

ORDINANCE NO.

AN ORDINANCE TO ESTABLISH A LEISURE AND RECREATION DISTRICT WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF WIGGINS, MISSISSIPPI, AND DESIGNATE THE GEOGRAPHIC AREAS INCLUDED WITHIN THE BOUNDARIES OF SAID DISTRICT; AND TO AMEND ORDINANCES OF MARCH 24, 1998 AND FEBRUARY 17, 2004 OF CHAPTER 4, ALCOHOLIC BEVERAGES, OF THE CODE OF ORDINANCES, AMENDING THE REGULATIONS FOR POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES, BEER OR LIGHT WINE IN CERTAIN PLACES AND AMENDING THE REGULATIONS OF RESTAURANTS; AND FOR RELATED PURPOSES

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF WIGGINS, MISSISSIPPI:

WHEREAS, the City of Wiggins, Mississippi, is a municipal corporation, organized and existing according to the laws of the State of Mississippi; and

WHEREAS, Miss. Code Ann § 67-1- 101, which permits and authorizes municipalities in the State of Mississippi to establish “Leisure and Recreation Districts” and to designate the geographic areas to be included within the district; and

WHEREAS, Miss. Code Ann. § 67-1-101 requires that an Ordinance which establishes a Leisure and Recreation District 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 designated Leisure and Recreation District, to allow patrons to leave the licensed premises with an open container of alcohol and to carry and consume alcoholic beverages within the designated Leisure and Recreation District; and

WHEREAS, the governing authority of the City of Wiggins, Mississippi, has determined and hereby finds that the City of Wiggins would benefit from the establishment of a Leisure and Recreation District by enhancing pedestrian-oriented areas; and

WHEREAS, the governing authority of the City of Wiggins, Mississippi, has further determined that the establishment of a Leisure and Recreation District would be in the best interests of the City of Wiggins; and

WHEREAS, the governing authority of the City of Wiggins has found and

determined that the manner of current law enforcement is adequate and sufficient for the area to be designated as a Leisure and Recreation District, and the Mayor therefore has agreed to direct that the Wiggins Police Department continue to provide adequate and sufficient law enforcement and other public safety measures and services as stated herein in the city's Leisure and Recreation District; 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 Miss. Code Ann. § 67-1-101 and this Ordinance, the City of Wiggins hereby establishes a Leisure and Recreation District as more fully set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF WIGGINS, MISSISSIPPI AS FOLLOWS:

ADOPTION OF FINDINGS: The matters, facts and things recited in the above and foregoing Preamble to this Ordinance are hereby adopted as official findings of the Governing Authority of the City of Wiggins.

TITLE: This ordinance shall be known as **WIGGINS LEISURE AND RECREATION DISTRICT ORDINANCE.**

CHAPTER 4, SECTION 12

1: CREATION AND ESTABLISHMENT OF DISTRICTS: Under the authority granted in Miss. Code Ann. § 67-1-101, the City of Wiggins does hereby establish Leisure and Recreation District(s) within the City of Wiggins, hereafter known as the PINE HILL DISTRICT, 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 incorporated herein and attached hereto:

- a. PINE HILL DISTRICT description is attached as Exhibit 1;
- b. PINE HILL DISTRICT map is attached as Exhibit 2;
- c. Additional districts may be created in the future as deemed beneficial and upon further action by the Board of Aldermen for the City of Wiggins.

CHAPTER 4, SECTION 12

2: OUTSIDE CONSUMPTION OF ALCOHOLIC BEVERAGES

PERMITTED; CONDITIONS. Any on-premises retail alcoholic beverage permittee (hereinafter, "permittee") located within the PINE HILL DISTRICT shall comply with all laws, rules and regulations which govern its license type, except that a patron, guest or member of that permittee may remove an open container of alcoholic beverage, beer, or wine from the licensed premises, and may possess and consume such beverage outside of

the licensed premises anywhere within the boundaries of the District subject to the following regulations:

1. Nothing in this Ordinance permits a patron to possess or consume an alcoholic beverage, beer or wine in an open container that was not purchased from an on-premises retail alcohol beverage permittee located within the PINE HILL DISTRICT.
2. A person may not enter a licensed premise with an alcoholic beverage, whether acquired at that licensed premises or elsewhere.
3. A permittee located in the PINE HILL DISTRICT shall allow alcoholic beverages to be removed from the licensed premises only in a plastic, paper, or styrofoam cup not larger than 16 fluid ounces, 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.
4. No permittee shall allow a patron, guest or member to exit its licensed premises with more than one open container of an alcoholic beverage, and it shall be unlawful for any person to exit such licensed premises with more than one such open container.
5. Nothing in this ordinance shall require a permittee located in the PINE HILL DISTRICT to allow its patrons to remove alcoholic beverages in open containers from the licensed premises.
6. Permittees located in the PINE HILL DISTRICT shall post, at all points of egress from the licensed premises, a map of the boundaries of the PINE HILL DISTRICT in which it is located. The map shall be provided, either in electronic or paper form, to those permittees upon their request.
7. The purpose of this ordinance being primarily to allow pedestrians to carry open containers as described in this ordinance within a Leisure and Recreation District, nothing in this ordinance shall be construed to allow patrons, guests, or members of a permittee to drive a motor vehicle or non-motor vehicle while carrying an open container of alcoholic beverage onto or into such vehicle, and it shall be a violation of this ordinance for any person to drive a motor vehicle or non-motor vehicle while carrying an open container, as described in this ordinance, containing an alcoholic beverage within the PINE HILL DISTRICT in which it was purchased. Similarly, nothing in this ordinance shall be construed to allow patrons, guests or members of a permittee to leave the PINE HILL DISTRICT as a pedestrian or passenger in a motor vehicle or non-motor vehicle of any kind while carrying an open container of an alcoholic beverage.

CONSUMPTION RESTRICTIONS AND RESTAURANTS; AMENDMENTS TO ORDINANCE OF MARCH 24, 1988, AND FEBRUARY 17, 2004 AND TO THE CODE OF ORDINANCES AS FOLLOWS:

Chapter 4, Sec. 4-6:

It shall be unlawful for any person to consume any alcoholic beverage, beer, or wine on any public street, sidewalk or alley owned, maintained or operated by the City; except that it shall not be unlawful for any person to consume an alcoholic beverage, beer or wine on streets in established LEISURE AND RECREATION DISTRICT, within the hours of 5 p.m. through 12 midnight, Monday through Friday and 12 p.m. (noon) through 11 p.m. on Saturday and Sunday. Further, no beer or light wine shall be consumed in automobiles either parked or while moving.

Chapter 4, Sec. 4-9:

Notwithstanding any of the other provisions of this article, the sale of beer and light wines by the drink shall be lawful within restaurants and cafes. Restaurants and cafes shall be defined as those establishments which are enclosed buildings in the primary business of preparing and serving food for consumption within those premises and who derive 50 percent of their gross receipts from the sale of such prepared food. Such sales shall be permitted between the hours 11:00 a.m. and 12 midnight, Monday through Saturday and 12 p.m. (noon) and 11:00 p.m. on Sunday. It shall be unlawful for persons under the age of 21 to sell, dispense, deliver or serve beer or light wines in restaurants and cafes.

PUBLIC SAFETY MEASURES: The City of Wiggins, by and through its Police and Fire Departments, shall provide for adequate law enforcement and other public safety measures and services within the DISTRICT as required by State Law. 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. Nothing in this ordinance shall amend or change any other ordinance pertaining to amplified music, noise, litter, loitering, or nuisances.

RESERVATION OF RIGHTS: The City reserves the right to modify or repeal this ordinance, and any district designation created hereunder, at any time, with or without notice, by order of the Board of Aldermen.

REPEAL AND CONFLICTS. All ordinances or parts thereof that address alcohol consumption in conflict with this ordinance are hereby repealed within the geographic boundaries of the DISTRICT created herein.

POST-ORDINANCE COMPLIANCE: Following the establishment and/or modification of a leisure and recreation district, the municipality shall provide the Department of Revenue with the following:

- a. a copy of any ordinance or resolution relating to the establishment or modification of the District;
- b. verification from the police department indicating how the department will provide adequate law enforcement and other public safety measures and services within the District; and
- c. a list of persons or other entities that hold permits issued under Section 67-1- 51(c), (e), (f), (g), (l), (n), or (o) and are located and/or doing business under permits in the District at the time the District is established.

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

The above and foregoing Ordinance, having been first reduced to writing, was introduced by Alderman Damian McKay, seconded by Alderman Brittany Harris and adopted by the following roll call vote:

Brittany Harris	Vote Yea
Ron Dyal	Vote Yea
Damian McKay	Vote Yea
Jeanette Jackson	Vote Nay
Sharon Jones-Crockett	Vote Yea

IT WAS THEREFORE, APPROVED BY THE BOARD.

SO APPROVED, on this the 20 of September, 2022

DARRELL BERRY, MAYOR

ATTEST:

JOHNETTE COOK, CITY CLERK

EXHIBIT 1

BOUNDARY DESCRIPTION OF THE CITY OF WIGGINS'
LEISURE AND ENTERTAINMENT DISTRICT

The portions of the streets included in the Leisure and Entertainment District are described as follows:

EAST PINE AVENUE: Starting from the intersection of 1st Street South and East Pine Avenue, heading east and ending at the intersection of 2nd Street South;

1ST STREET SOUTH: Starting from the intersection of E College Avenue and 1st Street South, heading south and ending at the intersection of East Pine Avenue