

**AN ORDINANCE ADOPTING RULES AND REGULATIONS RELATED TO THE
SALE, POSSESSION AND CONSUMPTION OF LIGHT WINE AND BEER IN THE
CITY OF SALTILLO, MISSISSIPPI**

WHEREAS, Section 67-3-65 of the Mississippi Code authorizes a municipality to enforce proper rules and regulations for fixing zones and territories, prescribing hours of opening and of closing, and for such other measures as will promote public health, morals, and safety relating to the sale, possession and consumption of light wine and beer.

WHEREAS, the Mayor and Board of Alderman for the City of Saltillo, Mississippi in the interests of promoting public health, morals, and safety, related to the sale, possession and consumption of light wine and beer as defined by the applicable laws in Chapters 1 and 3 of Title 67 of the Mississippi Code, do hereby exercise that limited regulatory power as expressly provided in Section 67-3-65 of the Mississippi Code.

WHEREAS, any references to light wine and beer (as used collectively or separately herein) shall have the same definition, application and meaning as set forth in Chapters 1 and 3 of Title 67 of the Mississippi Code.

**BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SALTILLO, MISSISSIPPI, AS FOLLOWS:**

- Section I.** That the sale, bartering, or giving away of light wine or beer, shall be, and is hereby prohibited on all Sundays, and from 12:00 a.m. to 7:00 a.m. on all other days of the week.
- Section II.** The possession of an open container of light wine or beer by any person while operating a motor vehicle or riding in a motor vehicle upon the public highways, roads or streets, or while on public property, including municipally-owned buildings or property within the municipal boundaries of the City of Saltillo, Mississippi, shall be, and is hereby prohibited.
- Section III.** That the erecting and maintaining of any sign, lighted or otherwise, or printing upon the outside or visible from outside of any premises, announcing or advertising the sale of light wine or beer in or on said premises, shall be, and is hereby prohibited; except that on the front thereof may be printed in letters of not more than eight (8) inches high the light wine and beer permit number and the words "light wine and beer sold here".
- Section IV.** That the storing, keeping or displaying of light wine or beer or empty cartons or containers thereof, in or on any premises in such a manner as to be visible from the public highways, roads or streets or otherwise from the outside of said premises, shall be, and is hereby prohibited.

Section V. Except as provided herein, the advertising of such light wine or beer by means of signs, billboards, or displays on the premises where light wine or beer is sold along public roads, highways, streets or any buildings, shall be, and is hereby prohibited.

Section VI. It shall be unlawful for the holder of any permit or license as authorized by Title 67 of the Mississippi code for the sale of light wine or beer at retail:

- (a) To sell, give or furnish any beer or wine to any person visibly or noticeably intoxicated;
- (b) To permit in the premises any lewd entertainment, conduct, display or practices or nudity (“lewd” as used herein shall be defined as behavior which aims at arousing the libido or primarily sexual sensation), (“nudity” as used herein shall be defined as the public exposure of the male or female genitalia or any portion thereof, or the excessive exposure of female breast);
- (c) To permit loud, boisterous or disorderly conduct of any kind upon the premises or to permit the use of loud musical instruments if either or any of the same may disturb the peace and quietude of the community wherein such business is located;
- (d) To permit minors to frequent the licensed premises, except minors accompanied by parents or guardians; and
- (e) To permit or allow gambling or the operation of games of chance upon the licensed premises.

Section VII. Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than Five Hundred dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or by both, in the discretion of the court.

Section VIII. Severability, Conflict, Effective Date, and Publication

- (A) Severability. Should any section, clause, paragraph, provision, or part of this ordinance for any reason be held invalid or unconstitutional by any court of competent jurisdiction, this act shall not affect the validity of any other section, clause, paragraph, provision, or part of this ordinance. All provisions of this ordinance shall be considered separate provisions, and completely severable from all other portions.
- (B) Conflict. In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of the City of Slatillo, Mississippi, existing on the effective date of the ordinance, the provisions of this ordinance shall take precedence.

- (C) Effective Date. This Ordinance shall become effective upon publication and after one (1) month from the date of passage.
- (D) Publicity. The City Clerk is instructed to publish this ordinance one time in the Northeast Mississippi Daily Journal and to obtain proof of publication thereof and record this ordinance in the ordinance book.

Section IX. Adoption and Certification

UPON MOTION of Alderman Beverly Bedford, duly seconded by Alderman Cliff Nichols, the aforesaid ordinance was put to a vote with Aldermen voting as follows:

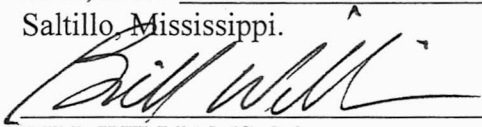
ALDERMEN VOTING "YEA":

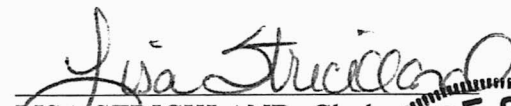
Beverly Bedford
Mitchell Brazeal
Bill Cherry
Terry Glidewell
Cliff Nichols

ALDERMEN VOTING "NAY":

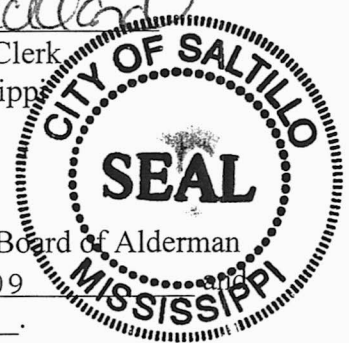
ALDERMEN ABSENT OR NOT VOTING:

ORDAINED AND ADOPTED this the 3rd day of March, 2009, at the regular Meeting of the Mayor and Board of Aldermen of the City of Saltillo, Mississippi.


BILL WILLIAMS, Mayor
City of Saltillo, Mississippi


LISA STRICKLAND, Clerk
City of Saltillo, Mississippi

(SEAL)



NOTE: This ordinance was approved and adopted by the Mayor and Board of Alderman at their regular Meeting on March 3, 2009 appears in Minute Book 2 at pages 3.