

**ORDINANCE OF THE CITY OF MORTON, SCOTT COUNTY,
MISSISSIPPI, RELATING TO THE SALE OF BEER AND
LIGHT WINE WITHIN ITS CITY LIMITS**

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF
ALDERMEN OF THE CITY OF MORTON, SCOTT COUNTY, MISSISSIPPI as
follows:

SECTION 1: SALES AUTHORIZED

Subject to the provisions of this ordinance, the sale of beer and light wine of an
alcohol content of not more than five percent (~~5%~~) by weight shall be allowed within
Morton, Scott County, Mississippi. *89. Amended August 7, 2012*

SECTION 2: PRIVILEGE LICENSE REQUIRED

Any person, partnership, firm or corporation desiring to engage in the business of
selling beer or light wine at retail shall pay the City of Morton, Scott County, Mississippi,
a privilege license tax at the same rate as imposed by Section 27-71-303 and Section 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 Morton, Scott County,
Mississippi, an application showing that said person, partnership, firm, or corporation
possesses all the requirements provided for in this ordinance. Further, said applicant
shall present with the application a permit as required by Section 67-3-17 and 67-3-23 of
the Mississippi Code of 1972, annotated, and as amended. All such City privilege
licenses shall be applied for and renewed annually. Said licenses shall be displayed
conspicuously in licensees' place of business and shall not be transferable. It shall be
unlawful for any person, partnership, firm or corporation to engage in the business of the
retail sale of beer and light wine, of an alcoholic content of not more than five percent

(5%) by weight without having first applied for and obtained from the City Clerk a privilege license to engage in such business as aforesaid.

SECTION 3: APPLICATION REQUIRED

Any person partnership or corporation desiring a license to sell beer or light wine at retail or desiring to renew such a license to sell beer or light wine shall file an application with the City Clerk in the form of a sworn statement giving the address of each partner or member and, if a corporation, the names of two principal officers, the post office address and the nature of 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 location of business shall be required.

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

- (a) Applicant must be over twenty-one (21) years of age and a person of good moral character, a citizen of the United States and in the State of Mississippi.
- (b) 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.
- (c) Applicant shall not have been convicted in this or any other state within five (5) years preceding the date of his application of any laws of this or other states, or of the United States relating to alcoholic liquors or gambling or have had revoked any license or permit to sell alcoholic liquors of any kind within said period of time.
- (d) Applicant shall be the owner of the premises for which the permit is sought or the holder of a bona fide written lease thereupon.
- (e) 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.
- (f) If applicant is a corporation, all officers and directors thereof, and any stockholder owning more than five percent (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 therein 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 4: 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 shall reserve the right to determine whether or not such business shall be permitted to conduct the sale of beer and light wine at such location, and no permit shall be granted to any person, firm or corporation where it is apparent that the same shall be conducted in such close proximity to any church sanctuary, school main entrance, funeral home or kindergarten as might prove harmful to the general welfare, health, and morals of the community. Under no circumstances shall such business be closer to any church, funeral home, school, or kindergarten than five hundred (500) feet measured from the front door of said business to the centerline of the adjacent street or highway, then along the centerline of said street or highway to the centerline of any street or highway facing the front door of any such church sanctuary, funeral home main entrance, school main entrance or kindergarten main entrance, then along the centerline of said street or highway to a point directly in front of such church sanctuary, funeral home main entrance, school main entrance or kindergarten main entrance and then to the front door of such church sanctuary, school main entrance or kindergarten main entrance. The front door of any church sanctuary, funeral home main entrance, school main entrance or kindergarten main entrance shall be that door as it existed on the date of adoption of this

ordinance. Business may be located only in those areas zoned commercial according to the zoning map or ordinances of the City of Morton, Scott County, Mississippi. The restriction as to the location of such business shall not apply if said premises has already been licensed under the terms of this ordinance prior to the construction or operation of any such church, school, funeral home, or kindergarten.

SECTION 5: GENERAL RESTRICTIONS

It shall be unlawful for any person, partnership, firm, business or corporation within the City of Morton, Scott County, Mississippi:

- (a) To sell beer or light wine in any type business establishment other than a grocery store or convenience store. Further, that a grocery store or convenience store is hereby declared to be a store deriving fifty percent (50%) or more of its gross sales from the sale of groceries, and if such a store or business does not derive fifty percent (50%) or more of gross sale of groceries, the said business or store shall not qualify for the sale of beer and light wine. In determining gross sales of groceries the sale of gasoline shall not be included.
- (b) To sell, dispense, or give beer or light wine to anyone before 5:00 a.m. or after 12 midnight.
- (c) To sell, dispense, or give beer or light wine to anyone on Sundays or election days.
- (d) To sell, dispense, or give beer or light wine to anyone a quantity of beer or light wine or less than a four pack (sale of kegs will be permitted).
- (e) To permit consumption of beer or light wine on the premises of the store or business establishment selling beer or light wine.
- (f) To sell, give or furnish any beer or light wine 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.
- (g) To permit on the premises of any place licensed to sell beer or light wine any lewd, immoral, or improper entertainment, or conduct for practices.

- (h) 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 if either or any of the same disturb the peace and quietude of the community wherein such business is located, or to operate pinball machines, pool tables or other coin operated amusement machines with the exception of juke boxes, unless the establishment has 50% or more gross grocery sales receipts.
- (i) To permit persons of ill repute, known criminals, prostitutes or minors to frequent said licensed premises, except minors accompanied by parents or guardians or under proper supervision.
- (j) To permit or suffer gambling or the operation of games of chance upon the licensed premises.
- (k) To throw, leave or put a beer or light wine can(s) or bottle(s) on the streets, avenues, and roads of Morton, Scott County, Mississippi, or to throw, leave, or put beer or light wine can(s) or bottle(s) upon the property of anyone except the person or persons possessing said can(s) or bottle(s).
- (l) To receive, possess or sell on the premises any beverage of any kind or character containing more than five percent (~~5%~~^{8%}) alcohol by weight.
- (m) To sell, dispense or give away beer or light wine without having paid the privilege tax to the City of Morton, Scott County, Mississippi, as provided by this ordinance.
- (n) To sell beer or light wine to any person knowing that the person to whom the beer or light wine is sold is buying the same for a person under the age of twenty-one (21) years.
- (o) To serve beer or light wine from the place of business to a person or persons in an automobile or automobiles in the form of curb service.
- (p) To work or employ anyone under eighteen (18) years of age in said place, business or establishment where beer or light wine is sold except under the proper and constant supervision of the adult owner or owners or an adult employee or employees.

SECTION 6: PARENTAL CONSENT/OTHER

A person who is at least eighteen (18) years of age but under the age of twenty-one (21) years may possess and consume beer and light wine with the consent of his

parent or legal guardian in the presence of his parent or legal guardian, and it shall not be unlawful for the parent, legal guardian or spouse of such person to furnish beer or light wine to such person who is at least eighteen (18) years of age.

A person who is at least eighteen (18) years of age and who is serving in the armed services of the United States may lawfully possess and consume beer or light wine on military property where the consumption of beer or light wine is allowed.

A person who is under twenty-one (21) years of age shall not be deemed to unlawfully possess or furnish beer or light wine if in the scope of his employment such person:

- (a) Clears or busses tables that have glasses or other containers that contain or did contain beer or light wine;
- (b) Waits on tables by taking orders for beer or light wine; or
- (c) Stocks, bags or otherwise handles purchase of beer or light wine at a store.

SECTION 7: UNLAWFUL PURCHASES

It shall be unlawful for any retailer to possess for the purpose of sale, to sell, or offer to sell any beer or light wine which was not purchased from a wholesaler in this state who has a permit to sell such beer or light wine.

It shall be unlawful for any wholesaler to possess for purpose of sale, to sell, or offer to sell any beer or light wine which was not purchased from a manufacturer or importer of a foreign manufacturer authorized to sell such beer or light wine in this state.

SECTION 8: RIGHT OF INSPECTION

The Mayor and Board of Aldermen of the City of Morton, Scott County, Mississippi, 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 sales being made by a licensed business being derived from the sale of groceries. The Mayor and the Board of Aldermen shall have the right to demand such records at least quarterly, or more often, if the Mayor and the Board of Aldermen shall have any reason to believe that the business selling is not deriving fifty percent (50%) or more of gross sales for the sale of groceries. The failure to furnish said record to the Mayor and the Board of Aldermen or any designated employee of the Mayor and the Board of Aldermen shall be a violation of the ordinance and shall be punishable as herein provided. Further, the Mayor and the Board of Aldermen shall immediately revoke the license of any person, partnership, firm or corporation refusing to furnish said records to the Mayor and the Board of Aldermen or any designated employee of the Mayor and the Board of Aldermen.

SECTION 9: CONSUMPTION RESTRICTIONS

It shall be unlawful for any person within the city limits of Morton, Scott County, Mississippi, to consume beer or light wine on the streets, avenues, sidewalks, alleys or publicly owned property. No beer or light wine shall be consumed in automobiles either parked or while moving. Further, no container containing beer or light wine shall be open for consumption in public except as provided for in Section 13 of this ordinance.

SECTION 10: AGE RESTRICTION

It shall be unlawful for any person within Morton, Scott County, Mississippi, to possess, give, buy or receive beer unless twenty-one (21) years of age or older.

SECTION 11: PENALTY FOR VIOLATION

The Mayor and the Board of Aldermen shall suspend or revoke the license of any retailer of beer or light wine 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 person, partnership, firm or corporation violating any provision of this ordinance shall be fined not in excess of \$500.00 or imprisoned in jail for not in excess of six (6) months 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 12: OTHER PENALTIES

Except as otherwise provided by Section 6, any person under the age of twenty-one (21) years who purchases or possesses any beer or light wine be guilty of a misdemeanor, and upon conviction shall be punished by a fine or not less than \$100.00 nor more than \$500.00 and/or a sentence to not more than thirty (30) days community service.

Any person under the age of twenty-one (21) years who falsely states he or she is twenty-one (21) years of age or older or presents any document that indicates he or she is twenty-one (21) years of age or older for the purpose of purchasing or possessing any beer or light wine shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine or not less than \$100.00 nor more than \$500.00 and/or a sentence to not more than thirty (30) days community service.

Except as otherwise provided by Section 6, any person who knowingly purchases beer or light wine for, or gives or makes available beer or light wine to a person under the age of twenty-one (21) years shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$200.00 nor more than \$500.00 and/or a sentence to not more than thirty (30) days community service.

The term “community service” as used in this section shall mean work, projects or services for the benefit of the community assigned, supervised and recorded by appropriate public officials.

SECTION 13: RESTAURANTS

Notwithstanding any of the other provisions of this ordinance, the sale of beer or light wine by the drink shall be lawful within restaurants and cafes. 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 seventy-five percent (75%) of their gross receipts from the sale of such prepared food. Such sales shall be permitted between the hours of 11:00 a.m. and 12:00 midnight, Monday through Saturday. No restaurants may serve beer or light wine outside an enclosed structure.

SECTION 14: ADVERTISING

It shall be unlawful for any person, firm, partnership, or corporation licensed by the City of Morton, Scott County, Mississippi, to sell beer or light wine to advertise the sale of such beer or light wine by the use of any type sign located outside the building.

Any person, firm, partnership, or corporation licensed by the City of Morton, Scott County, Mississippi, to sell beer or light wine may, at its option, advertise the sale of such beer or light wine inside the building as follows:

- (a) One (1) sign, to be located within the licensed premises, in the front window location, with the words “COLD BEER” only. Such sign shall not exceed a height of more than ten (10) inches nor a width of twenty-four (24) inches and the lettering must be uniform appearance. Such sign shall be an internal illuminated sign wherein the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Absolutely no name brand beer or light wine shall be associated with such sign. Any such sign shall be

subject to the approval of the majority vote of the Board of Aldermen.

- (b) Any other type sign located within said building which is not visible from the outside.

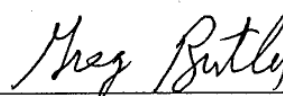
SECTION 15: RECREATION SALES

Notwithstanding any of the other provisions of this ordinance, the sale of beer or light wine by the drink shall be permitted at any golf course or country club wherein there exists nine (9) or more regulation golf holes, to consume only on the premises, Monday through Saturday, between the hours of 11:00 a.m. and 12:00 midnight.

SECTION 16: EFFECTIVE DATE

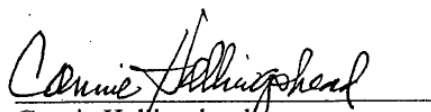
This ordinance shall be effective thirty (30) days from and after the date of its passage.

ORDAINED AND ADOPTED in regular meeting, this 22nd of April, 2002.



Greg Butler, Mayor
City of Morton

ATTEST:



Connie Hollingshead
City Clerk