

There came on for consideration at a duly constituted meeting of the Mayor and Members of the City Council of the City of Gulfport, Mississippi, held on the _____ day of _____, 2020, the following Ordinance:

ORDINANCE NO. _____

**AN ORDINANCE TO PERMIT
THE SALE OF ALCOHOLIC BEVERAGES BY THE GALLON IN ANY LEISURE AND
RECREATION DISTRICT WITHIN THE CORPORATE BOUNDARIES OF THE CITY
OF GULFPORT, MISSISSIPPI; AND FOR RELATED PURPOSES**

WHEREAS, the City of Gulfport, Mississippi, is a duly organized and incorporated municipality pursuant to Section 21-8-1, et seq., of the Mississippi Code of 1972 (as amended); and

WHEREAS, during the 2016 Legislative Session, the Legislature of the State of Mississippi enacted House Bill 1223 which permits and authorizes certain municipalities in the State of Mississippi to establish "Leisure and Recreation Districts" and to designate the geographic areas included within and the boundaries of said districts; and

WHEREAS, the Governor signed House Bill 1223 into law, and the same was effective on and after July 1, 2016; and

WHEREAS, House Bill 1223 requires that an Ordinance which establishes a "Leisure and Recreation District" shall "include a detailed description of the area or areas within the district, the boundaries of the district and a georeferenced map of the district" as well as a description of the "manner in which the municipality will provide for adequate law enforcement and other public safety measures and services within the district" and

WHEREAS, municipalities which create "Leisure and Recreation Districts" authorize business entities that hold alcoholic beverage permits issued by the Department of Revenue and that are located within the boundaries of the "Leisure and Recreation District" to allow patrons to leave the licensed premises with an open container of alcohol and allow those patrons to carry and consume alcoholic beverages within a designated "Leisure and Recreation District"; and

WHEREAS, the governing authority of the City of Gulfport, Mississippi, has, to date, created two "Leisure and Recreation Districts" in the City of Gulfport, Mississippi, and intends to expand existing Districts and create additional Districts in the future; and

WHEREAS, the governing authority of the City of Gulfport, Mississippi, has further determined that permittees within duly established "Leisure and Recreation Districts" in the entire City of Gulfport, should be allowed to sell for carry-out mixed drinks in gallon containers; and

WHEREAS, nothing herein is intended to confer any rights or entitlement as the sale of alcohol within an area designated as a "Leisure and Recreation District" is a privilege and not a right and is subject at all times to reasonable regulation.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF GULFPORT, MISSISSIPPI, AS FOLLOWS:

SECTION 1. A permittee located in a duly and properly Leisure and Recreation District may allow alcoholic beverages, as defined in the ordinance creating the applicable Leisure and Recreation District, to be removed from the licensed premises only in a paper, styrofoam or plastic cup, not larger than 16 fluid ounces in size, or in a capped or lidded plastic, styrofoam or paper container, not larger than one gallon in size, and no such alcoholic beverages shall be removed from the licensed premises in a can, bottle, glass container or other container, except as otherwise allowed by law.

SECTION 2. The City reserves the right to modify or repeal this Ordinance, at any time, with or without notice.

SECTION 3. All ordinances or parts thereof in conflict with this ordinance are hereby declared to be inapplicable within the geographic boundaries of the "Leisure and Recreation District" created herein.

SECTION 4. This Ordinance shall not supersede and/or repeal any other ordinances establishing Leisure and Recreation Districts in the City of Gulfport but shall supplement and amend the same.

SECTION 10. Upon receiving unanimous vote of the members of the City Council, this ordinance shall be in full force and effect immediately, because it serves the public peace, health and safety of the citizens of Gulfport and will immediately assist in stimulating the economy of the City of Gulfport, which has been damaged by Hurricane Katrina and the Deepwater Horizon Oil Spill, the opening of the Bonne Carre Spillway and the COVID-19 Pandemic. **Otherwise, it shall become effective thirty (30) days after its passage.** It shall be published according to law, spread on the minutes of the Gulfport City Council, and the Council Clerk shall provide a certified copy of this Ordinance and other required documents to the Mississippi Department of Revenue upon its enactment.

The above and foregoing Ordinance, after having been first reduced to writing and read by the Clerk, was introduced by _____, seconded by _____, and was adopted by the following roll call vote:

AYES

NAYS

ABSENT

WHEREUPON, the President declared the motion carried and the Resolution adopted this the ____ day of _____, 2020.

(SEAL)

ATTEST:

ADOPTED:

CLERK OF THE COUNCIL

PRESIDENT

The above and foregoing Resolution submitted to and approved by the Mayor, this the _____ day of _____, 2020.

MAYOR