** A standard restaurant having a minimum enclosed dining/entertainment area of 4,000 square feet and providing live entertainment, but not live adult entertainment. The dining/entertainment area shall be composed of standard restaurant tables and seating and a live entertainment stage area and/or dance floor. The dining area must occupy a minimum of fifty (50) percent of the floor area of the restaurant/entertainment area. A supper club must provide full and continual food service throughout the periods of its operation. No more than twenty (20) percent of the seating area, as approved by the Department of Safety and Permits, may be removed to accommodate special performances.
- **Service Ware.** Food service utensils such as plates, bowls, cups, saucers, glasses and flatware that are provided by restaurants and utilized by their patrons for the purpose of consuming prepared foods.
 - **Nondisposable.** Those utensils as described above, that are made of durable, easily cleanable materials. Such utensils are intended for reuse by the restaurant facility, enabling its patrons to consume food items on the premises.

- **Disposable.** Those utensils as described above, that are mass produced, made of non-durable semipermanent materials and are made to be disposed of after restaurant patrons consume food items.
- **Sidewalk Cafe.** A temporary, easily removable extension of an established restaurant consisting of movable tables, chairs, and service equipment that are arranged directly upon the sidewalk paving as an adjunct and directly adjacent to the existing permanent restaurant, serving various refreshments such as beverages and food items on nondisposable service ware via traditional waiting staff. Elements of "sidewalk cafes" cannot obstruct barrier-free access or passage along said sidewalk nor any building ingress, egress, stairways, doorways or other accessways. For the purposes of this definition "temporary" shall mean that the entire arrangement can be removed at a moment's notice.
- **Snowball.** Shaved or crushed ice flavored with a syrup and may contain a variety of toppings.
- **Snowball Stand.** A place where snowballs are made and sold, with no permanent seating, with a maximum floor area of 144 square feet and which is operated on a seasonal basis between April 1st and September 30th.
- **Specialty Urban Marketplace.** A retail center owned or controlled by a single entity, not anchored by a major department store, unified by a specific architectural theme and consisting of a major public or private space, with more than 55,000 square feet of enclosed gross leasable area devoted primarily to diverse retail, food and entertainment facilities.
- **Teen Club.** An establishment, including discotheques, having a minimum entertainment floor area of 5,000 square feet with or without providing live entertainment and/or a permanent area for dancing and which may or may not serve food. The entertainment floor area shall be composed of a nonalcoholic wet bar, dance floor and/or live entertainment stage area, and table area. No alcoholic beverages shall be possessed, sold, served, or consumed on the premises.
- **Wine School.** An establishment that maintains courses of instruction or study in enology and/or viticulture, taught by an instructor certified by a recognized professional body in said field(s), on specific days of the week during specified times consistent with the normal business hours of other educational institutions, and that maintains a place of business at which such courses are available through classroom instruction, where alcoholic beverages and/or food products associated with such courses may be sold or served for consumption on or off premises, but where neither live entertainment or gambling are provided.
- **Winery.** A farm at least ten (10) acres in size which includes the cultivation, processing and fermentation of grapes, berries or fruits relative to the products raised on the premises.

MORATORIUMS

Section 3-126. - Temporary Prohibitions.

1. The Council may by the affirmative vote of a majority of its membership impose a moratorium ordinance, interim zoning district, or other temporary prohibition on zoning, permitting, and other similar functions where necessary to protect the public health, safety, or welfare for a temporary period. All such temporary prohibitions shall specify the type of review required and the city agency responsible for the review; the agency shall complete its review and provide its report to the Council within the time limits established for such temporary prohibitions. No moratorium ordinance, interim zoning district, or other temporary prohibition shall remain in effect for more than one year, provided that the Council may by ordinance authorize one extension for an additional period of one hundred eighty days. In the event that the agency responsible for the required review has not completed its review and submitted its report within the initial period or the one-hundred-eighty-day extension, the Council may by ordinance extend the temporary prohibition for one additional period of up to one hundred eighty days. Thereafter, no moratorium ordinance, inter-

im zoning district, or similar prohibition of substantially the same legal effect on substantially the same geographic area may be imposed until at least one year after the expiration of the prior moratorium ordinance, interim zoning district, or other temporary prohibition. A moratorium ordinance adopted pursuant to this section shall not be required to lie over for the twenty-day period specified in Section 3-112(5) of this chapter.

2. Any moratorium ordinance, interim zoning district, or other temporary prohibition in effect on January 1, 1996, shall be limited to a term of one year in duration from that date subject to extensions as provided in paragraph (1) above.
3. Any moratorium ordinance, interim zoning district, or other temporary prohibition shall provide for a right of appeal to the Council for waivers or exceptions thereto. Such waivers or exceptions may be granted by an ordinance adopted by a majority of all members of the Council.

MAYORALTY PERMITS

Sec. 30-66. - Rules and regulations.

The director of the department of finance shall prescribe such other rules and regulations as to the form of the application for permits and their issuance as may be required to carry out the full intent and purpose of this article.

(Code 1956, § 46-4)

Sec. 30-67. - Penalties and interest.

All mayoralty permits must be obtained prior to the occasion for which it is issued. If the applicant fails to secure the permit prior to the occasion, the following penalties and interest shall apply:

1. Mayoralty permits acquired on a regular yearly basis shall become delinquent February 1 of that year. If the regular yearly permit is not obtained by February 1 of that year, there shall be interest added to the fee at the rate of eight percent per annum from the due date until paid. In addition to the interest that may be added, a penalty shall be imposed at the rate of 20 percent of the fee if the failure to obtain such permit is for not more than 30 days and with an additional 20 percent for each additional 30 days or fraction thereof during which the failure continues, not to exceed 60 percent of the amount of the fee.
2. Mayoralty permits acquired on other than a regular yearly basis shall become delinquent at the start of the occasion. If the permit has not been obtained prior to the occasion, there shall be interest added to the fee at the rate of eight percent per annum from due date until paid. In addition to the interest that may be so added, a penalty shall be imposed at the rate of 50 percent of the fee.
3. The director of the department of finance may, at his discretion, for good cause, waive, in whole or in part, any of the penalties provided in this section.

(Code 1956, § 46-15)

Sec. 30-68. - Permits nontransferable.

Permits issued under the authority of this article III shall be nontransferable either as to individuals, location or item as defined in sections 34-318 through 34-220.

(Code 1956, § 46-3)

Sec. 30-69. - Mayoralty permits required for various callings or occasions.

Permits shall not be required for the sale by an individual of tickets at or below face value to athletic contests or other amusement events, provided that tickets are not sold or offered for sale within 750 feet of the grounds of the Superdome when the event related to the ticket is being conducted or within six hours of the scheduled commencement of such event.

Except for such sale by an individual of tickets at or below face value to athletic contests or other amusement events, within said 750-foot buffer zone, every person who shall desire to use the public streets, sidewalks or other public or private places of business establishments for the conduct of any of the businesses or callings hereinafter set forth shall first apply to and obtain from the department of finance a permit. Such permit shall in each instance state the occasion for which it is issued and the date upon which it will expire and shall be in addition to any other tax or license to which permittee may be liable. Except as otherwise provided, annual permits expire on December 31. Such permits, however, are not valid within the central business district area bounded by the river on the east, Claiborne Avenue on the west, Esplanade Avenue on the north, and Howard Avenue on the south, except as provided in this article.

(Code 1956, § 46-1; M.C.S., Ord. No. 17,921, § 1, 12-19-96; M.C.S., Ord. No. 21426, § 1, 2-20-04)

Cross reference— Mayoralty permit required for street entertainers, § 30-1452 et seq.; mayoralty permit required for certain Mardi Gras activities, § 34-216 et seq.; mayoralty permits and certain restrictions on certain sales in the central business district, § 34-218; mayoralty permits required for peddlers and itinerant vendors selling artifacts, § 110-76 et seq.; mayoralty permits required for artists, § 110-121 et seq.; mayoralty permits required for flower vendors and peddlers, § 110-151 et seq.; mayoralty permits required for food vendors, § 110-186 et seq.; mayoralty permits required for certain soliciting, § 110-221 et seq.; mayoralty permits required for transient vendors, § 110-256 et seq.; Vieux Carre, ch. 166.

Sec. 30-70. - Fee schedule.

[Permits required by this article shall be paid for by the applicant at the time of issuance according to the following schedule:]

1. To sell novelties on the city streets other than during the Mardi Gras season, per sales outlet, for one year\$50.00
2. To sell candles on foot or from push carts or other vehicles on city streets or public places other than during the Mardi Gras season, per sales outlet, per year50.00
3. To sell home-manufactured or home-grown products on foot, per year50.00
4. To sell razor blades, toilet articles, pencils, shoe laces, etc., on city streets or public places, per year30.00
5. Demonstrations of food products or devices in public places or markets, etc., per engagement50.00
6. To distribute samples, advertising brochures and pamphlets, or commercial literature of any type whatsoever, canvass or solicit on city streets or house to house for commercial purposes.
 - For crew manager, per year50.00
 - For each crew member, per year30.00
7. To take and sell photographs on the city streets or other public places where the parties photographed willingly pose for the picture and the picture is developed on the spot where taken and there delivered to the parties photographed, per year50.00
8. To take and sell photographs on city streets or in any other public places in any other manner than that described in subsection (7), per year500.00
9. To conduct a sale of goods, wares or merchandise in issuance, bankruptcy, mortgage, insolvent assignees, receivers, trustees removal or closing out sale or sale of goods, wares and merchandise damaged by fire or otherwise in accordance with R.S. 51:31 to 51:41, per sale50.00
10. To give a rummage sale, per event30.00
11. To give a boutique sale, per event10.00
12. Weighing devices, etc., on sidewalks or in public places.

- Per nickel machine, per year50.00
 - Per penny machine, per year30.00
13. Exhibitions, expositions, etc., educational or otherwise, when admission is charged or offerings solicited or accepted, per month250.00
 14. For a circus, a carnival or any other activity wherein mechanical devices for amusement other than coin-operated are used on a temporary basis, per year in addition to license200.00
 15. To operate games of sport or skill when admission is charged or a fee collected in any manner, including putt-putt games, shooting galleries, archery, etc., per year200.00
 16. To conduct sport events when admission is charged or a fee collected in any manner and when an annual license is not paid to the city:
 - Admission not more than \$0.75 per event30.00
 - Admission more than \$0.75 per event50.00
 17. For amateur and professional prizefights or boxing and wrestling contests:
 - a. Admission not more than \$0.75 per event30.00
 - b. Admission more than \$0.75 per event50.00
 18. For entertainment (other than fairs given by a church for the benefit of the church or by a school for the benefit of the school) dance reviews, plays, festivals, bazaars, etc., with or without music, when admission is charged or when no admission is charged, but subscription fees or contributions are collected.
 - Admission not more than \$0.75 or by invitation, per event30.00
 - Admission more than \$0.75 per event50.00
 19. For carnival balls50.00
 20. For philharmonic or symphonic recitals, operas or other entertainments of like nature when admission is charged or a fee or subscription is collected in any manner.
 - Admission not more than \$0.75 or by invitation, per event30.00
 - Admission more than \$0.75, per event50.00
 21. For orchestras in restaurants or business establishments for purposes of entertainment or dancing when no admission is charged, per year
 - Gross sales of:
 - \$0—\$10,000150.00
 - \$10,001—\$50,000300.00
 - over \$50,000500.00
 22. For music other than an orchestra for entertainment purposes or dancing when no admission is charged or fee exacted, per year
 - Gross sales of:
 - \$0—\$10,000100.00
 - \$10,001—\$50,000300.00
 - over \$50,000500.00
 23. For music for entertainment purposes or dancing where admission is charged or fee exacted in any manner, per year
 - Gross sales of:
 - \$0—\$10,000250.00
 - \$10,001—\$50,000500.00
 - over \$50,000750.00
 24. For dancing when admission is charged:
 - Admission not more than \$0.75 per event30.00
 - Admission not more than \$1.99 per event50.00
 - Admission \$2.00 or more per event100.00

25. For a private dance in a public hall, per event30.00
26. To stage, present or conduct a parade, motorcade, procession, march, or any other planned movement of persons, vehicles, or animals on the streets of the city (except road races, Mardi Gras or carnival parades and funeral processions).
- For events occurring within a neighborhood which are sponsored by school or community-based, private-nonprofit organizations domiciled in the parish50.00
 - For all other events200.00
27. For the purpose of operating a retail business establishment exhibiting and selling to the public: Books, magazines, periodicals and other publications or paraphernalia which feature nudity, simulate natural or unnatural sex acts or otherwise appeal to sexually prurient interest and which establishment caters exclusively to adults2,500.00
28. To operate a bed and breakfast-family home, i.e., where one or two rooms are available for rental, per year200.00
29. To operate a bed and breakfast-guest house, i.e., where three to five rooms are available for rental, per year600.00

(Code 1956, § 46-1(2), (3), (9), (14), (16), (17), (19)—(34A), (37); M.C.S., Ord. No. 16,952, § 1, 3-16-95; Ord. No. 19,936, § 1, 12-1-00)

Cross reference— Peddlers and solicitors, ch. 110; peddlers and itinerant vendors, § 110-46 et seq.; peddlers of food, § 110-186 et seq.; solicitors, § 110-221 et seq.; transient vendors, § 110-256 et seq

Sec. 30-71. - Fees to go to general fund.

The collector of revenue shall transmit, day by day, as collected by him, to the bureau of the treasury all moneys and fees received for the issuance of the permits required by this chapter. The bureau of the treasury upon the receipt of such moneys and fees shall immediately deposit them in the general fund.

(Code 1956, § 46-5)

Sec. 30-72. - Additional charges for police pension fund.

In addition to the charges shown in the fee schedule for each permit, each applicant shall be required to pay the sum of \$0.25 for the account of the police pension fund, which additional sum shall be transmitted by the collector of revenue, day by day, as collected by him, to the chief of bureau of the treasury. At the end of each month the chief of the bureau of the treasury shall remit all such sums so collected for account of the police pension fund to the board of trustees, police pension fund.

(Code 1956, § 46-2)

Sec. 30-73. - Obscenity laws to be provided to certain applicants.

The department of finance shall provide a copy of R.S. 14:91.11 relative to sale, exhibition or distribution of material harmful to minors and R.S. 14:106 relative to obscenity, to each applicant for a permit under this chapter to conduct live entertainment and to the owner of the premises upon which the live entertainment is proposed to be conducted.

(Code 1956, § 46-2.1)

Sec. 30-74. - Permits valid in the central business district.

Permits designated by section 30-70(5), (10) through (12), (14), (17) through (27), are valid within that area of the city bounded by the Mississippi River on the east, Rampart Street on the west, Esplanade Avenue on the north and Canal Street on the south. Permits designated by other subsections of section 30-70 shall not be valid in that area of the city bounded by the Mississippi River on the east, Rampart Street on the west, Esplanade Avenue on the north and Canal Street on the

south; provided, however, that vendors who have continuously operated the same business within that area under the authorization of this chapter for eight or more years prior to January 1, 1972 may obtain the same number of permits to operate such businesses within that area as the vendor possessed as of January 1, 1972.

(Code 1956, § 46-1.1)

Sec. 30-75. - Permits not valid in certain areas during Annual Louisiana Jazz and Heritage Festival Season.

- Permits designated by subsections 30-70(1) through (4) and (7) are not valid within the area bounded by Florida Avenue on the north, North Broad Avenue on the east, Esplanade Avenue on the south, and Bayou St. John on the west (excluding the portion of that area contained within the exterior boundaries of the New Orleans Fair Grounds Racetrack) during the Annual New Orleans Jazz and Heritage Festival Season.
- The “annual New Orleans Jazz and Heritage Festival season” is defined as that period occurring annually commencing at 7:00 a.m. on the first day of live music performances at the New Orleans Jazz and Heritage Festival conducted annually at the Fair Grounds Race-track by the New Orleans Jazz and Heritage Foundation, Inc., and continuing through and until midnight on the concluding day of live music performances at such location during such festival.
- Any established and properly licensed retailer located within the area designated by subsection (a) shall be permitted to display and sell their own merchandise on the exterior portion of their leased or owned premises during the dates of the annual New Orleans Jazz and Heritage Festival season.

(Code 1956, § 46-1.1.1; M.C.S., Ord. No. 24403, § 1, 4-28-11)

Sec. 30-76. - Peddling novelties, souvenirs and foods; prohibited near schools.

It shall be unlawful to sell novelties, souvenirs, candies, nuts, confections, ice cream, ice cream bars, hot tamales, sandwiches, soft drinks, cakes, pies, fruits, and vegetables, or any other food stuff on the city streets within two blocks of any elementary or secondary school when such school is in session.

(Code 1956, § 46-14; M.C.S., Ord. No. 23799, § 1, 11-19-09)

Sec. 30-77. - Offense for misuse of permits.

- No person, individual, or corporation shall copy, reproduce, or counterfeit, or cause to be copied, reproduced or counterfeited, any permit issued pursuant to section 30-69 by any form or process, or to otherwise represent something to be a valid permit when it is not.
- Whosoever violates the prohibition of this section shall be punished in accordance with the penalty provided for in sections 1-13 and 30-78

(Code 1956, § 46-1.2)

Sec. 30-78. - Penalty.

Persons who fail to obtain a permit or to comply with any of the other regulations contained in this chapter, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the punishment prescribed in section 1-13. A permittee so convicted shall forfeit such permit and not be entitled to a refund of the fees paid therefor.

(Code 1956, § 46-16)

Secs. 30-79—30-100. - Reserved.

Cross reference— Mayoralty permit required for readers, § 30-1283; mayoralty permit required for street entertainers, § 30-1452; mayoralty permits required for certain peddlers and itinerant ven-

dors, § 110-46; mayoralty permits required for certain transient vendors, § 110-256 et seq.; alcoholic beverage special event permits, § 10-52.

OCCUPATIONAL LICENSES

Sec. 150-951. - General definitions.

For the purposes of this article, unless the context clearly otherwise requires or unless otherwise defined in specific portions of the article, the following words shall have the respective meanings ascribed to each in this section.

- **Business** includes any business, trade, profession, occupation, vocation, or calling.
- **Regulation 150-951(1) Business.**

“Business” as defined in this section means any activity reasonably expected to result in gain, benefit or advantages, either directly or indirectly; the fact that operations resulted in a loss or did not provide the expected benefits or advantages would not eliminate an activity from the definition of “business”. This definition is intended so that some degree of continuity, regularity or permanency be involved so that the doing of any single act pertaining or related to a particular business would not be considered engaging or carrying on that business; a series of such acts would be so considered.

Continuous employment, occupation, or profession engaged in for livelihood which occupies the majority of time and attention, or activity in which time and capital are invested on future outcome are included in the meaning of business, just as barter or exchange of things, rights, or services for value are defined as business. It is not necessary for any activity to constitute the sole occupation to remain within the intended definition.

The term “business” does not include isolated and occasional sales by persons who do not hold themselves out as engaged in business. This exclusion clearly applies to sales made by the owners of property acquired for use or consumption, and who are not engaged in selling similar property on a repeated or continuing basis.

Whether an activity constitutes “business” demands an analysis of the continuing nature of the activity, and may change with respect to any particular person. As an example, trustees or receivers conducting a continuing retail merchandising activity, even though solely by court order, would be considered to be in the merchandising business, while the sale conducted by the same trustees or receivers in order to liquidate the business pursuant to a later court order would not be considered to be in business. Further, the occasional sale of used equipment made by a person engaged in the equipment rental business would not constitute the business of selling equipment, but if the same lessor of equipment frequently, routinely or continuously offered used equipment for sale, then he would be engaged in that business.

- **Collector**, for the purpose of this article, is the director of finance, collector of revenue, treasurer, or other appointees of the director.
- **Contractor** is synonymous with the term “builder” and means a person, firm, partnership, corporation, association, or other organization, or a combination of them, which undertakes to or offers to undertake to, or purports to have the capacity to undertake to, or submits a bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck, or demolish any building, highway, road, railroad, excavation, or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structure or works in connection therewith and includes subcontractors and specialty contractors. As such, the word, “contractor” shall include oil field service contractors, which shall consist of those contractors performing general oil well servicing, maintenance, and construction when conducted as a single company unit. “General oil well servicing” shall include welding, pipe coating, pipe inspection, wireline service, automation, work over, logging, analysis, seismograph, installing and servicing equipment, packing, platform work, perforating, and completion.

- **Regulation 150-951(3). Contractor.**

The term "contractor" shall include, but [is] not limited to, plumbers, electricians, carpenters, roofers, installers (air conditioners, heating units, carpeting, floors, tile, siding, machinery, equipment, gutters, alarm systems, etc.) painters, bricklayers, masons, welders, and well drillers.

Contractor's gross receipts, for the purposes of computing the license fee provided for in section 150-965 of this article, are determined the same for all contractors, whether or not they have a lump sum contract or a cost plus contract. The gross receipts for a lump sum contract are based on the actual amount of the contract, whereas, the gross receipts for a cost plus contract are based on the actual cost of the contract to the owner including the amount added thereto as a fee.

- **Regulation 150-951(4). Contractor's gross receipts.**

Gross receipts for all contractors, whether lump sum or cost plus, are to include those receipts received for performing contracted services. This means that under a lump sum contract, the amount of the contract is used to compute the license tax under section 150-965 subject to the provisions provided for contractors under section 150-972(a) of this chapter. In the case of a cost plus contract, gross receipts include the cost of the contract plus the fees associated with that contract or contracts. Those fees can be based on a percentage or on a flat fee. Nevertheless, all revenue received as a result of the contract are included in the computation of the license tax.

Fixed location, for the purpose of this article, means any permanent structure which is used to provide goods or services to consumers.

Gross commissions for travel agencies is defined as fees earned on the sales of tickets and provision of other services and shall not include actual ticket prices. For carrying on each business of travel agency, the license tax shall be based on gross commissions.

Gross income for real estate brokers is defined as those fees from any source deposited into the real estate broker's agency's general fund account less escrow deposits, and less fees paid to cooperating real estate brokers. For carrying on each business of real estate broker, the license tax shall be based on gross income. Notwithstanding any provisions herein to the contrary, the maximum amount paid by a real estate broker shall be \$2,200.00.

- **Peddler**, for the purpose of this article, means any person who for himself or any other person, goes from house to house, or place to place, or store to store, exposing and selling the merchandise which he carries with him and delivering the same at the time of, or immediately after, the sale or without returning to the base of business operation between the taking of the order and the delivery of the goods; however, any person who uses the same vehicle or a combination of one or more vehicles for the purpose of taking orders and delivering merchandise, regardless of the fact that the vehicle returns to the base of operations between the taking of the order and the delivery of the merchandise, shall be deemed a peddler, unless such person can show that the merchandise delivered is accompanied by an invoice or delivery ticket prepared at the base of operations and which conforms to the original order and that the person delivering the merchandise has permitted no deviation from the original order by allowing the purchaser to reject, cancel, increase, or decrease the quantity at the time of delivery or to offset against such quantity any merchandise delivered at a prior time which is being returned. This extension of the meaning of the term "peddler" shall not be interpreted so as to prevent rejection or cancellation of bona fide orders or the return of inferior merchandise, but shall be construed so as to prevent persons peddling merchandise from escaping their tax liability by subterfuge through means of so-called "standing order" or blanket advance orders, increase and decrease in quantities at the time of delivery, arbitrary rejections and cancellations, and offset of merchandise returned by reason of nonsale rather than obligation of warranty, all of which are hereby declared to be mere devices to prevent normal methods of operations so as to disguise the business of a peddler as an ordinary wholesale business. "Peddler" shall include,

but is not limited to, hawkers, itinerant vendors, and any retail dealers not having a fixed place of business.

- **Regulation 150-951(8). Peddler.**

The definition of "peddler" includes but is not limited to the following vendors:

1. Roadside vendors;
2. Temporary stands;
3. Sales made from motor vehicles;
4. Farmers vending from locations removed from their farms.

- **Person** includes an individual, firm, corporation, partnership, limited liability company, association, or other legal entity.

- **Regulation 150-951(9). Person.**

As used in this article, the word "person" includes both natural persons or artificial persons, including corporations, partnerships, limited liability companies, estates, trusts, business trusts, syndicates, cities and parishes, municipalities, the state of Louisiana, any district or political subdivision, department or division thereof, any board, agency, or other instrumentality thereof, acting unilaterally or as a group or combination, as well as receivers, referees in bankruptcy, agricultural associations, labor unions, firms, co-partnerships, joint ventures, associations, singularly or in the plural, who have the legal right or duty whether explicit, implied or assumed, to perform any of the transactions described in this article.

- **Retail dealer to institutional consumers**, for the purpose of this article, includes all businesses selling, at retail from a fixed place of business, merchandise to dairymen, cattlemen, or farmers, to federal, state, parish, or municipal governments or institutions, to educational or charitable institutions, to hospitals, manufacturers, public utility companies, processors, refiners, fabricators, contractors, severers of natural resources, carriers of freight or passengers, pipe lines, hotels, and restaurants provided that such sales constitute the major portion of the business.

- **Separate location**, as used in section 150-955 of this article, exists unless a similar or associated type of business is operated as a unit under a single roof or on the same contiguous tract of land.

- **Regulation 150-951(11). Separate location.**

The phrase "separate location" is defined to clarify license requirements as cited in section 150-955 (separate licenses required for each location, based on primary class of business). The definition covers situations in which a business owner conducts more than one business under one roof or on the same parcel of land. The owner needs only one license as long as the businesses are similar or of an associated nature. The key phrases in the definition are "similar or associated type of business" and "operated as a unit". Similar types of businesses would be retail and retail, service and service, wholesale and wholesale, whereas associated type of businesses would be retail and wholesale, retail and repair, retail and rental, etc. It should be noted that these operations must be operated as one unit.

The definition is not intended to cover mall or shopping center situations which are operated under one roof or on the same parcel of land.

In determining whether a business is operated as a unit, the following criteria should be met:

1. Same ownership;
2. A common set of books and records are to be maintained;
3. The businesses must be held out to the general public as one unit (common trade name, common customer contact point, etc.);
4. An interdependency exists.

- **Wholesale dealer**, for the purpose of this article, except as specifically provided in this article, means any person who sells to other dealers who in turn resell.

(Code 1956, § 70-1; Ord. No. 19,937, § 1, 12-1-00)

Sec. 150-952. - Payment of tax.

- Except as otherwise expressly provided, there is hereby levied an occupational license tax for the year 1989 and for each subsequent year upon each person pursuing and conducting any business, trade, calling, profession or vocation within the city, which tax shall be due and payable to the tax collector as follows:
 1. In the case of any business which is subject to license under this article, commencing on or after January 1, 1989, the license tax shall be due and payable on such date of commencement.
 2. In the case of a business commenced prior to the effective date of the ordinance from which this article was derived, the license tax shall be due and payable on January 1, 1989.
- 1. Annually thereafter, all license taxes levied under this article shall be due and payable on January first of each calendar year for which the license is due, except that for a new business commencing after January first of any calendar year, the first license shall be due and payable on the date the business is commenced.
 2. All licenses unpaid after the last day of February of the calendar year for which they are due or, in the case of a new business, unpaid on the date such business is commenced shall be deemed delinquent and subject to the payment of delinquent interest and penalty. Delinquent interest and penalty shall be computed from March first of the calendar year for which they are due.
- For ongoing businesses which cease operation between January first and the last day of February of the current license year, the license for the year shall be based on their gross receipts for the prior year, divided by 365 and multiplied by the number of days in which they were in operation.

Regulation 150-952. Payment of tax.

Any person doing business within the city shall pay an initial occupational license tax on or before the day business begins.

Annually, thereafter, the license tax is due and payable on January 1 of each calendar year. The tax becomes delinquent on March 1, and subject to interest and penalties. Delinquent interest and penalties shall be computed from March 1 of the year due until paid.

In cases which involve initial [payment], it should be noted that the relief provided for under this section is only applicable during the periods of January first through the last day of February. The provisions of this section shall not apply to flat fee or per unit licenses. The rationale behind this is that these licenses are not based on gross sales or receipts and therefore, are not subject to proration.

(Code 1956, § 70-2; Ord. No. 19,937, § I, 12-1-00)

State law reference— Similar provisions, R.S. 47:343.

Sec. 150-953. - New business; license due upon commencement.

No person shall commence any business within the city without first paying a tentative license tax and after obtaining the approval of the department of safety and permits. Within 40 days after commencing the business, each person shall compute in the manner provided by section 150-957 the balance of the license tax, if any, owed for the year in which the business is started and pay such tax balance. When the business is begun prior to July first of any year, the tentative tax shall be the minimum annual rate for the particular class of business in cases in which the tax is based on gross receipts, sales, fees, premiums or commissions, or the full annual rate in cases in which

the tax is based on a specific amount per unit. When the business is begun on or after July first of any year, the tentative tax shall be one-half of the minimum annual rate or the specific amount per unit, as the case may be.

(Code 1956, § 70-3; Ord. No. 19,937, § I, 12-1-00)

State law reference— Similar provisions, R.S. 47:344.

Sec. 150-954. - Change of ownership or lessee.

- The license is issued in the name of the person making application and paying the initial fee and is not transferable or assignable. If at any time during the license year a change of ownership takes place, the license period is from January first, to the date of sale or change of lessee. A "change of ownership" occurs when a business is sold or leased, and does not include changes in partnership or corporation shares.
- The new owner or lessee shall obtain another business license, as the license issued to the former owner or lessee is not transferable or assignable. The license period for the new owner or lessee covers the date of transfer of ownership or lease to December thirty-first of the license year. The collector shall be notified within ten days when a change is effected.

(Code 1956, § 70-4; Ord. No. 19,937, § I, 12-1-00)

State law reference— Similar provisions, R.S. 47:345.

Sec. 150-955. - Separate license required for each location, based on primary class of business.

Except as otherwise provided in this article, only one license shall be required for each place of business, and the license shall be based upon the classification of business which constitutes the major portion of the taxable annual gross sales and receipts. However, any person operating coin vending or weighing machines shall obtain only one license, regardless of the locations of the machines. However, a separate license shall be required for hotels, motels, rooming houses, and boarding houses. Such license shall be in addition to the license required if other classes of business are operated in conjunction with the hotel, motel, rooming house, or boarding house.

Regulation 150-955. Separate license required for each location, based on primary class of business.

For purposes of this section, the phrase "each place" (of business) shall have the same meaning and guidelines set forth under section 150-951(11) for "separate location". A separate location or place of business exists unless all of the following conditions are met:

1. There exists a similar or associated type of business,
2. Operated, as related to the initial concern, as a unit, and
3. Located under a single roof or on the same contiguous tract of land.

In addition to these guidelines, it should be noted that common ownership must exist, as this is the basis of the imposition of the tax. The license tax is imposed upon the "person" as defined under section 150-951(9), and the provisions for separate location are intended only to determine the number of licenses required to be obtained by each "person" commencing business.

This section also provides for operators of coin operated vending machines or weighing machines to obtain only one license regardless of the location of said machines. This does not cover amusement devices which are subject to license taxes set forth in section 150-969(d) of this article.

A separate license, however, will be required for hotels, motels, rooming houses, and boarding houses who operate other classes of businesses in addition to providing sleeping rooms to their guests. Clearly, by illustration, this suggests that these specified establishments who operate

restaurant(s), lounge(s), etc. would be required to obtain a separate license for these classes of business. Be mindful, however, that in a situation where such an establishment would conduct a restaurant and lounge in conjunction with their hotel, motel, rooming house or boarding house operation, that one license would cover both the restaurant and the lounge activity since both are similarly classified for occupational license purposes. They would not be required to have separate licenses for the restaurant and for the lounge unless ownership were different or they were not operated under a single roof or on the same parcel of property.

(Code 1956, § 70-5; Ord. No. 19,937, § I, 12-1-00)

State law reference— Similar provisions, R.S. 47:346.

Sec. 150-956. - Class of business.

In order to calculate the license fee for a business location at which business activities are carried on that fall under more than one tax basis schedule, gross receipts, fees, or commissions for each group of activities falling under each schedule must be compared. The rate for the schedule which constitutes the major portion of the gross receipts, fees, or commissions will be used. However, the total gross receipts, fees, or commissions for all business activities carried on at the business location, minus any applicable deductions, are applied to the schedule to compute the fee.

Regulation 150-956. Class of business.

By way of illustration but not limitation, a dealer with annual retail sales of \$100,000.00 and annual wholesale sales of \$50,000.00 would purchase one license based on gross receipts of \$150,000.00 under the retail table.

(Code 1956, § 70-6; Ord. No. 19,937, § I, 12-1-00)

State law reference— Similar provisions, R.S. 47:347.

Sec. 150-957. - Period used where gross receipts are the measure of the license.

- The basis for determining the amount of the annual licenses provided by this article, where the license is measured by gross receipts shall be as follows:
 1. If the business has been conducted previously by the same party, the annual gross receipts, gross fees, or gross commissions earned, whether received or accrued, during the preceding calendar year for which the license is issued shall be the basis for determining the amount of the annual license.
 2. If the business is begun during the calendar year for which the license is issued, the license for the year of commencement shall be based on the gross receipts, gross sales, gross premiums, gross fees, or gross commissions earned, regardless of whether received or accrued, during the first 30 days of business, multiplied by the number of months, or major fraction thereof remaining in the calendar year; however, any business which opens after June thirtieth of the year in question whose estimated gross receipts for the remainder of the year are less than one-half of the maximum gross revenue allowed in the minimum rate under the classification of the particular business, shall pay for the remainder of the year at one-half the minimum rate.
 3. If the business is begun less than 30 days before the end of the calendar year for which the license is to be issued, the tax shall be based on the gross receipts, gross sales, gross premiums, gross fees, or gross commissions earned, regardless of whether received or accrued, during the calendar year; however, one-half of the annual rate shall apply to such businesses whose gross receipts for the period operated during the calendar year is less than one-half of the maximum gross revenue allowed in the minimum rate under the classification of the particular business.
 4. The license tax of the business for the calendar year following that of commencement shall be based on the gross receipts, gross sales, gross premiums, gross fees, or gross commissions earned, regardless of whether received or accrued, during the previous

year, divided by the number of days in operation during the year of commencement, and multiplied by 365.

- The date of beginning business for the purposes of this article shall depend upon the type of business involved, and shall be governed by regulations promulgated by the director of the department of finance according to law.

Regulation 150-957(b). Period used where gross receipts are the measure of the license.

The term "date of beginning business," for the purpose of calculating the license tax, shall be defined as follows:

1. Tentative date of beginning business.

The taxpayer shall furnish to the collector the date on which the business is anticipated to begin and shall pay the tentative tax; if no date is given, the date of application shall be used.

2. Actual date of beginning business.

The date that the business is considered to have actually begun shall be contingent upon one of the following conditions:

- The date on which sales and/or services facilities are fully operational and available to the customer, or
- The date on which loans are made, if in the business of lending or dealing in notes, or
- The date on which commissions or fees are earned, if in the business as a broker or commission agent, or
- The date on which contracts were entered into, if in business as a contractor.

(Code 1956, § 70-7; Ord. No. 19,937, § I, 12-1-00)

State law reference— Similar provisions, R.S. 47:348.

Sec. 150-958. - Taxpayers required to keep records; confidentiality.

- In general, each person shall keep a reasonable record of his gross receipts, gross fees or commissions, or loans made. This record shall be kept separately for each place of business, and shall be subject to examination and inspection by the collector or his duly authorized assistants.
- 1. Except as otherwise provided by law, the records and files of the collector or the records and files maintained pursuant to a tax ordinance, excluding ad valorem property taxes and ad valorem property tax assessment rolls, are confidential and privileged, and no person shall divulge or disclose any information obtained from such records and files except in the administration and enforcement of the tax laws of this state or of the city.
 2. No person shall divulge or disclose any information obtained from any examination or inspection of the premises or property of any person in connection with the administration and enforcement of the tax laws of this state or the city except to the taxing jurisdiction of his employment or, in the case of an already existing independent contractor arrangement, to the city.
 3. Neither the collector nor any employee engaged in the administration or charged with the custody of any such records or files shall be required to produce any of them for inspection or use in any action or proceeding, except in an action or proceeding in the administration or enforcement of the tax laws of this state or of the city.
 4. Any officer, employee, or agent or any former officer, employee, or agent of the city who unlawfully discloses any information obtained from a return of a taxpayer or records and files of the collector, contrary to the provisions of this section, shall be

guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$10,000.00 or be imprisoned for not more than two years, or both.

5. Nothing contained in this section shall be construed to prevent such persons from disclosing a return of a taxpayer or the records of the secretary as authorized by law in any judicial proceeding in which the state or the city thereof is a party.

(Code 1956, § 70-8; Ord. No. 19,937, § I, 12-1-00)

State law reference— Similar provisions, R.S. 47:349.

Sec. 150-959. - Application for licenses.

- Every person subject to a license tax levied by this article shall apply to the collector for a license before the same becomes delinquent, as provided in this article. The application shall state all facts necessary to determine the amount of taxes due under this article.
- If the collector is not satisfied with the facts set forth in the application or for any reason desires to audit the books and records of the taxpayer, the collector or any of his authorized assistants may audit and inspect all records of the taxpayer that would have any bearing upon the amount of taxes due under this article.
- If an individual is an applicant for a license required by this article, the applications must be signed by him; if a partnership or an association of persons, by a member of the firm; and if a corporation, by the proper officer thereof.
- Any intentional false statement as to any material facts in the application for a license under this article shall constitute a misdemeanor, and any person convicted thereof shall be fined not more than \$200.00, or imprisoned for not more than six months, or both.

(Code 1956, § 70-9; Ord. No. 19,937, § I, 12-1-00)

State law reference— Similar provisions, R.S. 47:349.1.

Sec. 150-960. - Failure to pay tax; judgment prohibiting further pursuit of business.

Failure to pay the tax levied by this article shall ipso facto, without demand or putting in default, cause the tax, interest, penalties, and costs to become immediately delinquent, and the collector is hereby vested with authority, on motion in a court of competent jurisdiction, to take a rule on the delinquent taxpayer to show cause in not less than two or more than ten days, exclusive of holidays, why the delinquent taxpayer should not be ordered to pay the total amount due and owing under this article. This rule may be tried out of term and in chambers and shall always be tried by preference. If the rule is made absolute, the order therein rendered shall be considered a judgment in favor of the city.

(Code 1956, § 70-10; Ord. No. 19,937, § I, 12-1-00)

State law reference— Similar provisions, R.S. 47:351.

Sec. 150-961. - Collector authorized to make rules and regulations.

- The collector shall make and enforce all rules and regulations necessary for the proper, complete, and equitable collection of the tax levied by this article. He may adopt different rules and regulations and forms for different classes or kinds of businesses, uniform as to each class, if by so doing the collection of the full amount of taxes due under this article may be simplified and made more certain.
- The collector may make and publish reasonable rules and regulations, not inconsistent with law, for the enforcement of the provisions of this article and collection of the revenue hereunder.

(Code 1956, § 70-11; Ord. No. 19,937, § I, 12-1-00)

State law reference— Similar provisions, R.S. 47:351.

Sec. 150-962. - Records to be kept by collector.

The collector shall keep an accurate record showing the names of every person paying taxes under this article, together with the business pursued, the amount of the license, the date of the collection, and the payment thereof.

(Code 1956, § 70-12; Ord. No. 19,937, § 1, 12-1-00)

State law reference— Similar provisions, R.S. 47:353.

ARTISTS

Sec. 110-121. Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- **Commercial transaction** means the selling of any service or goods for any type of price, set fee, or required donation, or the display, wearing, posting or distribution of verbiage or signs that describe or refer to a price, set fee or required donation for any service or goods other than the selling of original paintings, sketches, and drawings.
- **Jackson Square artist setup area** means: a) the area extending 20 feet from the Jackson Square fence on St. Peter Street; b) the area extending 20 feet from the Jackson Square fence on Chartres Street; c) the area extending 20 feet from the Jackson Square fence on St. Ann Street; and d) the area extending five feet from the Jackson Square fence on Decatur Street. The hours of operation of the Jackson Square setup area shall be from 5:00 a.m. to 6:00 p.m.
- **Original** means only those works produced and for sale by the artist which have been accomplished essentially by hand and precludes any mechanical or duplicative process in whole or part.
- **"A" permit** is defined as a permit granted to a person pursuant to this section and subsection 110-123(1) to allow the permittee to paint and sell original works of art in that area defined as "the Jackson Square setup area."
- **"B" Permit** is defined as a permit granted to a person pursuant to this section and subsection 110-123(2) to allow the permittee to paint and sell works of art in that area defined as the "vicinity of Jackson Square."
- **Vicinity of Jackson Square** means Pirates Alley and that area of Royal Street bounded by Pirates Alley and Pere Antoine Alley.
(M.C.S., Ord. No. 21787, § 1, 12-1-04)

Sec. 110-122. Permits required

- Every person who shall desire to use the public streets, sidewalks or public places or private places of business establishments for the conduct of any of the businesses or callings hereinafter set forth shall first apply to and obtain from the department of finance a permit. Such permit shall in each instance state the occasion for which it is issued and the date upon which it will expire and shall be in addition to any other tax or license to which permittee may be liable. Except as otherwise provided, annual permits expire on December 31. Such permits, however are not valid within the central business district area bounded by the river on the east, Claiborne Avenue on the west, Esplanade Avenue on the north and Howard Avenue on the south, except as provided in section 110-131
- Only persons holding "A" permits may place easels, tables, chairs or similar furniture within the Jackson Square artist setup area. Only persons holding "A" permits or "B" permits may place easels, tables, chairs or similar furniture in the vicinity of Jackson Square.
(M.C.S., Ord. No. 21787, § 1, 12-1-04)

Sec. 110-123. Fees

Permits issued under this division shall be paid for by the applicant at the time of issuance according to the following schedule, to manually paint, sketch or draw on plain surfaces only in:

- The Jackson Square artist setup area. Any permit issued under this subsection shall be designated on the face of the permit as an "A" permit.
Per year\$20.00
- The vicinity of Jackson Square, defined as Pirates Alley, and that area of Royal Street bounded by Pirates Alley and Pere Antoine Alley. Any permit issued under this subsection shall be designated on the face of the permit as a "B" permit.
Per year\$20.00
(M.C.S., Ord. No. 21787, § 1, 12-1-04)

Sec. 110-124. Exhibition of work

- While a permittee under this division is working, he or she may also exhibit and sell his or her own original paintings, sketches, and drawings on the permitted site.
- When a permittee under this division is exercising the privileges granted by the permit, he or she may not engage in any commercial transaction other than producing or selling his or her own original paintings, sketches, and drawings.
(M.C.S., Ord. No. 21787, § 1, 12-1-04)

Sec. 110-125. Display of permit, prices

Permits granted under this division, and the total price for completed paintings, sketches, or drawings, shall be displayed on the site on a removable temporary sign no larger than eight and one-half inches by 11 inches.

(M.C.S., Ord. No. 21787, § 1, 12-1-04)

Sec. 110-126. Revocation

Failure to comply with the provisions of this division shall be cause to have the permit revoked for one calendar year by the director of the department of finance.

(M.C.S., Ord. No. 21787, § 1, 12-1-04)

Sec. 110-127. Maximum number of permits issued

The maximum number of "A" permits which may be issued under this division shall be 200.

(M.C.S., Ord. No. 21787, § 1, 12-1-04)

Sec. 110-128. Rules, regulations—"A," "B" permits

- Any person who shall apply for an "A" or "B" permit under this division for the first time shall obtain an application from the department of finance and shall submit such application to the department of finance. The department of Finance shall issue no new "A" or "B" permits until 30 days have elapsed from the date that the application has been filed with the department. At the end of the 30-day period the department shall notify the applicant in writing, at the address on the application, that such applicant is allowed 15 days to secure the permit from the date of the letter of notification. Failure of the applicant to appear in person at the department of finance to secure the permit within the 15-day period shall invalidate the application, and the applicant shall be required to submit a new application pursuant to the above process.

- “A” or “B” permits issued pursuant to section 110-123 shall be renewable during January of the following calendar year in which it was issued. The renewal application shall not require the 30-day waiting period as outlined in subsection (a) of this section, and shall be obtained immediately upon the application being approved by the department of finance and the required permit fee being paid. The applicant shall appear in person to apply and receive the renewed permit, except in those cases of disabling illness accompanied by medical proof. The proof shall be submitted to the director of the department of finance in an appeal for waiver of the personal appearance. The director of the department of finance shall grant the permit at his discretion.
- Should any artist working under an “A” or “B” mayoralty permit fail to renew such permit within the month of January of the following calendar year in which it was issued, the renewal of such permit shall be obtained pursuant to the process for obtaining a new permit as outlined in subsection (a) of this section.
- If at any time after January 31, 1979, the number of valid “A” permits issued pursuant to section 110-127 does not exceed 200, then the total number of “A” permits issued shall never exceed 200.
(M.C.S., Ord. No. 21787, § 1, 12-1-04)

Sec. 110-129. Reserved.

Sec. 110-130. Same—French Market promenades and parks

Artists holding valid “A” or “B” permits issued under the provisions of this division may apply to the French Market Corporation for permission to manually paint, sketch or draw on plain surfaces only within the French Market promenades and parks. The director of the French Market Corporation shall designate those sites which are to be used by the artists. The director of the French Market shall also establish reasonable rules and regulations governing artists working within French Market promenades and parks and shall make them available to the public for inspection. Failure to comply with the rules and regulations of the French Market Corporation shall be sufficient cause for the director of the French Market Corporation to revoke his permission for artists to work in the French Market promenades and parks for one calendar year.
(M.C.S., Ord. No. 21787, § 1, 12-1-04)

Sec. 110-131. Permits valid in the central business district

Permits are valid within that area of the city bounded by the Mississippi River on the east, Rampart Street on the west, Esplanade Avenue on the north and Canal Street on the south.
(M.C.S., Ord. No. 21787, § 1, 12-1-04)

Sec. 110-132. Artist regulations

- Spaces within the designated Jackson Square artist setup area will be available daily, only, on a “first come, first served” basis. A particular space shall not become the exclusive space of any permittee in contravention of this rule. Spaces may not be held overnight.
- No person may be allowed to place easels, tables, chairs or similar furniture in the location occupied by another artist or directly in front thereof. An artist who simultaneously displays his work in two noncontiguous locations shall immediately remove his work from one such location.
- An artist who is working a location shall not display his work or place his equipment or himself in such a way as to block the sidewalk or interfere with pedestrian traffic or the artist next to him. He shall keep his sidewalk clean. When a member of the public is in front of an artist's location, no other artist will solicit or in any way try to attract attention to himself, his own work, or his own location.

(M.C.S., Ord. No. 21787, § 1, 12-1-04)

Secs. 110-133—110-150. Reserved

Editor's note— M.C.S., Ord. No. 21787, § 1, adopted Dec. 1, 2004, amended div. 3 in its entirety and enacted similar provisions as set out herein. The former div. 3 derived from Code 1956, §§ 46-1, 46-1(10)—(10B), 46-1.1, 46-4.4(a)—(d), 46-4.5, 46-4.5(a), 46-4.6; Ord. No. 21,095, §§ 1—5, adopted May 1, 2003; and M.C.S., Ord. No. 21341, § 1, adopted Nov. 20, 2003.

Cross reference— Mayoralty permits required for various callings or occupations or occasions, § 30-69; Jackson Square, § 106-261; Vieux Carre, ch. 107.

MOBILE FOOD TRUCKS

Sec. 110-186. Definitions

[The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

- **Central Business District**, for the purpose of this division, means the area bounded by: the Mississippi River, the northbound side of North Rampart Street, Iberville Street and Howard Avenue and Andrew Higgins Drive.
- **Clean zone** means an area established by an ordinance adopted by the Council of the City of New Orleans that suspends certain permits and prohibits the transaction of certain business and/or commercial activities on designated areas of public property and outside of enclosed buildings, within the City of New Orleans during specific dates and times.
- **Faubourg Marigny**, for the purpose of this division, means the area bounded by: Esplanade Avenue, North Rampart, Elysian Fields Avenue and Royal Street.
- **Franchisee** means the recipient of a mobile vending franchise under the terms and provisions of this division.
- **Mobile food truck** means a double-axle vehicle that is completely mobile with no permanent fixed location, the vendor of which prepares all or most of its victuals on board the vehicle to serve or distribute to customers, in a form suitable for immediate ingestion or consumption. This definition excludes vendors selling only fresh, uncooked or unprepared produce or seafood, or farmers selling their own produce or value-added products (oils, jams, jellies, etc.) directly to customers from motor vehicles. Vendors selling only fresh, uncooked or unprepared produce or seafood, or farmers selling their own produce or value-added products (oils, jams, jellies, etc.) shall be regulated by Division 5.1 of Article II in Chapter 110 of the Code of the City of New Orleans.
- **Mobile vendor** means a person, natural or juridical, that has obtained a valid permit and/or franchise to operate a mobile food truck to serve or distribute victuals on the public right-of-way.
- **Permitee** means the recipient of a mobile vending permit under the terms and provisions of this division.
- **Public right-of-way** means any city street, alley, road, sidewalk, neutral ground, or other passageway whereby pedestrians or vehicles traverse.
- **Serve or distribute** means soliciting the sale of or offering for sale victuals. Corporate sampling is not permitted.
- **Victuals** means food of any kind that is prepared, packaged or in a form that is suitable for immediate ingestion or consumption by human beings. This definition excludes the selling of fresh produce or raw or cooked seafood sold in bulk or by weight that has not been prepared, packaged or served with other prepared foods as part of a menu item. Sale of fresh, uncooked or unprepared produce or seafood, or farmers selling their own produce or value-added products (oils, jams, jellies, etc.) shall be regulated by Division 5.1 of Article

II in Chapter 110 of the Code of the City of New Orleans.

- **Vieux Carré**, for the purpose of this division, means the area bounded by: Iberville Street, northbound side of North Rampart Street, Esplanade Avenue and the Mississippi River. (M.C.S., Ord. No. 25407, § 2, 7-25-13)

Sec. 110-187. Permit or franchise required and authorized

Every person, whether natural or juridical, who desires to use the public right-of-way or public places to conduct any of the businesses or callings hereinafter set forth, shall first apply for and be granted a mobile vending permit from the department of finance, and/or a mobile vending franchise ordinance from the city council as provided in this division.

(M.C.S., Ord. No. 25407, § 2, 7-25-13)

Sec. 110-188. Permit requirements

- A mobile vending permit shall be applied for with the department of finance and shall be on forms provided by the city and in the format and number of copies as required by the instructions. No permit shall be issued until all requisite approvals by the State Department of Health and Hospitals and the Fire Department are finalized and received by the department of finance. All permit holders shall comply with all applicable laws and regulations of the State of Louisiana and the Code of the City of New Orleans.
- Any permit that is issued shall in each instance state the occasion for which it is issued and the date upon which it will expire and shall be in addition to any other required tax or license. Permits shall be issued on an annual basis and shall expire on December 31. Renewal applications shall be made by January 31. Nothing contained herein precludes the prorating of permit fees.
- The number of permits issued under this division shall at no time exceed 100 for the entire city.
- Permits shall be conspicuously displayed and affixed to the front windshield, lower corner, passenger side and be clearly visible from outside the mobile food truck at all times during operation.
- Except as otherwise provided in this division, permits issued under this division are valid for use in business, commercial, industrial and mixed use zoning districts as defined in the New Orleans Comprehensive Zoning Ordinance, as amended, including the southbound side of North Rampart Street between Esplanade Avenue and Canal Street and the southbound side of Loyola Avenue and Elk Place between Cleveland Street and Howard Avenue. Nothing contained herein shall be construed to authorize the use of any permit:
 1. In the Central Business District;
 2. In the Vieux Carré;
 3. In the Faubourg Marigny;
 4. In any residential or park district as defined in the New Orleans Comprehensive Zoning Ordinance, as amended;
 5. On Maple Street between Audubon Place and Leake Avenue;
 6. On Oak Street between Broadway Street and Monticello Avenue;
 7. In the area bounded by: Louisville Street, Vicksburg Street, Robert E Lee Boulevard and Conrad Street;
 8. On St. Bernard Avenue between Interstate 610 and Lakeshore Drive;
 9. On Paris Avenue between Interstate 610 and Lakeshore Drive;
 10. On Elysian Fields between Interstate 610 and Lakeshore Drive; and
 11. On Franklin Avenue between Interstate 610 and Lakeshore Drive.
- Permits issued under this division are not valid:
 1. During the Mardi Gras Season in the locations governed by sections 34-34 et seq.;

2. During the Annual New Orleans Jazz and Heritage Festival Season within the area bounded by Florida Avenue on the north, North Broad Avenue on the east, Esplanade Avenue on the south, and Bayou St. John on the west (excluding the portion of that area contained within the exterior boundaries of the New Orleans Fair Grounds Race-track) commencing at 7:00 a.m. on the first day of live music performances and continuing through and until 11:59 p.m. on the concluding day of live music performances;
 3. In a clean zone as authorized by an ordinance adopted by the council; and
 4. When the city requires the use of its public right-of-way to facilitate projects or events within the right-of-way.
- The director of the department of finance may prescribe such other policies and procedures as to the issuance of permits as may be required to carry out the full intent and purpose of this division.
(M.C.S., Ord. No. 25407, § 2, 7-25-13)

Sec. 110-189. Franchise requirements

- A valid mobile vending franchise ordinance with the city shall be obtained in such a manner pursuant to this section for a mobile vendor to lawfully operate:
 1. In the Central Business District;
 2. In the Faubourg Marigny;
 3. In any residential or park district as defined in the New Orleans Comprehensive Zoning Ordinance, as amended;
 4. On Maple Street between Audubon Place and Leake Avenue;
 5. On Oak Street between Broadway Street and Monticello Avenue;
 6. In the area bounded by: Louisville Street, Vicksburg Street, Robert E Lee Boulevard and Conrad Street;
 7. On St. Bernard Avenue between Interstate 610 and Lakeshore Drive;
 8. On Paris Avenue between Interstate 610 and Lakeshore Drive;
 9. On Elysian Fields between Interstate 610 and Lakeshore Drive; and
 10. On Franklin Avenue between Interstate 610 and Lakeshore Drive.
- A mobile vending franchise shall be applied for with the department of public works and shall be on forms provided by the city and in the format and number of copies as required by the instructions. No franchise shall be issued until all requisite approvals by the State Department of Health and Hospitals and the Fire Department are finalized and received by the department of public works. All franchisees shall comply with all applicable laws and regulations of the State of Louisiana and the Code of the City of New Orleans.
- The director of the department of public works, or his/her authorized designee, shall evaluate the mobile vending franchise application and submit to the city council a report and recommendation for review and approval. The city council may issue a revocable mobile vending franchise ordinance for the use of certain city streets. Any such ordinance shall conform to the terms and conditions as provided in this division.
- Each application for a mobile vending franchise shall provide the desired fixed location on certain public streets in the City of New Orleans with specificity, and shall provide the desired days of the week and correlating hours the location is proposed to be occupied by the potential franchisee.
- Each application for a mobile vending franchise shall provide a photo and the dimensions of the mobile food truck to be used in the sale of items specified herein.
- The following standards and criteria shall be utilized by the department of public works in formulating its recommendation to the city council relative to the appropriateness of an applicant's desired location, day(s) and time(s):
 1. Creation of a pedestrian or vehicular safety hazard;

2. Road, sidewalk and public right-of-way geometrics including, but not limited to: design, alignment, configuration, width, and vehicle site-line distance;
3. Impediments to traffic flow;
4. Traffic congestion, patterns circulation, movements and average daily trip volumes;
5. Speed limits and traffic speeds;
6. Traffic studies and accident rates;
7. On-street parking requirements;
8. The geographic make-up of the area;
9. Impact on any nearby residential uses; and
10. Any other factor deemed to be a potential safety hazard by the department of public works.

Upon evaluating an application for a mobile vending franchise, the department of public works shall recommend approval or denial in a written report to the city council. The department of public works shall recommend denial of a franchise request that has a significant adverse impact on vehicular or pedestrian flow, movement or safety.

- If approved by the council, a serial-numbered franchise permit shall be codified in the mobile vending franchise ordinance. Said serial number shall appear on signage placed by the city at the designated selling location and on the mobile vending franchise permit. The department of public works shall also mark the street with lines to indicate the approved mobile vending location. The mobile vending franchise permit shall be conspicuously displayed and affixed to the front windshield, lower corner, passenger side and be clearly visible from outside the mobile food truck at all times during operation. No franchisee shall remain or continue to occupy the designated location(s) beyond the approved days and times without amending the franchise ordinance.
- Franchises are not valid:
 1. In the Vieux Carré;
 2. During the Mardi Gras Season in the locations governed by sections 34-34 et seq.;
 3. During the Annual New Orleans Jazz and Heritage Festival Season within the area bounded by Florida Avenue on the north, North Broad Avenue on the east, Esplanade Avenue on the south, and Bayou St. John on the west (excluding the portion of that area contained within the exterior boundaries of the New Orleans Fair Grounds Race-track) commencing at 7:00 a.m. on the first day of live music performances and continuing through and until 11:59 p.m. on the concluding day of live music performances;
 4. In a clean zone as authorized by an ordinance adopted by the council; and
 5. When the city requires the use of its public right-of-way to facilitate projects or events within the right-of-way.
- The director of the department of public works may prescribe such other policies and procedures as to the processing of franchise applications as may be required to carry out the full intent and purpose of this division.
- All applicants for a mobile vending franchise must post an official notification sign informing the public of a pending franchise application. The official notification sign shall be in a format designated by the department of public works and shall be installed by the applicant ten days before the council meeting at which the application will appear on the agenda for consideration. The official notification sign shall be conspicuously displayed on the same block as the proposed franchise in a location determined by the department of public works and shall be clearly visible. The sign shall include the following information:
 1. The name of the franchise applicant and franchise application number,
 2. The date, time, and location of the next council meeting at which the application will appear on the agenda for consideration, and
 3. The proposed franchise location and days and times of operation.
- All mobile vending franchise applicants shall be responsible for all costs associated with

compliance with the notice requirements of this section.
(M.C.S., Ord. No. 25407, § 2, 7-25-13)

Sec. 110-190. Permit and franchise fees

- There shall be an initial permit application fee of \$50.00, which shall be submitted to the department of finance along with the permit application to defray the cost of processing. Upon permit issuance, there shall be an additional \$400.00 permit fee, which shall be renewed annually to reasonably compensate the city for the cost of the restricted use of the public right-of-way. Payment shall be by check or money order payable to the city.
- There shall be an initial franchise application fee of \$175.00, which shall be submitted to the department of public works along with the franchise application to defray the cost of processing and evaluating the application. Upon franchise issuance, there shall be an additional franchise fee, which shall be renewed annually to reasonably compensate the city for the cost of the restricted use of the public right-of-way. The cost of the franchise fee shall be recommended by the department of public works and ordained by the council, based on the following criteria:
 1. The location of the franchise;
 2. The length, in feet, that the food truck will occupy on the street, including the space required for placement of a trash receptacle;
 3. The times, duration and days of operation;
 4. Parking availability and costs in the area;
 5. Cost of franchise signage and street marking; and
 6. Any other factor deemed to be a potential cost factor as determined by the department of public works or the Council of the City of New Orleans.

In no event shall the annual franchise fee exceed \$28,200.00. Payment shall be by check or money order payable to the city. Annual franchise fees are due by January 31, to the department of public works.

(M.C.S., Ord. No. 25407, § 2, 7-25-13)

Sec. 110-191. Rules and regulations for all mobile food vendors

In addition to all other applicable laws pertaining to permits and franchises, all mobile vendors operating pursuant to this division shall also be subject to the following provisions:

- All mobile food trucks shall be registered in the State of Louisiana. Any driver of a mobile food truck shall possess a valid Louisiana Driver's License.
- All mobile vendors shall comply with all applicable parking, traffic and vehicle safety laws, regulations and restrictions, but in no event shall any mobile vendor remain in any one location for more than four hours, unless otherwise permitted by law.
- No mobile vendor shall operate within 20 feet of any intersection.
- No mobile vendor shall operate within 20 feet of any stop sign, flashing beacon, yield sign or other traffic control signal located on the side of a roadway.
- No mobile vendor shall operate within three feet of any public or private driveway, wheelchair ramp or bicycle ramp.
- No mobile food truck shall be more than 26 feet in length or eight feet in width.
- No mobile vendor shall sell alcoholic beverages, controlled substances, or any other item the possession or use of which is deemed illegal under any federal, state or local law.
- No mobile vendor shall sell goods, wares or other items of merchandise other than victuals.
- No mobile vendor shall place any chairs, stools, tables or other fixtures, furniture or other

obstructions on any portion of the public street, sidewalk or right-of-way, except as provided in subpart (j) of this section.

- All mobile vendors shall provide a trash receptacle within three feet of the front or back of the mobile food truck on the public street, which shall be large enough to contain all refuse generated by operation. The location shall be kept clean and free of trash and debris. All mobile vendors shall be responsible for cleaning all debris and refuse generated by such operation within 50 foot radius of the mobile food truck upon ceasing operation. It shall be unlawful for any mobile vendor to leave any location without first picking up, removing and properly disposing of all trash or refuse remaining at a location. Any trash, garbage, refuse or other debris generated by the mobile vendor or relating to the operation of the mobile vendor shall be disposed of at approved locations. Nothing contained herein shall permit the placement of a trash receptacle on any sidewalk.
- It shall be unlawful for any mobile vendor to operate a mobile food truck in any manner that impedes the flow of vehicular or pedestrian traffic on any public right-of-way.
- No mobile food vendor shall operate a mobile food truck in any manner that impedes the ingress or egress of a building or structure during its operating hours.
- It shall be unlawful for any mobile vendor to operate a mobile food truck that is in a defective, unsafe or unsanitary condition in violation of any applicable law or regulation.
- No mobile vendor shall operate any horn, sound amplification system, or other sound-producing device or music system which can be heard outside the mobile food truck when such mobile food truck is moving, stopped, standing or parked, or is being operated as allowed under this division.
- No advertising shall be permitted on any mobile food truck, except to post prices and to identify the name of the product or name of the lawful mobile food vendor.
- All mobile vendors must comply with all other applicable conditions and requirements imposed upon mobile vendors under the law, and must comply with all applicable city and state health laws and regulations and shall make such sales tax returns and other reports as required by provisions of the Code of the City of New Orleans.
- All mobile vendors shall immediately notify the department of finance if the State Department of Health and Hospitals revokes a vendor's ability to operate.
(M.C.S., Ord. No. 25407, § 2, 7-25-13)

Sec. 110-192. Existing vendors

Nothing contained herein shall invalidate a legally issued and valid permit relative to the vehicle of a vendor selling victuals that was legally operating on the date of adoption of this division.
(M.C.S., Ord. No. 25407, § 2, 7-25-13)

Sec. 110-193. Insurance requirements.

- At the time of application for, and prior to the issuance of, any permit or franchise pursuant to this division, each and every applicant shall provide written proof of commercial general liability insurance coverage. At the time of application for, and throughout the period of validity of, any permit issued to the applicant, the policy or policies must be in full force and effect and must be underwritten by a carrier licensed to do business in the state. Such insurance coverage shall provide liability coverage of not less than \$500,000.00 for any and all claims against the applicant and/or the city arising out of or in any way connected to or associated with the vendor or any of its operations, including but not limited to bodily injuries, personal injuries, and injuries to property, and shall name the city as an additional insured.
- At the time of application for, and prior to the issuance of, any permit or franchise pursuant to this division, each and every applicant shall provide written proof of commercial vehicle insurance coverage in compliance with state law.

(M.C.S., Ord. No. 25407, § 2, 7-25-13)

Sec. 110-194. Fines and forfeitures—Process and procedure

- Any violation of any applicable provision of this chapter may be grounds for revocation of any permit or franchise issued under this division and shall be an infraction punishable by a fine not to exceed \$500.00 per violation.
- Violations of the provisions of this division shall be brought by the appropriate department or agency to administrative adjudication as provided in Chapter 6 of the Code of the City of New Orleans, or to municipal court.

(M.C.S., Ord. No. 25407, § 2, 7-25-13)

Editor's note— M.C.S., Ord. No. 25407, § 2, adopted July 25, 2013, amended Art. II, Div. 5 in its entirety to read as herein set out. Former Div. 5, §§ 110-186–110-195, pertained to food, and derived from Code 1956, §§ 46-1, 46-1.1.1, 45-2, 45-6, 46-4.2. See the Code Comparative Table for complete derivation.

Cross reference— Mayoralty permits required for various callings or occupations or occasions, § 30-69; bakeries, § 30-291 et seq.; mayoralty permits for peddling novelties, candles, home manufactured or home grown products, toilet articles, etc., required, § 30-70; sale of food or beverages in certain areas, § 54-493; Jackson Square, § 106-261 et seq.; Vieux Carre, ch. 166.

SECOND LINE VENDORS

Sec. 110-256. Definitions

Transient vendors, canvassers, solicitors and merchants—Class E means all Social Aid and Pleasure Club occasional vendors engaging in the sale of prepared or packaged food, hot or cooked food, food cooked to order, or non-food artifacts at a parade event where said vendor's Social Aid and Pleasure Club has a valid parade permit from the police department or a special event where said vendors' Social Aid and Pleasure Club has obtained a promoter license and mayoralty permit. (Code 1956, § 46-7(a)–(d); M.C.S., Ord. No. 25032, § 1, 10-4-12)

Cross reference— Definitions generally, § 1-2.

Sec. 110-258. Compliance required

It shall be unlawful for any transient vendor, canvasser, solicitor or merchant to sell at retail or offer for sale at retail within the corporate limits of the city any goods, wares, or merchandise except in accordance with the provisions of this article.

(Code 1956, § 46-8)

Sec. 110-259. Permits required for various callings or occasions; fees

- Every person who shall desire to use the public streets, sidewalks or public places or private places of business establishments for the conduct of any of the businesses or callings hereinafter set forth shall first apply to and obtain from the department of finance a permit. Such permit shall in each instance state the occasion for which it is issued and the date upon which it will expire and shall be in addition to any other tax or license to which permittee may be liable. Except as otherwise provided, annual permits expire on December 31. Such permits, however, are not valid within the central business district area bounded by the Mississippi River on the east, Claiborne Avenue on the west, Esplanade Avenue on the north and Howard Avenue on the south, except as provided in section 110-271
- Permits shall be paid for by the applicant at the time of issuance according to the following schedule:

- For any Social Aid and Pleasure Club Occasional Vendor engaging in the sale of prepared or packaged food, hot or cooked food, food cooked to order, or non-food artifacts at a parade event where said vendor's Social Aid and Pleasure Club has a valid parade permit from the police department or a special event where said vendors' Social Aid and Pleasure Club has obtained a promoter license and mayoralty permit. For the purpose of this section, this classification shall be designated as class E as defined in section 110-256. The provisions of section 110-259(c)(3) relative to the amount of the permit fee notwithstanding shall be \$25.00 per vendor; per year.

Sec. 110-260. Permit, application

Every transient vendor, canvasser, solicitor or merchant subject to the provisions of this section, before selling at retail, or offering for sale at retail, within the city any goods, wares or merchandise, either from stock or by sample, shall make application to the director of the department of finance for a permit no less than 30 days prior to the date that such sales are to begin to carry on such business in the city. Such application shall be in writing, duly sworn to by the applicant in person, or by the applicant's duly authorized representative, and shall contain the following information:

1. The name of the person having the management or supervision of such business during the time it shall be carried on in the city;
2. The address of such person while engaged in such business in the city;
3. The capacity in which such person will act; that is, whether as proprietor or agent;
4. The name of the person for whose account the business shall be carried on, and if a corporation, under the laws of what state the same is incorporated;
5. Three business references;
6. The place where the owner of such business conducts or maintains an established place of business;
7. The place in the city where it is proposed to carry on such business, and the length of time during which it is expected or proposed that such business shall be conducted;
8. The place, other than the permanent place of business of the owner, where such transient vendor, canvasser, solicitor or merchant within the six months next preceding the date of such application conducted or carried on a temporary or transitory business, stating the nature thereof and giving the post office and street addresses of any building or office in which such business was so conducted;
9. A statement of the nature, character and quantity of the goods, wares or merchandise to be sold at retail or offered for sale at retail in the city and the invoice value of such goods;
10. A statement as to whether the goods are to be sold at retail from stock in possession or by sample, and whether the same are to be sold at retail at auction or public outcry, or by personal solicitation, or otherwise. Bills or invoices of purchase of goods shall be attached to the application when demanded by the director of the department of finance in the exercise of his discretion;
11. A brief statement of the nature and character of the advertising done or to be done in order to attract customers, and, if required by the director of the department of finance, copies of all advertising, whether by handbills, circulars, newspaper advertising or otherwise, shall be attached to the application as exhibits thereto;
12. The number, either of arrests or convictions of misdemeanors or crimes, and the nature of the offenses for which arrested or convicted, if any;
13. To the application must be appended a letter from the firm for which the applicant purports to do business, authorizing the applicant to act as its representative.

(Code 1956, § 46-9)

Sec. 110-263. Appointment of agent for service of process

All transient vendors, canvassers, solicitors, and merchants shall, upon making application for a permit in this article, provide the director of the department of finance with proof that the applicant has appointed a resident of the parish as his irrevocable agent for service of process. (Code 1956, § 46-10.2)

Sec. 110-265.1. Additional requirements for transient vendors under class "E."

- Vendors permitted under this division may sell from parked vehicles or pushcarts and on the sidewalks as long as pedestrian traffic may pass.
- Vendors permitted under this division are prohibited from parking a motor vehicle on the neutral ground.
- Vendors permitted under this division that are stationary may be present in any single location for one hour previous to the parade and one hour after the parade has passed the location.
- Vendors permitted under this division may also move with the parade if using pushcarts, walking, or other vehicle except for motor vehicles. All moving vendors must keep moving except when making a sale. No stands, card tables or the like, except hand-carried displays, shall be allowed on public streets, sidewalks, alleys, parks, squares, neutral grounds or rights-of-way for the sale or display of goods.
- Allowed food items: Vendors permitted under this division may sell prepared and packaged foods, cooked food, food cooked to order, food cooked on, in, or adjacent to the vendor vehicle or cart.
- Prohibited items:
 1. Vendors permitted under this division may not utilize propane grills.
 2. Vendors permitted under this division may not sell alcoholic beverages.
- Vendors permitted under this division must display a menu of food items with set prices that is attached to their vehicle, pushcart, or other conveyance for their wares.
- Vendors permitted under this division must conspicuously display their permit on their vehicle, pushcart, or other conveyance for their wares.
- Vendors permitted under this division must supply a trash receptacle while vending.
- Vendors permitted under this division must keep clean from litter a ten foot radius extending from their vehicle, pushcart, or other conveyance while vending.
- During the Mardi Gras season, it shall be unlawful for any vendor permitted under this division to cook, prepare, sell, or vend from a trailer, or other mobile 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. The provisions contained in this section shall not apply to vendors who are issued permits under City Code section 34-35. Vendors issued permits under this article are prohibited in participating in vending during any Mardi Gras parade without the proper MG licenses and permits.

(M.C.S., Ord. No. 25032, § 3, 10-4-12)

Sec. 110-267. Penalty for violation

The violation of any of the provisions of any city, state, or federal law, or the doing of business otherwise than provided in the application and permit issued thereon, shall constitute a forfeiture of the permit, and the director of the department of finance shall suspend the operation of such permit not to exceed ten days, and upon the request of the holder of such permit, grant a hearing and rule upon such forfeiture. Should the director of the department of finance find that there has been

a violation of the condition of the permit, such permit shall be immediately forfeited, surrendered, and cancelled. A forfeiture of the permit shall not entitle the transient vendor, canvasser, solicitor or merchant to any refund of taxes or fees paid.

(Code 1956, § 46-11)

Sec. 110-269. Permit fee

In order to defray the cost and expense of the enforcement of this article, with the exception of class E transient vendors, every transient vendor, canvasser, solicitor or merchant subject to the provisions of this series of sections, shall, in addition to all taxes, privileges and fees required by law to be paid for the transacting of such business in the city, pay a permit fee of \$500.00, which shall be paid to the director of the department of finance, or to his/her designated deputy. All permit fees collected under this article shall be transmitted to the collector of revenue in accordance with section 110-2.

(Code 1956, § 46-13; M.C.S., Ord. No. 25032, § 4, 10-4-12)

Sec. 110-270. Permit nontransferable

The permit issued under this article shall be nontransferable.

(Code 1956, § 46-13)

Sec. 110-271. Permits valid in the central business district

Permits designated by section 110-259 are valid within that area of the city bounded by the Mississippi River on the east, Rampart Street on the west, Esplanade Avenue on the north and Canal Street on the south.

(Code 1956, § 46-1.1)

Sec. 110-272. Permits not valid in certain areas during Annual Louisiana Jazz and Heritage Festival Season

- Permits designated by section 110-259 are not valid within the area bounded by Florida Avenue on the north, North Broad Avenue on the east, Esplanade Avenue on the south, and Bayou St. John on the west (excluding the portion of that area contained within the exterior boundaries of the New Orleans Fair Grounds Racetrack) during the Annual New Orleans Jazz and Heritage Festival Season.
- The "Annual New Orleans Jazz and Heritage Festival Season" is defined as that period occurring annually commencing at 7:00 a.m. on the first day of live music performances at the New Orleans Jazz and Heritage Festival conducted annually at the Fair Grounds racetrack by the New Orleans Jazz and Heritage Foundation, Inc., and continuing through and until midnight on the concluding day of live music performances at such location during such festival.

(Code 1956, § 46-1.1.1)

Cross reference— Mayoralty permit generally, § 30-66 et seq.; mayoralty permits required for various callings or occupations or occasions, § 30-69; mayoralty permits for peddling novelties, candles, home manufactured or home grown products, toilet articles, etc., required, § 30-70; Jackson Square, § 106-261 et seq.; permit required for peddling of flowers in parks and recreation areas, § 110-151 et seq.; secondhand jewelry dealers, § 130-66 et seq.; sales and use tax, § 150-441 et seq.; Vieux Carre, ch. 166.

SPECIAL EVENT TEMPORARY ALCOHOLIC BEVERAGE OUTLETS

Sec. 10-52. - Special events permits.

- Except as provided in subsection (c) of this section, the director of the department of finance or his designee may, upon presentation of a letter signed by a member of the city council, authorize the issuance of alcoholic beverage permits for special events not covered by section 10-2, such as fairs, picnics and other social events sponsored by a person, corporation or organization when such functions will not continue for a period in excess of three days. The department of finance may issue an alcoholic beverage permit or permits to the applicant named in the letter notwithstanding any ordinance or moratorium to the contrary upon payment, if applicable, of the alcoholic beverage permit fee specified in this section. If a letter from a member of the council is unavailable, the director of the department of finance or his designee may authorize the issuance of the special event alcoholic beverage permit if the director or his designee determines, after communication with appropriate agencies of city government, that the special event will not adversely affect traffic flow, parking in the affected area, or public safety.
- The fees for permits issued pursuant to this section, including all processing fees, shall be as follows:
 1. Sale of beverages of low alcoholic content\$135.00
 2. Sale of beverages of high alcoholic content500.00
 3. Sale of beverages of high and low alcoholic content635.00
 4. Free distribution of alcoholic beverages at picnics or other special eventsNo charge
 5. Alcoholic beverage permit processing fee250.00
 6. Any alcoholic beverage permit for a special event issued in accordance with this section shall be valid only for the dates, times and locations authorized by the letter which may also authorize alternative dates, times or locations in anticipation of inclement weather or other circumstances. The fees specified in this section shall not apply to nonprofit organizations granted permission to sell alcoholic beverages pursuant to section 10-2.
- During the Mardi Gras season, as defined in section 34-216, a special event alcoholic beverage permit may only be issued by the director of the department of finance upon presentation of an adopted motion of the city council authorizing the issuance of the permit. It is the policy of the council not to approve special event permits during the Mardi Gras season if the event appears to be intended to capitalize on parade or carnival crowds. If the city council meeting schedule does not provide sufficient time for councilmanic action by council motion as required herein, for special events held during the Mardi Gras season authorization for the issuance of an alcoholic beverage permit for a special event may be granted in writing by the director of the department of finance. A copy of any such authorization shall be submitted to the council and the chief administrative officer by the director.

(Code 1956, § 5-3.1; Ord. No. 20,025, § 1, 2-1-01; Ord. No. 20,081, § 1, 3-15-01)

Cross reference— Mayoralty permits, § 30-66 et seq.; carnival, Mardi Gras, ch. 34.

Sec. 10-2. - Application to clubs, fairs, etc.; exemption of charitable organizations.

- The provisions of this chapter shall apply to all public picnics, public fairs and public celebrations. However, the director of the department of finance or his designee may upon presentation of a letter signed by a member of the city council grant permission to any hospital, church or exclusively charitable organization to sell or serve alcoholic beverages for a public fair, public picnic or public celebration. The letter shall state the name of the

organization, the place, the date, and time for the public event. For purposes of this section, a nonprofit organization shall be one which is registered with the secretary of state as a nonprofit organization or one which qualified as a nonprofit organization under 26 U.S.C. 501 (c).

- Except for city property known as Edison Park, located at municipal address 311 Bourbon Street, this section shall not apply during the Mardi Gras season, as defined in section 34-216. Any such temporary alcoholic beverage permit fee waiver shall be granted to a nonprofit organization for a duration of three consecutive days only and no more than 12 such permits may be issued to any one organization within a single calendar year. Another letter shall be required in cases of inclement weather rescheduling. If a letter from a member of the council is unavailable, the director of the department of finance or his designee may in writing grant permission for the waiver of the alcoholic beverage permit fee if the director or his designee determines, after communication with appropriate agencies of city government, that the special event will not adversely affect traffic flow, parking in the affected area, or public safety.

(Code 1956, § 5-3; M.C.S., Ord. No. 21428, § 1, 2-19-04; M.C.S., Ord. No. 23276, § 1, 11-6-08)

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