

Ordinance No. 2568

ORDINANCE TO AMEND SEC. 13-1-48 CONSUMING ALCOHOLIC BEVERAGES OR POSSESSING OPEN CONTAINER CONTAINING ANY ALCOHOLIC BEVERAGES IN CERTAIN PLACES 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: Section 13-1-48 of the Code of Ordinances, Biloxi. Mississippi, of 1992, is hereby amended as follows:

Sec. 13-1-48. Consuming alcoholic beverages or possessing open container containing any alcoholic beverages in certain places.

- (1) *Definitions.* For the purpose of this section, the following words, terms, or phrases shall have the meaning indicated in this subsection. No attempt is made to define ordinary words which are used in accordance with their established dictionary meaning, except when necessary to avoid misunderstanding.

Alcoholic beverages shall mean and include any alcoholic liquid capable of being consumed as a beverage by a human being, including alcoholic beverages as defined and covered in Section 67-1-5 and 67-3-5, Mississippi Code of 1972, as amended.

Immediately adjacent to, when referring to a sidewalk or street immediately adjacent to a facility or area, shall mean that length of sidewalk or length of street which abuts the perimeter of the entire lot or parcel of land on which a facility or area in question is located. For purposes of this definition a street shall be deemed to abut the perimeter of an area even if separated from it by a sidewalk, and the sidewalk on both sides of a street shall be deemed to be "immediately adjacent to" a facility or area if either sidewalk abuts the perimeter.

Municipal park or recreation area shall include all named parks or recreation areas, as well as all unnamed park or recreation areas owned by the city, including but not limited to ~~Point Cadet Plaza, Seafood Museum, Hiller Park, John Henry Beck Park, Doris C. Bush Park, the Town Green,~~ all little league baseball fields, all softball fields, all soccer fields, all tennis courts, all playgrounds,

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the Natatorium, all picnic areas, and all other similar types of playgrounds and ball fields, provided the foregoing general recreational areas are owned by the city; further, it shall include all city recreation centers and community centers.

Open container shall mean and include any opened can, bottle, carton, cup, or other receptacle or vessel containing an alcoholic beverage and from which alcohol is immediately capable of being consumed or which the seal or top placed by the manufacturer has been broken. In addition, such term also includes any such container without lids or seals, or with lids or seals but with straws protruding therefrom, or with only partial lids or seals.

Parking lot shall mean any area, whether paved or unpaved and whether designated as a parking lot or undesignated, which is used or intended to be used for vehicular parking.

Street shall mean and include any municipal street, municipal avenue, municipal boulevard, municipal roadway, municipal highway, municipal alley, municipal sidewalk, municipal parking lot, or other municipal right-of-way located within the city, and shall include the entire width between the municipally maintained boundary lines of every way or place of whatever nature which is open to the use of the public for the purpose of vehicular or pedestrian traffic.

(2) *Possession or consumption on city parking lots, streets and sidewalks prohibited; exceptions.*

- (a) It shall be unlawful for one person or several people to possess open containers of alcoholic beverages or to consume said alcoholic beverages on any municipal street or sidewalk which is either:
- i. Immediately adjacent to or within any municipal parking lot;
 - ii. Immediately adjacent to a municipal park or recreation area;
 - iii. Within a radius of 500 feet the main front entrance of a church, or within any church parking lot;
 - iv. Within a radius of 500 feet of any public or private school building; or,
 - v. Within 125 feet of the property line of any premises which sells or is licensed to sell alcoholic beverages for off-premises consumption;

The consumption of alcoholic beverages within municipal parks or recreation areas shall be governed by the provisions of section 14-1-~~127~~ of this Code.

- (b) The restrictions set forth in subsection (a) above, shall not be applicable to: i) that portion of the city located south of the north boundary of the U.S. Highway 90 right-of-way; ii) the occupants of any motor vehicle while being operated by a driver; or iii) any individual who is located on a municipal street or sidewalk that is immediately adjacent to the residence of that individual. The operation of the prohibition set forth in subsection (a) with respect to churches or church parking lots is suspended without need of formal permit from the city during any service or wedding and/or wedding reception held at such church; further, the operation of said prohibition is suspended during any city sponsored event or other community event that has been sponsored with the permission of the city (such as Mardi Gras,

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St. Patrick's Day Parades or any church or school sponsored activity at their facility). Permission of the city shall be obtained in writing from the chief of police on forms provided by said office; however, any party aggrieved with the decision of the chief of police may appeal to the city council within ten days of said denial.

- (c) Requests for permits will be submitted with an application fee of \$10.00 on prescribed application forms to the chief of police at least ten days prior to the scheduled event date, and said application shall specify the date and time of the scheduled event. The mayor or the city council may waive the application fee if it determines that it is the best interest of the community to do so.
 - (d) The event exception provided for above shall expire one hour after the conclusion of the event as designated on the event application. Separate activities of each permitted event will be specified in the application and the exception for each activity will expire one hour after the conclusion of each of the stated activities.
 - (e) This section shall not be construed or interpreted to prohibit the establishment of sidewalk cafes or service in commercially zoned areas in the city if the owner of such establishment has first obtained from the city a permit to operate as a sidewalk cafe and has paid all applicable fees.
- (3) *Penalties.* Any person convicted of violating any provision of this section shall upon conviction be deemed guilty of a misdemeanor, and may be punished as provided in section 1-1-8 of this Code.

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 Glavan, seconded by Councilmember Gines, and was adopted by the following vote:

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

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



ATTEST:

APPROVED:

Keii Campbell
CLERK OF THE COUNCIL

Paul L. Tisdale
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 22nd day of October, 2024.

APPROVED:

[Signature]
MAYOR