

ORDINANCE NO. 2017-_____

**AN ORDINANCE TO ESTABLISH A LEISURE AND RECREATION DISTRICT
WITHIN THE COPORATE BOUNDARIES OF THE CITY OF VICKSBURG,
MISSISSIPPI, AND DESIGNATE THE GEOGRAPHIC AREAS INCLUDED WITHIN
AND BOUNDARIES OF SAID DISTRICT; AND FOR RELATED PURPOSES**

WHEREAS, the City of Vicksburg, Mississippi, is a duly organized and incorporated municipality of the State of Mississippi; and

WHEREAS, during the 2017 Legislative Session, the Legislature of the State of Mississippi enacted Senate Bill 2612 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 Senate Bill 2612 into law, and the same shall be effective on and after July 1, 2017; and

WHEREAS, Senate Bill 2612 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 and/or light wine and beer 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 Vicksburg, Mississippi, has determined and hereby finds that the City of Vicksburg, Mississippi, would benefit from the establishment of a “Leisure and Recreation District” within the downtown area of the City of Vicksburg by enhancing pedestrian-oriented areas; and

WHEREAS, the governing authority of the City of Vicksburg, 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 Vicksburg; 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 Senate Bill 2612 (2017 Legislative Session) and this Ordinance, the City of Vicksburg hereby establishes a “Leisure and Recreation

District” to be known as the “Washington Street District” in the downtown area as more fully set forth herein.

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

SECTION ONE: The following Ordinance shall be adopted and published in the Code of Ordinances of the City of Vicksburg, Mississippi in Article Three entitled Alcoholic Beverages as Sec. 3-15: Leisure and Recreation Districts.

Sec. 3-15: Leisure and Recreation Districts:

SECTION 1. *Creation and establishment of district.* Under the authority granted in Senate Bill 2612, (2017 Legislative Session), there is hereby established a “Leisure and Recreation District” known as the “Washington Street District” in the downtown area of the City of Vicksburg 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 “Washington Street District” shall generally be described as those properties on both sides of Washington Street and which front Washington Street between 100 North Washington Street (Klondyke) and the south end of the 1500 block of Washington Street, and also including those properties continuing south on the west side of Washington Street to South Madison Street; turning west onto South Madison Street and continuing westwardly on a line from the west end of south Madison Street to Pearl Street, continue north on Pearl Street to Veto Street and follow Veto Street east to Washington Street; and including the properties which front the south side of Grove Street west of Washington Street and those properties which front the north side of Grove Street between Washington Street and Walnut Street. A map depicting the Washington Street District is attached hereto as Exhibit 1.

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 the 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 District may allow alcoholic beverages to be removed from the licensed premises, but only if the alcoholic beverage is in a plastic cup that bears the commercially printed name and/or logo of the designated licensee, not larger than

16 fluid ounces in size, and no such alcoholic beverages shall be removed from the licensed premises in a can, bottle, glass container, Styrofoam, paper or other container, except as otherwise allowed by law. However, it is permissible for a person who is sitting at a table or waiting for a table at a restaurant to have the alcoholic beverage in a glass or bottle if it is directly adjacent to the licensed premises and not in the public right of way.

- 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 (1) 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. It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, glass, paper or Styrofoam container, or to possess any open can, , bottle, glass, paper or Styrofoam container of alcoholic beverages on the streets, sidewalks, rights-of-way, and parking lots located within the Washington Street District.
- F. 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.
- G. It shall be unlawful for any person to consume any alcoholic beverages while in the confines of a motor vehicle or on a motorized vehicle while the vehicle is located upon any public street, parking lot or other place to which the public has or is permitted to have access within the Washington Street District.
- H. Except for special events authorized y the Board of Mayor and Aldermen of the City of Vicksburg, alcoholic beverages purchased outside of the Washington Street District shall not be allowed in open containers within the District.
- I. Due to the residential uses within the Washington Street District and to respect the quiet enjoyment of those homes, Permittees located in the District may only allow alcoholic beverages to be removed from the licensed premises from 10:00 a.m. until 11:00 p.m. Monday – Saturday and from 11:00 a.m. to 11:00 p.m. on Sunday.

SECTION 4. *Beer and Light Wine.* Within the boundaries of the District, a permittee may allow beer and light wine, as defined in Sec. 67-7-3 of the Mississippi Code of 1972, as amended, to be removed from the licensed premises as set forth in Section 3. All regulations of Section 3 above are applicable to beer and light wine.

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 have the same meaning as set forth in Section 67-1-5 of the Mississippi Code of 1972, as amended.

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. This ordinance shall be effective upon approval as required by law, execution and publication. The City Clerk shall provide a certified copy of this Ordinance and other required documents to the Mississippi Department of Revenue upon its enactment.

SO Ordained this the ____ day of _____, 2017.

George Flaggs, Jr., Mayor

Michael A. Mayfield, Sr., Alderman

Alex J. Monsour, Jr., Alderman

CERTIFICATE

**I, Walter W. Osborne, Jr., the duly appointed, qualified and acting
City Clerk and lawful custodian of the Minutes of The Mayor and Aldermen
of the City of Vicksburg and Seal of said City, Certify that the foregoing is a
true and exact copy of an Ordinance Adopted by the Mayor and Aldermen of
the City of Vicksburg at a Regular Board Meeting held on Monday,
October 2, 2017.**

**WITNESS my signature and official seal of office this 2nd day of
October, 2017.**

Walter W. Osborne, Jr., City Clerk

City of Vicksburg, Mississippi

Washington Street Leisure and Recreation District Boundary

