

Ordinance No. 2567

ORDINANCE TO AMEND CHAPTER 14 PARKS AND RECREATION OF THE CODE OF ORDINANCES, BILOXI. MISSISSIPPI, OF 1992

WHEREAS, the City of Biloxi is in the process of updating its ordinances pertaining to parks and recreation; and

WHEREAS, the Biloxi City Council finds that it is in the best interests of the health, safety and welfare of the residents of Biloxi that Chapter 14 Parks and Recreation of the Code of Ordinances, Biloxi. Mississippi, of 1992, be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI:

SECTION ONE: Chapter 14 Parks and Recreation of the Code of Ordinances, Biloxi. Mississippi, of 1992, is hereby amended in its entirety, as follows:

Chapter 14 PARKS AND RECREATION[†]

Sec. 14-1-1. Parks and recreation commission—Established; membership; term of office.

There is hereby created an advisory park and recreation commission which shall be known as the city parks and recreation commission and which shall consist of nine members, with at least one member from each of the seven wards of the city, who shall be appointed by the mayor subject to the confirmation of the city council. The initial members appointed to the commission shall serve for a term of years as follows: three for a term of one year, two for a term of two years, two for a term of three years and two for a term of four years, respectively, from and after October 30, 1982, and thereafter, when a vacancy shall occur either by the expiration of the term of office or otherwise, the vacancy shall be filled by the appointing authority of the city either to fill an unexpired term where a commissioner shall die or resign or shall become disqualified during his term, or for a full term of four years where the term of a commissioner expires; provided that, between the effective date of the ordinance from which this section is derived and October 30, 1982, the five members of the predecessor park and recreation commission shall continue in office and four additional appointees shall be appointed to serve for interim terms until October 30, 1982,

[†]Cross-reference(s)—Bridge and park commission, § 2-2-1 et seq.; planning commission, § 2-3-1 et seq.; development commission, § 2-5-1 et seq.; beautification commission, § 2-6-1 et seq.; community development committee, § 2-7-1 et seq.; architectural and historic review commission, § 2-8-1 et seq.; animals, ch. 4; buildings, ch. 5; flood damage prevention, ch. 8; garbage, trash and weeds, ch. 9; streets and sidewalks, ch. 17; subdivision regulations, ch. 18; water and sewers, ch. 22; zoning, ch. 23.

at which time the full-length terms described in this section shall begin for a member as designated in his appointment confirmation resolution.

Sec. 14-1-2. Same—Powers and duties generally.

The parks and recreation commission shall serve as an advisory board to the governing authorities under the mayor-council form of government on all matters in the city concerning parks, playgrounds, ballfields, swimming pools, the municipal stadium, community centers and such other facilities for recreational purposes. The governing authorities shall have vested in them all the powers and duties of a park commission as provided in MCA 1972, § 21-37-33, as amended, and other related sections. All contractual obligations and other rights, duties and functions related to recreational activities previously held or being performed by the former parks and recreation commission are hereby assumed by the governing authorities of the city.

Sec. 14-1-3. Same—Rules of procedure; advisory function.

The parks and recreation commission shall have the authority to make such bylaws for the holding and conduct of its meetings and such other regulations as it may deem necessary to provide wholesome and healthy parks and recreation activities to all citizens of the city. The commission shall serve as the primary advisory board for the department of parks and recreation of the city.

~~Sec. 14-1-4. Same—Assumption of powers and duties of art and history authority.~~

~~All rights, duties, powers and functions formerly performed by the city art and history authority are hereby transferred to and assumed by the neighborhood heritage advisory board.~~

~~Sec. 14-1-5. Same—Assumption of powers and duties of stadium board.~~

~~All rights, duties, powers and functions now being held or performed by the stadium board as created March 23, 1959, and found in Minute Book 30, page 293, are hereby assumed by the parks and recreation commission.~~

Sec. 14-1-61. Feeding, Kkilling, trapping or molesting animals.

It shall be unlawful for any person to kill, wound, injure, chase, hurl missiles at, or capture, trap or set traps or have, place or maintain any trap for any bird, squirrel or any other species of fowl or game in or on any land constituting any part of any public park or playground or elsewhere in the city without a written permit from the mayor. Feeding of any wild animal or fowl in municipal parks is prohibited.

Sec. 14-1-72. Driving or parking vehicles in parks.

It shall be unlawful for any person to drive or park any vehicle in any part of any public park, except in such places and in such manner as may be designated by the city authorities.

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Sec. 14-1-83. Closing times for parks and recreation facilities—established; exceptions.

(a) Subject to the exceptions contained in paragraphs (b), (c) and (d) of this section, all city parks shall open at 7:00 a.m. and close at 8:00 p.m., including, but not limited to, the following parks and recreation facilities shall be as follows:

- (1) ~~Connery Circle Park, located on Connery Circle, shall close at 7:00 p.m. during the months of September through May and at 8:00 p.m. during the months of June through August.~~
- (2) ~~Pennzoil Park, located on Old Bay Road and Churchill Avenue, shall close at 10:00 p.m.~~
- (3) ~~O'Hanlon Recreation Center, located on Pine Street, shall close at 9:00 p.m. during the months of September through May and at 10:00 p.m. during the months of June through August.~~
- (4) ~~Circle Park, located on Porter Avenue, Miramar Park, located on West Beach Boulevard, John Henry Beck Park, located on Elmer Street, Clay Point Park, located at Seventh and Maple Streets, Tanglewood Park, located on Park Circle Drive, St. Mary's Park, located on Wiltshire Boulevard, Savarro Park, located on Irish Hill Drive, Todd Miguez Park, located on Parker Drive, O'Hanlon Playground, located on Pine Street, Businessmen's Park, located on Bay View Avenue, Garden Club Park, located on Kensington Drive and Danella Park, located on Rosetti and Bonner Streets, shall close at 10:00 p.m.~~
- (5) ~~Popps Ferry Recreation Complex, located on Popps Ferry Road, shall close at 10:00 p.m. on Sunday through Thursday and at 11:00 p.m. on Friday, Saturday and the days before holidays.~~
- (6) ~~Cavalier Park, located on Lawrence Avenue, Lee Street baseball diamond, located on Lee Street, McDonald Park, located on Crawford Street, and Volunteer Park, located on Stelly Drive, shall close at 11:00 p.m.~~
- (7) ~~Tullis Manor, located on East Beach Boulevard, and Biloxi Municipal Stadium, located on Division Street, shall close at 12:00 a.m.~~
- (8) ~~The Biloxi Community Center, located on East Howard Avenue, East Division Street Community Center, located on Division Street, and Point Cadet Plaza, located on First and Cadet Streets, shall close at 2:00 a.m.~~
- (9) ~~Doris C. Busch Municipal Park, located between Randolph Street and Esters Boulevard, shall close at 7:00 p.m.~~

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- (10) ~~Hiller Park, located on Hiller Drive, shall close at 10:00 p.m. Sunday through Thursday, and at 11:00 p.m. on Friday and Saturday.~~
- (11) ~~Any municipal park not listed above, whether excluded because of oversight, change of name, or new acquisition, shall have a closing time of 10:00 p.m.~~
- (b) ~~All municipal parks shall reopen at 7:00 a.m., except Hiller Park, which shall reopen at 5:00 a.m., and Point Cadet Plaza, which shall reopen at times designated by the director of parks and recreation according to the events scheduled for that facility.~~

- (1) A.J. Holloway Sports Complex, on Wells Drive;
- (2) Bi-Centennial Park, 141 Lameuse Street;
- (3) Businessmen's Park, located at 481 Forrest Avenue;
- (4) Clare Sekul Hornsby Biloxi Lions Club Parks, located at 169 Benachi Avenue;
- (5) Clay Point Park, located at the corner of Maple and 7th Street;
- (6) D'Anella Park, located at 380 Bonner Drive;
- (7) Doris C. Busch Municipal Park, located at 645 Esters Boulevard;
- (8) Eagle Point Park, located at 10519 Pin Oak Drive;
- (9) Edgewater Park, located on Connery Circle;
- (10) Glennan Guice Park, located in the Biloxi Small Craft Harbor;
- (11) HowHop Corridor, located under the I-110 overpass;
- (12) John Henry Beck Park, located at 671 Division Street;
- (13) John Joseph O'Reilly Park, located at 431 Division Street;
- (14) Lighthouse Park, located at Porter and Beach Boulevard;
- (15) Margaret Sherry Play Area, located at 2150 Popp's Ferry Road;
- (16) Mark Barhanovich Memorial Park, located on Porter Avenue;
- (17) Miramar Park, located at 1592 Beach Boulevard;
- (18) Oak Park, located at 1206 Kensington Drive;
- (19) Pennzoil McManus Park, located at 385 Churchill Avenue;

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- (20) Peresich Park, located on Oaklawn Place;
- (21) Point Cadet Plaza, located on Cadet Street;
- (22) Savarro Park, located at 1353 Irish Hill Drive;
- (23) St. Mary's Park, located at 1651 Wiltshire Boulevard;
- (24) Tanglewood Park, located at 348 Park Drive;
- (25) Todd Miguez Park, located at 425 Parker Street; and
- (26) Town Green, located at 710 Beach Boulevard.

(b) Exceptions.

- (1) Dog parks shall have an opening time of 7:00 a.m. and a closing time of 10:00 p.m., including, but not limited to the following:
 - (i) Popp's Ferry Dog Park;
 - (ii) Pixie's Memorial Dog Park, located in Hiller Park; and
 - (iii) Savarro Dog Park.
- (2) City athletic fields shall have an opening time of 7:00 a.m. and the closing time may be extended until 11:00 p.m. during city-approved games, including, but not limited to the following:
 - (i) A.J. Holloway Sports Complex;
 - (ii) D'Anella Park;
 - (iii) Eagle Point Park;
 - (iv) Hiller Park;
 - (v) Popps Ferry Recreational Complex;
 - (vi) Savarro Park; and
 - (vii) Todd Miguez Park.
- (3) City walking tracks shall have an opening time of 7:00 a.m. and a closing time of 10:00 p.m., including, but not limited to the following:

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- (i) Businessmen's Park;
 - (ii) Clare Sekul Hornsby Biloxi Lions Club Park;
 - (iii) Eagle Point Park, located at 10519 Pin Oak Drive;
 - (iv) Hiller Park;
 - (v) HowHop Corridor, located under the I-110 overpass;
 - (vi) John Joseph O'Reilly Park;
 - (vii) Lighthouse Park;
 - (viii) Pennzoil McManus Park;
 - (ix) Popps Ferry Causeway Park;
 - (x) Popps Ferry Recreational Complex; and
 - (xi) St. Mary's Park, located at 1651 Wiltshire Boulevard.
- (4) City splash pads shall have an opening time of 9:00 a.m. and a closing time of 8:00 p.m., including, but not limited to the following:
- (i) Hiller Park Splash Pad;
 - (ii) John Henry Beck Splash Pad;
 - (iii) Margaret Sherry Splash Pad; and
 - (iv) Point Cadet Splash Pad.
- (5) The following municipal parks shall open at 5:00 a.m. and close at 10:00 p.m. on Sunday through Thursday and at 11:00 p.m. on Friday, Saturday and the days before holidays:
- (i) Charles R. Hegwood Community Market area, located under the I-110 overpass at Howard Avenue;
 - (ii) Hiller Park; and
 - (iii) Popps Ferry Causeway Park.
- (c) Any municipal park not listed above, whether excluded because of oversight, change of name, or new acquisition, shall have an opening time of 7:00 a.m., and a closing time of 8:00 p.m.

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- (ed) The opening and closing times established in this section shall remain in full force and effect, unless written permission to the contrary is specifically granted by the director of parks and recreation, or a city-sponsored or -sanctioned event is taking place, in which case the closing time is 30 minutes after the end of the event.

Sec. 14-1-94. Same—Penalty for failure to adhere to closing times.

Anyone found in or on any of the city facilities listed in section 14-1-83 after the closing times set forth in such section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than \$100.00 or imprisoned for not more than five days, or both, for the first offense. Anyone convicted a second time under the provisions of this section shall be fined not more than \$500.00 or imprisoned for not more than ten days, or both.

Sec. 14-1-105. Glass containers, paint ball guns prohibited in parks, recreation facilities and adjoining parking lots, on beach, sidewalks and dedicated streets, and on other public property.

- (a) Unless authorized by the mayor or chief administrative officer of the city, the use of glass bottles or any other glass containers, and paint ball guns, in city parks, in city parking lots adjacent to city recreation centers or city pools, on the sand beach south of the seawall, south of U.S. Highway 90, on city sidewalks or dedicated public streets, or on any other city property is prohibited and unlawful.
- (b) Anyone convicted under this section shall be deemed guilty of a misdemeanor and fined not more than \$25.00 or imprisoned for not more than three days, or both, for the first offense. Anyone convicted a second time under the provisions of this section shall be fined not more than \$50.00 or imprisoned for not more than five days, or both.

Sec. 14-1-116. Live entertainment and amplified sound in municipal facilities, parks and other public properties.

- (a) It shall be unlawful for any person to conduct any type of live entertainment or amplified sound in any municipal facility, park or other public property in such a manner as to disturb the peace and quiet of the surrounding neighborhood or any reasonable person of normal sensitiveness residing in the area.
- (b) It shall be unlawful for any person to conduct any type of live entertainment or amplified sound outdoors at any municipal facility, park or other public property without first obtaining a permit from the director of the department of police.
- (c) The department of police shall provide the applicant with a form requesting, but not limited to, the following information:
- (1) The name of the person applying for the permit.
 - (2) The home and business address of the person applying for the permit.

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- (3) The telephone numbers of the person applying for the permit.
 - (4) The name of the person or group to be providing live entertainment.
 - (5) The date, time and location of such proposed entertainment.
 - (6) Whether sound amplification devices will be used in conjunction with such entertainment, and, if so, the number of such devices and their wattage.
 - (7) The time when the performance is scheduled to begin and end.
- (d) After obtaining this information, the department of police shall inquire into whether the applicant has ever violated the provisions of this section prior to this application. If so, the permit application may be denied unless an additional bond is deposited in an amount set by the director of the department of police, not to exceed \$500.00. If the registration statement is disapproved, the director of the department of police shall endorse upon the statement the reason for disapproval and return it forthwith to the applicant.
- (e) Such permit shall be issued upon the payment of a permit fee of \$5.00, in addition to all other fees and deposits required by the department of parks and recreation, to the director of the department of police, and he will permit the entertainment described and the use of amplification devices subject to the terms and conditions of this section, only upon the dates specified on such permit and no other.
- (f) The volume of sound produced as a result of live entertainment or amplified sound shall be so controlled that it will not be unreasonably loud, raucous, jarring or disturbing to sensitivity within the area of audibility.
- (g) No permittee shall cause or permit to be emanated or emitted from any such device any language or sounds which are obscene under state law, or false representation of any matter, product or project advertised thereby, the sale of which is prohibited by any law, ordinance or statute.
- (h) Performances shall in all cases be limited to no earlier than 9:00 a.m. and no later than 10:00 p.m., unless written permission is given by the special events coordinator to extend the time.

Any person who shall violate any portion or provision of this subsection shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed the sum of \$500.00. Each separate day an offense is committed is deemed to be a separate offense for the purpose of this subsection.

Sec. 14-1-~~427~~. Alcoholic beverages in recreational centers and parks.

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- (a) *Functions intended for minors.* ~~Unless authorized by the director of the parks and recreation department, a~~Alcoholic beverages, including distilled liquors, beer and wine, shall not be permitted in or on the premises of the city recreational centers, the city community centers, ~~the Point Cadet Plaza~~ or any municipal park during any function which is held primarily for the pleasure of minors. For purposes of this section, a minor is any person under 21 years of age. ~~Such functions include, but are not limited to:~~
- ~~(1) Fraternity and sorority balls and dances.~~
 - ~~(2) High school or junior high proms or dances.~~
 - ~~(3) High school or junior high sponsored club or organization meetings.~~
 - ~~(4) High school or junior high age group parties.~~
- (b) *Sale and consumption generally.* No person authorized to use a municipal recreational facility, community center or municipal park, as described in subsection (a) of this section, for an activity which is held for the pleasure of adults shall be permitted to sell alcoholic beverages, including beer, distilled liquors or wine, in the building or on the premises without proper licensing as required by law and written consent of the city.
- ~~(c) *Consumption.* Unless otherwise prohibited in subsection (c) of this section, adult groups shall be permitted to bring alcoholic beverages for personal consumption, provided they do not sell to others. Setups shall be provided and sold by the concessionaire contracted by the parks and recreation department. Activities authorized by the director of parks and recreation department held in Point Cadet Plaza, the Biloxi Community Center, the East Biloxi Recreational Center and municipal parks not specified in subsection (c) of this section shall not be subject to the prohibitions of this subsection. These activities shall be limited to social, fraternal and charitable or city-sponsored functions.~~
- (c) *Prohibited in certain parks and recreational centers; exceptions.* Alcoholic beverages, including distilled liquors, beer and wine, shall not be permitted in municipal parks and recreational centers without the written consent of the city ~~John Henry Beek Park, Doris C. Bush Park, the Town Green, or Businessmen's Park, or in the public access areas within the I-110 corridor bounded by the Back Bay of Biloxi on the north and the Mississippi Sound on the south, at any time; provided, however, the director of the parks and recreation department may, with the concurrence of the director of the department of police,~~ The city may authorize the sale or consumption of specified alcoholic beverages, which may include distilled liquors, wine and beer, at specifically identified social, fraternal, charitable or city-sponsored functions held in any of such parks or recreation center.
- (d) *Penalty.* Anyone convicted under this section shall be deemed guilty of a misdemeanor, and may be punished as provided in section 1-1-8 of this Code.

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SECTION TWO: Upon unanimous vote of the members of the City Council, this ordinance shall be in full force and effect from and after passage, because it serves the public peace, health and safety of the citizens of Biloxi, and good cause exists for same. If not a unanimous vote this Ordinance shall become effective as soon thereafter as is signed, certified, and as is otherwise provided by law.

The foregoing Ordinance having first been reduced to writing, was read by the Clerk and moved by Councilmember Gines, seconded by Councilmember Glavan, and was adopted by the following vote:

YEAS:	Gines	Tisdale	NAYS:	None
	Newman	Glavan		
	McGilvary	Shoemaker		
ABSENT:	Lawrence			

The President then declared the Ordinance adopted, as amended, this the 22nd day of October, 2024.



ATTEST:

APPROVED:

	
CLERK OF THE COUNCIL	PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 29th day of October, 2024.

APPROVED:


MAYOR