

EXPLANATORY STATEMENT OF PUBLIC MEASURE OR
AMENDMENT THERETO OF THE CITY OF BRANDON, MISSISSIPPI
PURSUANT TO MISS. CODE ANN. SECTION 21-17-19
(1972 AS AMENDED)

1. Name of Public Measure or Amendment thereto:

ORDINANCE OF THE CITY OF BRANDON, MISSISSIPPI ESTABLISHING THE DOWNTOWN BRANDON ARTS AND ENTERTAINMENT DISTRICT IN ACCORDANCE WITH MCA 67-1-101 (1972, AS AMENDED) AND CODIFYING THE SAME AS CHAPTER 6, SECTION 21-26 OF THE CODE OF ORDINANCES OF THE CITY OF BRANDON.

2. Date of Adoption: February 4, 2019.

3. Explanatory Statement summarizing the full text of the Public Measure or Amendment thereto including the chief purpose thereto:

The purpose of this Ordinance is to establish the Downtown Brandon Arts and Entertainment District by codifying the same as Chapter 6, Section 21-26 of the Code of Ordinances of the City of Brandon.

4. A copy of the full text of the Ordinance, during the entire time of publication of this Explanatory Statement, shall be posted by the City Clerk for the City of Brandon at: (1) the Brandon City Hall, (2) the Brandon Public Library, and (3) the Brandon Police Station.
5. The City Clerk will furnish any resident of the City of Brandon, a copy of the full text of this Public Measure or Amendment thereto upon request.


Angela Bean, City Clerk



ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF
THE CITY OF BRANDON ESTABLISHING THE DOWNTOWN BRANDON ARTS AND
ENTERTAINMENT DISTRICT IN ACCORDANCE WITH MCA 67-1-101 (1972, AS
AMENDED) AND CODIFYING THE SAME AS CHAPTER 6, SECTION 21-26 OF THE
CODE OF ORDINANCES OF THE CITY OF BRANDON

BE IT ORDAINED, that in accordance with MCA Section 67-1-101 (1972, as amended) the Mayor and Board of Aldermen of the City of Brandon, Mississippi, hereby create the "Downtown Brandon Arts and Entertainment District" and codify the same as that Chapter 6, Section 21-26 of the Code of Ordinances of the City of Brandon, Mississippi, to read in full as follows, to: wit:

Sec. 6-21. Creation of Leisure and Recreation District.

Under the authority granted by MCA 67-1-101 (1972 as amended), there is hereby established a Leisure and Recreation district in the downtown area of the city within the geographic area and within such boundaries as set forth and as represented on the map which is incorporated herein and attached hereto as Exhibit A.

Sec. 6-22. Name and boundaries of District.

The Leisure and Recreation District established herein shall be known as the Downtown Brandon Arts and Entertainment District (hereinafter "the District") and shall have the following boundaries:

POINT OF BEGINNING: Point of intersection of the east right-of-way line of North College Street and the north right-of-way line of West Government Street in the City of Brandon, Mississippi.

Thence: Run in a northerly direction along the east right-of-way line of North College Street to the point of intersection of the north right-of-way of Tamberline Street;

Thence: Run in easterly direction along the north right-of-way of Tamberline Street to the point of intersection of the east right-of-way of North Street;

Thence: Run in a southerly direction of the east right-of-way of North Street to the point of intersection of the north right-of-way of East Government Street;

Thence: Run in an easterly direction of north right-of-way of East Government Street to the point of intersection of the east right-of-way of South Timber Street;

Thence: Run in a southerly direction of east right-of-way of South Timber Street to the point of intersection of the south right-of-way of Mary Ann Drive;

Thence: Run in a westerly direction of the south right-of-way of Mary Ann Drive to the point of intersection of the south right-of-way of Dining Street;

Thence: Run in a westerly direction of the south right-of-way of Dining Street to the point of intersection of the east right-of-way of South College Street;

Thence: Run in a northly direction along the east right-of-way of South College Street, to the POINT OF BEGINNING.

6-23. Outside consumption of alcoholic beverages permitted; conditions.

1. 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 licensee may remove an open container of alcoholic beverage and/or wine from the licensed premises, and may possess and consume the alcoholic beverage and/or wine outside of the licensed premises anywhere within the boundaries of the district subject to the following regulations:

2. A person may not enter any permitted premises with an alcoholic beverage.

3. A permittee located in the district shall allow alcoholic beverages to be removed from the licensed premises only in a paper or plastic cup, that is recognizable to permittee, 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 as otherwise allowed by law.

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

5. 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 upon request of the permittees.

6. Nothing in this article shall be construed to require a permittee located in the district to allow its patrons to remove alcoholic beverages and/or light wine or beer in open containers from the licensed premises.

7. Nothing in this Chapter shall be construed to allow patrons, guests or members of a licensee to remove an open container of alcoholic beverage and/or light wine or beer from the boundaries of the District, and it shall be a violation of this article for any person to remove an open container of alcoholic beverage and/or light wine or beer from the boundaries of the District.

8. The purpose of this Chapter being primarily to allow pedestrians to carry open containers as described in this Chapter within the District, nothing in this Chapter 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 light wine or beer onto or into a motor vehicle or pedestrian-driven vehicle, and it shall be a violation of this Chapter for any person to drive a motor vehicle or non-motor vehicle while carrying an open container as described in this Chapter containing alcoholic beverage and/or light wine or beer within the District. This subsection does not apply to non-driving passengers of vehicles.

9. Nothing in this Chapter shall be construed to allow patrons, guests or members of a licensee to leave the District in a motor vehicle or non-motor vehicle of any kind while carrying an open container of alcoholic beverage and/or light wine or beer, and it shall be a violation of this Chapter for patrons, guests or members of a licensee to leave the District as a pedestrian or in a motor vehicle or non-motor vehicle of any kind while carrying an open container of

alcoholic beverage and/or beer or light wine.

10. Nothing in this Chapter shall be construed to allow patrons, guests or members of a licensee to impede traffic on a public street or within private or public parking lots.

6.24. Public safety measures.

Enforcement of the boundaries of the district shall be the responsibility of the 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.

6.25 Definitions of “alcoholic beverage” and “light wine” and “beer”.

For the purposes of this article, the term “alcoholic beverage” shall mean any 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 Section 6-2 of the Code of Ordinances of the City and Section 67-3-3, Mississippi Code of 1972, but shall include native wines. To the extent the definition of “alcoholic beverage” and “light wine” and “beer” are modified under state law, the definitions of such in state law shall control.

6.26. Light wine and beer.

Within the boundaries of the District, a permittee may allow light wine and beer to be removed from the licensed premises in a paper or plastic cup, that is recognizable to the permittee, not larger than 16 fluid ounces in size. The provisions in this Chapter as to an “alcoholic beverage” shall be applicable to light wine and beer.

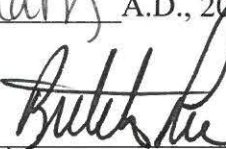
1. This Ordinance shall supersede any and all ordinances which are in conflict herewith.

2. This Ordinance shall go into effect immediately, because it serves the public peace, health, and safety of the citizens of Brandon and will immediately encourage enhancement of the tourism industry in the City of Brandon. It shall be published according to law, spread on the minutes of the City of Brandon, and the City Clerk shall provide a certified copy of this ordinance and other required documents to the Mississippi Department of Revenue.

3. The foregoing Ordinance having been first reduced to writing was read and considered and by motion of Alderman CORLEY and seconded by Alderman VINSON was adopted by the following vote, to wit:

James Morris, Alderman at Large	<u>AYE</u>
Monica Corley, Alderman Ward 1	<u>AYE</u>
Cris Vinson, Alderman Ward 2	<u>AYE</u>
Harry Williams, Alderman Ward 3	<u>AYE</u>
Lu Coker, Alderman Ward 4	<u>AYE</u>
Dwight Middleton, Alderman Ward 5	<u>ABSENT</u>
Tahya Dobbs, Alderman Ward 6	<u>AYE</u>

The Mayor thereby declared the Motion carried and the Ordinance adopted and approved
on this the 5th day of February A.D., 2019.



BUTCH LEE, MAYOR

ATTEST:



ANGELA BEAN, CITY CLERK



Downtown Brandon Arts and Entertainment District

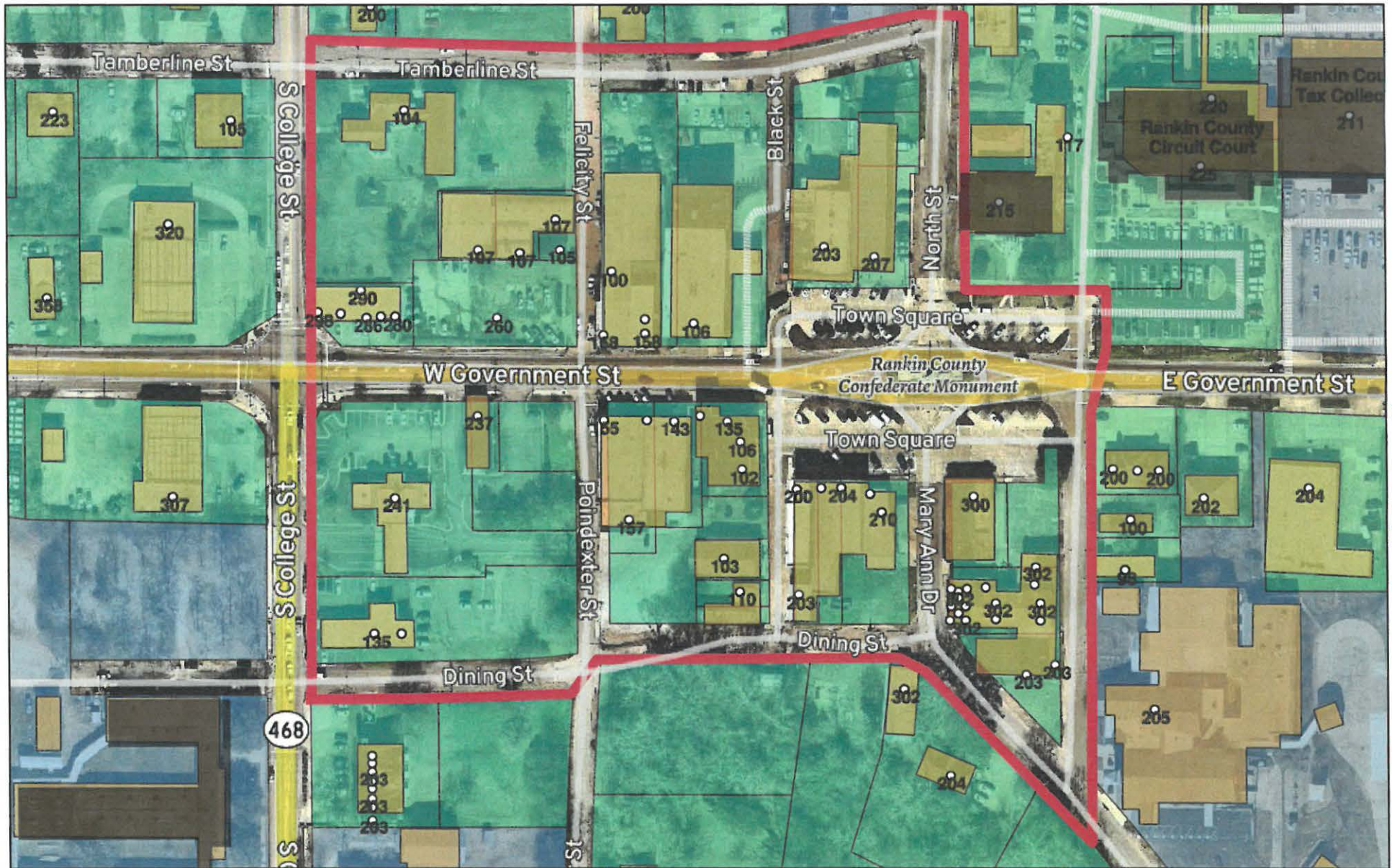


Exhibit "A"

2/4/2019, 9:33:20 AM

Zoning

VMU: Vertical Mixed Use

ORC: Office, Research Campus

1:2,257

