

ORDINANCE OF THE CITY OF BRANDON, MISSISSIPPI AMENDING CHAPTER 6,  
SECTIONS 6-1(a), 6-2 and 6-11 and adding SECTION 6-10.1 OF THE CODE OF  
ORDINANCES OF THE CITY OF BRANDON, MISSISSIPPI

BE IT ORDAINED THAT CHAPTER 6, SECTIONS 6-1(a), 6-2, 6-9 and 6-11 ARE AMENDED  
AND SECTION 6-10.1 IS ADDED TO THE CODE OF ORDINANCES OF THE CITY OF  
BRANDON, AS FOLLOWS, TO-WIT:

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Sec. 6-1 Consumption restrictions.

(a) It shall be unlawful for any persons to have in his possession or to consume any alcoholic beverage in or on any public grounds, building, street, sidewalk, park or place owned, maintained and operated by the city, except that the consumption of beer and light wine and alcoholic beverages is permitted in the Brandon Amphitheater and the Brandon Municipal Complex including the Civic Center, Senior Center, Busick Room and Buchanan Room in conjunction with the use of such facilities in accordance with the facility rental agreement executed by the city and the renter, the provisions of this Chapter, and the policies adopted by the governing authorities regarding the same.

Sec. 6-2. Definitions.

*Caterer* means as a person engaging in the business of preparing and serving food and drink for special events. When such business includes the selling and/or furnishing of alcoholic beverages in the City, such caterer shall be required to have a valid caterer's permit issued by the Mississippi Department of Revenue.

*Restaurant* means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation, which has suitable seating facilities for guests, and which has suitable kitchen facilities connected therewith for cooking an 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. Except as otherwise provided herein, no place shall qualify as a restaurant under this chapter unless 25 percent 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, or unless the value of food given to and consumed by customers is equal to 25 percent or more of total revenue and no place shall qualify as a restaurant for purposes of the sale of alcoholic beverages unless the same meets the definition of a restaurant as provided in MCA Section 67-1-5 (m)(i) (1972 as amended) and the requirements set forth by Title 35 Department of Revenue Part II Chapter 3 Section 201 (1)—(4) and Section 202 and 203 Alcohol Beverage Control Regulations. With respect to on-premises retailer's permits issued to restaurants located in resort areas approved by the City and the Department of Revenue, the provisions of applicable state law and Alcohol Beverage Control Regulations shall supersede any provisions in this chapter in conflict therewith.

#### Sec. 6-9. - Restaurants.

Except as otherwise provided herein, the sale of beer, light wine and/or alcoholic beverages shall be lawful within restaurants for on-premises consumption only. Restaurants shall be permitted to sell, dispense or serve beer, light wine and/or alcoholic beverages between the hours of 11:00 a.m. and 12:00 midnight. Except that on New Year's Eve restaurants may serve beer, light wine and/or alcoholic beverages until 1:00 a.m. January 1. No restaurant may serve or allow beer, light wine and/or alcoholic beverages outside an enclosed structure or outside of a fenced and/or gated in patio area which contains seating adjoining the restaurant except that the sale of alcoholic beverages, beer and light wine may occur on the premises of the Brandon Amphitheater as determined by the City. It shall be unlawful for persons under the age of 21 years of age to sell, dispense, deliver, or serve beer, light wine and/or alcoholic beverages in restaurants, unless otherwise authorized by state law.

#### Sec. 6-10.1. Catering

Caterers shall be permitted to sell or furnish alcoholic beverages in conjunction with their business in the City in accordance with the provisions of this Chapter, and state law regarding the sale and/or furnishing of alcoholic beverages by caterers including but not limited to MCA Section 67-1-51(g)(1972 as amended), and all regulations of the Mississippi Department of Revenue, including but not limited to Title 35, Part II, Alcohol Beverage Control. Hours of operation for caterers selling or furnishing alcoholic beverages in conjunction with their catering business in the City shall be the same as provided for restaurants in Section 6-9 of this Chapter. Caterers selling and/or furnishing alcoholic beverages in conjunction with their business in the City shall provide a copy of their caterer's permit to the City before engaging in such business.

#### Sec. 6-11. - Outdoor advertising.

It shall be unlawful for any person licensed to sell beer, light wine or alcoholic beverages to advertise the sale of beer, light wine or other alcoholic beverages by the use of any type of sign located outside the building or by the use of any type of sign located within such building which is visible from the outside. Nothing herein shall apply to approved sponsorship advertising within the Brandon Amphitheater.

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For preservation of the health, safety and welfare of the citizenry and to insure the orderly sale of alcoholic beverages within the City of Brandon, upon unanimous vote the members of the Board of Aldermen present and voting, this Ordinance shall be in force and effect immediately from and after its adoption.

All Ordinances in conflict herewith are repealed.

This Ordinance having been reduced to writing and no request for the same to be read by the Clerk having been made, the same was introduced by Alderman WILLIAMS, seconded by Alderman VINSON and was adopted by the following vote, to wit:

James Morris, Alderman at Large	<u>AYE</u>
Monica Corley, Alderman Ward 2	<u>AYE</u>
Cris Vinson, Alderman Ward 3	<u>AYE</u>
Harry Williams, Alderman Ward 3	<u>AYE</u>
Lu Coker, Alderman Ward 4	<u>AYE</u>
Dwight Middleton, Alderman Ward 5	<u>AYE</u>
Tahya Dobbs, Alderman Ward 6	<u>AYE</u>

The Mayor thereby declared the Motion carried and the Ordinance adopted and approved on this the 17TH day of JULY A.D., 2017.

  
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BUTCH LEE, MAYOR

ATTEST:

  
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ANGELA BEAN, CITY CLERK

