

**ORDINANCE ESTABLISHING A LEISURE AND RECREATION DISTRICT WITHIN
THE CORPORATE BOUNDARIES OF THE CITY OF OLIVE BRANCH,
MISSISSIPPI AND DESIGNATING THE GEOGRAPHIC AREAS INCLUDED WITHIN
AND BOUNDARIES OF SAID DISTRICT, AND FOR RELATED PURPOSES**

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi:

WHEREAS, the City of Olive Branch, Mississippi ("City") is a municipal corporation, organized and existing according to the laws of the State of Mississippi, and

WHEREAS, Miss. Code Section 67-1-101 authorizes the governing authority of the City to establish one or more leisure and recreation districts within the corporate boundaries of the municipality and designate the geographic area or areas to be included within a district, and

WHEREAS, the Board of Aldermen for the City recognize the benefits of community events and attractions, and the potential benefits of an entertainment district to expand activities and events for City residents, and

WHEREAS, Miss. Code Section 67-1-101 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 the adequate law enforcement and other public safety measures and services within the district", and

WHEREAS, the City has worked with its Police Chief in ensuring the Ordinance Establishing the Leisure and Recreation District will provide the City's Police the adequate means to ensure public safety 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 exit 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", subject to certain conditions, and

WHEREAS, the governing authority of the City has determined and hereby finds that the City would benefit from the establishment of a "Leisure and Recreation District" within portions of the Old Towne area by enhancing pedestrian-oriented areas, and

WHEREAS, the governing authority of the City has further determined that establishment of a "Leisure and Recreation District" within portions of the Old Towne area would be in the best interests of the City, 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 further is subject at all times to reasonable regulation, and

WHEREAS, subject to the terms and limitations of Miss. Code Section 67-1-101, and this Ordinance, the City hereby establishes a "Leisure and Recreation District" in portions of the Old Towne area as more fully set forth herein and as described by the georeferenced map attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF OLIVE BRANCH, MISSISSIPPI, AS FOLLOWS:

1. That the matters, facts and things recited in the above and foregoing Preamble to this Ordinance are hereby adopted as the official findings of the Governing Authority of the City of Olive Branch.
2. That the Code of Ordinances of the City of Olive Branch, Mississippi is hereby amended to add the following Ordinance, to read as follows:

ORDINANCE ESTABLISHING LEISURE AND RECREATION DISTRICT

SECTION 1. Creation and Establishment of District.

Under the authority granted by Miss. Code Section 67-1-101, there is hereby established a "Leisure and Recreation District" in portions of the Old Towne area of the City of Olive Branch 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 as Exhibit "A".

SECTION 2. Name and Boundaries of District.

The "Leisure and Recreation District" established herein shall be known as the "Old Towne Leisure and Recreation District" (herein after "the District") and shall have the following as its boundaries:

See attached Collective Exhibit A

SECTION 3. 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 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:

- A. A person may not enter 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 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 as otherwise allowed by law.
- C. 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 open container.
- D. Permittees located in the District shall post, at all points of egress from the licensed premises, a map of the boundaries or 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 licensed premises.
- F. Permittees located in the District who participate and allow patrons to remove alcoholic beverages in open containers shall locate a City approved garbage container at entrances to and exits from the permitted premises.
- G. Nothing in this ordinance shall be construed to limit the enforcement of the City of Olive Branch Smoking Ban Ordinance.
- H. Nothing in this ordinance shall be construed to limit any City of Olive Branch Policeman 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 person, 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 of 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 in accordance with Mississippi Code Section 21-13-19 and other applicable State law and local ordinance.
- I. Nothing in this ordinance shall be construed to allow for any licensed premises to sell alcoholic beverages at different hours than other restaurants or licensed premises located within the City.

SECTION 4. *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.

The adoption of this Ordinance does not render as lawful any otherwise unlawful conduct by any person except as explicitly provided herein and by Miss. Code Ann. Section 67-1-101. Specifically, the adoption of this Ordinance does not authorize any trespass on private property, unlawful parking on public property, unauthorized parking on private property, littering, loitering, or any other conduct prohibited by local ordinance or state law.

SECTION 5. Hours in Effect.

A person shall only possess an alcoholic beverage in the above prescribed container dispensed by a duly permitted establishment within the District boundaries between the following hours:

Monday	4:00 p.m. to 1:00 a.m. Tuesday
Tuesday	4:00 p.m. to 1:00 a.m. Wednesday
Wednesday	4:00 p.m. to 1:00 a.m. Thursday
Thursday	4:00 p.m. to 1:00 a.m. Friday
Friday	Noon to 1:00 a.m. Saturday
Saturday	Noon to 1:00 a.m. Sunday
Sunday	Noon to 1:00 a.m. Monday

Hours may be amended on specific days only on order of the City of Olive Branch Mayor and Board of Aldermen.

SECTION 6. 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.

SECTION 7. The City reserves the right to modify or repeal this Ordinance, and any district designation created herein, at any time, with or without notice.

SECTION 8. 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.

3. This Ordinance shall be in full force and effect thirty days following adoption. It shall be published according to law and shall be spread on the Minutes of the Board of Aldermen for the City of Olive Branch and the Clerk shall

provide a certified copy of this Ordinance to the
Mississippi Department of Revenue upon its enactment.

ADOPTED, ORDAINED AND APPROVED this the 16th day of
November, 2021.

/s/ KENNETH R. ADAMS, MAYOR

ATTEST:

/s/ TENA STEWART, CITY CLERK

The foregoing Ordinance was read, discussed and voted upon
in a public meeting, section by section, and as a whole,
and whereas a motion was duly made by Alderman Dickerson, and
seconded by Alderman Wallace, with the following results:

Alderwoman Janet Aldridge	Aye
Alderman George Collins	Aye
Alderman Dale Dickerson	Aye
Alderman Gil Earhart	Aye
Alderwoman Pat Hamilton	Aye
Alderwoman Joy Henderson	Aye
Alderman David Wallace	Aye

The foregoing Ordinance was passed, adopted and approved on
the 16th day of November, 2021.

/s/ KENNETH R. ADAMS, MAYOR

ATTEST:

/s/ TENA STEWART, CITY CLERK

EXHIBIT A

Old Towne Leisure and Recreation District Map and Legal Description



Description of the Leisure and Recreation Area within the City of Olive Branch, located in the Northwest Quarter of Section 34, Township 1 South, Range 6 West and Southwest Quarter of Section 27, Township 1 South, Range 6 West; DeSoto County, MS is as follows:

Beginning at the point on the Southeast corner of the property owned by Nichols Louie H ETAL referenced in Warranty Deed Book 250 Page 531; thence Southwest along the North right of way of Goodman Road East 158.85 feet to a point in the Southwest corner of the property owned by Nichols Louie H ETAL referenced in Warranty Deed Book 250 Page 531; thence North along the West property boundary 89.30 feet to a point in the Northwest corner of the property owned by Nichols Louie H ETAL referenced in Warranty Deed Book 250 Page 531; thence West along the South property boundary 50.20 feet to a point in the Southwest corner of the property owned by Lachaussee Philip T ETAL referenced in Warranty Deed Book 398 Page 476; thence North along the West property boundary 34.46 feet to a point on the Northwest corner of the property owned by Lachaussee Philip T ETAL referenced in Warranty Deed Book 398 Page 476; thence East along the North property boundary owned by Lachaussee Philip T ETAL referenced in Warranty Deed Book 398 Page 476 76.71 feet to a point in the Southwest corner of the property owned by The Olive Branch Chamber of Commerce referenced in Warranty Deed Book 737 Page 390; thence North along the West property boundary 33.29 feet to a point in the Northwest corner of the property owned by The Olive Branch Chamber of Commerce referenced in Warranty Deed Book 737 Page 390; thence East along the North property boundary owned by The Olive Branch Chamber of Commerce referenced in Warranty Deed Book 737 Page 390 126.39 feet to a point in the West right of way of Pigeon Roost Road; thence North along the West right of way of Pigeon Roost Road 65.38 feet to a point in the West Right of Way of Pigeon Roost Road; thence Northeast 526.04 feet along the North Right of Way of Depot Street to a point in the centerline of Mississippi Highway 178; thence Southeast along the centerline of Mississippi Highway 178 331.57 feet to a point; thence South 26 degrees 30 minutes 53 seconds West 103.51 feet to a point in the west boundary of the property owned by Sayle Oil Company Incorporated referenced in Warranty Deed Book 255 Page 117; thence North 69 degrees 26 minutes 37 seconds West 14.35 feet to a point in the west boundary of the property owned by Sayle Oil Company Incorporated referenced in Warranty Deed Book 255 Page 117; thence South 0 degrees 17 minutes 10 seconds East 175.49 feet to a point on the North right of way of Goodman Road East; thence West following the North right of way of Goodman Road East 233.07 feet to a point;

thence South 76 degrees 53 minutes 41 seconds West 188.11 feet
to a point in the North right of way of Goodman Road East;
thence South 71 degrees 46 minutes 13 seconds West 124.43 feet
to a point in the North right of way of Goodman Road East;
thence North 7 degrees 42 minutes 49 seconds West 7.42 feet to
the point of beginning and containing 5.00 acres, more or less.