

ORDINANCE NO. B-71-94

STATE OF MISSISSIPPI
COUNTY OF WAYNE
CITY OF WAYNESBORO

**ORDINANCE AMENDING ORDINANCE NO. B-56-90,
ORDINANCE NO. B-17-72 AND ORDINANCE NO. B-49-86
OF THE CITY OF WAYNESBORO, MISSISSIPPI,
REGULATING AND CONTROLLING THE SALE
OF LIGHT WINES AND BEER WITHIN THE MUNICIPALITY**

WHEREAS, the sale of light wines and beer with an alcoholic content of not more than 4% by weight, has been legalized in Waynesboro, Mississippi, pursuant to an election held in said municipality on the 26th day of September, 1972, and

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

WHEREAS, pursuant to Section 13-21-9 (as amended), the Mayor and Board of Aldermen may adopt Ordinances and make amendments thereto.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF WAYNESBORO:

Section 1. Section 1 of Ordinance No. B-56-90, B-17-72, and B-49-86 is hereby amended to read as follows:

Sales. That it shall be unlawful for any person, firm or corporation to offer for sale, sell, barter or give away beer inside the City of Waynesboro, Mississippi, on any Sunday, Christmas Day, or within the hours between 12:01 a.m. and 7:00 a.m. on any other day.

Section 2. License. The Mayor and Board of Aldermen shall require that each person who shall engage in the sale of any light wines or beer in the corporate limits in the City of Waynesboro, Mississippi, to make application for and receive a license for the sale thereof. The application shall give the location of the proposed site for such sale, and whether sales are to be made for

consumption on the premises and the hours during which such sales shall be conducted. The Application shall show the party or parties who shall be in charge of such place of business. The Application shall be completed in full, and submitted to the City Clerk prior to Board Meetings. The Mayor and Board of Aldermen shall reserve the right to recommend to the State Tax Commission whether or not such business shall be licensed by the City of Waynesboro, Mississippi, to conduct sales of light wines and beer at such location and no license shall be granted to any person, firm or corporation where it is apparent that the location of the structure within which such business will be conducted shall be situated within 250 feet from an existing structure which is used as church, school, funeral home, kindergarten, or any other areas as might prove harmful to general welfare, health and morals of the community, however, this restriction shall not affect any existing business locations or business licensees previously licensed by the City of Waynesboro or permitted by the State Tax Commission to sell light wines or beer within the City of Waynesboro, Mississippi, which are already granted a license or permit to operate as of the date of this Ordinance. (Amended).

Section 3. Authority. This Ordinance shall include Sections 27-71-301; 27-71-347; 67-3-17; 67-3-27; 67-3-29; 67-3-57; 67-3-53; and 67-3-54; of the Mississippi Code of 1972, (Amended), for enforcement and compliance with application as to applicant, location and rules. This Ordinance shall further include any changes in the Mississippi Code of 1972, as amended, when amended and the application for license to sell light wines or beer shall comply with this Ordinance; and any amendments to the Mississippi Code of 1972, as amended, when amended.

Section 4. Section 4 of Ordinance No. B-56-90, B-17-72, and B-49-86 is hereby amended to read as follows:

Advertisement. It shall be unlawful for any person, firm or corporation to advertise the sale of light wines and beer within any business in such manner as to be visible from the outside of said business. It shall further be unlawful to conduct such advertisements outside any business by means of billboards, signs,

displays or other advertising media. There may be on the front of the licensed premises wherein such light wines or beer are sold, printed in letters not more than eight inches high, the name of the business, the permit number thereof, which shall be proceeded by the words, "Beer Permit No. _____".

Section 5. Enforcement. Any violations of this Ordinance, or any of its provisions, shall be punishable by a fine of not more than \$500.00 or imprisonment in the County Jail for not more than six months or both, such fine and imprisonment in the discretion of the Court, and in addition thereto, the license of the offending party shall be suspended or revoked as the Board of Aldermen may direct.

Section 6. Effective Date. This Ordinance shall be in force and effective from and after its passage and publication according to law.

The foregoing Ordinance having first been reduced to writing was considered section by section and then as a whole, thereafter on motion by Alderman Joe Grimley, and seconded by Alderman Robert Hicks, the vote was as follows:

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|------------------------|------------|
| ALDERMAN JOE BARNETT | <u>Aye</u> |
| ALDERMAN JOHNNY GRAY | <u>Aye</u> |
| ALDERMAN JOE GRIMLEY | <u>Aye</u> |
| ALDERMAN ROBERT HICKS | <u>Aye</u> |
| ALDERMAN RHONDA MCGILL | <u>Aye</u> |

Adopted and approved by the Board of Aldermen of the City of Waynesboro, Mississippi, this the 4th day of October, 1994.

Craig L. Ezell
MAYOR CRAIG L. EZELL

ATTEST:

Allene Rigney
ALLENE RIGNEY, CITY CLERK