

ORDINANCE
CITY OF NEW ORLEANS

CITY HALL: August 5, 2021

CALENDAR NO. 33,422

NO. _____ MAYOR COUNCIL SERIES

BY: COUNCILMEMBERS BANKS AND GISLESON PALMER

AN ORDINANCE to ordain Section 66-210 of the Code of the City of New Orleans to impose certain limitations regarding loudspeakers and amplified noise; and otherwise to provide with respect thereto.

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS, That Section 66-210 of the Code of the City of New Orleans is hereby ordained to read as follows:

“Sec. 66-210. LOUDSPEAKERS AND AMPLIFIERS

(a) A person commits an offense if the person operates or causes to be operated any mechanical loudspeaker or sound amplifier in a public place or upon any public sidewalk, street, alley, or right of way of the city in violation of any of the following limitations and requirements:

(1) A mechanical loudspeaker or sound amplifier must be operated so as not to cause traffic congestion or congregation of crowds that obstructs any public sidewalk, street, alley, or right of way.

(2) A mechanical loudspeaker or sound amplifier may not be operated within 150 feet of the property line of any:

(A) hospital;

15 (B) nursing home; or

16 (C) medical/dental clinic, as defined by the Comprehensive Zoning

17 Ordinance of the City of New Orleans, or any facility that provides

18 surgical services to patients who do not require overnight hospital care

19 during the hours of operation of the facility.

20 (b) If conduct that would otherwise violate this section consists of speech or other

21 communication, of gathering with others to hear or observe such speech or

22 communication, or of gathering with others to picket or otherwise express in a nonviolent

23 manner a position on social, economic, political, or religious questions, the person must

24 be ordered to move, disperse, or otherwise remedy the violation prior to their arrest or

25 citation.

26 (c) The order required by subsection (b) may be given by a peace officer, a fireman, a person

27 with authority to control the use of the premises, or any person directly affected by the

28 violation.

29 (d) It is a defense to prosecution under subsection (a) that:

30 (1) in circumstances in which this section requires an order no order was given;

31 (2) an order, if given, was manifestly unreasonable in scope;

32 (3) an order, if given, was promptly obeyed;

33 (4) the mechanical loudspeaker or sound amplifier was operated in a public place

34 within an enclosed structure and was not audible beyond the property line of the

35 premises on which it was located;

36 (5) the person operating the mechanical loudspeaker or sound amplifier was a law
37 enforcement officer or member of the fire department in the performance of
38 official duties;
39 (6) the mechanical loudspeaker or sound amplifier was operated for the purpose of
40 alerting persons to the existence of an emergency or danger; or
41 (7) the mechanical loudspeaker or sound amplifier was operated in the performance
42 of emergency work necessary to restore public utilities, to restore property to a
43 safe condition, or to protect persons or property from imminent danger, following
44 a fire, accident, or natural disaster.”

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: