

**AN ORDINANCE ESTABLISHING A LEISURE AND RECREATION DISTRICT  
WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF CORINTH,  
MISSISSIPPI**

**WHEREAS**, Miss. Code Anno. Sec. 67-1-101 (1972 as amended) requires an Ordinance establishing 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 “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 “Leisure and Recreation 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 “Leisure and Recreation District”; and

**WHEREAS**, the governing authority of the City of Corinth, Mississippi has determined and hereby finds that the City of Corinth, Mississippi, would benefit from the establishment of a “Leisure and Recreation District” within the downtown area of the City of Corinth, by enhancing quality of life opportunities, downtown livability and atmosphere, walkability of pedestrian-oriented areas, increased tourism and greater economic benefit from the downtown area; and

**WHEREAS**, the governing authority of the City of Corinth, Mississippi, has further determined that the establishment of a “Leisure and Recreation District” within the downtown area would be in the best interest of the City of Corinth; 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, modification or repeal; and

**WHEREAS**, subject to the terms and limitations of Miss. Code Anno. Sec. 67-1-101 (1972 as amended) and this Ordinance, the City of Corinth hereby establishes a “Leisure and Recreation District” in the downtown area as more fully set forth herein.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BOARD OF MAYOR AND ALDERMEN FOR THE CITY OF CORINTH, MISSISSIPPI, AS FOLLOWS:**

**SECTION 1.** The prefatory clauses are hereby incorporated herein.

**SECTION 2.** That the Code of Ordinances of the City of Corinth be, and the same is hereby amended, to add Downtown Corinth Leisure and Recreation District, to read as follows:

**DOWNTOWN CORINTH LEISURE AND RECREATION DISTRICT**

## **SECTION I. CREATION AND ESTABLISHMENT OF DISTRICT**

Under the authority granted in Miss. Code Anno. Sec. 67-1-101 (1972 as amended), there is hereby established a “Leisure and Recreation District” in the downtown area of the City of Corinth within the geographic area and within such boundaries as are set forth and designed herein and as represented on the georeferenced Map which is attached hereto as “Exhibit A” and fully incorporated herein.

## **SECTION II. Name and boundaries of district.**

The “Leisure and Recreation District” established herein shall be know as the “Downtown Corinth Leisure and Recreation District” (hereinafter “the District”) and shall have the following as its boundaries:

Beginning at the intersection of Childs Street and Fillmore Street and continue South along Fillmore Street to the intersection of with Tate Street (Thus, forming the Western border), then continuing East on Tate Street to the intersection with Cass Street (Thus, forming the Southern border), then continuing North on Cass Street to the intersection with Childs Street (Thus, forming the Eastern border), and finally continuing West on Childs Street to the intersection with Fillmore Street (Thus, forming the Northern border), and the point of beginning.

SEE ATTACHED MAP.

## **SECTION III. Definition of alcoholic beverages.**

For the purposes of this Ordinance, the term alcoholic beverages shall mean any “alcoholic beverage” as defined in Section 67-1-5 Mississippi Code of 1972; “light wine and beer”, as defined in Section 67-3-3, Mississippi Code of 1972; and “native wines” as defined by Section 67-5-5, Mississippi Code of 1972.

## **SECTION IV. Specific days and times of the Leisure and Recreation District Ordinance, Special Events**

A. *Regular hours* for the District shall be every Thursday and Friday from 3:00 p.m. until 11:00 p.m., and Saturday from 10:00 a.m. to 11:00 p.m.

B. *City of Corinth Permitted Special Events.* The City of Corinth may elect to open all or a portion of the District in conjunction with persons or entities of events holding a special event permit as defined and permitted under this Code. The Director of the Downtown Main Street Association shall have final administrative authority in approving opening the District, or portions thereof, for times other than set forth herein for purposes of permitted special events.

## **SECTION V. Outside Consumption of Alcoholic Beverages Permitted; Conditions**

Any on premise 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 and/or wine from the floor plan of the licensed premises and may possess and consume the alcoholic beverage and/or wine outside of the floor plan of the licensed premises anywhere within the boundaries of the District subject to the following regulations:

A. A person may not enter the floor plan of a licensed premises with an alcoholic beverage, whether acquired at that licensed premises or elsewhere.

B. A permittee located in the District shall allow alcoholic beverages to be removed from the floor plan of the licensed premises only in an City of Corinth-approved recyclable plastic cup, not larger than 16 fluid ounces in size, and no such alcoholic beverages shall be removed from the floor plan of the licensed in a can, bottle, glass container or other container, except as otherwise allowed by law.

C. No permittee shall allow a patron, guest or member to exit its floor plan of the licensed premises with more than one open container of alcoholic beverages, and it shall be unlawful for any person to exit such floor plan of the licensed premises with more than one such open container.

D. Permittees located in the District shall post, at all points of egress from the floor plan of 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 upon request of the permittees.

E. 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 floor plan of the licensed premises.

F. Permittees located in the district who participated and allow patrons to remove alcoholic beverages and/or wine, in open containers, from the floor plan of the licensed premises.

G. It is not the intention of this ordinance to encourage the gathering outside of permitted premises within the District so as to allow the consumption of alcoholic beverages or smoking while entering and re-entering the permitted premises of permittees in violation of other provisions of this Code. To effectuate this intent:

(1) In accordance with sub-section 13-57 (21) and section 13-59 of this Code, nothing in this ordinance shall be construed to limit the enforcement of the Smoking Ban Ordinance as it applies to areas defined as public places in Chapter 13; areas within a reasonable distance of twenty-five (25) feet immediately preceding the entrance to and ten (10) feet from the exit of an area where smoking is prohibited; attached areas of restaurants that

are covered or partially covered with more than fifty (50) percent of the perimeter of the outside area walled or otherwise closed to the outside and seating areas of outdoor sports arenas, stadiums, amphitheaters and other venues.

(2) In accordance with Section 24-1 of this Code, nothing in this ordinance shall be construed to limit any policeman of the city from having and exercising the power, authority and duty to prevent the assemblage, either upon the sidewalks, streets or alleys of the city, congregations of persons, if in the opinion or judgment of any such officer, when any such gathering is of sufficient magnitude and number to interfere with public travel of the city either on foot or otherwise. Such officer is hereby given the power and authority and it is hereby made his duty to cause such congregation of any kind above enumerated to be dispersed, and if any person so assembling shall fail when so ordered by any such officer, to disperse, any such person so failing to disperse when so ordered shall be guilty of a misdemeanor and upon conviction, shall be subject to punishment as provided in Section 1-8 of this Code.

#### **SECTION VI. Local Authority for beer and light wine.**

Within the boundaries of the District, a permittee may also, similarly allow beer and light wine to be removed from the licensed premises in a recyclable plastic cup as designated by this ordinance, not larger than 16 fluid ounces in size.

#### **SECTION VII. Public safety measures.**

Enforcement of the boundaries of the District shall be the responsibility of the Corinth Police Department. In addition, the Corinth 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 VIII. Violation; revocation of license.**

In addition to any other penalties prescribed by law, any permittee within the district, violating the provisions of this ordinance shall be subject to the penalties of suspension or revocation of the permittee's privilege hereunder.

#### **SECTION IX. Review, modification and repeal.**

The city council shall review this Ordinance in six (6) months from its effective date and reserves the right to modify or repeal this Ordinance and any district designation created hereunder, at any time, with or without notice.

#### **SECTION X. Conflict of Provisions.**

All ordinances or parts thereof in conflict with this ordinance are hereby declared to be inapplicable within the geographic boundaries of the "Leisure and Recreation District" created herein, except as cited or amended herein.

**SECTION XI. Findings and compliance with administrative guidelines.**

Upon passage by the members of the Board of Mayor and Aldermen this ordinance shall be in full force and effect thirty days after its passage and publication as required by law, finding it serves the public peace, health and safety of the citizens of Corinth and will enhance quality of life opportunities, downtown livability and atmosphere, walkability of pedestrian-oriented areas, increased tourism and greater economic benefit from the downtown area in the City of Corinth. It shall be published according to law, spread on the minutes of the Board of Mayor and Aldermen for the City of Corinth and the City Clerk shall provide a certified copy of this Ordinance and other required documents to the Mississippi Department of Revenue upon its enactment.

After a full discussion of this matter, Alderman Wood moved that the foregoing Resolution to adopted and said motion was seconded by Alderman Hopkins and the vote thereupon was as follows:

<u>Aldermen:</u>	<u>Vote:</u>
Chris Wilson	Aye
Ben Albarracin	Aye
Chip Wood	Aye
J.C. Hill	Aye
Michael McFall	Aye
Mike Hopkins	Aye

Whereupon the foregoing Resolution was declared adopted on this 7th day of April, 2020.

THE CITY OF CORINTH,  
MISSISSIPPI

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TOMMY IRWIN, MAYOR

ATTEST:

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VICKIE ROACH, CLERK

April 7, 2020 RM