

35-II-3-07 Qualified and Temporary Resort Areas

100 Qualified Resort Area:

1. The following definitions shall be used when determining if an area qualifies as a Qualified Resort Area under Miss. Code Section 67-1-5(o)(iii):
 - a. "Contiguous acres", when referenced within Miss. Code Section 67-1-5(o)(iii)(11), shall mean acreage touching or connected throughout in an unbroken sequence and titled to a common owner. A public or private street or road shall not be considered to break the sequence or connectivity of the acreage.
 - b. "Course", when referenced within Miss. Code Section 67-1-5(o)(iii)(11) and (12) and not preceded by the word "golf", shall mean a series of lectures or lessons in a particular subject, leading to an examination or qualification.
 - c. "Provides lodging accommodations", when referenced within Miss. Code Section 67-1-5(o)(iii)(10), shall mean to make available for use or supply a lodging facility owned or leased by the permittee.
2. A qualified resort area must be clearly established, understood and agreed upon by the resort area community. A community may be considered for a qualified resort area classification by the Department by submitting an application.
3. The application must be submitted by the President of the Board of Supervisors or the Mayor or Mayors of the municipality or municipalities affected. In the event the President of the Board of Supervisors or the Mayor refuses to submit such application and/or votes against recommending this area be designated a resort, the same may be submitted by not less than 100 adult citizens of the community to be affected, and shall in all instances include the following items:
 - a. A map clearly marked to indicate the specific area under consideration. GPS coordinates should be used to delineate boundary lines.
 - b. Reasons why the particular area attracts tourists, transients and/or vacationers and therefore should be designated as a qualified resort area.
 - c. Endorsements by civic clubs located near the area under consideration.
 - d. Assurance from the Sheriff or Sheriffs of the area that he will enforce the Local Option laws of the State of Mississippi, and the rules and regulations of the Division. If the area is located within a municipality, such assurance shall also be given by the Chief of Police of such municipality or municipalities.
 - e. A certified copy of the order or orders as entered on the minute books of the governing body. If the governing body wishes for the hours of sale to be limited, the order should contain this request.
 - f. Proof of publication of legal notices and all public opinion responses. Legal notice must be printed once each week for two consecutive weeks in a newspaper having general circulation in the area. The notice must state that an application for classification as a qualified resort area is being filed, identify the proposed resort area, a request for public opinion from residents in the area under consideration, and that approval will permit the operation of open bars and the sale of alcoholic beverages in the area.
4. Adjacent or affected areas may either join in or file objections to the application with the Department.

101 Temporary Resort Area:

1. The Department is authorized to approve a certain area or locality as a temporary resort area if the particular location is in the process of being developed as a qualified resort area. Approval of this type of resort designation is contingent upon the applicant submitting the following:
 - a. A resolution from the Board of Supervisors of the county where such proposed area is located. The resolution must specifically state that the Board is of the opinion that the area in question is in the process of being developed as a resort area. In addition, the resolution must set forth the basis for the Board's conclusion.
 - b. A map clearly marked to indicate the specific area under consideration. GPS coordinates should be used to delineate boundary lines.
 - c. A list of steps taken or to be taken in developing the area as a qualified resort area and the reasons such steps will result in the attraction of tourists, transients and/or vacationers.
 - d. Endorsements by civic clubs located near the area under consideration.
 - e. Assurance from the Sheriff of the area that he will enforce the Local Option laws of the State of Mississippi, and the rules and regulations of the Division.
 - f. Proof of publication of legal notice and all public opinion responses. Legal notice must be printed once each week for two consecutive weeks in a newspaper having general circulation in the area. The notice must state that an application for classification as a temporary resort area is being filed, identify the proposed resort area, a request for public opinion from residents in the area under consideration, and that approval will permit the operation of open bars and the sale of alcoholic beverages in the area.
2. The temporary resort area designation is for a term of one year. Prior to the expiration of the year period, the applicant must establish and prove that the proposed area meets all of the statutory qualifications for a qualified resort area.

102 (Reserved)

35.II.3.07 revised effective November 1, 2020

~~35-II-3-07 Qualified and Temporary Resort Areas~~ Qualified and Temporary Resort Areas

100 ~~Temporary Resort Area:~~

~~1. The Department is authorized to approve a certain area or locality outside the limits of an incorporated municipality as a temporary resort area if the particular location is in the process of being developed as a qualified resort area. Approval of this type of resort designation is contingent upon the applicant submitting the following:~~

- ~~a. A resolution from the Board of Supervisors of the county where such proposed area is located. The resolution must specifically state that the Board is of the opinion that the area in question is in the process of being developed as a resort area. In addition, the resolution must set forth the basis for the Board's conclusion.~~
- ~~b. A map clearly marked to indicate the specific area under consideration.~~
- ~~c. A list of steps taken or to be taken in developing the area as a qualified resort area.~~
- ~~d. Endorsements by civic clubs located in the area under consideration.~~
- ~~e. Assurance from the Sheriff of the area that he will enforce the Local Option laws of the State of Mississippi, and the rules and regulations of the Division.~~
- ~~f. Proof of publication of legal notice and all public opinion responses. Legal notice must be printed once each week for two consecutive weeks in a newspaper having general circulation in the area. The notice must state that an application for classification as a temporary resort area is being filed, identify the proposed resort area, a request for public opinion from residents in the area under consideration, and that approval will permit the operation of open bars and the sale of alcoholic beverages in the area.~~

~~2. The temporary resort area designation is for a term of one year. Prior to the expiration of the year period, the applicant must establish and prove that the proposed area meets all of the statutory qualifications for a qualified resort area.~~

101 ~~Qualified Resort Area:~~

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 - a. "Contiguous acres", when referenced within Miss. Code Section 67-1-5(o)(iii)(11), shall mean acreage touching or connected throughout in an unbroken sequence and titled to a common owner. A public or private street or road shall not be considered to break the sequence or connectivity of the acreage.
 - b. "Course", when referenced within Miss. Code Section 67-1-5(o)(iii)(11) and (12) and not preceded by the word "golf", shall mean a series of lectures or lessons in a particular subject, leading to an examination or qualification.
 - c. "Provides lodging accommodations", when referenced within Miss. Code Section 67-1-5(o)(iii)(10), shall mean to make available for use or supply a lodging facility owned or leased by the permittee.
2. A qualified resort area must be clearly established, understood and agreed upon by the resort area community. A community may be considered for a qualified resort area classification by the Department by submitting an application.

3. The application must be submitted by the President of the Board of Supervisors or the Mayor or Mayors of the municipality or municipalities affected. In the event the President of the Board of Supervisors or the Mayor refuses to submit such application and/or votes against recommending this area be designated a resort, the same may be submitted by not less than 100 adult citizens of the community to be affected, and shall in each-all instances include the following items:
 - a. A map clearly marked to indicate the specific area under consideration. GPS coordinates should be used to delineate boundary lines.
 - b. Reasons why the particular area attracts tourists, transients and/or vacationers and therefore should be classified-designated as a qualified resort area.
 - c. Endorsements by civic clubs located ~~in~~ near the area under consideration.
 - d. Assurance from the Sheriff or Sheriffs of the area that he will enforce the Local Option laws of the State of Mississippi, and the rules and regulations of the Division. If the area is located within a municipality, such assurance shall also be given by the Chief of Police of such municipality or municipalities.
 - e. A certified copy of the order or orders as entered on the minute books of the governing body. If the governing body wishes for the hours of sale to be limited, the order should contain this request.
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101 Temporary Resort Area:

1. The Department is authorized to approve a certain area or locality as a temporary resort area if the particular location is in the process of being developed as a qualified resort area. Approval of this type of resort designation is contingent upon the applicant submitting the following:
 - a. A resolution from the Board of Supervisors of the county where such proposed area is located. The resolution must specifically state that the Board is of the opinion that the area in question is in the process of being developed as a resort area. In addition, the resolution must set forth the basis for the Board's conclusion.
 - b. A map clearly marked to indicate the specific area under consideration. GPS coordinates should be used to delineate boundary lines.
 - c. A list of steps taken or to be taken in developing the area as a qualified resort area and the reasons such steps will result in the attraction of tourists, transients and/or vacationers.
 - d. Endorsements by civic clubs located near the area under consideration.

- e. Assurance from the Sheriff of the area that he will enforce the Local Option laws of the State of Mississippi, and the rules and regulations of the Division.
 - f. Proof of publication of legal notice and all public opinion responses. Legal notice must be printed once each week for two consecutive weeks in a newspaper having general circulation in the area. The notice must state that an application for classification as a temporary resort area is being filed, identify the proposed resort area, a request for public opinion from residents in the area under consideration, and that approval will permit the operation of open bars and the sale of alcoholic beverages in the area.
2. The temporary resort area designation is for a term of one year. Prior to the expiration of the year period, the applicant must establish and prove that the proposed area meets all of the statutory qualifications for a qualified resort area.

102 (Reserved)

35.II.3.07 revised effective November 1, 2020