

**AN AMENDED ORDINANCE ACKNOWLEDGING THE RESULTS OF THE  
ELECTION ON THE LEGAL SALE OF LIGHT WINE OF AN ALCOHOLIC  
CONTENT OF NOT MORE THAN FIVE PERCENT (5%)  
BY WEIGHT AND BEER OF AN ALCOHOLIC CONTENT  
OF NOT MORE THAN EIGHT PERCENT (8%) BY WEIGHT  
WITHIN THE MUNICIPAL LIMITS OF  
THE CITY OF RIPLEY, MISSISSIPPI AND  
REGULATING THE SALE AND CONSUMPTION OF SAME**

The Mayor and Board of Aldermen next took up the matter of the regulation of the sale and consumption of light wine of an alcoholic content of not more than five percent (5%) by weight and beer of an alcoholic content of not more than eight percent (8%) by weight.

Whereas, the voters of the City of Ripley, Mississippi did, in a special election, authorize the sale and consumption of light wine of an alcoholic content of not more than five percent (5%) by weight and beer of an alcoholic content of not more than eight percent (8%) by weight within the municipal limits of the City of Ripley, Mississippi; and

Whereas, the final certified results of this special election were 845 votes, "For the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight and beer of an alcoholic content of not more than eight percent (8%) by weight", and 663 votes "Against the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight and beer of an alcoholic content of not more than eight percent (8%) by weight"

Whereas, §67-3-9 of the Mississippi Code of 1972 provides that upon a majority vote for the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight and beer of an alcoholic content of not more than eight percent (8%) by weight, "the municipal governing authorities" shall pass the necessary order permitting the legal sale of such light wine of an alcoholic content of not more than five percent (5%) by weight and beer of an alcoholic content of not more than eight percent (8%) by weight in such municipality; and

Whereas, the Mayor and Board of Aldermen now consider it in the best interests of the citizens of the City of Ripley, Mississippi that an amended ordinance be adopted regulating the sale and consumption of beer and light wines.

Now therefore, be it ordained by the Mayor and Board of Aldermen of the City of Ripley, Mississippi as follows:

**Section 4-1. 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.

**Section 4-2. 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 wine shall have the definitions as set forth in the Mississippi Code of 1972, as amended, and any subsequent amendments thereto.

Permittee is a person or entity who has obtained all necessary permits and licenses set forth in the Mississippi Code of 1972, as amended, and any subsequent amendments thereto.

**Section 4-3. Privilege license required.**

No beer or light wine shall be sold for on-premises consumption within the municipal boundaries of the City of Ripley, Mississippi unless the seller has first obtained an on-premises ABC permit from the Mississippi State Tax Commission and has also obtained a business privilege license and a sale of beer and light wine privilege license. No beer or light wine shall be sold within the municipal limits of the City of Ripley for on-premises or off-premises consumption unless the seller has first obtained the required licenses and permits from the Mississippi Department of Revenue.

**Section 4-4. 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 of Ripley for off-premises and on-premises consumption except as restricted below. Sales of hot beer shall also be allowed.
- 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 fifty percent (50%) 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) persons 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.

Licensee shall file an annual report with the issuing authority on or before September 30, on forms supplied by the issuing authority, reporting the dollar amount of purchases for the sale of food and beer and light wine, on the one hand, and, on the other hand, the dollar amount of sales of food and beer and light wine. The Licensee shall be solely responsible for supplying any additional information or obtaining certified financial reports to effectuate the terms of the section. The Mayor and Board of Aldermen shall have the right to demand such records more often if the Mayor and

Board of Aldermen shall have any reason to believe that the business selling is not deriving fifty percent (50%) or more of gross receipts from the sale of food, fuel products, non-food items, etc.

- C. Establishments selling beer or light wine for off-premises consumption; documentation.
  - 1. No business or entity shall be licensed under this article where beer or light wine is to be sold and not consumed on the premises, unless such business or entity derives fifty percent (50%) of its gross receipts from the sale of food, fuel products, non-food items, etc.
  - 2. Licensee shall file an annual report with the issuing authority on or before September 30, on forms supplied by the issuing authority, reporting the dollar amount of purchases for resale of food, non-food items, and beer and light wine, on the one hand, and, on the other hand, the dollar amount of sales of food, fuel products, and non-food items, and beer and light wine. The Licensee shall be solely responsible for supplying any additional information or obtaining certified financial reports to effectuate the terms of the section. The Mayor and Board of Aldermen shall have the right to demand such records more often if the Mayor and Board of Aldermen shall have any reason to believe that the business selling is not deriving fifty percent (50%) or more of gross receipts from the sale of food, fuel products, non-food items, etc.
  - 3. These provisions shall not apply to microbreweries or beer manufacturers as referenced in paragraph 4-5 below.
- D. It shall be lawful to sell beer and light wine on Sunday. Beer and light wine may be sold on Sunday only between the hours of 2:00 p.m. and 12:00 midnight.
- E. 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. At locations where beer permits are issued and said location allows for on-premises beer consumption, when the legal hours of sales/consumption cease so shall the hours of occupancy and said premises shall be closed.

Any violation of Section 4-4 E. shall constitute a misdemeanor and said business shall be subject to having its City of Ripley privilege license revoked and shall further be subject to the penalties referenced in Section 4-10 of this amended ordinance.

- F. 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 of Ripley, Mississippi.
- G. Advertising. There shall be no advertising for beer and light wine outside of the interior of the building where it is sold or consumed. There shall be no advertising or storage of beer or light wine within the interior of the store which allows it to be visible from the street or highway side of the store.
- H. Territory Where Sale is Prohibited. No beer or light wine shall be sold for either on-premises or off-premises consumption within two hundred (200) feet of the nearest point of the primary building of any church, school, funeral home or kindergarten. This distance shall be measured from the nearest point of the building housing the church, school, funeral home or kindergarten 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.
- All entities obtaining the appropriate permits and licenses issued by the State of Mississippi to sell beer and light wine shall be entitled to attempt to obtain waivers regarding imposed distance requirements from a church or funeral home. The waiver must be in writing from the owner, governing body or appropriate officer of the church or funeral home.
- I. It is unlawful for any beer or light wine beverages to be sold for off-premises consumption in quantities less than said products are prepackaged for sale by the manufacturer. This shall mean that it shall be unlawful to sell, give, or dispense beer or light wine in a quantity less than a six-pack or the metric equivalent for beer or of less than a four-pack for light wine.
- J. 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 of Ripley. Open containers do not include empty containers. This definition shall not include a resealable growler filled for off-premises consumption.
- K. Zones where Beer and Light Wine may Lawfully be Sold. The sale of beer and light wine shall be lawful only in commercial districts within the municipal limits of the City of Ripley.
- L. 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 shall include containers which have been opened and reclosed. Open containers do not include empty containers. This definition shall not include a resealable growler filled for off-premises consumption.

- M. 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.
- N. Consumption of Package Beer. There shall be no on-premises consumption of package beer on the premises where the same is sold.
- O. 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.
- P. Prohibited acts on licensed premises.
  - 1. To permit the consumption of beer or light wines or alcohol on the premises of establishments holding licenses for off-premises licensees only.
  - 2. 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.
  - 3. 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.
  - 4. To operate any game of chance as defined Mississippi Code Section 97-33-1, et seq., in, or upon a licensed premises.
  - 5. To sell, dispense, or give away beer or light wine without having paid the privilege tax and license fee to the proper authority, as provided by this amended ordinance and applicable Mississippi law.
  - 6. To permit known criminals to frequent the licensed premises.
  - 7. To sell, dispense, or give away beer or light wine as a curb service.

**Section 4-5. Microbreweries and Beer Manufacturers.**

Microbreweries and Beer Manufacturers may establish a business within the municipal limits of the City of Ripley, upon meeting all federal, state and local requirements and regulations, including all applicable zoning regulations. Distance requirements as referenced herein shall apply to all Microbreweries and Beer Manufacturers.

**Section 4-6. 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.

**Section 4-7. Annual License Fee Schedule.**

There is hereby imposed, levied and assessed to be collected and paid to the tax collector of the city annual privilege taxes for persons engaged in the sale or distribution of beer and light wine for the privilege of engaging in or continuing in such businesses in accordance with the following schedule, to wit:

Upon each business or entity as described in this Amended ordinance the maximum allowable by the Department of Revenue and any applicable State law per year, which shall be non-refundable. As well as application, processing, and annual reporting fees in the amount not to exceed the maximum allowable by the Department of Revenue and any applicable State law.

No privilege license required by this article shall be issued to any person or entity unless a satisfactory report is furnished to the Mayor and Board of Aldermen by the committee charged with the investigation of applicants for such license, the report indicating that such person has complied with the requirements of this article and recommending issuance.

**Section 4-8. Minors Giving False Identification.**

- A. It shall be unlawful for any person under the age 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 \$200.00 nor more than \$500.00 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.

**Section 4-9. Compliance with State Law Requirements.**

No permit or license required by this article shall be issued 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.

**Section 4-10. Penalty for Violation of Amended Ordinance; Misdemeanor.**

Any violation of this article shall constitute a misdemeanor and shall be punishable by a fine of not more than \$1,000.00 or imprisonment for not more than six months or both, unless otherwise specified herein.

**Section 4-11. Title.**

The sections of this article may be referred to collectively as the "Ripley Beer and Light Wine Amended Ordinance".

This amended ordinance shall become effective thirty (30) days after its passage and the amended ordinance or a summary of the same shall be published according to law.

This amended ordinance having first been reduced to writing as considered section by section and then as a whole, thereafter on a motion for adoption by Alderman Homer Richardson, seconded by Jackie McKenzie, and after discussion, no Alderman member having called for a reading, was voted upon as follows:

- Alderman Homer Richardson voted "Aye".
- Alderman Jackie McKenzie voted "Aye".
- Alderman Jon Grisham voted "Aye".
- Alderman Joey Bryant voted "Aye".
- Alderman Stephen Freeman voted "Aye".

NOW, THEREFORE, upon the unanimous vote of the Aldermen of the City of Ripley, Mississippi, this Amended Ordinance was adopted on this the 3<sup>rd</sup> day of January, 2018.

CITY OF RIPLEY, MISSISSIPPI

BY:

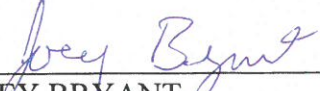
Chris Marsalis  
CHRIS MARSALIS, MAYOR

ATTEST:

Lisa Mauney  
LISA MAUNEY, CITY CLERK



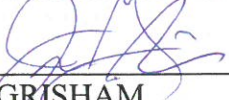
BOARD OF ALDERMEN:

  
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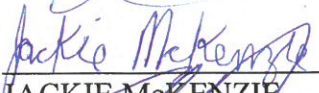
JOEY BRYANT

  
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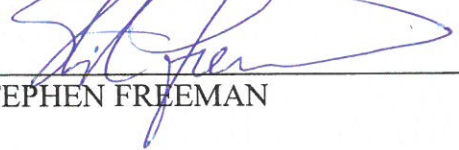
HOMER RICHARDSON

  
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JON GRISHAM

  
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JACKIE MCKENZIE

  
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STEPHEN FREEMAN

The Mayor then ordered the City Clerk to publish appropriate notice of adoption of the amended ordinance as required by statute and to do all things necessary to inform the Mississippi State Tax Commission of the final adoption, said amended ordinance to take effect thirty (30) days after the date of its final passage.