

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO ESTABLISH ONE OR MORE LEISURE AND RECREATION DISTRICTS WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF COLUMBUS, MISSISSIPPI, AND DESIGNATE THE GEOGRAPHIC AREAS INCLUDED WITHIN THE BOUNDARIES OF SAID DISTRICTS; AND TO AMEND THE CITY'S ALCOHOLIC BEVERAGE ORDINANCES, AMENDING THE REGULATIONS FOR POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES, BEER OR LIGHT WINE IN CERTAIN PLACES AND CREATING EXCEPTIONS FOR SPECIAL EVENTS; AND FOR RELATED PURPOSES**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COLUMBUS, MISSISSIPPI:**

**WHEREAS**, the CITY OF COLUMBUS, Mississippi, is a municipal corporation, organized and existing according to the laws of the State of Mississippi; and

**WHEREAS**, during the 2016 Legislative Session, the Mississippi Legislature enacted House Bill 1223, effective July 1, 2016, and codified in Miss. Code Ann § 67-1-101, which permits and authorizes certain 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 COLUMBUS, Mississippi, has determined and hereby finds that the CITY OF COLUMBUS 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 COLUMBUS, Mississippi, has further determined that the establishment of a Leisure and Recreation District within the downtown area would be in the best interests of the CITY OF COLUMBUS; and

**WHEREAS**, the governing authority of the CITY OF COLUMBUS 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 Police Department of the City of

Columbus shall 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 COLUMBUS hereby establishes a Leisure and Recreation District in the downtown area as more fully set forth herein.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COLUMBUS, MISSISSIPPI AS FOLLOWS:**

**SECTION 1. 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 COLUMBUS.

**SECTION 2. TITLE.** This ordinance shall be known as **COLUMBUS LEISURE AND RECREATION DISTRICT ORDINANCE**. The City may select an unofficial name for the District or Districts described herein without the necessity of an amendment to this Ordinance.

**SECTION 3. CREATION AND ESTABLISHMENT OF DISTRICTS.** Under the authority granted in Section 67-1-101 of the Mississippi Code, the CITY OF COLUMBUS does hereby establish a Leisure and Recreation District(s) within the CITY OF COLUMBUS, hereafter known as the 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. DISTRICT description is attached as Exhibit 1;
- b. DISTRICT map is attached as Exhibit 2;
- c. Additional districts may be created in the future as deemed beneficial by the Mayor and CITY COUNCIL for the CITY OF COLUMBUS.
- d. The City of Columbus Public Works Department shall paint curbs with the same green color as the Cups described herein, at the boundaries of the District and where there are no curbs, shall paint the outside edge of the boundary. Where the edge of a District is not located on a roadway or other paved surface capable of permanent paint, a sign shall be erected indicating the entry into the District on one side and exit from the District on the other side.

**SECTION 4. OUTSIDE CONSUMPTION OF ALCOHOLIC BEVERAGES PERMITTED; CONDITIONS.** Any on-premises 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 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 DISTRICT.
2. A person may not enter a licensed premises with an alcoholic beverage, whether acquired at that licensed premises or elsewhere.
3. A permittee located in the DISTRICT shall allow alcoholic beverages to be removed from the licensed premises only in a green colored plastic cup substantially matching the color of the image attached to this ordinance and not larger than 16 fluid ounces, that shall be uniform throughout the DISTRICT, with a design that shall be approved by the City, and that shall be provided by the licensed premises at the sole expense of the licensed premises (“District Cup”). Licensed premise owners or operators may also affix to such cups a distinctive logo identifying their business operation. No such alcoholic beverages shall be removed from the licensed premises in any other container, including, but not limited to, a can, bottle, glass, or styrofoam.
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 DISTRICT to allow its patrons to remove alcoholic beverages in open containers from the licensed premises.
6. Each permittee within the District shall be required to place a trash receptacle, consistent with a specified and uniform design recommended by Main Street Columbus and approved by the Mayor and City Council. Such receptacle shall be placed within fifteen feet of the main entry door of the premises.
7. 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 by the City, either in electronic or paper form, to those permittees upon their request.
8. The purpose of this ordinance is 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 encourage patrons, guests, or customers of a permittee to drive a motor vehicle or non-motorized 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 DISTRICT in which it was purchased.

Nothing in this ordinance shall be construed to allow patrons, guests or members of a permittee to leave the DISTRICT as a pedestrian or passenger in a motor vehicle or non-motorized vehicle of any kind while carrying an open container of an alcoholic beverage.

9. Nothing in this ordinance shall allow patrons, guests or customers of a licensee or permittee to impede traffic on a public street or within private or public parking lots and it shall be a misdemeanor for patrons, guests and customers to block traffic on a public street or sidewalk.

**SECTION 5. HOURS IN EFFECT.** A person shall only possess an alcoholic beverage in the above prescribed container dispensed by a duly permitted establishment within the DISTRICT boundaries between the hours of 10 a.m. to 10 p.m. seven days per week. Hours may be amended on specific days only by order of the COLUMBUS MAYOR AND CITY COUNCIL.

**SECTION 6. DRINKING IN PUBLIC PLACES.** Notwithstanding any other ordinance that the City may have previously passed, except as specifically approved herein, it shall be unlawful for any person, group, association, or any and all legal entities recognized by law to possess or consume alcoholic beverages, beer or wine, as defined by any statute of this state, in the city hall, municipal school buildings, municipal stadiums, public playgrounds, or public parks, or clubhouses and community centers situated therein, or any fire station, or on any and all other public grounds, buildings, parks, and places owned, maintained or operated by the city; except, that this section shall not apply to any individuals, groups or associations utilizing any municipally owned building under a written lease or rental agreement granted by the city that specifically addresses the possession and/or consumption of alcoholic beverages, beer, or wine. It shall further 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 light wine on streets and sidewalks in an established LEISURE AND RECREATION DISTRICT. Moreover, it shall not be unlawful for any person to consume beer or light wine on streets that have been closed to vehicular traffic for special events that are sponsored or approved by the CITY OF COLUMBUS; during said City-sponsored or approved events, no beer or light wine may be possessed or consumed from containers other than the District Cup.

**SECTION 7. PUBLIC SAFETY MEASURES.** The CITY OF COLUMBUS, 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, or loitering.

**SECTION 8. 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.

**SECTION 9. 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.

**SECTION 10. VIOLATIONS OF THIS ORDINANCE.**

(1) Any person found to violate this ordinance as a patron, guest or customer of a licensed premise, shall upon conviction be subject to the following fines:

- a. First Offense - \$300
- b. Second Offense - \$600
- c. Third Offense - \$1,000

(2) When a licensed permittee is found to be in violation, the on-duty manager or supervisor of the premise shall be cited and upon conviction, shall be subject to the following fines:

- a. First Offense \$350
- b. Second Offense within a 6 month period - \$750
- c. Third Offense within a 6 month period - \$1,000

(3) A licensed permittee who continually violates the provisions of this ordinance shall be subject to revocation of their Leisure and Recreation privileges under this ordinance, in the discretion of the municipal court and/or the Mayor and City Council.

**SECTION 11. EFFECTIVE DATE:** This ordinance shall be effective 30 days after passage, execution and publication.

**SECTION 12. NOTICE TO THE PUBLIC.** The building Official is hereby directed to mail notice to every address within the District and within 160 feet of the District boundary, which notice shall summarize the ordinance, include a map of the District or Districts and the intended effective date together with a schedule of the meetings of the Mayor and City Council preceding the effective date hereof.

**SECTION 13. PUBLICATION.** The Municipal Clerk is directed to publish an explanatory statement summarizing the full text of the ordinance and shall not exceed three hundred words, to the extent practicable. The statement shall be published one time in the newspaper of record for the municipality. During the entire time of publication of the explanatory statement, a copy of the full text of the ordinance shall be posted by the clerk at City Hall and shall furnish any resident of the municipality a copy of the full text of the ordinance upon request.

**SECTION 14. NOTICE TO THE DEPARTMENT OF REVENUE.** The Municipal Clerk is directed to provide a copy of this resolution and ordinance to the Department of Revenue, together with written verification from the Chief of the Columbus Police Department indicating how such department shall provide adequate law enforcement and public safety within the district; and a list of persons or entities within the district who hold permits issued

under Section 67-1-51(c), (e), (f), (g), (l), (n), or (o) at the time of the passage of this ordinance.

The above and foregoing Ordinance, having been first reduced to writing, was introduced by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, and adopted by the following roll call vote as follows:

- Council Member Stewart voted: \_\_\_\_\_
- Council Member Mickens voted: \_\_\_\_\_
- Council Member Greene voted: \_\_\_\_\_
- Council Member Beard voted: \_\_\_\_\_
- Council Member Jones voted: \_\_\_\_\_
- Council Member DiCicco voted: \_\_\_\_\_

The Mayor thereby declared the motion carried and the Resolution adopted, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2023.

(SEAL)

**ATTEST:**

**ADOPTED**

\_\_\_\_\_  
**CITY CLERK**

\_\_\_\_\_  
**MAYOR**

