

ORDINANCE

CITY OF NEW ORLEANS

CITY HALL: August 7, 2025

CALENDAR NO. 35,204

NO. _____ MAYOR COUNCIL SERIES

BY: COUNCILMEMBERS KING AND MORENO

AN ORDINANCE to amend Section 10-101 of the City Code to clarify which addresses must be provided in an application for a permit under Chapter 10; and otherwise to provide with respect thereto.

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY

ORDAINS, That Section 10-101 of the Code of the City of New Orleans, Louisiana is amended to read as follows:

“Sec. 10-101. – Form and content.

All applications for permits to engage in any business or operation regulated by this chapter shall be in writing and sworn to before a notary public or any other officer authorized by law to administer oaths. Applications shall contain the full name of the applicant, with his or her correct home address, the correct address for the premises to be permitted, and a mailing address, if different, as well as an e-mail address where the applicant will receive notices provided by this chapter, and shall contain sworn statements showing that the applicant is a natural person, and that he or she, and his or her spouse, if any, possess the below qualifications. The Department of Safety and Permits and New Orleans Police Department shall be charged with the duty of making investigations to ensure that all of the required qualifications provided herein and elsewhere in this chapter are satisfied before permit issuance, and continue to exist during the duration of the permit, along with any renewals relative thereto. Such requirements are as follows:

- (1) That the applicant is over 18 years of age.

- 17 (2) If requested by the department of safety and permits, the applicant must give concise and
18 correct previous home addresses in which the applicant has lived for a period of the past five
19 years prior to making application for a permit. The department of safety and permits may also
20 request that if such applicant has engaged in the sale of alcoholic beverages within five years
21 of the date of the application, then the applicant shall also give a correct and concise address
22 of previous businesses so conducted within the past five years, together with the name under
23 which the business was conducted.
- 24 (3) That the applicant has not been convicted of a felony under the laws of the United States, this
25 state, or of any other state or sovereignty (a) during the previous five years or (b) during the
26 minimum period necessary to comply within La. R.S. 26:80 and 26:280, whichever is less. Any
27 convictions for charges expunged or pardoned shall not be considered.
- 28 (4) That the applicant has been a citizen or resident alien of the United States continuously for a
29 period of not less than two years preceding the date of the filing of such application. However,
30 the requirements as to United States citizenship and residency do not apply to wholesalers or
31 retailers who held permits on or prior to January 1950.
- 32 (5) That the applicant has designated an agent located in this city to receive service of process and
33 submits to personal jurisdiction within Orleans Parish. An applicant who is a resident of
34 Orleans Parish may designate him or herself as such agent.
- 35 (6) That the applicant is the owner of the premises wherein the business or operation is to be
36 conducted or has a bona fide written lease for the same. A true copy of such lease or rental
37 agreement shall be filed with the application.
- 38 (7) That the applicant is not the spouse of a person who is ineligible for a permit, unless legally
39 separated. However, the age, residency and citizenship of an applicant's spouse shall in no
40 event be a ground for denial of a permit. Additionally, a permit may be granted or renewed,

41 even though the applicant's spouse has been convicted of a felony, if the applicant had state
42 and local permits prior to the felony conviction, and if the applicant either:

43 a. Has a regime of separation of property, pursuant to La. Civil Code Article 2370, and is
44 the owner of the premises or has bona fide written lease therefor, or;

45 b. Owns the permitted premises as the applicant's separate property, pursuant to La. Civil
46 Article 2341.

47 (8) That the applicant has not had a license or permit to sell or deal in alcoholic beverages issued
48 by the United States, this state, this city or by any other state, sovereignty, parish or county
49 revoked within a one year period prior to the application for nonpayment of proper license
50 taxes or other taxes in connection with such business; and that the applicant has not had a
51 license or permit to sell or deal in beverage alcohol, issued by the aforementioned
52 governmental jurisdictions authorized to issue permits or licenses, revoked for any other reason
53 other than the nonpayment of taxes within two years prior to the application.

54 (9) That if any applicant is a partnership or anyone in partnership with or financed by another, all
55 members of the partnership and/or all the persons in any way financially interested in the
56 business must also be qualified to obtain a permit. The application shall state the full names of
57 all partners and persons financially interested and furnish their proper addresses, and each must
58 furnish his sworn affidavit showing his qualifications as required of an applicant.

59 (10) That a current federal wagering stamp has not been issued to any applicant; or, if the applicant
60 is a corporation, that a current federal wagering stamp has not been issued to it or to any of its
61 managers, officers, directors, stockholders or employees, or, if the applicant is a partnership,
62 that there has not been issued to it or to any of its managers, employers, officers or partners,
63 including partners in commendam, a current federal wagering stamp.

64 (11) A copy of the application shall be served on the owner of the premises where the applicant
65 intends to operate and do business. Such service shall be made at the last known address of

66 such owner or on his agent, and proof of such service shall be furnished by the applicant to the
67 city.

68 (12) A retail dealer shall provide its monthly revenue from the sale of food and non-alcoholic
69 beverages, and its alcoholic beverage sales, for the calendar year preceding the submission of
70 a renewal application. The required record of sales figures shall be submitted on a form
71 supplied and approved by the department of finance.

72 (13) There are no outstanding property or sales taxes owed at the ABO location. If the applicant is
73 a lessee and the denial of a permit is based upon delinquent property taxes, the alcoholic
74 beverage control board may waive this requirement if it finds the lessee is acting in good faith
75 and a waiver will avoid undue hardship to the lessee. This exception shall not apply if the
76 property owner and the applicant are under common ownership or control.”

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS _____

PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON _____

APPROVED:

DISAPPROVED: _____

MAYOR

RETURNED BY THE MAYOR ON _____ **AT** _____

ASSISTANT CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS:

NAYS:

ABSENT:

RECUSED:

ENGROSSED VERSION:

Sec. 10-101. – Form and content.

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- (1) That the applicant is over 18 years of age.
- (2) If requested by the department of safety and permits, the applicant must give concise and correct previous home addresses in which the applicant has lived for a period of the past five years prior to making application for a permit. The department of safety and permits may also request that if such applicant has engaged in the sale of alcoholic beverages within five years of the date of the application, then the applicant shall also give a correct and concise address of previous businesses so conducted within the past five years, together with the name under which the business was conducted.
- (3) That the applicant has not been convicted of a felony under the laws of the United States, this state, or of any other state or sovereignty (a) during the previous five years or (b) during the minimum period necessary to comply within La. R.S. 26:80 and 26:280, whichever is less. Any convictions for charges expunged or pardoned shall not be considered.
- (4) That the applicant has been a citizen or resident alien of the United States continuously for a period of not less than two years preceding the date of the filing of such application. However, the requirements as to United States citizenship and residency do not apply to wholesalers or retailers who held permits on or prior to January 1950.

- (5) That the applicant has designated an agent located in this city to receive service of process and submits to personal jurisdiction within Orleans Parish. An applicant who is a resident of Orleans Parish may designate him or herself as such agent.
- (6) That the applicant is the owner of the premises wherein the business or operation is to be conducted or has a bona fide written lease for the same. A true copy of such lease or rental agreement shall be filed with the application.
- (7) That the applicant is not the spouse of a person who is ineligible for a permit, unless legally separated. However, the age, residency and citizenship of an applicant's spouse shall in no event be a ground for denial of a permit. Additionally, a permit may be granted or renewed, even though the applicant's spouse has been convicted of a felony, if the applicant had state and local permits prior to the felony conviction, and if the applicant either:
 - a. Has a regime of separation of property, pursuant to La. Civil Code Article 2370, and is the owner of the premises or has bona fide written lease therefor, or;
 - b. Owns the permitted premises as the applicant's separate property, pursuant to La. Civil Article 2341.
- (8) That the applicant has not had a license or permit to sell or deal in alcoholic beverages issued by the United States, this state, this city or by any other state, sovereignty, parish or county revoked within a one year period prior to the application for nonpayment of proper license taxes or other taxes in connection with such business; and that the applicant has not had a license or permit to sell or deal in beverage alcohol, issued by the aforementioned governmental jurisdictions authorized to issue permits or licenses, revoked for any other reason other than the nonpayment of taxes within two years prior to the application.
- (9) That if any applicant is a partnership or anyone in partnership with or financed by another, all members of the partnership and/or all the persons in any way financially interested in the business must also be qualified to obtain a permit. The application shall state the full names of all partners and persons financially interested and furnish their proper addresses, and each must furnish his sworn affidavit showing his qualifications as required of an applicant.
- (10) That a current federal wagering stamp has not been issued to any applicant; or, if the applicant is a corporation, that a current federal wagering stamp has not been issued to it or to any of its managers, officers, directors, stockholders or employees, or, if the applicant

is a partnership, that there has not been issued to it or to any of its managers, employers, officers or partners, including partners in commendam, a current federal wagering stamp.

- (11) A copy of the application shall be served on the owner of the premises where the applicant intends to operate and do business. Such service shall be made at the last known address of such owner or on his agent, and proof of such service shall be furnished by the applicant to the city.
- (12) A retail dealer shall provide its monthly revenue from the sale of food and non-alcoholic beverages, and its alcoholic beverage sales, for the calendar year preceding the submission of a renewal application. The required record of sales figures shall be submitted on a form supplied and approved by the department of finance.
- (13) There are no outstanding property or sales taxes owed at the ABO location. If the applicant is a lessee and the denial of a permit is based upon delinquent property taxes, the alcoholic beverage control board may waive this requirement if it finds the lessee is acting in good faith and a waiver will avoid undue hardship to the lessee. This exception shall not apply if the property owner and the applicant are under common ownership or control.”