

ORDINANCE AMENDING ORDINANCE #4530 “RESOLUTION AND ORDER OF THE MERIDIAN, MISSISSIPPI CITY COUNCIL IN LAWFUL, REGULAR AND PUBLIC MEETING DECLARING AN ORDINANCE TO AMEND THE ESTABLISHED OPEN CONTAINER AND RECREATION DISTRICT WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MERIDIAN, MISSISSIPPI AND DESIGNATE THE GEOGRAPHIC AREAS INCLUDED WITHIN AND BOUNDARIES OF SAID DISTRICTS; AND FOR RELATED PURPOSES”

WHEREAS, The City of Meridian, Mississippi, is a duly organized and incorporated municipality;

WHEREAS, during the 2016 Legislative Session, the Legislature of the State of Mississippi enacted House Bill 1223 which permits and authorizes certain municipalities in the State of Mississippi to establish “Leisure and Recreation Districts” within the boundaries of those municipalities and to designate the geographic areas included within and the boundaries of said districts; and

WHEREAS, the Governor signed House Bill 1223 into law, and the same shall be effective on and after July 1, 2016; and

WHEREAS, House Bill 1223 requires that an Ordinance which establishes a “Leisure and Recreation District” shall “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 “Open Container Districts” authorize business entities that hold alcoholic beverage permits issued by the Department of Revenue and that are located within the boundaries of the “Open Container District” to allow patrons to leave the licensed premises with an open container of alcohol and allow those patrons to carry and consume alcoholic beverages within a designated “Open Container District”; and

WHEREAS, the Mayor and City Council of the City of Meridian, Mississippi, have further determined that establishment of certain districts to each be a “Open Container District” would be in the best interests of the City of Meridian; and

WHEREAS, The Mayor and City Council of the City of Meridian, Mississippi, have further determined that establishment of certain districts to each be an “Open Container District” would be in the best interests of the City of Meridian; and

WHEREAS, nothing herein is intended to confer any rights or entitlement, as the sale of alcohol within an area designated as a “Open Container District” is a privilege and not a right and it subject at all times to reasonable regulation; and

WHEREAS, subject to the terms and limitations of House Bill 1223 (2016 Legislative Session) and this Ordinance, the City of Meridian hereby establishes certain districts to each be a “Open Container District” in the areas more fully set forth herein; and

WHEREAS, the Mayor and City Council find that this ordinance should be in full force and in effect from and after July 1, 2021, in order to serve the citizens of Meridian and to incent enhancement of, and complete recovery of, the economy of the tourism industry in the City of Meridian.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MERIDIAN, MISSISSIPPI, AS FOLLOWS:

Section 1: *Creation and establishment of districts.* Under the authority granted in Section 1 of House Bill 1223 (2016 Legislative Session), there are hereby established certain districts with each to be a “Open Container District” in the City of Meridian within the geographic areas and within such boundaries as are set forth and designed herein and as represented on the geo-reference Maps which are attached hereto as Exhibit 1 and fully incorporated herein.

Section 2: *Name and boundaries of districts.* Each of the districts named in this section 2 shall be a “Open Container District” established herein, and the names of the separate districts shall be known, respectively, as the “Meridian Downtown Open Container District”, (hereinafter for purposes of this ordinance, the word, “District”, shall apply to each district named in this Section 2 and shall not apply collectively) and shall have as their respective boundaries the boundaries of each separate district described in Exhibit 2 which is attached hereto and fully incorporated herein.

SECTION 3. *Outside Consumption of Alcoholic Beverages Permitted; Conditions.* Any on premise retail alcoholic beverage permittee located within the District shall comply with laws, rules and regulations which govern its license type, except that a patron, guest or member of that licensee may remove an open container of alcoholic beverage and/or wine outside of the licensed premises anywhere within the boundaries of the District, subject to the following regulations:

- A. The ordinance will be in effect only during the following days and times: (Monday through Friday, 5 p.m. until 12 a.m.) and (Saturday, Sunday, Holidays and City approved events, 10:00 a.m. until 12:00 a.m.)
- B. A person may not enter licensed premises with an open container of alcoholic beverages acquired at the licensed premises or elsewhere.
- C. A permittee located in the District shall allow alcoholic beverages to be removed from the licensed premises only in a paper or plastic cup, not larger than 16 fluid ounces in size, and no such alcoholic beverages shall be removed from the licensed premises in a can, bottle, glass container or other container, except otherwise allowed by law.
- D. No permittee shall allow a patron, guest or member to exit its licensed premises with more than one open container of alcoholic beverages, and it shall be

unlawful for any person to exit such licensed premises with more than one such container.

- E. 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, either in electronic or paper form, to those permittees by the City.
- F. Nothing in this ordinance shall be construed to require a permittee located in the District to allow its patrons to remove alcoholic beverages and/or wine, in open containers, from the licensed premises.
- G. Nothing in this ordinance shall be construed to allow patrons, guests or members of a licensee to remove an open container of alcoholic beverage and/or wine from the boundaries of the District in which it was purchased, and it shall be a violation of this ordinance for any person to remove an open container of alcoholic beverage and/or wine from the boundaries of the District in which it was purchased.
- H. The purpose of this ordinance being primarily to allow pedestrians to carry open containers within an Open Container District, nothing in this ordinance shall be construed to allow patrons, guests or members of a licensee to drive a motor vehicle or non-motor vehicle while carrying an open container of alcoholic beverage and/or wine and/or beer or light wine onto or into a motor vehicle or pedestrian-drive 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 or alcoholic beverage and/or wine and/or beer or light wine within the District in which it was purchased.

SECTION 4. *Beer and Light Wine.* Within the boundaries of the District, a permittee may only allow beer and light wine to be removed from the licensed premises in a paper or plastic cup, not larger than 16 fluid ounces in size.

SECTION 5. *Public safety measures.* Enforcement of the boundaries of the District shall be the responsibility of the Meridian Police Department. 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.

SECTION 6. *Definition of alcoholic beverages.* For the purpose 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, but shall not include light wine and beer, as defined in Section 67-3-3, Mississippi Code of 1972, but shall include native wines.

SECTION 7. 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 8. Upon receiving unanimous vote of the members of the City Council, this ordinance shall be in full force and effect on October 02, 2024, because it serves the public peace, health and safety of the citizens of Meridian and will immediately incent enhancement of, the economy of the tourism industry of the City of Meridian. It shall be published according to law, spread on the minutes of the Meridian City Council, and the City Clerk shall provide a certified copy of this Ordinance to the Mississippi Department of Revenue upon its enactment.

SO ORDAINED this the 17th day of September, 2024.

Motion by Councilwoman Lindsey second by Councilman Davis.

Yea: Thomas, Davis, Norwood, Lindsey.

Nay: Walker.

Romande Walker
ROMANDE WALKER, PRESIDENT
CITY COUNCIL, MERIDIAN, MS

9-19-2024
DATE

ATTESTED AND SUBMITTED TO THE MAYOR BY THE CLERK OF COUNCIL, ON THE 19th DAY OF SEPTEMBER, 2024.

As Ann Clark
CLERK OF COUNCIL

APPROVED () DATE 9/23/24

VETO () DATE _____

ATTEST:

Brandy Latimer
BRANDYE LATIMER, CITY CLERK

BY: *Jimmie Smith*
JIMMIE SMITH, MAYOR
CITY OF MERIDIAN



"Exhibit 2"

City of Meridian

Open Container District 1

Beginning at the intersection of 26th avenue and the north line of the KCS Railroad right of way; thence northwest along the centerline of 26th avenue to the intersection of Valley street; thence north along the centerline of 26th avenue to the intersection of 10th street; thence east along the centerline of 10th street to the intersection of 6th street; thence northeast along the centerline of 6th street to the intersection of 17th avenue; thence southeast along the centerline of 17th avenue to the north line of the KCS Railroad right of way ; thence southwest along the north line of the KCS Railroad right of way to the point of beginning.

Stacey Williams

From: Craig Hitt
Sent: Friday, September 6, 2024 3:54 PM
To: Brandye Latimer; Jimmie Smith; Ed Skipper; Scott Sollie; Will Simmons
Cc: 'Kate Davis'
Subject: RE: Resolution and Order Declaring Ordinance 4548 - Open Container District Amendment
Attachments: go cup ordinance.docx

Will, Kate

Attached is a description for the proposed revised Go Cup Ordinance area.

The recommended hours will be Monday thru Friday 5:00 pm to 12:00 am and Saturday , Sunday, Holidays and City approved events 11:00am to 12:00 am.

Scott is going to attach a map.

Let us know if you need additional information from us.

Craig Hitt
Community Development Director
601-485-1908
601-604-5610



From: Brandye Latimer <BrandyeLatimer@meridianms.org>
Sent: Wednesday, August 28, 2024 10:03 AM
To: Jimmie Smith <JimmieSmith@meridianms.org>; Ed Skipper <EdSkipper@meridianms.org>; Craig Hitt <CraigHitt@meridianms.org>; Scott Sollie <ScottSollie@meridianms.org>; Will Simmons <will@gloveryoung.com>
Subject: Resolution and Order Declaring Ordinance 4548 - Open Container District Amendment

Good morning,

The attached Resolution and Order Declaring Ordinance 4548 intended to amended Municipal Code Sec. 5-11. - Open container district. However, it was filed as a Resolution and was not sent to Municode nor advertised in the Meridian Star. Please incorporate the amendments from 4548 into the proposed Ordinance discussed during yesterday's work session. The Council document should also be titled "Ordinance Amending Ordinance 4530..."

Thanks,

Brandye S. Latimer, CPA, CMC
Chief Financial Officer / City Clerk

City of Meridian
P. O. Box 1430
Meridian, MS 39302-1430
(601) 485-5052