

# CHAPTER 3

## ALCOHOLIC BEVERAGES\*

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### ARTICLE I. IN GENERAL

#### Section 3-1. Definitions.

When used in this Chapter, the following terms shall have the following respective meanings:

- (a) ***Alcohol*** and ***Alcoholic Beverages*** shall have the definition given such terms by §67-1-5 (a) and (b), Mississippi Code of 1972 as now in effect or as may hereafter be amended.
- (b) ***Licensed premises*** shall mean the land, grounds and buildings used by any person, firm, corporation, or other entity in the operation of any business for which they hold a privilege license issued by the City of Laurel, Mississippi, for the purpose of retail sales of beer and/or light wine.

*Source: Ordinance No. 1372-2000, §3-1, 8-8-00*

- (c) ***Licensee*** shall mean any person, firm or corporation or other entity who has been issued a license or permit by the State of Mississippi and/or the City of Laurel, Mississippi, which authorizes or permits the sale of alcoholic beverages or beer for retail sales or on premises consumption, or the agents, servants, and employees of such firm, corporation or other entity.
- (d) ***Open container*** shall mean the container of an alcoholic beverage, beer or light wine which has been opened so as to allow its contents to be consumed and shall include any container on which the seal has been broken, and to which a person

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\* **Cross Reference** -- Food and food establishments, Ch. 10; licenses and business regulations, Ch. 12; motor vehicles and traffic, Ch. 13; zoning, App. I

**State Law Reference** -- Alcoholic beverages, Miss. Code 1972; §67-1-1 et seq.; intoxicating beverage offenses, Miss. Code 1972, §97-31-1, et seq.; proceedings for intoxicating beverage offenses, Miss. Code 1972, §99-27-1, et seq.; alcoholic beverage taxes, Miss. Code 1972, §27-71-1, et seq.

has immediate access to and control over, even though the container may be closed by a top or other similar device. Immediate access to and control over shall mean within the reach of a person without substantial inconvenience. This provision shall not include alcoholic beverages that are being transported from one (1) location to another, which are not being contained in route and to which a person does not have immediate access to. Example: The transporting of alcoholic beverages in a container with the seal broken in the trunk of an automobile.

Source: Ordinance No. 1362-2000, §3-1(d), 2-22-00; Ordinance No. 1372-2000, §3-1, 8-8-00

- (e) **Public area** is any property situated within the City of Laurel, Mississippi, open to the public, which is maintained for use for vehicular traffic, parking motor vehicles, public parks, playgrounds, public buildings, schools, or for pedestrian travel, including but not limited to streets, sidewalks, parking lots, bays and parking areas on public streets.
- (f) **Restaurants** shall mean places which are regularly and in a bonafide manner used and kept open for the serving of meals to guests for compensation, which have suitable seating facilities for guests, and which have suitable kitchen facilities connected therewith for cooking an assortment of foods and meals commonly ordered at various hours of the day; the service of such food as sandwiches and salads only shall not be deemed in compliance with this requirement. No place shall qualify as a restaurant under this Section unless fifty percent (50%) or more of the revenue derived from such place shall be from the preparation, cooking, and serving of meals and not from the sale of beverages.
- (h)\* The word **club** shall mean an association or corporation that is:
  - (1) Organized not primarily for pecuniary profit but for the promotion of some objective other than the sale or consumption of alcoholic beverages;
  - (2) Maintained by its members through the payment of annual dues;
  - (3) Owning, hiring or leasing a building or space in a suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests;
  - (4) Managed by a board of directors, board of governors, executive committee, or similar governing body chosen by the members at a regular meeting held at some periodic interval, provided however no member, officer, agent or employee may be paid, or directly or indirectly receive, in the form of a salary or other compensation, any profit from the distribution or sale of alcoholic beverages to the club or to members or guests of the club beyond such salary or compensation as may be fixed and approved by the board of directors or other governing body out of the general revenues of the club.

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\* Ordinance No. 1203-1993, Section 3-1, ended with (f). Ordinance No. 1282-1996, Section 3-1, commenced with (h); therefore, deleting (g) from the Code.

In order to qualify under this paragraph, a club must complete and file with the City Clerk its application for a license under this chapter and make available upon a request by the City Clerk a copy of a list of the names and addresses of its current members, a copy of its articles of association, charter of incorporation, by-laws or other instruments governing the business and affairs thereof.

- (i) The word *hotel* shall mean an establishment within the municipality where, in consideration of payment, food and lodging are habitually furnished to travelers and wherein are located at least fifty (50) adequately furnished and completely separate sleeping rooms with adequate facilities that persons usually apply for and receive as overnight accommodations.
- (j) The words *bed and breakfast inn* shall mean an establishment within the municipality where, in consideration of payment, breakfast and lodging are habitually furnished to travelers and wherein are located not less than four (4) and no more than nineteen (19) adequately furnished and completely separate sleeping rooms with adequate facilities, that persons usually apply for and received as overnight accommodations; however, such restriction on the minimum number of sleeping rooms shall not apply to establishments on the National Register of Historic Places. No place shall qualify as a bed and breakfast inn under this chapter unless on the date of the initial application for a license under this chapter more than fifty percent (50%) of the sleeping rooms are located in a structure formerly used as a residence.

*Source: Ordinance No. 1203-1993, § 3-1, 3-16-93; Ordinance No. 1282-1996;9-3-96*

**Editor's Note** --- Ordinance No. 967-1982, § 1, adopted Oct. 29, 1982, amended the Code by adding provisions designated as §§ 4-1---4-4. At the editor's discretion, said provisions were redesignated as §§ 3-1---3-4 in order to conform with Code format and to facilitate classification.

### **Sections 3-2---3-15. Reserved.**

## **ARTICLE II. BEER\***

### **DIVISION 1. GENERALLY**

#### **Section 3-16. Reserved.**

*Source: Ordinance No. 1203-1993, § 3-16, 3-16-93*

#### **Section 3-17. Licensed Premises Generally.**

It shall be unlawful for any licensee within the City of Laurel to:

- (a) Sell, give or furnish any alcoholic beverage or beer to any person visibly or

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\* **State Law Reference** --- Sale of light wine, beer and other alcoholic beverages, Miss. Code 1972, §67-3-1 et seq.

noticeably intoxicated, or to any insane person, or to any habitual drunkard, or to any person under the age of twenty-one (21) years, or to allow any of such persons to consume alcoholic beverages or beer on the licensed premise.

- (b) Receive, possess, or sell, or permit any person to consume on his premises any alcoholic beverage unless such licensee holds a valid permit issued by the State of Mississippi, **and the City of Laurel, when applicable**, authorizing such activities.

*Source: Ordinance No. 1372-2000, §3-17, 8-8-00*

- (c) Permit on his licensed premises any lewd, immoral or improper entertainment, conduct or practices.
- (d) Permit loud, boisterous or disorderly conduct of any kind upon his premises, or to permit the use of loud musical instruments or noise making devices if either or any of the same may disturb the peace and quietude of the community wherein such business is located.
- (e) Permit or suffer gambling or the operation of games of chance on the licensed premises.
- (f) Keep the building and exterior public parking area of the licensed premises poorly lighted or allow any part of the licensed premises to be dirty or unsanitary.

*Source: Ordinance No. 1203-1993, § 3-17, 3-16-93*

### **Section 3-18. Prohibited Conduct---Package Retailers Licenses.**

It shall be unlawful for the licensee of a package retailers license for the sale of any alcoholic beverage, beer or light wine, within the City of Laurel to:

*Source: Ordinance No. 1372-2000, §3-18, 8-8-00*

- (a) Sell, give or dispense on the licensed premises, any alcoholic beverage or beer between the hours of 2:00 a.m. and 7:00 a.m.
- (b) Work or employ any person under the age of sixteen (16) years in connection with the sale or dispensing of beer or alcoholic beverages.
- (c) Allow any person to consume any alcoholic beverage or beer on the licensed premises at any time.

*Source: Ordinance No. 1203-1993, § 3-18; 3-16-93; Ordinance No. 1220-1993, § 1, 10-5-93*

### **Section 3-19. Prohibited Conduct---On Premises Retailer Licensee.**

It shall be unlawful for any holder of a license for on premises consumption within the City of Laurel to:

- (a) Sell, give, dispense, or permit to be consumed any alcoholic beverage or beer on the licensed premises between the hours of 2 A.M. and 7 A.M.
- (b) To allow any person under the age of twenty-one (21) years to be present on the licensed premises during business hours.
- (c) Allow any alcoholic beverage or beer to be possessed or consumed on any licensed premises outside the building.
- (d) Remain open for business or to allow persons not employed by the licensee to remain on the licensed premises between the hours of 2 A.M. and 7 A.M.
- (e) Allow loitering or the assembly of two (2) or more persons on the exterior of the licensed premises. Two (2) or more persons standing, sitting, gathered together or in a vehicle for five (5) minutes or more shall be considered assembly.
- (f) Permit persons of ill repute, known criminals or prostitutes to frequent the licensed premises.
- (g) Fail to maintain sanitary and satisfactory separate restrooms for men and women patrons. Restrooms must be properly lighted, equipped with both lavatories and water closets, kept in satisfactory sanitary condition, plainly marked on the entrance to same.
- (h) subsections (b), (c), and (e) shall not apply to restaurants, hotels, bed and breakfast inns or clubs within the meaning of this chapter.

*Source: Ordinance No. 1203-1993, § 3-19, 3-16-93; Ordinance No. 1282-1996, 9-3-96*

### **Section 3-20. Unlawful Sale to or Possession of Alcoholic Beverages by Persons Under Twenty-one (21) Years of Age.**

- (a) Any person under the age of twenty-one (21) years who purchases, or possesses, or consumes alcoholic beverages or beer shall be guilty of a misdemeanor and subject to the penalties outlined in this Chapter.
- (b) Any person who shall sell, furnish, dispose of, give, or cause to be sold, furnished, disposed of, or given, any alcoholic beverage or beer to any person under twenty-one (21) years of age shall be guilty of a misdemeanor and subject to the penalties outlined in this chapter.

*Source: Ordinance No. 1203-1993, § 3-20, 3-16-93; Ordinance No. 1282-1996, 9-3-96*

### **Section 3-21. Prohibiting Unlicensed Alcohol Beverages on Licensed**

### **Premises.**

- (a) It shall be unlawful for any person to **possess, consume or carry** any distilled spirits, beer, wine, alcoholic beverage, or alcohol of any kind onto a licensed premises, if the distilled spirits, beer, wine, alcoholic beverage or alcohol was not purchased on that premises. Any person in violation of this chapter shall be subject to the penalties outlined in this chapter.
- (b) It shall be unlawful for any licensee to **possess, consume or carry** on his licensed premises, any distilled spirits, beer, wine, alcoholic beverage, or alcohol of any kind, whatsoever if the distilled spirits, beer, wine, alcoholic beverage or alcohol were not purchased on the premises. Any person in violation of this chapter shall be subject to the penalties outlined in this chapter.

*Source: Ordinance No. 1282-1996; 9-3-96; Ordinance No. 1372, 2000, §3-21, 8-8-00*

### **Sections 3-22---3-29. Reserved.**

## DIVISION 2. LICENSE

### **Section 3-30. Types of Licenses.**

Licenses may be issued by the City pursuant to this Chapter are as follows:

- (a) Package Retailers License. A package retailers license shall authorize the licensee to sell beer at retail in original sealed and unopened packages or containers not to be consumed on the licensed premises.
- (b) On-Premises Retailers License. An on-premises retailers license shall authorize the licensee to sell beer for consumption on the business premises only.
- (c) No person shall be issued a package retailers license and an on-premises retailers license for the same location.

*Source: Ordinance No. 1203-1993, § 3-30, 3-16-93*

- (d) No license will be issued to any establishment located outside of commercially zoned areas, which are described in Appendix I of the Laurel Code of Ordinances.

*Source: Ordinance No. 1373-2000, §3-30(d), 8-8-00*

### **Section 3-31. Required.**

- (a) It shall be unlawful for any person to engage in the business of the retail or on-premise consumption sale of beer and/or light wine without having first applied for and obtained from the City of Laurel a privilege license to engage in such business.

*Source: Ordinance No. 1372-2000, §3-31(a), 8-8-00*

- (b) No privilege license for the sale and/or consumption of beer and/or light wine shall be issued by the City of Laurel under the following conditions:

*Source: Ordinance No. 1372-2000, §3-31(b), 8-8-00*

- (1) When the premises are part of a homestead, dwelling, board or rooming house, or where the same premises are used wholly or in part as sleeping quarters except a properly licensed hotel or motel.
- (2) When the nearest part of the structural premises is located within four hundred (400) feet of a church or school. There are excepted from this requirement of this Ordinance, the following:

*Source: Ordinance No. 1372-2000, §3-31(b)(2), 8-8-00*

- (i) a properly licensed business establishment may continue the sale of beer and/or light wine if a church or school is built nearer than four hundred (400) feet to said place of business and said business establishment complies with the other requirements of this Ordinance; or

*Source: Ordinance No. 1372-2000, §3-31(b)(2)(i), 8-8-00*

- (ii) a business establishment that holds a valid permit or license issued prior to the passage of this Ordinance on March 16, 1993; or
- (iii) a restaurant or café business which otherwise qualifies for an On-Premises Retailers License hereunder located on property that is zoned commercial and located in the Central Business District, in which event the premises of said business establishment shall be at least one hundred (100) feet from the premises of a school or a church.

*Source: Ordinance No. 1203-1993, § 3-31, 3-16-93; Ordinance No. 1302-1997, §3-31.(b), 9-16-97*

- (c) A business may apply for a variance of the distance limitations set forth in Subsection (b)(2) above, not to go below one hundred (100) feet, by submitting an Application for Variance obtained from the Inspection Department and pursuant to the procedures prescribed in the City of Laurel's Zoning Ordinance, Appendix I, Article VIII, Section 803.06
  - (1) A determination on an application for variance shall be made in accordance with Appendix I, Article VIII, Section 803.06 of the Laurel Code of Ordinances.

(2) While it is not binding on the reviewing authority, consideration will be given to statements of the non-opposition executed by any church or school that may be affected by the granting of a variance. Said statement should be submitted with the Variance Application.

*Source: Ordinance No. 1372-2000, §3-31(c)(1), (2), 8-8-00*

### **Section 3-32. Application---Filing and Contents Generally.**

(a) Any person desiring to sell beer and/or light wine at retail and/or for on-premises consumption, or desiring to renew such a license shall file an application with the City Clerk in the form of a sworn statement giving his address, the name of his business, its location and, if a partnership, firm or association, the name and address of each partner or member and, if a corporation, the names of two (2) principal officers, the post office address and the nature of the business in which engaged. In case any business is conducted by the same person at two (2) or more separate places, a separate license for each place of business shall be required.

*Source: Ordinance No. 1372-2000, §3-32(a), 8-8-00*

(b) All applications for new license or renewal shall have attached to same a copy of a plat of the premises showing property lines, parking areas and buildings.

*Source: Ordinance No. 1203-1993, § 3-32, 3-16-93*

(c) All applications for a new license or renewal shall have attached to same a copy of applicant's State permit for beer and/or light wine.

*Source: Ordinance No. 1372-2000, §3-32(c), 8-8-00*

### **Section 3-33. Same---Qualifications of Applicant.**

- (a) An applicant for a license under this article shall show in his sworn application therefor that he possess the following qualifications:
- (1) Applicant must be over twenty-one (21) years of age, a person of good moral character, a citizen of the United States, and a resident of the State of Mississippi.
  - (2) Applicant shall not have been convicted in this or any other State of a felony, or any felony under the Federal laws of the United States, or of pandering or keeping a house of prostitution.
  - (3) Applicant shall not have been convicted in this or any other State, within two (2) years preceding the date of the application, of any laws of this or other States, or of the United States, relating to alcoholic beverages or beer, or gambling, or have had revoked any license or permit to sell alcoholic liquids of any kind.



- (4) Applicant shall be the owner of the premises for which the license is sought or the holder of a bonafide written lease thereon.
  - (5) If applicant is a co-partnership, all members of the co-partnership must be named and shall be qualified to obtain a license.
  - (6) If applicant is a corporation, all officers and directors thereof, and any stockholders owning more than five percent (5%) of the stock of such corporation, and person or persons who shall conduct and manage the licensed premises for the corporation shall possess all the qualifications required herein for an individual licensee; provided, however, that the requirements as to the residence shall not apply to officers, directors, and stockholders of such corporation, but such requirement shall apply to any officers, director, or stockholder who is also the manager of the licensed premises or who is engaged or employed at the licensed premises, in any capacity, in the conduct or operation of the licensed premises
  - (7) Applicant shall not be residentially domiciled with any person whose license or permit has been revoked for cause within two (2) years preceding the date of the present application for licensing.
- (b) Any misstatement or concealment of fact in an application shall be ground for revocation of the license issued thereon.

*Source: Ordinance No. 1203-1993, § 3-33, 3-16-93*

**State Law Reference** --- Similar provisions as to State permit, Miss. Code 1972, § 67-3-19

### **Section 3-34. Issuance; Tax.**

- (a) No privilege license shall be issued by the City unless the applicant shall have satisfied the City Clerk that he possesses all the requirements of Section 3-33 hereof and shall have obtained from the Chairman of the State Tax Commission a permit as is required by §67-3-17, Mississippi Code 1972.
- (b) No privilege license shall be issued by the City unless the licensed premises shall be properly zoned so as to permit the operation of the applicant's business.
- (c) Any person desiring to engage in the business of selling at retail and/or for on-premises consumption shall pay the City a license tax at the same rate as that imposed by §§27-71-303 and 27-71-345, Mississippi Code 1972, for the privilege of engaging in such business.
- (d) If the City Clerk finds and determines that the applicant possesses the required qualifications, then the applicant shall be issued a privilege license to engage in or continue in such business for a period of one (1) year, subject to all the terms and

conditions of this Chapter.

*Source: Ordinance No. 1203-1993, § 3-34, 3-16-93*

**Section 3-35. Inspection and Certification Requirements Prior to Issuance of On-Premise Consumption License.**

- (a) All applicants for on-premises consumption shall be inspected by the Chief of Police, Fire Chief, City Inspector or their representatives prior to issuance of a new license or renewal of license. Said inspection will be conducted to ensure that the licensed premises is in compliance with the requirements of this Chapter and existing Fire and Building Codes.
- (b) An inspection certificate will be filed by the City's Inspection Department and attached to the application for license or renewal. Said certification will be signed by the inspecting persons and a copy furnished to the applicant.
- (c) The licensee shall post a sign on or near all entrances to the licensed premises building noting the maximum number of persons, including employees, allowed in the building at one (1) time. Said maximum occupancy shall be the same as that noted on the inspection certificate.
- (d) Licensees shall notify the City Inspection Office immediately of any structural changes to the building.

*Source: Ordinance No. 1203-1993, § 3-35, 3-16-93*

**Section 3-36. Renewal; Display; Transfer.**

- (a) All City privilege licenses under this article shall be applied for and renewed annually.
- (b) The license and inspection certificate shall be displayed conspicuously in the licensees' place of business. No licensed premises is allowed to operate as such when said license and certificate are not displayed as noted.
- (c) They shall not be transferable.

*Source: Ordinance No. 1203-1993, § 3-36, 3-16-93*

- (d) A valid license for the sale or on-premise consumption sale of beer and/or light wine by the City of Laurel shall be separate, and in addition to a general local privilege license required for the operation of a local business establishment. Said license must be displayed as described in Subsection (b) above.

*Source: Ordinance No. 1372-2000, §3-36(d), 8-8-00*

**Section 3-37. Restrictions During Emergencies; Duties of Chief of Police.**

- (a) In the event of a local emergency shall be proclaimed pursuant to §33-15-17(d), Mississippi Code of 1972, such proclamation may include provisions temporarily suspending any license issued pursuant to this Chapter for the duration of the local emergency.
- (b) In the event a felony should be committed on a licensed premises, the Chief of Police or his representative shall have the authority to order the licensed premises closed and vacated for such time as is necessary to secure and preserve physical evidence of such felony.

*Source: Ordinance No. 1203-1993, § 3-37, 3-16-93*

### **Section 3-38. Suspension or Revocation of License.**

- (a) The City Court shall suspended or revoked in the event any license issued pursuant to this Chapter in the event that the licensee as defined herein shall be convicted of a violation of any provision of this Chapter after due notice and hearing as follows:
  - (1) A suspension of ninety (90) days upon the first conviction.
  - (2) A suspension of one hundred eight (180) days upon a second conviction within three (3) years.
  - (3) Permanent revocation upon a third conviction within three (3) years.
- (b) The City Court shall be authorized to revoke or suspend any license issued pursuant to this Chapter in the event it is determined that the holder of the license no longer meets the qualifications set forth in Section 3-33, after giving such person at least ten (10) days notice of a hearing by the Court to consider the revocation or suspension of such permit and reasons therefore.
- (c) The City Court shall automatically suspend any license issued pursuant to this Chapter in the event the licensed premises shall be found to be in violation of any zoning code, building code, fire code, gas code, electrical code or mechanical code of the City of Laurel. If the violations are not corrected within thirty (30) days, the Court shall be authorized to revoke the permit theretofore issued to such person. The Building Inspector or other official of the City of Laurel must give to such person fifteen (15) days' notice of the intention to revoke such permit and notify the license holder of the date, time, and place of a hearing to be held before the City Court. The Court may, however, suspend such permit instead of revoking same if:
  - (1) The licensee shows sufficient cause for his/her failure to repair the violations within thirty (30) days;
  - (2) The licensee presents evidence that he/she has taken significant steps towards correcting the violation; and,

- (3) The licensee presents an estimate of when the repairs to the premises will be completed.
- (d) The City Council shall have the right to suspend or revoke any license issued pursuant to this Chapter upon a finding by the Council that the licensed premises are operated or maintained in such a manner as to constitute a public nuisance. Prior to such revocation or suspension, the holder of the license shall be given written notice by the Chief of Police of the conditions alleged to constitute a public nuisance, and the date, time and place of a hearing to be held before the City Council to show cause why the license should not be revoked or suspended. Such notice shall be mailed or delivered to the license holder at least fifteen (15) days prior to the date of the hearing.

*Source: Ordinance No. 1203-1993, § 3-38, 3-16-93; Ordinance No. 1282-1996, 9-3-96*

### **Section 3-39. Penalties.**

Any person who violates any of the provisions of this Chapter, or any person who act in such a manner as to subject a licensee under his chapter to penalties, shall be guilty of a misdemeanor, and upon a conviction thereof 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 ninety (90) days, or both in the discretion of the Court. In addition, if any person so convicted shall be the holder or any permit or license issued under authority of this chapter, the Court may also suspend or revoke such permit or license as provided in Section 3-38.

*Source: Ordinance No. 1282-1996, 9-3-96*

### **Sections 3-40---3-49. Reserved.**

## **ARTICLE III. BROWN BAG REGULATIONS**

### **Section 3-50. General.**

- (1) The provisions of ARTICLE III outlined below apply to restaurant businesses that do not possess a permit issued by the Alcoholic Beverage Control Division of the Mississippi State Tax Commission or a beer/light wine privilege license from the City of Laurel.
- (2) The purpose of this Article is to authorize restaurants that do not possess the requisite permits described in (1) above, to allow its customers to bring on the premises and consume, with meals only, alcoholic beverages, beer and/or light wine, only during those hours applicable to licensed on-premises retailers.
- (3) Any restaurant that wishes to allow its customers to bring on the premises and consume with meals only, alcoholic beverages, beer and/or light wine shall obtain a permit from the City of Laurel's City Clerk after applying for such permit and paying the required fee. Qualifications for said permit are the same as those required for issuance of a retail or on-premises consumption license and must be

renewed for issuance of a retail or on-premises consumption license and must be renewed on an annual basis. Said permit fee for Brown Bag permit shall be Fifteen Dollars (\$15.00), subject to change by a Resolution or Order of the Laurel City Council.

*Source: Ordinance No. 1372-2000, §3-53, 8-8-00; Ordinance 1546-2009, 10-6-09 (renumbered)*

### **Section 3-51. Title.**

This article may be referred to as the “Laurel Brown Bag Ordinance.”

*Source: Ordinance No. 1372-2000, §3-54, 8-8-00; Ordinance 1546-2009, 10-6-09 (renumbered)*

### **Section 3-52. Definitions.**

For the purposes of this article, the following definitions shall apply:

*Alcoholic beverage* shall mean any intoxicating, alcoholic liquid as defined by Section 67-1-5 of the Mississippi Code Annotated (1972) and wines and beer as those terms are used in Section 67-3-1, *et seq.* Of the Mississippi Code Annotated (1972).

*Consume or consumption* shall mean any ingestion of alcoholic beverages or the possession of any alcoholic beverages in any type of drinking container or in any bottle, can or other container upon which the seal, cork or cap has been opened.

*Premises* shall mean the building in which the public or private commercial establishment is located and the land, parking lot and improvements connected with or serving such establishment, which land, parking lot and improvements are under the possession or control of the proprietor of such establishment.

*Public or private commercial establishment* shall mean any store, restaurant, bar, lounge, club, lodge, fraternal order meeting place, or any other business, whether for profit or not for profit, and whether or not said business is a holder of a permit issued by the Alcoholic Beverage Control Division of the Mississippi State Tax Commission or a beer privilege license from the City of Laurel, which charges or accepts revenue of any type in exchange for goods, services, membership or admittance.

*Store or storage* shall mean to accept, hold refrigerate, mix, pour or receive any alcoholic beverage or container thereof not owned or sold by the proprietor of a public or private commercial establishment as defined herein.

*Source: Ordinance No. 1372-2000, §3-55, 8-8-00; Ordinance 1546-2009, 10-6-09 (renumbered)*

### **Section 3-53. Hours of Consumption.**

No person, partnership, or corporation, nor any agent or employee thereof, operating a

public or private commercial establishment shall permit the consumption of alcoholic beverages on the premises of such establishment between the hours of 2:00 a.m. and 7:00 a.m., provided, however, that nothing in this section shall be construed to permit the sale, distribution, giving away, or storage of alcoholic beverages (other than beer and/or light wine) at any time on Sunday, unless otherwise permitted by the laws of the State of Mississippi, or the Ordinances of the City of Laurel. Consumption may occur only during authorized hours inside the building on the premises.

*Source: Ordinance No. 1372-2000, §3-56, 8-8-00; Ordinance 1546-2009, 10-06-09 (renumbered)*

### **Section 3-54. Storage.**

No person, partnership, corporation, or employer or agent thereof, which operates a public or private commercial establishment shall store any alcoholic beverage not owned by said person, partnership or corporation, between the hours of 2:00 a.m. and 7:00 a.m., unless otherwise permitted by the laws of the State of Mississippi or the Ordinances of the City of Laurel; provided, however, that nothing in this section shall be construed to permit the sale, distribution, giving away, or storage of alcoholic beverages (other than beer and/or light wine) at any time on Sunday, unless otherwise permitted by the laws of the State of Mississippi or Ordinances of the City of Laurel.

*Source: Ordinance No. 1372-2000, §3-57, 8-8-00; Ordinance 1546-2009, 10-06-09 (renumbered)*

### **Section 3-55. Penalties.**

Any person or entity which shall be found to have violated this article shall be subject to a fine not exceeding Five Hundred Dollars (\$500.00), or imprisonment not exceeding ninety (90) days, or both, in the discretion of the Court.

*Source: Ordinance No. 1372-2000, §3-58, 8-8-00; Ordinance 1546-2009, 10-06-09 (renumbered)*

### **Section 3-56. Limitation.**

Nothing in this article shall be construed to authorize, legalize, protect or condone the sale, distribution, possession, storage, consumption or giving away of any alcoholic beverage which is otherwise prohibited or regulated by laws or Ordinances or which is controlled or not permitted by the owner or proprietor of any public or private commercial establishment.

*Source: Ordinance No. 1372-2000, §3-59, 8-8-00; Ordinance No. 1546-2009, 10-06-09 (renumbered)*

### **Section 3-57. Enforcement.**

The Laurel Police Department is hereby authorized, ordered and directed to enforce this article.

*Source: Ordinance No. 1372-2000, §3-60, 8-8-00; Ordinance No. 1546-2009, 10-06-09 (renumbered)*

### **Sections 3-58---3-66. Reserved.**

## ARTICLE IV. ALCOHOLIC BEVERAGES IN PUBLIC PLACES

### Section 3-67. Consumption Prohibited.

It shall be otherwise unlawful for any person to consume any alcoholic beverage on any public area unless it is consumed during an event permitted on City property and in accordance with and subject to the following:

The Special Events Committee for the City Of Laurel may authorize an alcohol permit to allow serving of beer and light wine at an approved special event as defined Under Chapter 4 of these ordinances under the following conditions:

- a) The distance limitation of serving said alcoholic beverages shall not go below 100 feet of a church or school.
- b) The appropriate state laws shall be complied with, including, but not limited to, the entity obtaining all permits and/or licenses authorizing the entity to serve said alcohol according to state law. The City must be provided proof of compliance by being provided with the appropriate State permit and/or license
- c) The requirement of Chapter 4 shall be complied with, including but not limited to obtaining a permit from the Special Events Committee as set out in Article IV. The applicant/sponsor organization of an event must possess or obtain public liability insurance to protect against loss from liability imposed by law for damages resulting from bodily injury and/or property damage arising from the event. Such insurance shall name on the policy or the endorsement as an additional insured party the City, its officers, employees and agents. Insurance coverage must be maintained for the duration of the event. Coverage shall be a comprehensive general liability insurance policy with the following minimum limits:

\$1,000,000.00 each occurrence combined single limit  
bodily injury and property damage.

A copy of the policy or certificate of insurance, along with any and all necessary endorsements, must be filed with the City Clerk's Office no less than five (5) days before the date of the event. The alcohol permit shall not be issued by the Special Events Committee until after the insurance policy and/or certificate of insurance, along with any and all necessary endorsements, have been filed by the applicant/sponsor and approved by the City Clerk's office.

- d) The date of the event and specific serving times of alcoholic beverages shall be specified in the permit by the City.
- e) The specific geographic location of said serving area and the specific area on which consumption may occur shall be defined by the City in the permit.
- f) The only area in the City of Laurel to which this Alcohol permit may apply is the Downtown Area which is defined as:

On the North –Seventh St.-from First Ave. to Sixth Ave.

On the West- Sixth Ave.-from Seventh St. to Carroll Gartin Blvd.

On the South-Carroll Gartin Blvd.-from Sixth Ave. to Magnolia Avenue

On the East- Magnolia Blvd.- from Carroll Gartin Blvd. to Seventh Street

- g) All other requirements and ordinances of the City of Laurel must be complied with by the permitted entity.

*Source: Ordinance No. 1362-2000, §3-70, 2-22-00; Ordinance No. 1546-2009, 10-06-09 (renumbered), Ordinance No. 1598-2012, 12-18-2012*

### **Section 3-68. Presumption.**

Proof that a person was in actual or constructive possession of an open container of any alcoholic beverage on a public area shall be prima facie evidence that the person in possession consumed an alcoholic beverage on a public area if there is some other corroborating evidence to substantiate this presumption.

*Source: Ordinance No. 1362-2000, §3-71, 2-22-00; Ordinance No. 1546-2009, 10-06-09 (renumbered)*

### **Section 3-69. Penalties.**

Any person convicted for a violation of this article shall be subject to the following penalties:

- (a) Upon conviction for a first offense for violation of this division, a fine not exceeding Fifty Dollars (\$50.00).
- (b) Upon conviction of a second offense for violation of this division, a fine no exceeding Two Hundred Fifty Dollars (\$250.00).
- (c) Upon conviction of a third and subsequent offense for violation of this division, a



find of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) and imprisonment in the County Jail for not more than thirty (30) days.

*Source: Ordinance No. 1362-2000, §3-72, 2-22-00; Ordinance No. 1546-2009, 10-06-09 (renumbered)*

## **ARTICLE V. LEISURE AND RECREATION DISTRICT**

### **Section 3-70. Creation and designation of Leisure and Recreation District.**

- (a) In response to a request by the Laurel Main Street Association, the City requested inclusion in the legislation enacted by the State that allowed certain cities to have a Leisure and Recreation District. The State subsequently added the City of Laurel to that legislation, whereupon the Laurel Main Street Association requested that the City adopt a Leisure and Recreation District for the Downtown area.
- (b) Pursuant to the authority granted in Section 1 of Senate Bill 2612, 2017 Regular Session Of the Mississippi Legislature, there is hereby created a “Leisure and Recreation District (District)”, within the corporate limits of the City of Laurel.
- (c) The previously mentioned District shall be known as the “Downtown Social District” and shall be further defined by a line running as follows:

Beginning at the intersection of 5<sup>th</sup> Street and 6<sup>th</sup> Avenue and running Easterly along 5<sup>th</sup> Street/Sawmill Road to the Intersection of Spec Wilson Boulevard, thence running Southwesterly along Spec Wilson Boulevard to the intersection of Carroll Gartin Boulevard, thence running Northwesterly along Carroll Gartin Boulevard to the 400 Block of Short 7<sup>th</sup> Avenue, then running Northerly along the 400 Block of Short 7<sup>th</sup> Avenue to the intersection of Sawmill Road, then running Easterly along Sawmill Road to the intersection of 6<sup>th</sup> Avenue, thence running Northerly along 6<sup>th</sup> Avenue to the Point of Beginning.
- (d) The newly created District is geographically represented by the map, a copy of which is attached hereto as Exhibit A.
- (e) Any on premises retail alcoholic beverage permittee (hereinafter “permittee”) located within the above-described District shall comply with all laws, rules and regulations, which govern its license type, except that a patron, guest or member of the licensee may remove an open container of alcoholic beverage and wine from the licensed premises and may possess and consume the alcoholic beverage and wine outside of a licensed premises

anywhere within the boundaries of the District subject to the following regulations”

- (1) A person may not enter a licensed premises with an alcoholic beverage, whether acquired at that licensed premises, or elsewhere.
- (2) A permittee located in the District shall allow alcoholic beverages to be removed from the licensed premises only in a paper or plastic cup, not larger than 16 fluid ounces in size, and no such alcoholic shall be removed from the licensed premises in a can, bottle, glass container or other container, except as otherwise allowed by law.
- (3) No permittee shall allow a patron, guest or member to exit its licensed premises with more than one open container of alcoholic beverages, and it shall be unlawful for any person to exit such licensed premises with more than one open container of alcoholic beverages.
- (4) Permittees located in the District shall post, at all points of egress from the licensed Premises, a map of the boundaries of the District in which it is located. This map shall be provided, either in electronic or paper form, to the permittees by the City upon request of the permittees. The map is available upon request.
- (5) Nothing in this ordinance shall be construed to require a permittee located in the District to allow its patrons to remove alcoholic beverages or wine, in open containers, from the licensed premises.
- (6) Enforcement of the boundaries of the District shall be the responsibility of the Laurel Police Department. In addition, the Police and Fire Departments shall provide public safety services within the District in the same manner as provided in the remainder of the City.
- (7) For purposes of this ordinance, the term “alcoholic beverages” shall mean any alcoholic liquid, including wines of more than five percent (5%) of alcohol by weight, capable of being consumed as a beverage by a human being, but shall not include light wine and beer, as defined in Section 67-3-3, of the Mississippi Code of 1972 and shall also include native wines.

(8) All ordinances or any parts thereof in conflict with this ordinance are hereby declared to be inapplicable within the geographic boundaries of the District.

*Source: Ordinance No. 1660-2017, 6-20-17; 1729-2022, 9-20-22;*