

**ORDINANCE TO ESTABLISH A LEISURE AND RECREATION DISTRICT WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF JACKSON, MISSISSIPPI, AND DESIGNATE THE GEOGRAPHIC AREAS INCLUDED WITHIN THE BOUNDARIES OF THE DISTRICT;**

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

**WHEREAS**, the City of Jackson, 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**, during the 2017 Legislative Session, the Mississippi Legislature enacted Senate Bill 2612, effective July 1, 2017, which amended Miss. Code Ann § 67-1-101 by providing additional areas which may authorized to establish a Leisure and Recreation District, including the legal description of a 22.822 acre parcel located in Jackson, Mississippi and known as The District at Eastover; 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 Jackson, Mississippi, has determined and hereby finds that the City of Jackson 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 Jackson, Mississippi, has further determined that the establishment of a Leisure and Recreation District at The District at Eastover would be in the best interests of the City of Jackson; and

**WHEREAS**, the governing authority of the City of Jackson 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 Jackson 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 Jackson hereby establishes a Leisure and Recreation District at The District at Eastover as more fully set forth herein.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF JACKSON, 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 Jackson.

**SECTION 2. TITLE:** This ordinance shall be known as **JACKSON LEISURE AND RECREATION DISTRICT ORDINANCE.**

**SECTION 3. CREATION AND ESTABLISHMENT OF DISTRICTS:** Under the authority granted in Miss. Code Ann. § 67-1-101, the City of Jackson does hereby establish Leisure and Recreation District(s) within the City of Jackson, 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 Jackson.

**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 open container or closed container of alcoholic beverage, beer or wine acquired elsewhere.
3. A permittee located in the DISTRICT shall allow alcoholic beverages to be removed from the licensed premises only in containers possessing the insignia or indicia of a permittee located in the District.
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. Permittees located in the DISTRICT may allow alcoholic beverages to be removed from the licensed premises during any times said permitted retail establishment is open, so long as it is consistent with Jackson's Code of Ordinances governing the sale of Alcoholic Beverages.
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. 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 along with an overview of the policies enacted to enforce this Ordinance. The map and policies 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 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-motor vehicle of any kind while carrying an open container of an alcoholic beverage.
8. Each permittee shall be required to place trash receptacles, consistent with the specific design approved for the District, at an exit door of the premises.
9. Permittees located in the District may allow alcohol beverages to be removed from the licensed premises during any time said permitted establishment is open,

so long as it consistent with City ordinances that specify hours of consumption.

10. The City of Jackson, 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 5. EFFECTIVE DATE**

This ordinance shall be effective thirty (30) days after its adoption by the City of Jackson.

**Item #:**

**Date:** 2-13-18

**By:** Virgi Lindsay

**ORDINANCE AMENDING CHAPTER 10 ALCOHOLIC BEVERAGES, SECTION 5 OF THE CITY OF JACKSON CODE OF ORDINANCES: FOR THE PURPOSE OF THE EXCLUSION OF THOSE AREAS DESIGNATED LEISURE AND RECREATION DISTRICTS:**

**WHEREAS**, the governing authority of the City of Jackson, Mississippi, has determined and hereby finds that the City of Jackson 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 Jackson, Mississippi, has further determined that the establishment of a Leisure and Recreation District at The District at Eastover would be in the best interests of the City of Jackson; and

**WHEREAS**, it is the desire of the governing authority to be consistent in its legislation and adhere to public policy. The governing authority finds that it is necessary to amend Chapter 10, Section 5 of the City of Jackson Ordinances, for the purpose of excluding those areas designated Leisure and Recreation Districts.

**THEREFORE, BE IT ORDAINED BY THE GOVERNING AUTHORITIES OF THE CITY OF JACKSON, MISSISSIPPI THAT SECTION 10-5 IS HEREBY AMENDED TO READ AS FOLLOWS:**

Sec. 10-5. - Sale, possession or consumption in public.

(a) *Definitions.* For the purpose of this section, the following terms shall have the meaning indicated in this section. No attempt is made to define ordinary words which are used in accordance with their established dictionary meaning, except when necessary to avoid misunderstanding.

*Open container* means any opened can, bottle, carton, glass or other vessel containing any alcoholic beverage and from which alcohol is immediately capable of being consumed or which the seal or top placed by the manufacturer has been broken.

*Street* means any public street, avenue, boulevard, roadway, highway, alley, sidewalk, or other right-of-way located within the city.

(b) *Congregate for consumption.* It shall be unlawful for anyone to remain on the premises of any commercial establishment outside of an enclosed building or structure, not licensed for on-premises consumption, or any other portion thereof or street right-of-way adjacent thereto while such person is consuming any alcoholic beverage, or in possession of an open container of any alcoholic beverage. If an establishment is properly permitted and licensed for the sale and consumption of any alcoholic beverages on the premises, then it will not be a violation of this section for customers to consume any alcoholic beverages while on the premises, whether indoors or outdoors, as long as they remain on the establishment's property. Further, it shall not be unlawful for any person to consume an alcoholic beverage, beer or wine on any street or other property located within an established LEISURE AND RECREATION DISTRICT.

(c) *Exceptions; possession or consumption on streets and sidewalks.* It shall be unlawful for one person or several people to possess open containers of any alcoholic beverages or to consume such alcoholic beverages on any public street or sidewalk unless it is within an established LEISURE AND RECREATION DISTRICT or during a city-sponsored event or such other event that has been sponsored with the permission of the city (e.g., Jubilee Jam). Permission of the city shall be obtained in writing from the chief of police. However, any party aggrieved with the decision of the chief of police may appeal to the city council within 30 days of the denial.

**SECTION 7. 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, including native wines. Within the boundaries of the DISTRICT, a permittee may allow beer and light wine to be removed from the licensed premises as permitted in Section 4 of the Ordinance.

**SECTION 8. RESERVATION OF RIGHTS:** The City reserves the right to modify or repeal this ordinance, and any district designation created hereunder, upon at least thirty days written notice to all permittees located within the DISTRICT.

**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. EFFECTIVE DATE:**

This ordinance shall be effective thirty (30) days after its adoption by the City of Jackson.

Item #: \_\_\_\_\_  
Date: 2-13-18  
By: Virgi Lindsay