

ALCOHOLIC BEVERAGES

TOWN OF BELMONT, MISSISSIPPI BEER ORDINANCE

TOWN OF BELMONT BEER ORDINANCE

Sec. 1-1. Sale regulated.

It will promote the public health, morals and safety to provide reasonable rules and regulations governing the sale of beer and light wine as provided in this article.

Sec. 1-2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Beer and light wines are defined by Mississippi Code Annotated of 1972, Section 67-3-5 and by this article as beverages having an alcoholic content of not more than eight (8%) percent by weight or in such other amounts and content as may be hereinafter prescribed by the Mississippi Department of Revenue or by the State of Mississippi.

Permittee is a person or entity who has obtained a beer permit from the Mississippi State Department of Revenue under Mississippi Code Annotated of 1972, Section 67-3-17, as amended.

Sec. 1-3. Privilege license required.

No beer or light wine shall be sold within the municipal boundaries of the City unless the seller has first obtained a beer permit from the Mississippi State Department of Revenue under Mississippi Code Annotated Section 67-3-27, as amended, and has also obtained a business privilege license and a sale of beer and light wine privilege license, the fee for which shall be fifty (50) percent of the amount charged by the state, from the city and paid the privilege license fees to be renewed annually. No person who applies for a privilege license to sell, distribute or transfer beer or light wine in the Town of Belmont, Mississippi may be qualified to receive the same if they have been convicted of any felony crime in the State of Mississippi, any other state, the United States or any U.S. Territory or if they have been convicted of illegal gambling activity in this or any other state, or if they owe any taxes to the Town of Belmont, Tishomingo County, Mississippi, the State of Mississippi or any entity therein or the United States which has not

been resolved by payment of the same at the time of the application for said license.

Section 1-4. Restrictions on sale of beer and light wine.

- (a) Cold beer sales allowed. It shall be lawful for refrigerated beer or light wine to be sold within the municipal boundaries of the city for off-premises and on-premises consumption, except as restricted below, beginning at 7:00 a.m. on July 1, 2013 and continuing thereafter.
- (b) On-premises kitchen facilities required. No beer or light wine shall be sold for on-premises consumption unless the seller has suitable kitchen facilities on the licensed premises to provide for the preparation, cooking and serving of food so that food sales generate twenty-five (25) percent of gross revenue. The service of foods not prepared on the premises shall not be deemed in compliance with the requirements of this section. Restaurants must contain seating for a minimum of forty (40) with suitable facilities for the consumption of food for its patrons and the kitchen facilities must remain open for business so long as beer or light wine is being sold.
- (c) (Sunday sales). It shall be unlawful to sell beer and light wine on Sunday.
- (d) Hours of sale for all days except Sunday. Beer or light wine may be sold for on-premises or off-premises consumption between the hours of 7:00 a.m. and 12:00 midnight Monday through Saturday.
- (e) Drive-in sales prohibited. It shall be unlawful to sell beer or light wine through a drive-in window sales facility or a drive-thru "beer barn" within the municipal boundaries of the city.
- (f) Advertising. Advertising and advertisements for beer and light wine shall be contained to the interior of the building where it is sold or consumed and advertisements or signs outside of the building where the beer and light wine is sold shall be limited to those that may be attached to the physical structure where the business is located.
- (g) Territory where sale is prohibited. No beer or light wine shall be sold for either on-premises or off-premises consumption within four hundred (400') feet of the nearest point of the primary building of any church, school or funeral home in an

area zoned or traditionally used as a residential area or within one hundred (100') feet from the nearest point of the primary building of any church, school or funeral home in an area zoned or traditionally used as a commercial or industrial area. This distance shall be measured from the nearest point of the building housing the church or school to the nearest point of the premises which consists of the floor planned area to be licensed by the commission. This distance shall be measured in a straight line, such as airline distance, rather than the usual route of pedestrian travel.

- (h) Open containers prohibited on public property. It shall be unlawful for any person to possess an open container of beer or light wine on public property, including buildings, parking lots, sidewalks, streets and parks within the municipal boundaries of the city. Open containers do not include empty containers. The Mayor and Board of Aldermen may designate areas where open containers are permitted for certain Town sanctioned outdoor festivals, fairs or other events and shall designate the specific parameters of when open containers are allowed and shall also designate the hours said open containers will be allowed. The Mayor and Board of Aldermen shall prescribe the same in a resolution and the same shall be posted in three public places or published in a newspaper of general circulation in the Town for at least three consecutive weeks prior to said festival, fair or other event. The Town of Belmont may prescribe permit requirements for festivals, fairs or other events held in the Town of Belmont, Mississippi to govern the allowance of open containers within certain dates and within certain geographic parameters as part of the police power retained by the Town to maintain the health, welfare and safety of the general public.
- (i) Open container – Vehicles. It shall be unlawful for any person to possess an open container of beer or light wine either as an operator or passenger of a motor vehicle. Open containers do not include empty containers.
- (j) Open container – Private Property. It shall be lawful for any person of legal age to possess a container of beer or light wine on private property.
- (k) Consumption of package beer. There shall be no on-premises consumption of package beer on the premises where the same is sold.

- (l) On-premises consumption. It shall be unlawful for any premises licensed for on-premises consumption to allow a patron to leave such premises with either a full or partial container of beer or light wine.
- (m) Bagging of beer and light wine sold for off-premises consumption. The sales clerk of each premises selling package beer or light wine for off-premises consumption must first place the same in an opaque bag or sack before delivering same to the purchaser. If the beer or light wine is sold in a cased box or carton, it shall not be necessary for the clerk to package the beer or light wine in an opaque bag or sack before the customer leaves the premises with the same. It shall be lawful for a retailer of beer and light wine to offer for sale draft beer provided the same is packaged in a sealed container on the premises and is bagged in the same form as packaged beer prior to leaving the premises of the establishment. There shall be no on premises consumption of draft beer where package beer or light wine is sold.
- (n) It shall be unlawful to sell, distribute or transfer beer or light wine in an establishment where firearms, ammunition, gun powder, explosive devices or any other explosive or incendiary devices or compounds are sold or stored.
- (o) It shall be unlawful for any person to allow or permit gambling at any location where beer or light wine is sold upon licensed premises.
- (p) No holder of a State of Mississippi permit to offer for sale or distribution beer or light wine shall allow any lewd, immoral or improper entertainment, conduct or practices to take place on the premises where said business is conducted or in conjunction where said light wine and beer is sold.
- (q) It shall be unlawful for anyone who works for a person, partnership group or business entity who engages in the sale of beer or light wine to be under the influence of alcohol or to consume alcohol while working in the establishment holding the permit to offer the same for sale.
- (r) It shall be unlawful to sell, give or furnish in any manner any beer or light wine at any time or place to a person under the age of twenty-one years of age, or to knowingly sell, furnish or give the same to any person for delivery to such minor unless

authorized pursuant to Section 67-3-54 of the Mississippi Code of 1972, as annotated and amended.

- (s) It shall be unlawful to sell, give or furnish, in any manner, any beer or light wine at any time or place to any person who is known to be insane, lack mental capacity, who is mentally incapacitated or who is visibly intoxicated or to knowingly sell, give or furnish the same for the sale to any person for delivery to such persons.

Sec. 1-5. Discontinuing operations during emergency.

In the event of any disturbance, uprising or riot or any other emergency of life, property or public safety, the mayor may require the chief of police to promptly order any and all places in the city where beer or light wine is consumed, sold or otherwise dispensed, to discontinue such for the period of such emergency.

Sec. 1-6. Minors giving false information.

- (a) It shall be unlawful for any person under the age of twenty-one (21) years to make a false statement as to his or her age for the purpose of obtaining beer or light wine. The penalty for violating this provision shall be a fine of not less than two hundred (\$200.00) Dollars nor more than five hundred (\$500.00) Dollars and a sentence of not more than thirty (30) days community service.
- (b) The Judge may, in his or her discretion, accept, in lieu of community service, a certificate indicating the individual has successfully completed an alcohol and/or drug education program or treatment program at the expense of the individual.

Sec. 1-7. Compliance with state law requirements.

No permit or license required by this article shall issue to any person unless satisfactory evidence is furnished to the tax collector that such person has complied with the requirements of state law, and if the permit required by state law is at any time revoked, said revocation shall operate as a cancellation and forfeiture of the rights of the person holding a permit or license from the municipality.

Sec. 1-8. Penalty for violation of article; misdemeanor.

Any violation of this article, not specifically containing a prescribed penalty, shall constitute a misdemeanor and shall be punishable by a fine of

not more than one thousand (\$1,000.00) dollars or imprisonment for not more than six (6) months or both, unless otherwise specified herein.

Sec. 1-9. No holder of a license to sell beer or light wine shall have any person under the age of eighteen (18) years of age in his employ sell, dispense, handle or stock light wine or beer. However, in no case shall any person be employed under the age of twenty-one (21) years of age as a bartender in a facility license for on premises consumption in a facility as defined as an in Section 2-4(b) herein.

Sec. 1-10. There shall be no sales of beer or light wine on Christmas Day or other holidays that are specifically prohibited by the Mississippi State Department of Revenue or as prohibited by the Mississippi Code of 1972, as annotated and amended.

Sec. 1-11. Any holder of a beer permit issued from the Mississippi Department of Revenue who violates the provisions of this Ordinance by selling or distributing beer or light wine to minors, allows persons under the age of eighteen (18) years of age to handle, stock, dispense or transport beer or light wine or allows a person under the age of twenty-one (21) years to act as a bartender in a facility with an on premises retailer's permit, shall constitute a misdemeanor charge subject to a fine in the sum of not greater than \$500.00 and up to ten days imprisonment in the county jail, or both, for the first offense. Upon a second offense within one year of the first offense, said charge shall be a misdemeanor and subject to a fine of up to \$750.00 and imprisonment in the county jail for up to thirty (30) days, or both. Upon a third or subsequent offense, within one calendar year from the date of the first offense, said person shall be charged with a misdemeanor subject to up a fine of up to \$1,000.00 and imprisonment in the county jail up to six (6) months, or both and said person's business privilege license may be suspended or revoked by the Board of Alderman after a hearing on the subject is requested by the City Prosecuting Attorney. If a person's business license privilege is revoked, he shall not be eligible to apply and receive another business license privilege for the sale of beer and light wine in the Town of Belmont, Mississippi for two years after the revocation of his license. Appeal's from the revocation shall be taken within thirty (30) days of the Board's order revoking the business license privilege and shall be taken to the Circuit Court of Tishomingo County, Mississippi.

Sec. 1-12. Title.

The sections of this article may be referred to collectively as the "Town of Belmont, Mississippi Beer Ordinance".

Sec. 1-13. The ordinance is to be construed within the context of the law governing the sale, distribution and transfer of beer and light wine as promulgated by the Mississippi State Legislature and the Mississippi State

Department of Revenue and where a provision is deemed to be in direct contradiction to state law or violative of state law, said provision shall be deemed severed and the remaining portions of this ordinance shall remain in full force effect until otherwise altered or amended by the Mayor and Board of Aldermen for the Town of Belmont, Mississippi.

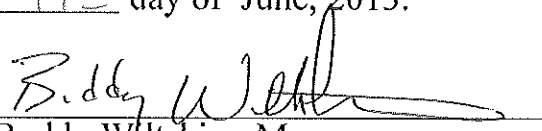
Secs. 1-14 – 1-24. Reserved.

This Ordinance shall become effective thirty (30) days after passage. The City Clerk shall cause the Ordinance to be published in a local newspaper with general circulation. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The foregoing ordinance was proposed in a motion by Alderman Steve Smith, seconded by Alderman Robert Hester, and after discussion, no Aldermen member having called for a reading, was voted upon as follows:

Alderman Steve Smith voting yea
Alderman Mike Neighbors voting NO
Alderman Mike Braden voting yea
Alderman Robert Hester voting yea
Alderman Brandon Pharr voting absent

Whereupon, the motion having received a majority of affirmative votes, the Mayor and Board of Aldermen declared that the Ordinance had been passed and adopted on the 17th day of June, 2013.


Buddy Wiltshire, Mayor
Town of Belmont, Mississippi

Attest:


Lynn Maroon, City Clerk

