

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

**CITY HALL: June 19, 2008**

**CALENDAR NO. 27,057**

**NO. 23166 MAYOR COUNCIL SERIES**

**BY: COUNCILMEMBER WILLARD-LEWIS**

**AN ORDINANCE** to establish a temporary moratorium on the issuance of permits relative to the establishment of bars, cocktail lounges, package liquor stores, grocery stores, or restaurants and the issuance or renewal of alcoholic beverage permits to persons who do not both hold a current valid alcoholic beverage permit and are engaged in the commercial sale of **alcoholic** beverages at the permitted premises on the effective date of this ordinance; to provide that the moratorium shall apply to persons seeking the issuance or renewal of alcoholic beverage permits for premises in the Lower Ninth Ward within Councilmanic District E in the area bounded by Industrial Canal to the St. Bernard Parish Line and from the Mississippi River to Florida Avenue; and otherwise to provide with respect thereto.

1           **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS,**  
2 that no person shall be entitled to any permit relative to the establishment of bars, cocktail lounges, package  
3 liquor stores, grocery stores, or restaurants and that no person shall be entitled to the issuance or renewal of  
4 any municipal alcoholic beverage permit if such person does not both hold a current valid alcoholic  
5 beverage permit and is also engaged in the commercial sale of alcoholic beverage at the permitted premises  
6 on the effective date of this ordinance. The provisions of this Section shall apply to persons seeking the  
7 issuance of renewal or alcoholic beverages permits in the Lower Ninth Ward within Councilmanic District  
8 E in the area bounded by Industrial Canal to the St. Bernard Parish Line and from the Mississippi River to  
9 Florida Avenue.

1           **SECTION 2.** That the provisions of Section 1 shall remain in effect for one (1) year or until the  
2 implementation of land use measures by the City Planning Commission to effectuate the intent of the  
3 temporary moratorium.

1           **SECTION 3.** Any party aggrieved by the provisions of this ordinance may appeal to the City  
2 Council for a waiver of the provisions hereof by submitting a written notice of intent to appeal to the City  
3 Planning Commission accompanied by any site plans; drawings or data, either written or graphic as deemed  
4 necessary by the CPC staff, for review and recommendation. The City Planning Commission must make a  
5 report of its recommendations to the City Council within thirty (30) days of the receipt of request. This  
6 appeal must be accompanied by appeal fees in accord with Section 118-43 of the City Code. Upon receipt

7 receipt by the Council of the report of the Director of the City Planning Commission, a public hearing shall  
8 be held upon proper notice within thirty (30) days at a regular or special meeting of the Council. After  
9 consideration of the report and the information presented at the bearing, the Council may, by ordinance;  
10 waive, the provisions of this ordinance with respect to the party making the appeal following a  
11 determination by the Council that the issuance of the requested permit would not either thwart the purpose  
12 of ongoing review of zoning and land use controls in the said area, or that the hours of operation and  
13 volume of operation arising from the granting of the permit would not adversely impact the public health,  
14 safety and welfare of persons in the neighborhood in which it is located. In connection with the  
15 consideration of any appeal, the Council may grant a waiver conditioned upon provisos with respect to  
16 hours of operation, parking, or include any other special requirement designated to insure safety to persons  
17 and property, minimize the impact of trash or refuse, or insure general compatibility with other  
18 characteristic of the neighborhood by the premise for which the permit is being sought. The provisos or  
19 special requirements included in any such waiver shall be permanent provisos attached to the subject  
20 permits or renewals thereof for the specific premises and shall not expire with the transfer of ownership of  
21 the business or property or with the subsequent enactment of land use measures affecting the property,  
22 unless such provisos or requirements are specifically repealed or modified through a subsequent ordinance  
23 amending the ordinance granting said waiver.

**ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS JULY 10, 2008**

**JACQUELYN B. CLARKSON**  
**PRESIDENT OF COUNCIL**

**DELIVERED TO THE MAYOR ON JULY 11, 2008**

**APPROVED:**

**~~DISAPPROVED:~~ JULY 18, 2008**

**C. RAY NAGIN**  
**MAYOR**

**RETURNED BY THE MAYOR ON: JULY 21, 2008 AT 11:15 A.M.**

**PEGGY LEWIS**  
**CLERK OF COUNCIL**

**ROLL CALL VOTE**

**YEAS: Carter, Clarkson, Fielkow, Head, Hedge-Morrell, Midura, Willard-Lewis - 7**

**NAYS: 0**

**ABSENT: 0**

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