

**ORDINANCE OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF DIAMONDHEAD, MISSISSIPPI
CREATING ALCOHOL, BEER, AND WINE LEISURE AND RECREATION DISTRICTS AND
REGULATIONS**

• **Title.**

This article shall be known as "Diamondhead Alcohol, Beer and Wine Leisure and Recreation Districts Ordinance."

• **Creation and establishments of districts.**

Under the authority granted in section 1 of House Bill 1223, the city does hereby establish the following "leisure and recreation districts":

- The Leisure Time District (District 1) description is attached as Exhibit 1;
- A map of the Leisure Time District (District 1) is attached as Exhibit 2;
- The Aloha District (District 2) description is attached as Exhibit 1;
- A map of the Aloha District (District 2) is attached as Exhibit 2;
- The Marina District (District 3) description is attached as Exhibit 1; and
- A map of the Marina District (District 3) is attached as Exhibit 2.

The exhibits to the ordinance from which this section is derived may be found in the city administrative offices and are available for public inspection.

• **Authority.**

The areas designated as leisure and recreation districts, pursuant to House Bill 1223 are hereby granted such authority as stated therein. Further, in addition to any other authority granted by law, the holder of a permit issued by the state to sell or otherwise provide alcoholic beverages, beer and/or wine to a patron of the permit holder in the manner authorized in the permit, may allow a patron to remove an open cup or other non-glass container of alcoholic beverages, beer and/or wine from such permitted premises and possess and consume the alcoholic beverage, beer and/or wine outside the permitted premises if the permitted premises is located within the leisure and recreation districts as stated above, and the patron remains within the boundaries of the leisure and recreation district while in possession of and/or while consuming such alcoholic beverages, beer or wine.

• **Outside consumption of alcoholic beverages permitted; conditions.**

Any on-premises retail alcohol beverage permittee located within the leisure and recreation districts shall comply with all laws, rules and regulations which govern its permit type, except that a patron, guest or member of that licensee may exit the permitted premises during any times said permitted retail establishment is open, with no more than one open container of alcoholic beverage, beer and/or wine, and continue to consume said alcoholic beverage, beer and/or wine anywhere within the confines of the leisure and recreation district in which the alcoholic beverage, beer and/or wine was obtained, subject to the following regulations:

- (1) A person may not enter other permitted premises with an open container or closed container of alcoholic beverage, beer or wine acquired elsewhere.
- (2) A permittee located within a leisure and recreation district shall only allow alcoholic beverages, beer or wine to be removed from permitted premises in a can, paper, plastic, Styrofoam or other non-glass container.
- (3) Nothing in this article permits a patron to possess or consume an alcoholic beverage, beer or wine that was not purchased from an on-premises retail alcohol beverage permittee located within the leisure and recreation districts.
- (4) Permittees located in the districts shall post, at all points of egress from the permitted 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.

• **Public safety.**

The city, by and through its police department, shall provide for adequate law enforcement and other public safety measures and services within the districts as required by state law.

• **Definition of alcoholic beverages.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage means alcoholic liquid, including wines of more than five percent of alcohol by weight, capable of being consumed as a beverage by a human being, but shall not include light wine and beer, as defined in Miss. Code Ann. § 67-3-3, but shall include native wines.

• **Reservation of rights.**

The city reserves the right to modify or repeal this article, and any district designation created hereunder, at any time, with or without notice.

All ordinances or parts thereof in conflict with this section are hereby declared to be inapplicable within the geographic boundaries of each leisure and recreation district created herein.

This Ordinance having been adopted shall be in force and effective thirty (30) days after its adoption and publication by the Mayor and City Council of the City of Diamondhead, Hancock County, Mississippi.

ORDAINED, ADOPTED AND APPROVED by the Mayor and City Council of the City of Diamondhead, Hancock County, Mississippi at its regular meeting held on the ___ day of _____, 2018.

MOTION made to adopt the foregoing Ordinance was made by Council Member _____ and SECONDED by Council Member _____ and the foregoing having first been reduced to writing, was submitted to a Roll Call Vote, the result was as follows:

	Aye	Nay	Absent
Councilmember Depreo	_____	_____	_____
Councilmember Moran	_____	_____	_____
Councilmember Morgan	_____	_____	_____
Councilmember Koenenn	_____	_____	_____
Councilmember L'Ecuyer	_____	_____	_____
Mayor Schafer	_____	_____	_____

Whereupon, the Mayor declared the motion carried and the Ordinance adopted this the _____ day of _____, 2018.

CITY OF DIAMONDHEAD, MISSISSIPPI

BY: _____
THOMAS E. SCHAFER, IV
MAYOR

ATTEST:

JEANNIE KLEIN
CITY CLERK

seal

Exhibit #1

Leisure Time District (#1)

The Leisure Time District will include the commercial area located in the Northwest corner of the I-10 exit. The south boarder will be the commercial property adjacent to I-10. The east boarder will be Live Oak Drive from the Diamondhead Resort to Leisure Time Drive. The north boarder will be all commercial properties facing Leisure Time Drive (excluding Memorial Physicians Clinic). The west boarder will be Leisure Time Lane and it includes all commercial properties on this street. The west boarder will continue south from Leisure Time Lane to the I-10.

Aloha District (#2)

The Aloha District (#2) will include the commercial area located in the Northeast corner of the I-10 exit. The south boarder will be the commercial property adjacent to I-10. The east boarder will be Veterans Blvd extending to I-10. The north boarder will be the commercial shopping center north of East Aloha Drive. The west boarder will be the commercial properties located west of Kalani Drive (excluding Hancock Bank property). The west boarder line will follow the north/south parcel lines to I-10. This district only includes commercial properties and excludes all residential properties adjacent to this area.

Marina District (#3)

The Marina District (#3) will include the commercial area located south and southwest of I-10 exit. The south boarder will be Paradise Bayou. The east boarder will be Yacht Club Drive. The north boarder is commercial properties adjacent to I-10. The west boarder will be Akoko Street. This district only includes commercial properties and excludes all residential properties adjacent to this area.

LEISURE AND RECREATION DISTRICT

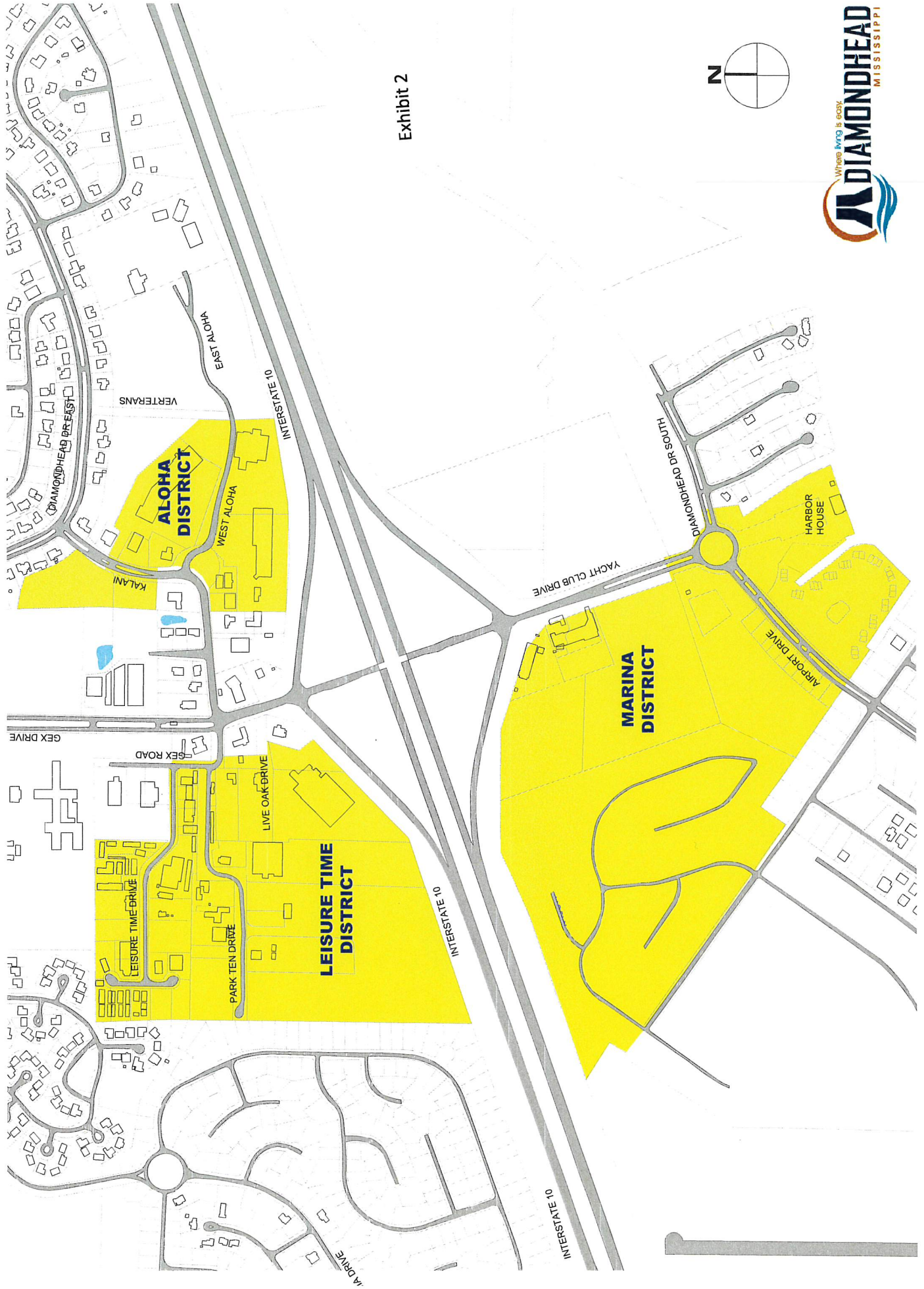


Exhibit 2

