

ORDINANCE NUMBER: 391

**ORDINANCE REGULATING THE SALE AND CONSUMPTION OF LIGHT WINES AND BEER
WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF SENATOBIA**

WHEREAS, the sale of light wines and beer as defined by the Mississippi Code, has been legalized in Senatobia, Mississippi, pursuant to an election held in said municipality on January 29, 2013, and;

WHEREAS, under the delegated and implied powers given the Mayor and Board of Alderman by the State of Mississippi, the sale of light wines and beer may be regulated by said Mayor and Board of Alderman in order to promote the health, morals, and safety of the citizens of the City of Senatobia, Mississippi, and;

WHEREAS, the Mayor and the Board of Alderman of the City of Senatobia may adopt Ordinances and make amendments thereto, and;

WHEREAS, nothing in this Ordinance shall be construed as to override or supersede any controlling state law concerning the sale and consumption of light wines and beer, and;

**THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMAN OF
THE CITY OF SENATOBIA:**

SECTION 1

When used herein the words and terms "person," "consumer," "retailer," "wholesaler," "light wines and beer" and "distributor" shall have the definitions as defined and described in Section 27-7-301 of the Mississippi Code of 1972, Annotated, as amended, which said definitions as contained in said section of such act are hereby adopted for the purposes of this article.

"Beer" and "Light Wine" and "Alcohol" and "Wine" shall have the definitions as set forth in the Mississippi Code of 1972, and any subsequent amendments.

A "church" shall be defined as a house of worship in which regular worship services are held at least twice per week, and attended on a regular basis by at least twenty (20) members.

A "Bed and Breakfast" shall be defined herein as a dwelling unit or part thereof, in which overnight accommodations and a forenoon meal are provided to guests for compensation. Such establishments shall also meet the definition

and standards established by any applicable federal, state or local building, fire, health or safety code.

A "Hotel or Motel" shall be defined herein as any public lodging establishment containing overnight sleeping room accommodations for twenty five (25) or more guests and providing the services generally recognized as a hotel or motel in the community serviced.

SECTION 2

Sale of beer and light wines, license required; purchases from licensed wholesaler required; penalty for violation of article.

- a. It shall be unlawful for any individual, partnership, association, corporation, organization or entity of any description or nature whatsoever to sell, give or dispense or permit to be sold, given, dispensed or consumed or to have in its possession for the purposes of selling, giving, dispensing, or consuming beer or light wines as regulated by this article without having first obtained a valid privilege license from the City of Senatobia, Mississippi, authorizing the sale of beer and light wines as contemplated herein.
- b. No retailer shall possess for purpose of sale, sell or offer to sell any beer or light wines not purchased from a wholesaler in this state who has a permit to sell such beer or light wine.
- c. It shall be unlawful for any individual, partnership, association, corporation, organization or entity of any description or nature whatsoever to sell, give or dispense or permit to be sold, given, dispensed or consumed or to have in its possession for the purposes of selling, giving, dispensing, or consuming beer or light wines as regulated by this article without having first obtained any and all valid and required privilege licenses and permits from the State of Mississippi, authorizing the sale of beer and light wines as contemplated herein.
- d. Any violation of a section of this article shall be considered a misdemeanor and upon conviction of the violation of such section the offender shall be punished as set forth herein and consistent with any and all additional, applicable Mississippi law.

SECTION 3

Outdoor advertising.

It shall be unlawful for any established licensee and permittee pursuant to this Ordinance or pursuant to any State of Mississippi ABC license regulations to advertise the sale of beer or light wines or alcohol or wine by use of any type of sign or display located outside the building or by the use of any type of sign or display located within such building which is visible from the outside.

SECTION 4

Prohibited hours for beer and light wine sales.

- a. No beer or light wine regulated pursuant to this Ordinance shall be sold, given or dispensed, or permitted to be sold, given or dispensed, in or upon the premises of an off-premises retail privilege license holder, by said off-premises retail privilege license holder, his employees or agents, between the hours of midnight and 7:00 a.m. Beer and light wine may be sold either hot or cold.
- b. No beer or light wine regulated pursuant to this article shall be sold, given or dispensed, or permitted to be sold, given, dispensed or consumed, in or upon the premises of an on-premises retail privilege license holder, by said on-premises retail privilege license holder, his employees or agents, between the hours of midnight and 10:00 a.m.

Prohibited acts on licensed premises.

- a. To permit the consumption of beer or light wines or alcohol or wine on the premises of establishments holding licenses for off-premises licensees only.
- b. To permit on the premises of any place licensed to sell beer or light wine any lewd, immoral, or improper entertainment or conduct, or practices. For purposes of this section, lewd shall mean behavior designed to appeal primarily to the prurient interest.
- c. To permit loud, boisterous or disorderly conduct of any kind upon the premises of any place licensed to sell beer or light wine or to permit the use of loud musical instruments or music devices, or otherwise disturb the peace and quiet of the community wherein such licensee is located
- d. To operate any game of chance as defined Mississippi Code Section 97-33-1, *et seq.*, in, or upon a licensed premises.

