

AN ORDINANCE OF THE PIKE COUNTY BOARD OF SUPERVISORS
PROHIBITING THE POSSESSION AND CONSUMPTION
OF ALCOHOL OF ANY TYPE ON CERTAIN
PORTIONS OF THE BOGUE CHITTO RIVER, AND TOPISAW CREEK,
IN PIKE COUNTY, MISSISSIPPI

WHEREAS, the Board of Supervisors of Pike County, Mississippi has become aware of widespread problems related to drunkenness, excessive littering, lewd behavior, disturbances of the peace, profane language, possession and consumption of alcohol by minors and other offensive acts which have been committed by intoxicated persons occur on certain portions of the Bogue Chitto River and the Topisaw Creek in Pike County, Mississippi; and

WHEREAS, the Board of Supervisors is aware that there have been numerous drownings and other serious accidents resulting in bodily injury upon certain portions of the Bogue Chitto River and Topisaw Creek in Pike County, Mississippi which events have been attributed to drunkenness and excessive use and consumption of beer, wine and other alcoholic beverages; and

WHEREAS, pursuant to § 19-3-40, Mississippi Code Annotated, the Board of Supervisors of Pike County, Mississippi has the authority to adopt resolutions and ordinances for which no specific provision has been made by general law and which are not inconsistent with the Mississippi Constitution, the Mississippi Code of 1972, or any other statute or law of the State of Mississippi; and

WHEREAS, the Board of Supervisors of Pike County, Mississippi is advised that under the provisions of § 67-3-65, the Board is authorized to fix zones and territories, enforce such proper rules and regulations, and for such other measures as will promote public health, morals and safety regarding the possession and consumption of alcoholic beverages in this county; and

WHEREAS, it appearing unto the Board of Supervisors of Pike County, Mississippi that all of the extensive problems cited herein occur on the waters of the Bogue Chitto River from the Holmesville Bridge downstream to the water park, and on the Topisaw Creek from the Leatherwood Bridge downstream until the merger of the Topisaw Creek into the Bogue Chitto River; and

WHEREAS, it appears unto the Pike County Board of Supervisors that the health, safety and public welfare of this county would be served by the enactment of a ban or prohibition on the possession and consumption of beer, wine, and all alcoholic beverages on the waters of the Bogue Chitto River from the Holmesville Bridge downstream to the water park, and on the waters of Topisaw Creek from the Leatherwood Bridge downstream to its place of merger with the Bogue Chitto River.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Pike

County, Mississippi, that for the reasons set forth above and pursuant to the authority granted therein, the following resolution is hereby enacted:

1. **SHORT TITLE.** This Ordinance shall be known as the "Pike County Ban on the Possession and Consumption of Beer, Wine and Alcoholic Beverages on Portions of the Bogue Chitto River and the Topisaw Creek."
2. **INTENT.** It is the express intent of the Board of Supervisors and of this Ordinance to promote a clean, healthy, safe, and attractive environment in Pike County, Mississippi.
3. **APPLICABILITY.** This Ordinance shall apply to and be enforced on the waters of the Bogue Chitto River from the Holmesville Bridge downstream to the water park, and on the waters of the Topisaw Creek from Leatherwood Bridge downstream to the merger of Topisaw Creek into the Bogue Chitto River.
4. **DEFINITION.** The following words, phrases or terms, as used in this Ordinance, shall have the following meanings
 - a) alcoholic beverages; any spirits, including but not limited to wine, beer, ale, or other liquid containing alcoholic, intended for beverages purposes.
5. **CONSUMPTION AND/OR POSSESSION OF ALCOHOLIC BEVERAGES PROHIBITED.** It is unlawful for any person to possess or consume alcoholic beverages of any type or description, on the waters of the Bogue Chitto River from the Holmesville Bridge downstream to the water park, and on the Topisaw Creek from the Leatherwood Bridge downstream to its place of merger into the waters of the Bogue Chitto River.
6. **PENALTY.** Any person found to be in violation of this Ordinance shall be fined \$ 500.00 for each offense.
7. **CONFLICT.** Any other Ordinances of Pike County, Mississippi, which are conflicting or inconsistent with this Ordinance, or hereby repealed to the extent of any inconsistencies of the conflict.
8. **EFFECTIVE DATE.** The Board of Supervisors of Pike County, Mississippi do hereby find and determine that it is necessary for the immediate and temporary preservation of the health, safety and public welfare of the county that this Ordinance be made effective immediately. Accordingly, this Ordinance shall be in full force and effect from and after this date, and the Clerk is directed to publish notice accordingly. Further, this Ordinance shall be submitted to the Mississippi Commission on Wildlife, Fisheries and Parks in order to assure compliance with the provisions of § 59-21-129, Mississippi Code Annotated.

SO ORDERED AND ADOPTED by the Pike County Board of Supervisors of Pike County, Mississippi on this the 12th day of ~~May~~ July, 2008.

PIKE COUNTY BOARD OF SUPERVISORS

BY: Chuck Lambert
~~PRESIDENT~~ **PRESIDING**

ATTEST:

Gong Touchstone
CLERK

RECORD OF VOTES:

TAZWELL BOWSKY Aye
LEXIE ELMORE Aye
CHUCK LAMBERT Aye
VENTON ADAMS Aye
GARY HONEA Aye