

ORDINANCE

AN ORDINANCE AMENDING THE TUPELO BEER ORDINANCE HOURS OF SALE AND ON PREMISES CONSUMPTION

WHEREAS, The City of Tupelo previously adopted the Tupelo Beer Ordinance on October 3, 1984, and has amended said ordinance on May 4, 1993; August 3, 1993; February 3, 1998; June 15, 1999; June 18, 2002; March 21, 2003; May 18, 2004; September 15, 2009 and May 6, 2014; and

WHEREAS, the City of Tupelo is empowered to enforce rules and regulations for fixing zones and territories, prescribing hours of opening and closing and such other measures regarding light wine and beer as will promote public health, morals and safety under Section 67-3-65 of the Mississippi Code Annotated (1972), as amended and other applicable laws; and

WHEREAS, the City of Tupelo finds and determines that it is in the public interest to amend the current restriction on the prohibition of the sale, distribution, bartering, giving away and consumption of light wine and beer during certain extended hours.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Tupelo as follows:

SECTION 1. The prefatory statements are hereby incorporated herein.

SECTION 2. Chapter 5, Article II Section 5-16, Subsection (d)(2) of the Code of Ordinances of the City of Tupelo is hereby rescinded and the following is substituted therefor:

(d)(2) There will be no sale, distribution, bartering, giving away or consumption of beer and light wine in the Tupelo coliseum complex or in the CVB building on Sundays, except between the hours of 12:01 a.m. and 1:00 a.m. and between the hours of 8:00 a.m. and 12:00 midnight when such sale, distribution, bartering, giving away or consumption of beer and light wine will be permitted, subject to the other limitations set out in this Ordinance.

SECTION 3. Section 5-19 of Article II of Chapter 5 of the Code of Ordinances of the City of Tupelo is hereby rescinded and the following is substituted therefor:

Section 5-19. Sales on Sunday.

The sale, bartering, giving away or consumption of light wine and beer is prohibited on Sundays except between the hours of 12:01 a.m. and 1:00 a.m. and between the hours of 8:00 a.m. and 12:00 midnight when such sale, bartering or giving away of light wine and beer is permitted, subject to other limitations set out in this Ordinance.

SECTION 4. *Section 5-24 of Article II of Chapter 5 of the Code of Ordinances of the City of Tupelo is hereby rescinded and the following is substituted therefor:*

No person, corporation, partnership or other legal entity, nor any employee or agent of such person, corporation, partnership or legal entity holding a valid beer permit and beer license shall permit the sale, bartering, or giving away of beer and/or light wine between the hours of 1:00 a.m. and 7:00 a.m. the next morning. No person, corporation, partnership or other legal entity, nor any employee or agent of such person, corporation, partnership or legal entity holding a valid beer permit and beer license shall permit the on-premises consumption of light wine and beer between the hours of 1:00 a.m. and 8:00 a.m. Provided, however, that nothing in this section shall permit the sale, bartering, giving away or consumption of beer or light wine on Sunday, except between the hours of 12:01 a.m. and 1:00 a.m. and between the hours of 8:00 a.m. and 12:00 midnight when such sale, bartering or giving away will be permitted subject to the other limitations set out in this Ordinance.

SECTION 5. The remainder of Chapter 5 of the Code of Ordinances of the City of Tupelo is hereby ratified and remains in full force and effect.

SECTION 6. This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder of said ordinance shall remain in full force and effect. The City Council finds and determines that this amendatory ordinance in no way affects any provision of Chapter 5 which could be construed to be a zoning ordinance and therefore, no public hearing is necessary for the adoption of this amendatory ordinance.

SECTION 7. This ordinance shall become effective thirty (30) days from the date of its passage, and the City Clerk shall cause this ordinance to be published one (1) time in a local newspaper.


The foregoing ordinance was proposed in a motion by Council Member Davis, seconded by Council Member Mims, and after discussion, no council member having called for a reading was brought to a vote as follows:

Councilmember Mims
Councilmember Bryan
Councilmember Beard
Councilmember Davis
Councilmember Palmer
Councilmember Gaston
Councilmember Jones

Aye
Aye
Aye
Aye
Aye
Aye
Aye

WHEREUPON, the foregoing Ordinance was declared, passed and adopted at a regular meeting of the Council on this the 7th day of September, 2021.


CITY OF TUPELO, MISSISSIPPI


BUDDY PALMER, City Council President

ATTEST:

Missy Shelton
MISSY SHELTON, Clerk of the Council

APPROVED:


TODD JORDAN, Mayor

9-7-2021
DATE