

**ORDINANCE 503**  
**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF COLLINS, MISSISSIPPI,**  
**RELATING TO ALCOHOL AND ALCOHOLIC BEVERAGES**

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY, MISSISSIPPI, in regular meeting assembled as follows:

**General Definitions**

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

- (A) **60% Food Rule-** the requirement that no business location shall qualify as a restaurant under this Ordinance unless sixty percent (60%) or more of the revenue derived from such business location shall be from the preparation, cooking and serving of meals and not from the sale of beverages, or unless the value of food given to and consumed by customers is equal to sixty percent (60%) or more of total revenue.
- (B) **Alcohol and Alcoholic Beverages-** 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 which shall not include light wine and beer as defined in §67-3-3, Mississippi Code of 1972, but shall include native wines. The words “Alcoholic Beverage shall not include ethyl alcohol manufactured or distilled solely for fuel purposes or any beer of an alcoholic content of more than eight percent (8%) by weight if the beer is legally manufactured in this state for sale in another state.
- (C) **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.
- (D) **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 Collins, Mississippi, for the purpose of retail sales of beer and/or light wine.
- (E) **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 Collins, 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.
- (F) **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 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.
- (G) **Ordinance** of the City of Collins, Mississippi establishing regulations within the municipal boundary and jurisdiction of the City of Collins, Mississippi and repealing all conflicting provisions of the zoning ordinance of the City of Collins.
- (H) **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.
- (I) **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. Permits to sell alcoholic beverage is issued by the Alcoholic Beverage Control (ABC) office of the Department of Revenue. The authority to issue permits to sell alcoholic beverages is solely within the authority of the Department of Revenue. Permits to sell beer or light wines in the City of Collins shall apply for a permit from the Department of Revenue (TAP).
- (J) **Public area** is any property situated within the City of Collins, 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.

(K) **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 and 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 sixty percent (60%) 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.

(L) **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.

(M) 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 location 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 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.

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.

(N) 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 thirty (30) adequately furnished and completely separate sleeping rooms with adequate facilities that persons usually apply for and receive as overnight accommodations.

(O) 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.

## Section 1: Licensed Premises Generally

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

(A) Sell, give or furnish any alcohol or alcoholic beverage 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 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 hold a valid permit issued by the State of Mississippi, and the City of Collins, when applicable, authorizing such activities.

(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.

## **Section 2: Types of Licenses**

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

(A) *Package Retailers License.* A package retailer's 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 retailer's 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 retailer's license for the same location.

(D) No license will be issued to any establishment located outside of commercially zoned areas, which are described in Appendix B Zoning of the Collins Code of Ordinances.

## **SECTION 3: Privilege License Required**

Any person, partnership, firm or corporation desiring to engage in the business of selling beer and light wines at retail shall pay the city a privilege license tax at the same rate as that imposed by Section 27-71-303 and 27-71-345, of the Mississippi Code of 1972, annotated and as amended, for the purpose of engaging in such business and shall file with the City Clerk of the City of Collins, Mississippi, an application showing that said person, partnership, firm or corporation possesses all the requirements provided for in the ordinance. Further, the Chairman of the State Tax Commission shall amend. All such city privilege licenses shall be applied for and renewed annually. Said licenses shall be displayed conspicuously in licensees' place of business and said licenses shall not be transferable. It shall be unlawful for any person, partnership, firm or corporation to engage in the business of retail sale of beer and light wines of an alcoholic content of not more than 5% by weight without having first applied for and obtained from the Clerk and Tax Collector a privilege license to engage in such business as aforesaid.

## **SECTION 4: Application Required**

Any person, partnership or corporation desiring a license to sell beer and light wines at retail or desiring to renew such a license to sell beer and light wines shall file an application with the Clerk and Tax Collector in the form of a sworn statement giving the address, the name of the business, its location, and if a partnership or firm, the name and address of each partner or member and, if a corporation, the names of two 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, partnership, firm or corporation at two or more separate places, a separate license for each place of business shall be required.

The application shall further show in his sworn application for a license that he, the partnership, firm or corporation possesses the following qualifications:

(A) Applicant must be over 21 years of age a person of good moral character, a Citizen of the United States and a resident of the State of Mississippi.

(B) Applicant shall submit to a background check with the Collins Police Department.

(C) Applicant shall not have been convicted in this or any other state of a felony or of pandering or of keeping or maintaining a house of prostitution.

(D) Applicant shall not have been convicted in this or any other state within five years preceding the date of his application of any laws of this or other states, in the United States relating to alcoholic liquors or gambling or have had revoked any license or permit to sell alcoholic liquors of any kind.

(E) Applicant shall be the owner of the premises for which the permit is sought or the holder of a bona fide written lease agreement.

(F) If applicant is a partnership or firm, all members of the partnership or firm must be named and shall be qualified to obtain a license.

- (G) If applicant is a corporation, all officers and directors thereof, and any stockholder owning more than 5% of the stock of such corporation, and the person or persons who shall conduct and maintain the licensed premises for the corporation shall possess all the qualifications required herein for an individual permittee; provided however, that the requirements as to residents shall not apply to officers, directors and stockholders of such corporation, but such requirements shall apply to any officer, 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.

#### **SECTION 5: Location to be Identified**

In addition to the foregoing information required as to said application, the said 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 alcohol and alcoholic beverages at such location, and no permit shall be granted to any person, firm, partnership or corporation where it is apparent that the same shall be conducted in such close proximity to any church sanctuary, tax-supported school, main entrance, or funeral home, 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, tax-supported school, daycare facilities or funeral home than 300 feet measured from the front door of said business along the center line of the street to the front door of any such church, sanctuary, tax-supported school, daycare facilities main entrance or funeral home. The restriction as to the location of such business has already been licensed under the terms of this ordinance prior to the construction or operation of any church, tax-supported school, daycare facilities or funeral home.

#### **Section 6: 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.

#### **SECTION 7: General Restrictions**

It shall be unlawful for any persons, partnership, firm, business or corporation within the corporate limits of Collins, Mississippi:

- (A) To sell alcohol and alcoholic beverages in any type of business establishment other than a grocery store or convenience store where items of unprepared food are sold, retail, to the general public and in which is kept and maintained an inventory of food items such as bread, milk, canned foods, and meat products and in which is maintained an inventory of such food items, and supporting fixtures, of the actual value of \$10,000.00, or more, excluding the value of beer and light wines.
- (B) To sell, dispense, or give alcohol and alcoholic beverages to anyone before 7:00 o'clock a.m. or after 12:00 o'clock midnight. To sell dispense or give alcoholic beverages to anyone before 10:00 o'clock a.m. or after 10:00 o'clock p.m. unless specified in Section 8.
- (C) To sell, dispense, or give alcohol and alcoholic beverages to anyone at any time on **Christmas day**.
- (D) To sell, dispense, or give to anyone a quantity of beer or light wines of less than a Four (4) pack case or a keg of beer which contains not less than five (5) liters of beer.
- (E) To permit consumption of alcohol and alcoholic beverages on the premises of the store or business establishment selling beer and light wines.
- (F) To sell, give or furnish any alcohol and alcoholic beverages 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.
- (G) To permit on the premises of any place licensed to sell alcohol and alcoholic beverages any lewd, immoral, or improper entertainment or conduct or practices.

- (H) To permit loud, boisterous or disorderly conduct of any kind upon the premises of any place licensed to sell alcohol and alcoholic beverages or to permit the use of loud musical instruments if either or any of the same disturb the peace and quietude of the community wherein such business is located, or operate pinball machines, pool tables, or other coin-operated amusement machines with the exception of juke boxes.
- (I) To throw, leave, or put alcohol containers and alcoholic beverage containers (such as a can/bottle, boxes etc.) on the streets, avenues, and roads of the City of Collins, Mississippi, or to throw, leave, or put alcohol containers and alcoholic beverage containers (such as can/bottle or boxes upon the property of anyone except the person or persons possessing the can/bottle or cans/bottles.
- (J) To sell, dispense, or give away beer or light wines without having paid the privilege tax to the City of Collins, Mississippi, as provided by this ordinance.
- (K) To sell alcohol and alcoholic beverages to any person knowing that the person to whom alcohol and alcoholic beverages is sold is buying the same for a person under the age of 21 years.
- (L) To serve alcohol and alcoholic beverages from the place of business to a person or persons in an automobile or automobiles in the form of curbside service.
- (M) To work or employ anyone under 18 years of age in said place, business, or establishment where alcohol and alcoholic beverages is sold except under proper and constant supervision of the adult owner or owners or an adult employee or employees. A person who is under twenty-one years of age shall not be deemed to unlawfully possess or furnish light wine or beer, if in the scope of his employment such person.
  - 1. Clears or buses tables that have glasses or other containers that contain or did contain alcohol and alcoholic beverages.
  - 2. Waits on tables by taking orders for alcohol and alcoholic beverages; or
  - 3. Stocks, bags or otherwise handles purchases of alcohol and alcoholic beverages at a store.
- (N) To 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.
- (O) Permit persons of ill repute, known criminals or prostitutes to frequent the licensed premises.
- (P) 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, handicap accessible, kept in satisfactory sanitary condition, plainly marked on the entrance to same.
- (Q) Any live act or performance which appeals primarily to sexually oriented, lustful, prurient or erotic interest including, but not limited to, the following: erotic dancers; male or female strippers; topless dancers (male or female) dancers where clothes are removed to reveal portions of the body and constituting a strip or simulation thereof; contests or exhibitions such as wet-t-shirt, biggest breasts, biggest bulge, body beautiful, best leg, hairiest chest, best tan, best hiney, mud wrestling, tight jeans and contests or exhibitions involving the use of swimwear, lingerie or similar attire.

## **SECTION 8: Restaurants**

Notwithstanding any of the other provisions of this ordinance, the sale of alcohol and alcoholic beverages by the drink shall be lawful within restaurants and cafes when served with meals. Restaurants and cafes shall be defined as those establishments which are in the business of preparing and serving food for consumption within the premises and who derive 60% of their gross receipts from the sale of such prepared food. Such sales shall be permitted between the hours of Sunday-Thursday 11:00 a.m. - 12:00 p.m. and Friday- Saturday 11:00 a.m. - 2:00 a.m. To work or employ anyone under 18 years of age in said place, business, or establishment where alcohol and alcoholic beverages is sold except under proper and constant supervision of the adult owner or owners or an adult employee or employees. A person who is under twenty-one years of age shall not be deemed to unlawfully possess or furnish alcohol and alcoholic beverages, if in the scope of his employment such person:

- 1. Clears or buses tables that have glasses or other containers that contain or did contain alcohol and alcoholic beverages;
- 2. Waits on tables by taking orders for alcohol and alcoholic beverages; or
- 3. Stocks, bags or otherwise handles purchases of alcohol and alcoholic beverages at a store.

## **SECTION 9: 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.

## **SECTION 10: Right of Inspection**

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 inventory maintained by a licensed business. The Mayor and Board the Aldermen shall have the right to demand such records if the Mayor and Board of Aldermen shall have any reason to believe that the business selling alcohol and alcoholic beverages is not maintaining an inventory of \$10,000.00 or restaurants are not meeting the 60% percent food rule as provided for in this ordinance. The failure to furnish said records to the Mayor and Board of Aldermen or to any designated employee of the City of Collins shall be a violation of the ordinance and shall be punishable as herein provided. Further, the Mayor and Board of Aldermen shall immediately revoke the license of any person, partnership, firm or corporation refusing to furnish said records to the Mayor and Board of Aldermen or any designated employee of the City of Collins.

## **SECTION 11: Quarterly Reporting**

- (A) All permittees where consumption of alcohol and alcoholic beverages is allowed on the licensed premises shall file with the City Clerk a quarterly report upon the first day of January, April, July and October of each year, or the first business day thereafter if such date shall be upon a holiday or weekend, in affidavit form showing the following:
1. Gross sales of food in dollars.
  2. Gross sales of alcohol and alcoholic beverages in dollars.
  3. Gross sales from other on-premises enterprises in dollars.
  4. Total gross sales for the quarter.
- (B) All permittees where consumption of alcohol and alcoholic beverages is allowed on the licensed premises shall maintain sufficient books and records to accurately reflect the business operation, keep and maintain sufficient books and records to accurately reflect gross sales of alcohol and alcoholic beverages in dollars, and gross sales from other on-premises enterprises and total gross sales; and such books and records shall be maintained according to accounting procedures.

## **SECTION 12: Consumption Restrictions**

It shall be unlawful for any person within the corporate limits of the City of Collins, Mississippi, to consume beer or light wine on the streets, avenues, sidewalks, alleys, or publicly owned property. Further, no beer or light wine shall be consumed in automobiles either parked or while moving.

## **SECTION 13: Age Restrictions**

It shall be unlawful for any person within the corporate limits of the City of Collins, Mississippi to possess, give, buy or receive beer or light wines unless 21 years of age or older.

## **SECTION 14: Penalty for Violation**

The Mayor and Board of Aldermen shall suspend or revoke the license of any retailer of alcohol and alcoholic beverages who has been convicted of violating this ordinance, and such revocation of a license shall be in addition to and not in lieu of a limitation of any other penalty provided by this ordinance. Any persons, partnership, firm, or corporation violating any provisions of this ordinance may be fined not in excess of \$500.00 **or** imprisoned in the city jail for not in excess of 90 days or be punished by both such fine and imprisonment and each and every violation shall be a separate offense and separate fines and imprisonment may be assessed for each offense.

## **SECTION 15: Restrictions during Emergencies; Duties of Chief of Police**

- (A) In the event of a local emergency is 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 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.

**SECTION 16: Outdoor Patio / Recreation Area**

It shall be **unlawful** for any person, firm, partnership, or corporation licensed by the City of Collins to sell beer or light wines if:

- (A) Visible to the public.
- (B) Outside wall around patio or recreation area less than 6ft.

**SECTION 17: Outdoor Advertising**

It shall be unlawful for any person, firm, partnership, or corporation to advertise the sale of any alcoholic beverages, including signs located outside a building or any type of sign located within a building which is visible from the outside.

**SECTION 18.** That this Ordinance shall be effective immediately upon passage, the public welfare and necessity requiring the same.

**SECTION 19.** The City Clerk be and she is hereby authorized to cause this Ordinance to be published at least one time in The News Commercial, a newspaper published in the City of Collins, Mississippi.

**SECTION 20.** That upon passage of this Ordinance, all prior Ordinances relating to Alcohol, Alcoholic Beverages, Beer and Light Wines be null and void.

The above Ordinance was reduced to writing, read and considered paragraph by paragraph, and section by section and then as a whole at this regular meeting of the Mayor and Board of Aldermen on February 5, 2019, whereupon, **Alderman Lundy** made a motion which was seconded by **Alderman Mooney** to adopt the Ordinance, was submitted for a vote of all Aldermen present and voting and the following vote was recorded, to-wit:

VOTING AYE:  
Alderman Magee  
Alderman Thompson  
Alderman Buffington  
Alderman Mooney  
Alderman Lundy

VOTING NAY:  
None

WHEREUPON, the Mayor declared the Ordinance duly adopted and enacted on this the 5<sup>th</sup> day of February, 2019.

Hope Magee Jones  
MAYOR

ATTEST:

Suzette Davis  
CITY CLERK

STATE OF MISSISSIPPI  
COUNTY OF COVINGTON

CERTIFICATE

I, Suzette Davis, City Clerk in and for the City of Collins, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of ORDINANCE NUMBER 503 ADOPTED BY THE Mayor and Board of Aldermen at its Regular Meeting of February 5, 2019, and is duly of record in the office of the City Clerk, City Hall, 300 Main Street, Collins, Mississippi, in Minute book #25.

Witness my Signature and Official Seal of Office on the 5<sup>th</sup> day of February, 2019.

Suzette Davis, City Clerk  
City of Collins, Mississippi

Publish One Time: February 13, 2019