

## Chapter 4-Alcohol Beverage Control

### ARTICLE III - IN GENERAL

#### Section 4-70 - Definitions

When used in this ordinance:

(1) Alcoholic beverage, for the purposes of this ordinance shall have the same definition as that provided by the Mississippi Department of Revenue (Alcohol Beverage Control) as currently exists or as is hereafter amended, modified, repealed or added.

(2) On-premises retailer permittee means any person issued a permit authorizing the sale of alcoholic beverages, including native wines for consumption on the licensed premises only pursuant to Mississippi Code Section 67-1-51(1)(c). The term includes qualified hotels, restaurants, and clubs, common carriers and qualified resort area permittees.

(3) Package retailer permittee means any person issued a permit authorizing such person to operate a store exclusively for the retail sale of sealed and unopened alcoholic beverages pursuant to Mississippi Code Section 67-1-51(1)(b).

(4) Permit means any of the permits issued by the Department of Revenue of the State of Mississippi pursuant to Mississippi Code Section 67-1-51.

#### Section 4-71 - Incorporation of Laws, Rules and Regulations of State of Mississippi Including Rules and Regulations of Mississippi Department of Revenue.

All state statutes, rules and regulations, including the Rules and Regulations of the Mississippi Department of Revenue now in force and as hereafter amended, modified, repealed, or added are incorporated herein by reference and shall govern the subject of alcoholic beverage control within the City. Nothing contained in this Ordinance shall be deemed to overrule, limit or qualify state law, statutes, rules, or regulations, including the Rules and Regulations of the Mississippi Department of Revenue (Alcohol Beverage Control) except as specifically permitted by said law, statutes, rules and regulations. Any interpretation of this Ordinance which conflicts with state law, statute, rules or regulations including the Rules and Regulations of the Mississippi Department of Revenue (Alcohol Beverage Control) shall be deemed to be superseded by state law, statute, rules or regulations. Any violation of state law, statute, rules or regulations, including the Rules and Regulations of the Mississippi Department of Revenue (Alcohol Beverage Control) shall constitute a violation of this Ordinance. Any and all penalties, punishments, etc. provided by state law, statute, rules or regulations including the Rules and Regulations of the Mississippi Department of Revenue (Alcohol Beverage Control) shall be applicable to any violations of this Ordinance.

**Section 4-73 - Permitted Premises Where Alcoholic Beverages May Be Sold.**

Alcoholic beverages may be sold only where specifically permitted by the Rules and Regulations of the Mississippi Department of Revenue (Alcohol Beverage Control) as they currently exist or as hereafter amended, modified, repealed, or added. Without limiting the generality of the foregoing, Chapter 03 of Subpart 2 (Title 35) of the Rules and Regulations of the Mississippi Department of Revenue (Alcohol Beverage Control) shall govern permitted premises where alcoholic beverages may be sold.

**Section 4-74 - Hours And Days During Which Alcoholic Beverages May Be Sold By Hotels, Restaurants, Clubs, Package Stores and Caterers.**

Alcoholic beverages may be sold only as specifically permitted by the Rules and Regulations of the Mississippi Department of Revenue (Alcohol Beverage Control) as they currently exist or as hereafter amended, modified, repealed, or added. Without limiting the generality of the foregoing, Chapter 04 of Subpart 2 (Title 35) of the Rules and Regulations of the Mississippi Department of Revenue (Alcohol Beverage Control) shall govern hours and days during which alcoholic beverages may be sold by hotels, restaurants, clubs, package stores and caterers.

**Section 4-75 - Prohibited Conduct And Activities.**

Alcoholic beverages may be sold only as specifically permitted by the Rules and Regulations of the Mississippi Department of Revenue (Alcohol Beverage Control) as they currently exist or as hereafter amended, modified, repealed, or added. Without limiting the generality of the foregoing, Chapter 07 of Subpart 2 (Title 35) of the Rules and Regulations of the Mississippi Department of Revenue (Alcohol Beverage Control) shall govern prohibited conduct and activities.

**Section 4-76 - Employment of Persons Under Age 21 Prohibited:**

No person shall be employed in connection with sale of alcoholic beverages who is prohibited from being employed by the Rules and Regulations of the Mississippi Department of Revenue (Alcohol Beverage Control) as they currently exist or as hereafter amended, modified, repealed or added. Without limiting the generality of the foregoing Chapter 08 of Subpart 2 (Title 35) of the Rules and Regulations of the Mississippi Department of Revenue (Alcohol Beverage Control) shall govern with regard to this subject.

**Section 4-77 - Requirements For Automatic And Electronic Liquor And Wine Dispensing Systems.**

The installation, operation and use of automatic and electronic dispensing liquor and wine systems shall be permitted only as permitted by the Rules and Regulations of the Mississippi Department of Revenue (Alcohol Beverage Control) as they currently exist or as hereafter amended, modified, repealed or added. Without limiting the generality of the foregoing

Chapter 18 of Subpart 2 (Title 35) of the Rules and Regulations of the Mississippi Department of Revenue (Alcohol Beverage Control) shall govern this subject.

**Section 4-78 - Suspension of Sale During Emergency - Authority:**

In the event of any disturbance, uprising or riot, or any other emergency endangering life, property, or public safety, it shall be the duty of the Mayor promptly to stop the sale or dispensing in the City of all alcoholic beverages for the period of such emergency.

**Section 4-79 - Notice Of Emergency:**

It shall be unlawful for any person to sell or dispense alcoholic beverages in the City after publication one time in a newspaper of general circulation in the City of the following notice:

**PUBLIC NOTICE**

By authority of Ordinance, I declare a state of emergency in the City and hereby order that the selling and dispensing of alcoholic beverages in the City of Corinth, Mississippi shall cease until further order. Tommy Irwin, Mayor of the City of Corinth, Mississippi.

**Section 4-80 - Patrons Must Vacate Premises When Establishment Closed for Business.**

During periods when public or private commercial establishments permitted by law to sell for on premises consumption, alcoholic beverages shall be closed for business, all guests, invitees, licensees, customers and patrons must vacate the premises. Owners and operators of public or private commercial establishments shall not conduct further business during hours when they must be closed for business and shall be responsible for violations of this section and subject to fines as set forth by law and/or ordinance. Customers, patrons, and guests shall also be responsible for violations of this section and subject to such fines as well.

**Section 4-81 - Penalties**

Without limiting any penalties provided by law, statute, rule or regulation, including the Rules and Regulations of the Mississippi Department of Revenue (Alcohol Beverage Control) and subject to any limitations with regard to penalties, punishments or otherwise, any person found to have violated this Ordinance shall be subject to a fine not exceeding \$1,000.00 or imprisonment not exceeding 90 days or both. When a public or private commercial establishment is found to have violated this ordinance, a citation, subject to the above limits, may be issued to any of the following:

(1) The officers, directors, members, managers or partners of a partnership, corporation, limited liability company or business entity which operates a public or private commercial establishment.

- (2) The permittee of any permit issued for on-premises sale of alcoholic beverages.
- (3) The management personnel who are on the premises of the public or private commercial establishment at the time the violation is found to have occurred.

**Section 4-82 - Requirement for liability insurance**

The owners and/or operators of all on premises and all off premises facilities shall procure and maintain at all times, general liability insurance with minimum limits of One Million Dollars (\$1,000,000.00) as well as liability insurance to insure against alcohol related events such as liquor liability insurance with minimum limits of One Million Dollars (\$1,000,000.00)

**Section 4-83 - Enforcement:**

The City Police Department is hereby authorized, ordered and directed to enforce this ordinance.

**Section 4-84 - Limitation:**

Nothing in this Ordinance shall be construed to authorize, legalize, protect or condone the sale, distribution, possession, storage, consumption or transfer of any alcoholic beverage which is or may be otherwise prohibited or regulated by laws, statutes, rules and regulations of the State including the Rules and Regulations of the Mississippi Department of Revenue (Alcohol Beverage Control) as they currently exist or as hereafter amended, modified repealed or added or ordinances of the City.

Whereupon the foregoing was declared adopted on this 2<sup>nd</sup> day of January, 2013.



THE CITY OF CORINTH, MISSISSIPPI

*Tommy Irwin*  
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TOMMY IRWIN, MAYOR

ATTEST:

*Vickie Roach*  
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VICKIE ROACH, CLERK