

There came on for consideration at a duly constituted meeting of the Mayor and Board of Alderman of the City of Long Beach, Mississippi, held on the 20th day of June, 2017, the following Ordinance:

ORDINANCE NO. 629

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, TO AMEND ORDINANCE NUMBER 619, WHICH CREATED AND ESTABLISHED A LEISURE AND RECREATION DISTRICT WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF LONG BEACH, MISSISSIPPI, AND DESIGNATED THE GEOGRAPHIC AREAS INCLUDED WITHIN AND THE BOUNDARIES OF SAID DISTRICT BY REVISING THE SIZE OF THE CONTAINERS ALLOWED TO BE USED IN SUCH CIRCUMSTANCES, AND FOR RELATED PURPOSES

WHEREAS, the City of Long Beach, Mississippi, is a duly organized and incorporated municipality pursuant to Section 21-3-1, *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 shall be 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 Long Beach, Mississippi, has heretofore determined and hereby found that the City of Long Beach, Mississippi, would benefit

from the establishment of a “Leisure and Recreation District” within the downtown area of the City of Long Beach, by enhancing pedestrian-oriented areas; and

WHEREAS, the Governing Authority of the City of Long Beach, Mississippi, has further determined that establishment of a “Leisure and Recreation District” within the downtown area would be in the best interests of the City of Long Beach; 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 House Bill 1223 (2016 Legislative Session) Ordinance Number 619 of the City of Long Beach established a “Leisure and Recreation District” in the downtown area as more fully set forth therein; and

WHEREAS, the Governing Authority of the City of Long Beach, Mississippi, has determined and hereby finds that the City of Long Beach, Mississippi, would benefit from the amendment of Ordinance 619 by revising and increasing the size container which may be removed from the licensed premises within said Leisure and Recreation District.

NOW THEREFORE, BE IT ORDAINED by the Governing Authority of The City of Long Beach, Mississippi, that Ordinance Number 619, which created and established a Leisure And Recreation District within the corporate boundaries of the City of Long Beach, Mississippi, and designated the geographic areas included within and the boundaries of said district is hereby amended to read follows:

SECTION 1. *Creation and establishment of district.* Under the authority granted in Section 1 of House Bill 1223 (2016 Legislative Session), there is hereby established a “Leisure and Recreation District” in the downtown area of the City of Long Beach 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 1 and fully incorporated herein.

SECTION 2. *Name and boundaries of district.* The “Leisure and Recreation District” established herein shall be known as the “Downtown Social District” (hereinafter “the District”) and shall have the following as its boundaries:

The District shall include all properties located:

1. Within the C-1 HD zoning district as it is currently configured within the City of Long Beach, Mississippi and being described generally as bounded on the south by Highway

- 90; on the north by 5th Street; on the east by Burke Avenue; and on the west by properties located on Winters Lane and Russell Avenue but not included within the C-1 HD zoning district;
2. Within the C-1 zoning district as it is currently configured within the City of Long Beach, Mississippi and being generally described as bounded on the South by the C-1 HD zoning District and 5th Street; on the North by 1st Street, and including all properties on 1st Street between Church Avenue and South Burke Avenue; on the east by properties located on the west side of Burke Avenue; and on the west by properties located on the east side of Church Street;
 3. Within the C-3 zoning strict as it is currently configured within the City of Long Beach, Mississippi and being generally described as being bounded on the South by Highway 90; on the north by 5th Street; on the west by Nicholson Avenue, and on the east by the C-3 zoning district boundary line; and.
 4. Within the WF Waterfront District south of Highway 90 as it is currently configured within the City of Long Beach, Mississippi and described to include the Long Beach Small Craft Harbor area south of Highway 90 from Cleveland Avenue to the west margin of Jefferson Davis Avenue, and to include the adjacent beaches and piers.

All as more fully shown on the map annexed hereto.

Note: Except where otherwise specified herein above, where a street is identified, the district extends to properties and business fronting on both sides of the street.

SECTION 3. *Outside Consumption of Alcoholic Beverages Permitted; Conditions.* Any on premise retail alcoholic beverage permittee (hereinafter, "permittee") located within the District 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 premises with an alcoholic beverage, whether acquired at that licensed premises or elsewhere.
- B. A permittee located in the District shall allow alcoholic beverages to be removed from the licensed premises only in a paper or plastic cup or container, 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 shall 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 District shall post, at all points of egress from the licensed premises, a map of the boundaries of the District 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 District 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 District, 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 or container.

SECTION 5. *Public safety measures.* Enforcement of the boundaries of the District shall be the responsibility of the Police Department. In addition, the Police and Fire Departments shall provide public safety services within the District 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 affirmative vote of a majority of the members of the Board of Alderman, this ordinance shall be published and thereafter become effective according to law, spread on the minutes of the Long Beach Board of Alderman, and the City 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 No. 629 was introduced in writing by Alderman Ponthieux who moved its adoption. Alderman Griffin seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Gary J. Ponthieux	Voted	Aye
Alderman Bernie Parker	Voted	Aye
Alderman Kelly Griffin	Voted	Aye
Alderman Ronnie Hammons, Jr.	Voted	Aye
Alderman Mark E. Lishen	Voted	Aye
Alderman Leonard G. Carrubba, Sr.	Voted	Aye

The question having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the said Ordinance 692 adopted and approved this the 21st day of June, 2017.

APPROVED:


 WILLIAM SKEELLIE, JR., MAYOR

ATTEST:


 REBECCA E. SCHRUFF, CITY CLERK

CERTIFICATE

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

I, the undersigned, Rebecca E. Schruff, City Clerk within and for the City of Long Beach, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of that certain Ordinance #692 of the City of Long Beach, Mississippi, adopted by the Mayor and Board of Aldermen at a regular meeting duly held and convened on the 20th day of June, 2017, as the same appears of record in Ordinance Book #8, pages 463-468 inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 21st day of June, 2017.


Rebecca E. Schruff, City Clerk

