

**Comments in response to the Regulations proposed by the City of New Orleans
Department of Safety & Permits governing the issuance of Temporary Alcoholic Beverage
& Mayoralty (Live Entertainment) Permits, as required by Ordinance Calendar No. 34,873
adopted by the New Orleans City Council on March 27, 2025.**

Background: On March 27, 2025, the New Orleans City Council adopted Ordinance Cal. No. 34,873, as amended, (Ordinance) in response to persistent staffing shortages and other challenges within the Department of Safety & Permits (DSP) that have delayed the processing and issuance of residential and business permits and licenses. To expedite new business operations and reduce pressure on DSP, the Ordinance authorizes DSP to issue temporary alcoholic beverage and mayoralty (Live Entertainment) permits upon receipt of a *complete application*. According to the explicit provisions of the Ordinance, a *complete application* must include: (1) the state alcoholic beverage permit; (2) the state health permit; (3) state fire marshal approval; and (4) background checks for all business owners. The Ordinance further directs DSP to promulgate regulations specifying any additional items required for a *complete application*.

Pursuant to the Ordinance, DSP has proposed the regulations set forth below in **RED** ink specifying the remaining components of a *complete application* and establishing procedures for the approval and issuance of temporary permits. However, these proposals appear to frustrate the Ordinance’s central aim—facilitating the prompt commencement of business operations.

As required by Chapter 2, Article XI of the City Code, DSP conducted a public hearing on Friday, November 7, 2025, to allow interested parties and stakeholders to comment on the proposed regulations. Because public comments were limited to two minutes, meaningful, substantive input was not feasible. Accordingly, we submit the following written comments.

Comments in response to the Proposed Regulations: As a general matter, we believe the proposed regulations establish a framework for reviewing and issuing temporary alcoholic beverage and mayoralty (Live Entertainment) permits that mirrors the requirements for permanent permits, thereby defeating the Ordinance’s intent.

The regulations proposed by DSP are set forth below in their entirety and are highlighted in **RED**. Our comments are highlighted in **BLUE**.

November 7, 2025

Department of Safety and Permits

Proposed Regulations Governing Implementation of Issuance of Temporary Alcoholic
Beverage Outlet Permits

I: Authority

Pursuant to Section 2-1000 of the City Code and City Council Ordinance 34,873 MCS approved on March 27, 2025, the Department Safety and Permits of the City of New

Orleans proposes the following rules and regulations relative to the implementation of the Issuance of Temporary Alcoholic Beverage Outlet Permits including but not limited to regulations on eligibility, processes, and issuance.

Comment: A reference to Mayoralty (Live Entertainment) Permits should be included here.

II: Applicability

These regulations shall apply to new business applications for the sole purpose of applying for the issuance of a Temporary Alcoholic Beverage Outlet Permit. Only those businesses set forth in New Orleans City Code, Chapter 10 are eligible to receive a Temporary Alcoholic Beverage Outlet Permit,

Comment: A reference to Mayoralty (Live Entertainment) Permits should be included here.

III: Eligibility Requirements

To be eligible for a Temporary Alcoholic Beverage Outlet Permit the following must be submitted:

Comment: A reference to Mayoralty (Live Entertainment) Permits should be included here.

1. The department is in receipt of a complete application for the alcoholic beverage permit and corresponding occupational license, or mayoralty permit for live entertainment, if applicable. A completed application must include the following:

- a) state alcoholic beverage permit;
- b) state health permit;
- c) background check(s) for all listed business owners, which may be satisfied by submitting the Department of Safety and Permits ABO Short Form Application;

Comment: A prerequisite to the issuance of a temporary or permanent state alcohol permit is a completed background check. Since the issuance of the state alcohol permit is required here prior to the issuance of a temporary city alcohol permit, that should satisfy this requirement. As such, the following language should be deleted from 1c): “the Department of Safety and Permits ABO Short Form Application” and replaced with: “a copy of the state alcoholic beverage permit.”

- d) state fire marshal approval;

e) Letter from the City Council member for the district in which the subject property is located, stating their approval for the issuance of the temporary alcoholic beverage outlet permit; and

Comment: *This regulation requires a “letter” from the City Council member. Why can’t the Council Member’s approval or disapproval be accomplished in the same manner that such approvals or disapprovals are presently provided with regard to Special Event Permits? Under the present Special Event Permit system, the Council Member registers his or her approval/disapproval on the city LAMA database.*

f) Payment for the annual permit.

2. This application is limited to applications from new businesses.

Comment: *We are not sure what is meant or intended by “new business” in this section. All applications are for new businesses. However, a new owner submitting an application in connection with a change in ownership of an existing business could be interpreted not to be a “new business” and, therefore, denied the ability to obtain a temporary permit. This #2 should be stricken in its entirety unless something else is intended here and that intention is clearly defined and distinguished from changes in ownership of existing businesses.*

3. The use specified in the alcoholic beverage outlet permit application is a permitted use, valid conditional use, or valid legal non-conforming use within the zoning district of the subject property. Zoning verification shall be submitted for final determination of zoning approval.

Comment: *The first sentence in section 3 above is verbatim, as it appears in the Ordinance. The second/last sentence has been added in the proposed regulations and **should be stricken in its entirety**. While zoning should be determined when issuing a temporary permit, submission of a Zoning Verification should not be required. The submission of a Zoning Verification is not required now for the issuance of a permit. Requiring a Zoning Verification will only delay the issuance of a permit (according to DSP website, it can take 2 weeks to get a Zoning Verification). A zoning determination is important even when issuing a temporary permit, but a Zoning Verification should not be required.*

4. There are no open health, safety, or building violations on the property for which the temporary alcoholic beverage permit will be issued.

Comment: *Section 4 should be stricken in its entirety. This is one of the primary reasons for the creation of a temporary permit. Resolution of these types of issues delay the permit issuance process. The temporary permit period is designed to allow time to resolve these types of issues, which usually have nothing to do with the permit*

applicant. The requirement for State Fire Marshal approval prior to the issuance of a temporary permit is designed to ensure that the property is safe.

5. The property has been issued and has a current certificate of occupancy or temporary certificate of occupancy issued by the City of New Orleans.

Comment: Section 5 is problematic. *Unless a Building Permit has been issued in connection with work being performed on the property or there is a change in use of the property, a new Certificate of Occupancy is not issued each time ownership of a business changes. The original Certificate of Occupancy could have been issued 20 years ago. The language of Section 5 should be amended to say that a **new** Certificate of Occupancy is not required for the property except in limited circumstances.*

6. A application for a manager’s license for the establishment must be submitted with the completed application or, in lieu of the application, the applicant may submit an affidavit stating that the business will not engage in the sale of alcohol beverages until a properly licensed manager has been identified.

Comment: Section 6 should be amended, as follows: *delete everything after “or” on the second line and replace with the following: “verification from one of the owners that one or more of the owners will be present on the licensed premises during all days and hours of operation.”*

7. There are no outstanding fines, fees, and/or taxes owed to the city.

Comment: Section 7 should be stricken in its entirety. *This is another one of the primary reasons for the creation of a temporary permit. Resolution of these types of issues usually takes time and can and should be addressed during the temporary permit period. Additionally, the proposed regulation does not speak to who may owe outstanding fines, fees and/or taxes. The owner of the property? The applicant? One or more owners of the applicant?*

8. The location for which the application is being made has not been issued a prior temporary alcoholic beverage permit in the past 365 days.

Comment: *What is the purpose of this section? It is possible for a new business to obtain a temporary permit and subsequently receive a permanent permit and then sell the business 9 months later. This provision would prevent the new owner from obtaining a temporary permit.*

V: Approval Process

“V” should be “IV” above.

The approval process to receive a Temporary Alcoholic Beverage Outlet Permit is as follows:

1. Submit completed application – per the instructions in section IV (1).
2. The Department has 4 days to review the application and will send by day 5 the recommendation to the Department of Revenue to issue an Occupational License.
3. All fees are paid via the One Stop App.
4. The Temporary Alcoholic Beverage Outlet Permit shall not be issued until the Temporary Occupational License is issued through the city’s centralized LAMA database.

Comment: This section (#4) should be stricken in its entirety. The adopted Ordinance specifically states that the “department of safety and permits shall issue a 60-day temporary alcoholic beverage permit and shall recommend for approval a corresponding 60-day temporary occupational license within five days of the submission of a complete application.” It does not require that the temporary occupational license be issued prior to the issuance of a temporary alcoholic beverage permit.

5. The Temporary Alcoholic Beverage Outlet Permit and Temporary Occupational License when all eligibility requirements are met will be issued within 10 business days.

Comment: This section (#5) should be stricken in its entirety and replaced with the following: “The Temporary Alcoholic Beverage Outlet Permit and Temporary Occupational License shall be issued within ten (10) days of the submission of a complete application.” The adopted Ordinance specifically states that the “department of safety and permits shall issue a 60-day temporary alcoholic beverage permit and shall recommend for approval a corresponding 60-day temporary occupational license within five days of the submission of a complete application” [NOTE: “five days” should be “ten days” above. This is an error. CM Giarrusso proposed an amendment, which was adopted, changing “five days” to “ten days.” For whatever reason, “five days” was not changed to “ten days” in the codified version of the Code.] The adopted Ordinance does not require that the temporary occupational license be issued prior to the issuance of a temporary alcoholic beverage permit and, in fact, directs otherwise.

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