

ORDINANCE

CITY OF NEW ORLEANS

CITY HALL: May 11, 2023

CALENDAR NO. 34,187

NO. _____ MAYOR COUNCIL SERIES

BY: COUNCILMEMBER KING FK111

AN ORDINANCE to ordain Section 166-22 of the Code of the City of New Orleans to temporarily prohibit the prosecution of any violation(s) or prevention of the issuance or renewal of any permit; and to amend and reordain Sections 166-33, 166-83, 166-84, 166-121, and 166-123 of the Code of the City of New Orleans to provide that the Vieux Carré Commission (VCC) make rules and regulations in accordance with Chapter 2, Article XI of the Code, to permit the name of a business to be displayed on the door(s) used for patron ingress and egress as a permitted sign, to provide for the application and issuance of temporary signs to be erected in connection with a special event or celebration, to clarify that the building defects outlined in 166-121 are exclusive, to provide that VCC violation notices shall be specific, and to modify the procedure related to remedial applications; and otherwise to provide with respect thereto.

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

2 ORDAINS, That the Code of the City of New Orleans, Louisiana shall be amended to add section
3 166-22 which shall read as follows:

4 “Sec. 166-22. – Moratorium on enforcement.

5 Notwithstanding any other law or regulation to the contrary, effective from May 1, 2023
6 to one year following the date of adoption of this ordinance, the Vieux Carré Commission shall
7 not prosecute any violation(s) and shall not prevent the issuance or renewal of any permit, license,

8 or certificate for the operation of any authorized business for violation(s) of the provisions of this
9 chapter.”

1 **SECTION 2. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**
2 **ORDAINS**, That sections 166-33, 166-83, 166-84, 166-121, and 166-123 of the Code of the City
3 of New Orleans are amended to read as follows:

4 **“Sec. 166-33. - Rules and regulations; meetings; reports and recommendations.**

5 The Vieux Carré Commission shall make such rules and regulations as it may deem
6 advisable and necessary for the conduct of its affairs not inconsistent with the laws of the city and
7 state, and in accordance with chapter 2, article XI of this Code. The commission shall meet at least
8 quarterly, but meetings may be held at any time by the commission on the written request of any
9 of the nine members or on the call of the chairman or the mayor. The commission shall make
10 annual reports to the mayor and council containing a statement of its activities. It shall make its
11 recommendations for the future, but recommendations may be made by the council to the
12 commission at any time.

13 * * *

14 **Sec. 166-83. - Only one sign per shop, etc.**

15 One sign only shall be allowed per street face for each store, shop or bona fide place of
16 business, and this sign shall be no larger than the maximum stipulated in this article, regardless of
17 the amount of front footage. Notwithstanding the foregoing, the name of the business may be
18 displayed on the door(s) used for patron ingress and egress in accordance with regulations
19 promulgated by the Vieux Carré Commission.

20 **Sec. 166-84. - Signs not to be placed on balcony, fence, etc.**

21 No sign shall be placed upon a balcony, gallery, canopy, shed, roof, door or window or
22 placed in any manner whatsoever so as to disfigure or conceal any architectural feature or detail
23 of any building. No sign shall be displayed from any fence, wall or open lot unless it conforms in
24 proportion to the allowable area and does not exceed the maximum. Notwithstanding any other
25 provision in this Section to the contrary, temporary signs regarding a special event or celebration
26 may be erected in accordance with regulations promulgated by the Vieux Carré Commission.

27 * * *

28 **Sec. 166-121. - Preservation of existing structures by owner or person having legal custody**
29 **thereof.**

30 All buildings and structures in that section of the city known as the Vieux Carré section and so
31 defined generally in section 166-1 and section 166-2 under the jurisdiction of the Vieux Carré
32 Commission, as provided by article 14 of section 22A of the Louisiana Constitution, shall be
33 preserved against decay and deterioration and free from certain structural defects in the following
34 manner, by the owner thereof or such other person or persons who may have legal custody and
35 control thereof. The Vieux Carré Commission shall require the owner or other person having legal
36 custody and control thereof to repair such building only if it is found to have any of the following
37 defects:

- 38 (1) Those which have parts thereof which are so attached that they may fall and injure
39 members of the public or property.
- 40 (2) Deteriorated or inadequate foundation.
- 41 (3) Members of exterior walls, partitions or other vertical supports that split, lean, list
42 or buckle due to defective material or deterioration.
- 43 (4) Members of exterior walls, partitions or other vertical supports that are of
44 insufficient size to carry imposed loads with safety.

- 45 (5) Members of exterior ceilings, roofs, ceiling and roof supports, balconies, galleries,
46 porches or steps (stairs, stairways) or other exterior horizontal members which sag,
47 split or buckle due to defective material or deterioration.
- 48 (6) Members of exterior ceilings, roofs, ceiling and roof supports, balconies, galleries,
49 porches or steps (stairs, stairways) or other exterior horizontal members that are of
50 insufficient size to carry imposed loads with safety.
- 51 (7) Exterior fireplaces or chimneys which list, bulge or settle due to defective material
52 or deterioration.
- 53 (8) Exterior fireplaces or chimneys which are of insufficient size or strength to carry
54 imposed loads with safety.
- 55 (9) Deteriorated, crumbling or loose plaster on the exterior.
- 56 (10) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or
57 floors, including broken windows or doors.
- 58 (11) Defective or lack of weather protection for exterior wall coverings, including lack
59 of paint, or weathering due to lack of paint or other protective covering.
- 60 (12) Any fault or defect in the building which renders the same structurally unsafe or
61 not properly watertight.
- 62 (13) Defective or deteriorated exterior or floor supports; or exterior flooring or floor
63 supports of insufficient size to carry imposed loads with safety.

64 * * *

65 **Sec. 166-123. - Duty of commission to assist in enforcement of article.**

66 It shall be the duty of the Vieux Carré Commission, through its director or other proper
67 officer, to send notices to all persons who may be guilty of a violation of this article and inform
68 them of defects in their buildings or structures which must be remedied, in compliance with this
69 article.

70 The notice shall describe with specificity the nature and location of defects, including
71 pictures designating the exact portion of the building or property where defects exist. If such notice
72 has not been complied with after 30 days has elapsed from the giving of such notice, then it shall

73 be the duty of the director of the Vieux Carré Commission to prosecute or to cause to have
74 prosecuted such violations of this article in the municipal courts of the city, or such other court of
75 competent jurisdiction as may be proper, either civil or criminal. This duty shall not be mandatory
76 where the director believes or has good reason to believe that the person to whom notice has been
77 sent is complying or attempting to comply with the provisions of this article.

78 If an application for a permit to correct the noticed violation(s) is submitted within 30 days
79 of the giving the notice provided for in this section, the 30 days shall be tolled, pending the issuance
80 of the permit, for not less than 90 days.

81 If a permit is not issued within 90 days from the date of submission of an application to
82 correct the noticed violation(s), the applicant shall have 30 days to request a hearing before the
83 Vieux Carré Commission to determine why a permit has not been issued.”

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** _____

CLERK OF COUNCIL

ROLL CALL VOTE:
YEAS:
NAYS:
ABSENT:
RECUSED: