

There came on for the consideration at a duly constituted meeting of the Mayor and Board of Aldermen of the City of Clinton, Mississippi, held on the 21<sup>st</sup> day of March, 2023, the following Ordinance:

**AN ORDINANCE AMENDING THE EXISTING ORDINANCE OF MAY 7, 2002, REGULATING THE SALE OF BEER AND LIGHT WINE WITHIN THE MUNICIPAL LIMITS OF THE CITY OF CLINTON TO SET THE HOURS FOR THE SALE AND SERVING OF BEER AND/OR LIGHT WINE TO CERTAIN BUSINESSES, AND FOR RELATED PURPOSES.**

WHEREAS, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, adopted an Ordinance on May 7, 2002, regulating the sale of beer and light wine within the municipal limits of the City;

WHEREAS, said Ordinance was amended on August 20, 2002, June 16, 2015 and again on February 7, 2017;

BE IT THEREFORE ORDAINED by the Mayor and Board of Aldermen of the City of Clinton to amend said Ordinance as follows:

1. Section 10-32 the first sentence is hereby amended to read: "Any person desiring a license to sell, serve, dispense, furnish or give beer and/or light wine at retail shall pay the city a privilege license tax at the same rate as the imposed by MCA 1972, §27-71-303 and §27-71-345, for the purpose of engaging in such business and shall file with the city clerk, an application showing that such person possesses all the requirements provided for in this article."
2. Section 10-33 the first sentence is hereby amended to read: "Any person desiring a license to sell, serve, dispense, furnish or give beer and/or light wine at retail or desiring to renew such a license to sell beer and/or light wine shall file an application with the city clerk in the form of a sworn statement giving the name and mailing address of the business, its physical location, and the nature of business in which engaged; the name and address of the owner, and, if a partnership, or firm, the name and address of each partner or member, and, if a corporation, the names and address of two principal officers."
3. Section 10-33(c)(3) is hereby amended adding the words: "or beer and/or light wine" after the words liquors.
4. Section 10-33(c)(5) is hereby amended to read: "If the applicant is a partnership, limited liability company or other business form (or firm), all owners/members of the partnership (or firm) must be named and each shall be qualified to obtain a license."
5. Section 10-34 is hereby amended to read: "In addition to the information required in section 10-33, in the application the application shall give the location of the proposed site for such sale, and the mayor and board of aldermen reserve the right to determine whether or not such business shall be permitted to conduct the sale of beer and/or light wine at such location, and no permit shall be granted to any person, firm, partnership, or corporation where it is apparent that the business shall be conducted in such close proximity to any church sanctuary, school main entrance, funeral home,

kindergarten, or child care facility as might prove harmful to the general welfare, health, and morals of the community. Under no circumstances shall such business be located closer to any church sanctuary, school main entrance, funeral home, kindergarten, or childcare facility than 500 feet measured from the front door of such business along the centerline of the street to the front door of any such church sanctuary, school main entrance, funeral home, kindergarten, childcare facility. Such business may be located only in those areas zoned commercial according to the zoning map and ordinances of the city. The restriction as to the location of such business near churches, schools, funeral homes kindergartens, or childcare facility shall not apply when such business or premises has already been licensed under the terms of this article prior to the construction or operation of any church, school, funeral home kindergarten, or childcare facility.”

6. Section 10-35(1) is hereby amended to read: “Sell, serve, dispense, furnish or give beer and/or light wine in any type of business establishment other than a grocery store, drugstore or convenience store, within restaurants, cafes, golf courses or country clubs as allowed in this Article.

7. Section 10-35(2) is hereby deleted.

8. Section 10-35(3) is hereby renumbered to 10-35(2) and amended to read: “Sell, serve, dispense, furnish or give beer and/or light wine to anyone on election days until after 7:00 p.m.”

9. Section 10-35(4) is hereby renumbered to 10-35(3) and amended to read: “Permit consumption of beer and/or light wine on the premises of the store or business establishment licensed to sell, serve, dispense, furnish or give beer and/or light wine unless specifically permitted in the Article.”

10. Section 10-35(5) is hereby renumbered to 10-35(4) and amended to read: “Sell, serve, dispense, furnish or give any beer and/or light wine to any person visibly or noticeably intoxicated, or to any insane person, or to any habitual drunkard, or to any person under the age of 21 years.”

11. Section 10-35(6) is hereby renumbered to 10-35(5) and amended to read: “Permit on the premises of any place licensed to sell, serve, dispense, furnish or give beer and/or light wine any lewd or obscene entertainment, or conduct or practices.”

12. Section 10-35(7) is hereby renumbered to 10-35(6) and amended to read: “Permit loud, boisterous or disorderly conduct of any kind upon the premises of any place licensed to sell, serve, dispense, furnish or give beer and/or light wine or to permit the use of loud musical instruments if either or any of these disturb the peace and quietude of the community where such business is located, or to operate pinball machines, pool tables or other coin-operated amusement machines with the exception of juke boxes. If the business or the establishment has 50 percent or more gross grocery sales and/or prescription drugs/medications receipts, pinball machines and other coin-operated amusement machines may be allowed.”

13. Section 10-35(8) is hereby renumbered to 10-35(7)

14. Section 10-35(9) is hereby renumbered to 10-35(8)

15. Section 10-35(10) is hereby renumbered to 10-35(9)

16. Section 10-35(11) is hereby renumbered to 10-35(10) amended to read: "Sell, serve, dispense, furnish or give away beer and/or light wine without having paid the privilege tax to the City as provided by this article."

17. Section 10-35(12) is hereby renumbered to 10-35(11) amended to read: "To receive, possess, sell, serve, dispense, furnish or give on the licensed premises alcoholic beverage of any kind except beer containing no more than eight percent alcohol by weight and/or light wine containing no more than five percent alcohol by weight."

18. Section 10-35(13) is hereby renumbered to 10-35(12) amended to read: "Sell, serve, dispense, furnish or give beer and/or light wine to any person knowing that the person to whom the beer and/or light wine is sold is buying the beer and/or light wine for a person under the age of 21 years."

19. Section 10-35(14) is hereby renumbered to 10-35(13) amended to read: "Sell, serve, dispense, furnish or give beer and/or light wine from the place of business to a person or persons in a motor vehicle in the form of curb service."

20. Section 10-35(15) is hereby renumbered to 10-35(14) amended to read: "Work or employ anyone under 18 years of age in such place, business or establishment where beer and/or light wine is provided except under proper and constant supervision of the adult owner or owners or an adult employee or employees."

21. Section 10-36 is hereby renumbered to 10-40 and 10-40(3) is amended to read: "Stocks, bags or otherwise handles purchases of beer and/or light wine at properly licensed business."

22. Section 10-36 is hereby amended to read:

Grocery Stores, Drug Stores and Convenience Stores.

Except as otherwise provided in this article, it shall be unlawful for any person, partnership, firm, business, or corporation owning or operating a grocery store, drugstore or convenience store within the corporate limits of the city to:

- 1) Sell, serve, dispense, furnish or give beer and/or light wine in a grocery store, drugstore or convenience store unless such store derives 50 percent or more of its gross sales from the sale of groceries and/ or prescription drugs/ medications. If such store does not derive 50 percent or more of gross sales from the sale of groceries and/or drugs/medications, the store shall not qualify for the sale of beer and/or light wine. In determining gross sales, the sale of gasoline shall not be included.
- 2) Sell, serve, dispense, furnish or give beer and/or light wine to anyone before 7:00 a.m. or after 12:00 mid night Monday through Saturday or before 11:00 a.m. on Sunday.
- 3) Sell, serve, dispense, furnish or give beer and/or light wine to anyone on election days until after 7:00 p.m.

- 4) Permit consumption of beer and/or light wine on the premises.
- 5) Permit loud, boisterous or disorderly conduct of any kind upon the premises of any place licensed to sell beer and/or light wine or to permit the use of loud musical instruments if either or any of these disturb the peace and quietude of the community where such business is located, or to operate pinball machines, pool tables or other coin-operated amusement machines.

23. Section 10-37 is hereby renumbered to 10-41 and 10-41(a) is amended to read: "It shall be unlawful for any business allowed in this article to possess for the purpose of sale or provision, to sell or offer to sell any beer and/or light wine which was not purchased from a wholesaler in this state who has a permit to sell such beer and/or light wine."

24. Section 10-43 is hereby renumbered to 10-37 and amended to read:

Restaurants and Cafes.

- 1) Notwithstanding any of the other provisions of this article, the sale and consumption of beer and/or light wine by the drink shall be lawful within restaurants and cafes. Restaurants and cafes are defined as those establishments which are in the business of preparing and serving food for consumption within the premises and or take away and who derive at least 75 percent of their gross receipts from the sale of such prepared food. Such sales shall be permitted between the hours of 9:00 a.m. and 12:00 midnight, Monday through Sunday. No restaurant or café may serve beer and/or light wine outside an enclosed structure.
- 2) It shall be unlawful for any restaurant or café serving beer or light wine within the corporate limits of the city to:
  - (a.) Employ any waiter, waitress, bar tender, server or management person unless such employee has completed a recognized responsible alcohol service training program within 14 days of hire. Such program must offer national certification and must be renewed every five years.
  - (b.) Permit loud, boisterous or disorderly conduct of any kind upon the premises of any place licensed to sell beer and/or light wine or to permit the use of loud musical instruments if either or any of these disturb the peace and quietude of the community where such business is located, or to operate pinball machines, pool tables or other coin-operated amusement machines with the exception of juke boxes. If the business or the establishment has 75 percent or more gross prepared food sales receipts, pinball machines and other coin-operated amusement machines may be allowed.
  - (c.) Sell, serve, dispense, furnish or give beer and/or light wine for take away.

25. Section 10-38 is hereby renumbered to 10-42 and amended to read: "The mayor and board of aldermen shall have the power and authority to demand the inspection of all invoices, sales tax reports and other business papers or records which would reflect the true amount of sales or provision of beer and/or light wine being made by a licensed business. The mayor and board of aldermen shall have the

right to demand such records at least quarterly, or more often, if the mayor and board of aldermen shall have any reason to believe that the business is not deriving the appropriate percentage of sales and/or is not complying with any or all of the requirements of this article, as required for the applicable business. The failure to furnish such records to the mayor and board of aldermen or to any designated employee of the city shall be a violation of this article and shall be punishable as provided in this article. Further, the mayor and board or aldermen shall immediately revoke the license of any person, partnership, firm, or corporation refusing to furnish such records to the mayor and board of aldermen or any designated employee of the city.”

26. Section 10-38 Reserved

27. Section 10-39 is hereby renumbered to 10-43 and amended to read: “Unless permitted by this Article or other ordinance of the City, it shall be unlawful for any person within the corporate limits of the city to consume beer and/or light wine on the licensed premises (except for restaurants and golf courses as defined in this article) or on streets, avenues, sidewalks, alleys, or publicly owned property. Further, no beer and/or light wine shall be consumed in automobiles either parked or while moving.”

28. Section 10-40 is hereby renumbered to 10-44 and amended to read: “It shall be unlawful for any person within the corporate limits of the city to possess, sell, give, buy or receive beer and/or light wine unless 21 years of age or older.”

29. Section 10-41 is hereby renumbered to 10-45

30. Section 10-42 is hereby renumbered to 10-46 and the 10-46(b) is amended to read: “Any person under the age of 21 years who falsely states he is 21 years of age or older or presents any document that indicates he is 21 years of age or older for the purpose of purchasing, consuming or possessing any beer and/or light wine shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in section 1-13 and/or a sentence to not more than 30 days community service.”

31. Section 10-44 is hereby renumbered to 10-47

32. Section 10-45 is hereby renumbered to 10-39

The amendments contained herein shall be effective 30 days from and after adoption.

ORDAINED, ADOPTED AND APPROVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, at a meeting thereof held on the 21<sup>st</sup> day of March, 2023.

A motion for adoption was made by Alderman Lott and seconded by Alderman Chapman, and the forgoing Ordinance having been first reduced to writing, and no request being made by the Mayor or any member of the Board of Aldermen that the Ordinance be read by the City Clerk, before any vote was taken, it was submitted to the Board of Aldermen for passage or rejection and the vote was recorded as follows:

Alderwoman Ricki Garrett:	Voted Aye
Alderwoman Karen Godfrey:	Voted Aye
Alderman Jim Martin:	Voted Aye
Alderman Robert Chapman:	Voted Aye
Alderman Chip Wilbanks:	Voted Aye
Alderwoman Beverly Oliver:	Voted Aye
Alderman James Lott:	Voted Aye

Whereupon the Mayor declared the Motion carried and the Ordinance approved and adopted. The forgoing Ordinance was approved this 21<sup>st</sup> day of March, 2023.

CITY OF CLINTON, MISSISSIPPI

By: \_\_\_\_\_

Philip R. Fisher. Mayor

ATTEST:

BY: \_\_\_\_\_

Russell Wall, City Clerk