

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 ESTABLISH TWO (2) LEISURE AND RECREATION DISTRICTS WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF GULFPORT, MISSISSIPPI, AND DESIGNATE THE GEOGRAPHIC AREAS INCLUDED WITHIN AND BOUNDARIES OF SAID DISTRICTS; 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, which has been codified at Miss. Code Ann. § 67-1-101, 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 determined and hereby finds that the City of Gulfport, Mississippi, would benefit from the establishment of a "Leisure and Recreation District" within the City of Gulfport, generally in the Mississippi City/east Gulfport area, by enhancing pedestrian-oriented areas; and

WHEREAS, the governing authority of the City of Gulfport, Mississippi, has further determined that establishment of "Leisure and Recreation Districts" in the area near U.S. Highway 605 and Bayou Bernard and in the area of U.S. Highway 49 south of Pass Road would be in the best interests of the City of Gulfport; 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; and

WHEREAS, subject to the terms and limitations of Miss. Code Ann. § 67-1-101 and this Ordinance, the City of Gulfport hereby establishes "Leisure and Recreation Districts" in the U.S. Highway 605/Bayou Bernard area and in the U.S. Highway 49/Pass Road area as more fully set forth herein.

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

SECTION 1. *Creation and establishment of district.* Under the authority granted in Section 1 of House Bill 1223 (2016 Legislative Session), there are hereby established "Leisure and Recreation Districts" in the City of Gulfport within the geographic areas and within such boundaries as are set forth and designated herein and as represented on the geo-referenced Map which is attached hereto as Exhibit "A" and Exhibit "B" and fully incorporated herein.

SECTION 2.

A. *Name and boundaries of district.* The "Leisure and Recreation District" established herein shall be known as the "Bayou Bernard Social District" and shall have the following as its boundaries:

See Exhibit "C" attached hereto.

B. *Name and boundaries of district.* The "Leisure and Recreation District" established herein shall be known as the "Downtown North Social District" and shall have the following as its boundaries:

See Exhibit "D" attached hereto.

C. Collectively, for purposes of this Ordinance, the Bayou Bernard Social District and the Downtown North Social District shall be known as the "Districts"

SECTION 3. *Outside Consumption of Alcoholic Beverages Permitted; Conditions.* Any on premise retail alcoholic beverage permittee (hereinafter, "permittee") located within the Districts shall comply with all laws, rules and regulations which govern its license type, except that a patron, guest or member of that licensee may remove an open container of alcoholic beverage and/or wine from the licensed premises and may possess and consume the alcoholic beverage and/or wine outside of the licensed premises anywhere within the boundaries of the District subject to the following regulations:

A. A person may not enter a licensed premise with an alcoholic beverage, whether acquired at that licensed premises or elsewhere.

B. A permittee located in the Districts 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.

- C. No permittee may allow a patron, guest or member to exit its licensed premises with more than one open container of alcoholic beverages, and it shall be unlawful for any person to exit such licensed premises with more than one such open container.
- D. Permittees located in the Districts shall post, at all points of egress from the licensed premises, a map of the boundaries of the Districts in which it is located. The map shall be provided, either in electronic or paper form, to those permittees by the City upon request of the permittees.
- E. Nothing in this ordinance shall be construed to require a permittee located in the Districts to allow its patrons to remove alcoholic beverages and/or wine, in open containers, from the licensed premises.

SECTION 4. *Light wine and beer.* Within the boundaries of the Districts, the removal of light wine and beer in glass containers or bottles from the licensed premises of a permittee is strictly prohibited. However, a permittee may allow light wine and beer to be removed from the licensed premises in a paper or plastic cup, not larger than 16 fluid ounces in size.

SECTION 5. *Public safety measures.* Enforcement of the boundaries of the Districts shall be the responsibility of the Police Department. In addition, the Police and Fire Departments shall provide public safety services within the Districts in the same manner it provides those services in the remainder of the City.

SECTION 6. *Definition of alcoholic beverages.* For the purposes of this Ordinance, the term "alcoholic beverages" shall mean any alcoholic liquid, including wines of more than five percent (5%) of alcohol by weight, capable of being consumed as a beverage by a human being, but shall not include light wine and beer, as defined in Section 67-3-3, Mississippi Code of 1972, but shall include native wines.

SECTION 7. The City reserves the right to modify or repeal this Ordinance, and any district designation created hereunder, at any time, with or without notice.

SECTION 8. 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 9. 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 encourage enhancement of the tourism industry in the City of Gulfport, which has been damaged by Hurricane Katrina, the Deepwater Horizon Oil Spill, the Bonne Carre Spillway openings and COVID-19 related closures. 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. Otherwise, this ordinance shall be in effect thirty (30) days from the date of passage.

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