

There came on for consideration at a duly constituted meeting of the Board of Supervisors for Madison County, Mississippi, held on the 18th day of March, 2019, the following Ordinance:

**AN ORDINANCE BY BOARD OF SUPERVISORS FOR MADISON COUNTY, MISSISSIPPI, TO ESTABLISH A LEISURE AND RECREATION DISTRICT WITHIN THE AREA KNOWN AS THE TOWN OF LIVINGSTON, AND DESIGNATE THE GEOGRAPHIC AREAS INCLUDED WITHIN AND BOUNDARIES OF SAID DISTRICT; AND FOR RELATED PURPOSES**

**WHEREAS**, Madison County, Mississippi, is a political subdivision of the State of Mississippi; and

**WHEREAS**, during the 2016 Legislative Session, the Legislature of the State of Mississippi enacted House Bill 1223 which permits and authorizes certain municipalities and counties in the State of Mississippi to establish “Leisure and Recreation Districts” and to designate the geographic areas included within and the boundaries of said districts; and

**WHEREAS**, the Governor signed House Bill 1223 into law, and the same shall be effective on and after July 1, 2016; and

**WHEREAS**, Miss. Code Ann. § 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 adequate law enforcement and other public safety measures and services within the district” and

**WHEREAS**, any municipality or county which creates “Leisure and Recreation Districts” authorizes 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 Madison County, Mississippi, has determined and hereby finds that Madison County, Mississippi, would benefit from the establishment of a “Leisure and Recreation District” within the area constituting part the boundaries of the former municipality of Livingston (hereinafter referred to as the “Town of Livingston”); and

**WHEREAS**, the governing authority of the Madison County, Mississippi, has further determined that establishment of a “Leisure and Recreation District” within the Town of Livingston would be in the best interests of Madison County; 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; and

**WHEREAS**, subject to the terms and limitations of Miss. Code Ann. § 67-1-101 and this Ordinance, the Board of Supervisors for Madison County, Mississippi hereby establishes a “Leisure and Recreation District” in the Town of Livingston as more fully set forth herein.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, AS FOLLOWS:**

**SECTION 1.** *Creation and establishment of district.* Under the authority granted by Miss. Code Ann. § 67-1-101, there is hereby established a “Leisure and Recreation District” in the Town of Livingston in Madison County, Mississippi 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 attached hereto as Exhibit A and fully incorporated herein.

**SECTION 2.** *Name and boundaries of district.* The “Leisure and Recreation District” established herein shall be known as the “Town of Livingston District” (hereinafter “the District”) and shall have the following as its boundaries:

A parcel of land lying and situated in Section 8, Township 8 North, Range 1 East, Madison County, Mississippi, more particularly described as follows:

Commence at the intersection of the westerly right-of-way of Highway 463 with the westerly right-of-way of Chestnut Hill Road as shown on the record subdivision plat of Chestnut Hill Part 1A, a subdivision of which the map or plat is of record and on file in the office of the Chancery Clerk in Plat Cabinet E at Slide 67B, and run thence northwesterly along said westerly right-of-way of Highway 463 and the arc of a curve to the right having a radius of 1217.51 feet, a delta angle of 14 degrees 20 minutes 51 seconds, a chord bearing of N 32 degrees 02 minutes 30 seconds W, a chord distance of 304.08 feet, and an arc length of 304.88 feet, for a distance of 304.88 feet; thence run N 24 degrees 55 minutes 37 seconds W, along said westerly right-of-way of Highway 463, for a distance of 118.12 feet to the Point of Beginning of the parcel herein described. From said Point of Beginning run thence S 89 degrees 48 minutes 21 seconds W for a distance of 600.13 feet; thence run northwesterly along the arc of a curve to the left having a radius of 60.00 feet, a delta angle of 63 degrees 02 minutes 26 seconds, a chord bearing of N 31 degrees 42 minutes 39 seconds W, a chord length of 62.74 feet, and an arc length of 66.02 feet, for a distance of 66.02 feet; thence run N 26 degrees 46 minutes 25 seconds E for a distance of 5.39 feet; thence run N 77 degrees 20 minutes 30 seconds W for a distance of 88.89 feet;

thence run N 76 degrees 44 minutes 26 seconds W for a distance of 156.73 feet; thence run N 68 degrees 11 minutes 26 seconds W for a distance of 82.50 feet; thence run N 56 degrees 57 minutes 26 seconds W for a distance of 214.50 feet; thence run N 74 degrees 26 minutes 41 seconds W for a distance of 78.33 feet; thence run N 74 degrees 46 minutes 26 seconds W for a distance of 142.83 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 444.84 feet; thence run N 39 degrees 48 minutes 26 seconds W for a distance of 8.74 feet; thence run S 74 degrees 54 minutes 03 seconds W for a distance of 172.23 feet; thence run S 69 degrees 09 minutes 52 seconds W for a distance of 174.07 feet; thence run N 25 degrees 37 minutes 26 seconds W for a distance of 161.11 feet; thence run N 48 degrees 01 minutes 31 seconds E for a distance of 39.06 feet; thence run N 49 degrees 45 minutes 00 seconds E for a distance of 429.04 feet; thence run N 47 degrees 11 minutes 00 seconds E for a distance of 55.15 feet; thence run N 48 degrees 09 minutes 43 seconds W for a distance of 63.87 feet; thence run N 47 degrees 32 minutes 00 seconds W for a distance of 324.63 feet; thence run S 50 degrees 39 minutes 00 seconds W for a distance of 266.56 feet; thence run N 47 degrees 25 minutes 20 seconds W for a distance of 108.65 feet; thence run N 78 degrees 36 minutes 36 seconds W for a distance of 55.28 feet; thence run N 42 degrees 37 minutes 17 seconds W for a distance of 141.43 feet; thence run N 38 degrees 35 minutes 33 seconds W for a distance of 87.91 feet; thence run N 66 degrees 50 minutes 35 seconds W for a distance of 105.30 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 123.89 feet; thence run N 06 degrees 40 minutes 26 seconds E for a distance of 348.95 feet; thence run N 31 degrees 05 minutes 12 seconds E for a distance of 99.24 feet; thence run N 30 degrees 47 minutes 08 seconds E for a distance of 20.00 feet to a point on the southerly right-of-way of Highway 22; thence run easterly along said southerly right-of-way for the following calls: S 59 degrees 12 minutes 52 seconds E for a distance of 100.00 feet; S 30 degrees 47 minutes 08 seconds W for a distance of 20.00 feet; S 59 degrees 12 minutes 52 seconds E for a distance of 58.70 feet; S 61 degrees 18 minutes 07 seconds E for a distance of 87.12 feet; S 68 degrees 45 minutes 26 seconds E for a distance of 223.76 feet; S 76 degrees 41 minutes 00 seconds E for a distance of 107.09 feet; easterly along the arc of a curve to the left having a radius of 1195.92 feet, a delta angle of 19 degrees 05 minutes 10 seconds, a chord bearing of S 88 degrees 47 minutes 09 seconds E, a chord length of 396.54 feet, and an arc length of 398.38 feet, for a distance of 398.38 feet to the intersection of the southerly right-of-way of Highway 22 with the westerly right-of-way of Highway 463; thence run southerly along the westerly right-of-way of said Highway 463 for the following calls: S 56 degrees 14 minutes 27 seconds E for a distance of 265.42 feet; southeasterly along the arc of a curve to the left having a radius of 1195.92 feet, a delta angle of 11 degrees 50 minutes 21 seconds, a chord bearing of S 25 degrees 57 minutes 41 seconds E, a chord length of 246.68 feet, and an arc length of 247.12 feet, for a distance of 247.12 feet; southeasterly along the arc of a curve to the left having a radius of 1195.92 feet, a delta angle of 21 degrees 15 minutes 00 seconds, a chord bearing of S 42 degrees 30 minutes 30 seconds E, a chord length of 441.01 feet, and an arc length of 443.55 feet, for a distance of 443.55 feet; S 53 degrees 08 minutes 00 seconds E for a distance of 341.74 feet; southeasterly along the arc of a curve to the right having a radius of 1382.39 feet, a delta angle of 28 degrees 12 minutes 34 seconds, a chord bearing of S 39 degrees 01 minutes 43 seconds, a chord length of 673.76 feet, and an arc length of 680.61 feet, for a distance of 680.61 feet; S 24 degrees 55 minutes 26 seconds E for a distance of 365.49 feet to the Point of Beginning. This parcel contains 47.20 acres, more or less.

**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 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:

- 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 of the District in which it is located. The map shall be provided, either in electronic or paper form, to those permittees by Madison County 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.

**SECTION 4.** *Light wine and beer.* Within the boundaries of the District, a permittee may only allow light wine and beer to be removed from the licensed premises in a paper or plastic cup, not larger than 16 fluid ounces in size.

**SECTION 5.** *Public safety measures.* Enforcement of the boundaries of the District

shall be the responsibility of the Sheriff's Department. In addition, the Sheriff's and Fire Departments shall provide public safety services within the District in the same manner it provides those services in the remainder of Madison County.

**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, but shall not include light wine and beer, as defined in Section 67-3-3, Mississippi Code of 1972, but shall include native wines.

**SECTION 7.** Madison County reserves the right to modify or repeal this Ordinance, and any district designation created hereunder, 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.

**SECTION 9.** This ordinance shall be in full force and effect on March 19, 2019. It shall be published according to law, spread on the minutes of the Board of Supervisors of Madison County, Mississippi, and the Clerk shall provide a certified copy of this Ordinance and other required documents to the Mississippi Department of Revenue upon its enactment.

**THE ABOVE AND FOREGOING ORDINANCE**, after having been first reduced to writing and no request being made by any members of the Board of Supervisors that the Ordinance be read by the Clerk before any vote was taken, was introduced by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_ and was adopted by the following roll call vote:

Supervisor Trey Baxter	Aye
Supervisor Shelia Jones	Aye
Supervisor Gerald Steen	Aye
Supervisor David Bishop	Aye
Supervisor Paul Griffin	Aye

**WHEREUPON**, the foregoing Ordinance was declared passed and adopted at a regularly scheduled meeting of the Board of Supervisors of Madison County, Mississippi, on this the 18<sup>th</sup> day of March, 2019.

MADISON COUNTY, MISSISSIPPI

By: \_\_\_\_\_  
President, Board of Supervisors

ATTEST:

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Clerk, Board of Supervisors

Town of Livingston  
Leisure and Recreation District

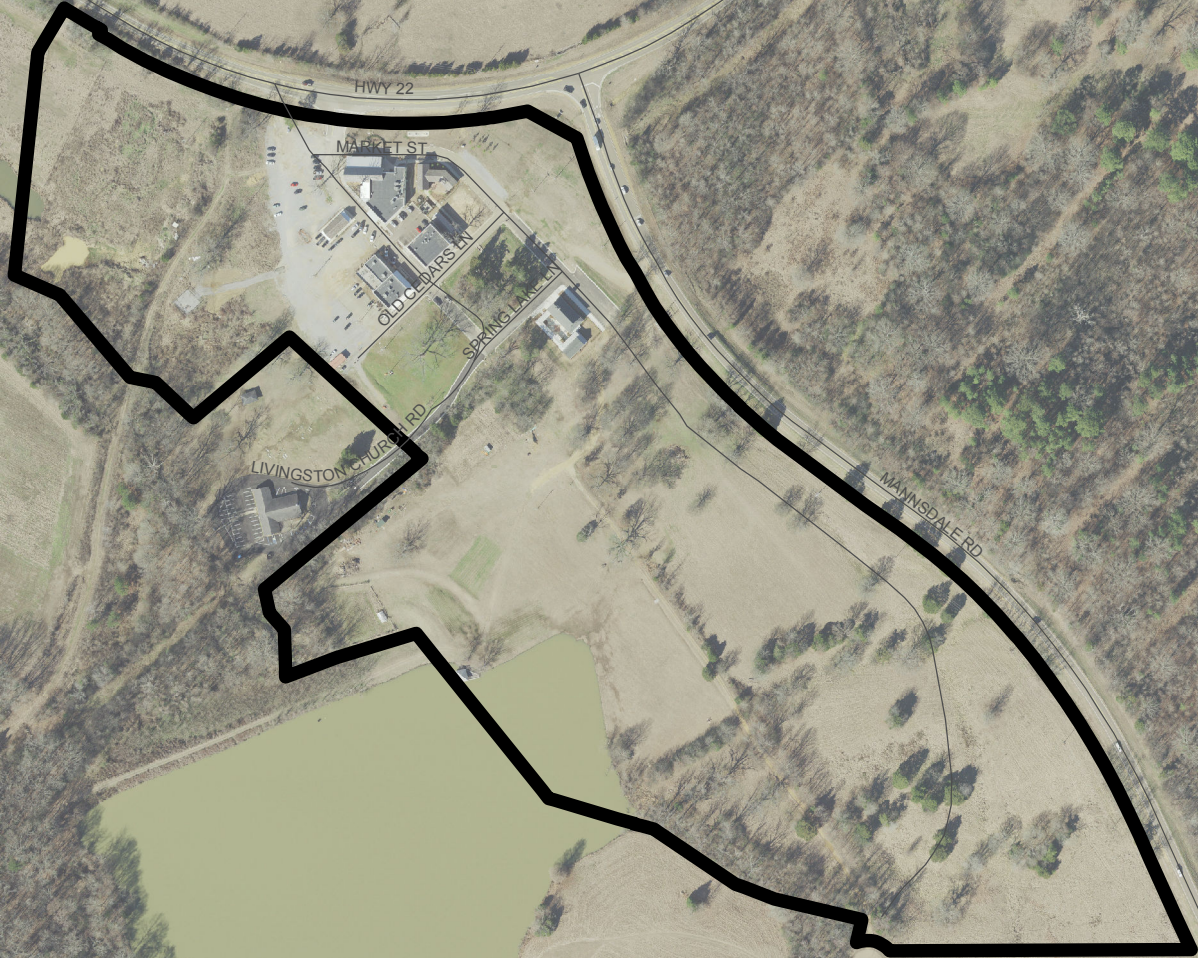


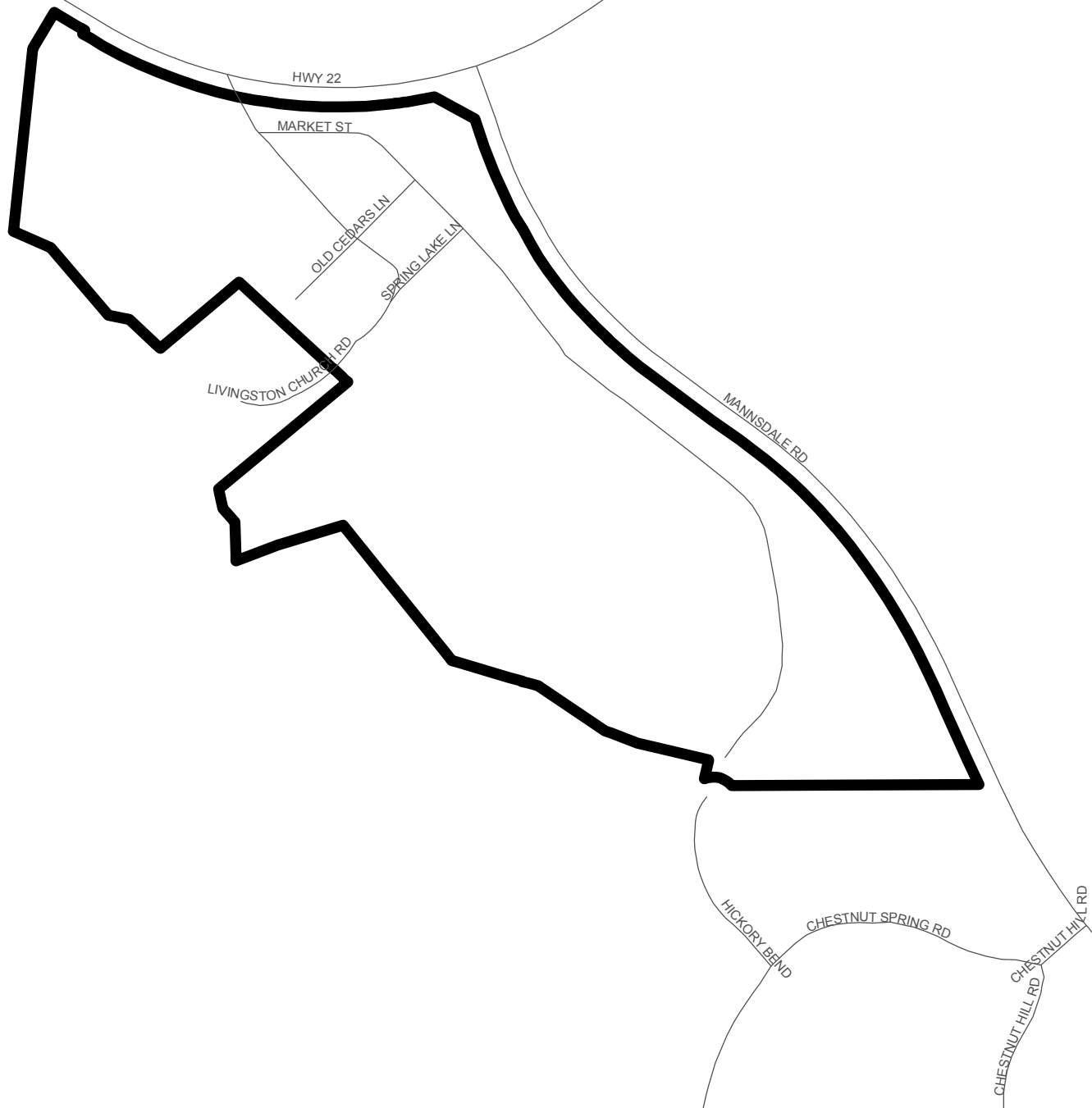
EXHIBIT "A"



Madison County and all affiliates provides  
no warranty nor assumes liability for its  
content and/or accuracy.  
Print date: 02/16/2019 by Kay Little



**Town of Livingston  
Leisure and Recreation District**



Madison County and all affiliates provides  
no warranty nor assumes liability for its  
content and/or accuracy.  
Print date 03/16/2018 by Kay Little

