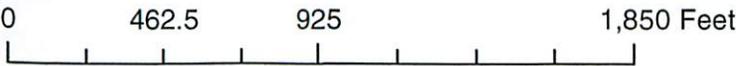


RECREATION & LEISURE DISTRICT



RECREATION & LEISURE DISTRICT



5/17

CITY OF BAY ST. LOUIS
STATE OF MISSISSIPPI

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF BAY ST. LOUIS, MISSISSIPPI ESTABLISHING A
LEISURE AND RECREATION DISTRICTS WITHIN THE CORPORATE
BOUNDARIES OF THE MUNICIPALITY AND DESIGNATE THE GEOGRAPHIC
AREAS INCLUDED WITHIN SUCH DISTRICTS; AND AUTHORIZING A PATRON
TO REMOVE AN OPEN CONTAINER OF ALCOHOLIC BEVERAGE OR WINE AND
POSSESS AND CONSUME THE ALCOHOLIC BEVERAGE OR WINE IN SUCH
DISTRICTS**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BAY ST. LOUIS,
MISSISSIPPI, as follows:**

Be it known that on the ___ day of _____, 2016 the Mayor and City Council for the City of Bay St. Louis, at its regular meeting declares, finds, authorizes and approves, as follows:

WHEREAS, the City of Bay St. Louis, Mississippi is a duly organized and incorporated municipality pursuant to Title 21, Chapter 8, Section 1, et seq., of the Mississippi Code of 1972, Annotated and all amendments thereto; and

WHEREAS, the City of Bay St. Louis has the power and authority pursuant to Mississippi Code of 1972, Annotated §21-17-1, et seq. general powers and in particular the power to enact and regulate the sale and consumption of alcohol beverages and wine within the City; and

WHEREAS, the Legislature of the State of Mississippi recently enacted House Bill 1223, which allows certain municipalities to establish **LEISURE AND RECREATION DISTRICTS WITHIN THE CORPORATE BOUNDARIES OF THE MUNICIPALITY AND DESIGNATE THE GEOGRAPHIC AREAS INCLUDED WITHIN SUCH DISTRICTS;** and

WHEREAS, the Municipalities which create the districts authorize and allow patron to possess, consume, carry and remove open containers of alcohol beverages and wine in such districts outside of licensed premises if the licensed premises are located in the **LEISURE AND RECREATION DISTRICTS** as created by the Municipality; and

WHEREAS, the Mayor and City Council for the City of Bay St. Louis, Mississippi having made due investigation, therefore, does find that the City of Bay St. Louis would benefit from such authorizations and districts and enacts this Ordinance pursuant to the approval, authorizations and provisions of House Bill 1223, of the Regular Session of the Mississippi State Legislature, 2016; and

WHEREAS, the Mayor and City Council for the City of Bay St. Louis, Mississippi have determined that the creation of the district(s) be in the best interest of the City of Bay St. Louis, will benefit several areas of the City and may benefit the City by enhancing pedestrian-oriented area for outdoor events that can include, but not limited to parades, concerts, car shows, boat shows, fishing tournaments, fundraising events for local nonprofit organizations, holiday events, and beer and wine tasting events; and

WHEREAS, the Mayor and City Council for the City of Bay St. Louis, Mississippi have found that the manner of current law enforcement in the areas to be designated are adequate and sufficient, do hereby further direct that the Bay St. Louis Police Department is to continue to provide adequate and sufficient law enforcement in the districts and other public safety measures and services as stated herein; and

WHEREAS, in addition to the above public service the City will implement the following to ensure safety and compliance as follows:

- a. Routine traffic patrols through the District.
- b. Monitor the crowds to ensure adequate police and fire personnel are available for the size of the district and crowd.
- c. Have regular foot patrol at random times throughout the districts.
- d. Have regular meeting with the permit holder to ensure compliance with the law, and to maintain proper safety practices.
- e. Conduct such investigations as necessary in order to ensure the above.

WHEREAS, nothing herein is intended by the City to confer any rights or entitlements other than in compliance with the above State Law. Selling alcohol within an area designated as an entertainment district is a privilege, not a right, and is subject at all times to reasonable regulation. The City Council reserves the right to modify or repeal this Ordinances and any district designation created hereunder, at any time.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF BAY ST. LOUIS, MISSISSIPPI that this Ordinance shall be named the “**BAY ST. LOUIS ALCOHOL AND WINE LEISURE AND RECREATION DISTRICTS Ordinance**” of the City of Bay St. Louis, Ms. and is as follows:

Section 1. TITLE: This ordinance shall be known as “**BAY ST. LOUIS ALCOHOL AND WINE LEISURE AND RECREATION DISTRICTS Ordinance**” of the City of Bay St. Louis, Ms.

Section 2. CREATION AND ESTABLISHMENTS OF DISTRICTS: The City of Bay St. Louis does hereby create the following “**LEISURE AND RECREATION DISTRICTS**” as follows:

- a. The Downtown C-1 District, from Toulme Street on the West to (boundary with the Secretary of State’s Land on the east side of Beach Blvd.)(all the way to the end of the Harbor)(To also include the area along the City’s leasehold area from Demonltuzin Street to the Bay St. Louis Passenger Bridge, and Demonltuzin Street on the North to the North boundary of the CSX railroad on the South.
- b. The area commonly called and known as the “Depot District”, which consist of the area fronting on Blaize Avenue stretching from the entrance to the Depot at Blaize Avenue and Union and Hancock Streets over to the corner of Blaize and _____ Street, including the Bay St. Louis Community Hall and the Bay St. Louis Little Theater Area and the Depot Building, parking area and lawn area.

Section 3. AUTHORITY: The areas designated as “**LEISURE AND RECREATION DISTRICTS**”, pursuant to House Bill 1223 of the Regular Session of the Mississippi Legislature are hereby granted such authority as stated in House Bill 1223. Further, in addition to any other authority granted by law, the holder of a permit issued by the State of Mississippi to sell or otherwise provide alcoholic beverages and/or wine to a patron of the permit holder in the manner authorized in the permit and the patron may remove an open glass, cup or other container of alcoholic beverages and/or wine from such licensed premises and may possess and consume the alcoholic beverage and/or wine outside the licensed premises if the licensed premises is located within the **LEISURE AND RECREATION DISTRICT** as stated above, and the patron remains within the boundaries of the **LEISURE AND RECREATION DISTRICT** while in possession of and/or consumption of alcoholic beverages or wine.

Section 4. OUTSIDE CONSUMPTION OF ALCOHOLIC BEVEAGES PERMITTED; CONDITIONS: Any on-premise retail alcohol beverage licensee who receives a **LEISURE AND RECREATION DISTRICT** designation and is in a **LEISURE AND RECREATION DISTRICT** in The City of Bay St. Louis shall comply with all laws, rules and regulations which govern its license type, except that a patron, guest or member of that licensee may exit the licensed premises during any times said licensed retail establishment is open, with no more than one open container of alcoholic beverage and consume said alcoholic beverage

anywhere within the confines of the **LEISURE AND RECREATION DISTRICT** in which the alcoholic beverage was obtained, subject to the following regulations:

1. A person may not enter other licensed premises with an open container or closed container of alcoholic beverage acquired elsewhere.
2. A licensee who in a **LEISURE AND RECREATION DISTRICT** shall allow alcoholic beverages to be removed from licensed premises only in a can, paper, plastic, styro-form or other non-glass container.

Section 5. DRINKING IN PUBLIC PLACES: ORDINANCE # 367, CHAPTER 6, SECTIONS-6.2 AND 6.3 AMENDED: The City of Bay St. Louis Ordinance Number 367, and Code of Ordinances-Chapter 6, Sections 6.2 and 6.3 are hereby amended so that they authorize the consumption and carrying of open containers of alcoholic beverages in **LEISURE AND RECREATION DISTRICT** as allowed herein and by authority of House Bill 1223-**"LEISURE AND RECREATION DISTRICTS"**, pursuant to such House Bill 1223 of the Regular Session of the Mississippi Legislature, 2016.

Section 6. PUBLIC SAFETY: The City of Bay St. Louis shall, by and through its Police and Fire Departments, will provide the following law enforcement and other public safety measures and services within the **LEISURE AND RECREATION DISTRICT** as follows:

1. Routine traffic patrols through the District.
2. Monitor the crowds to ensure adequate police and fire personnel are available for the size of the district and crowd.
3. Have regular foot patrol at random times throughout the districts.
4. Have regular meeting with the permit holder to ensure compliance with the law, and to maintain proper safety practices.
5. Conduct such investigations as necessary in order to ensure the above.

*Provide
ADEQUATE
PROTECTION
BY STATE
LAW.*

Section 7. REPEAL AND CONFLICTS: Any and all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 8. EFFECTIVE DATE: This ordinance shall be effective upon approval, as required by law, execution and publication.

After being reduced to writing, the foregoing Ordinance was read and considered, section by section, and then as a whole, whereupon Councilman _____ moved for its adoption, and after a second by Councilman _____, the following roll call vote was had:

Councilman Mike Favre	YEA	/	NAY
Councilman Doug Seal	YEA	/	NAY
Councilman Wendy McDonald	YEA	/	NAY
Councilman Jeffrey Reed	YEA	/	NAY
Councilman Bobby Compretta	YEA	/	NAY
Councilman Joey Boudin	YEA	/	NAY

Councilman Lonnie Falgout

YEA / NAY

Passed by the City Council of the City of Bay St. Louis on the ____ day of _____, 2016.

CERTIFICATION

I, Lisa Tilley, Clerk of Council for the City of Bay St. Louis, Mississippi, do hereby certify that the foregoing Ordinance No. _____ is a true and correct extract of the minutes of a public meeting of the City Council held on _____, 2016 a quorum being present, in the City Council Conference Chambers and recorded in Minute Book _____, minutes of said Council, said Council being the duly elected, qualified, and acting governing body of Bay St. Louis.

Presented by me to the Mayor on this, the ____ day of _____, 2016.

Lisa Tilley, Clerk of Council

Approved and signed by me on this, the ____ day of _____, 2016.

Les Fillingame, Mayor

DRAFT