

**ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF
OLIVE BRANCH, MISSISSIPPI PROHIBITING ALCOHOLIC BEVERAGES IN
OPEN CONTAINERS**

WHEREAS, the City of Olive Branch, Mississippi has the authority to enforce proper rules and regulations for the consumption of alcoholic beverages as will promote public health, morals and safety, and

WHEREAS, the City of Olive Branch, Mississippi possesses general police powers, and

WHEREAS, the City of Olive Branch, Mississippi deems that the restriction of the possession of various alcoholic beverages in opened containers will promote public health, morals and safety in the City.

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi as follows:

OPEN CONTAINERS

Section 1. Definitions. The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section:

Alcoholic Beverage: 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, but shall not include light wine and beer, as defined in Section 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 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.

This definition is derived from Miss. Code Ann. Section 67-1-5(a), and to the extent this definition differs in any respect from a future amendment to said Code section, this definition shall be construed in a manner consistent with the then-current definition contained within the Mississippi Code.

Beer: a malt beverage as defined in the Federal Alcohol Administration Act and any rules and regulations adopted pursuant to such act of an alcoholic content of not more than eight percent (8%) by weight.

This definition is derived from Miss. Code Ann. Section 67-3-3(d), and to the extent this definition differs in any respect from a future amendment to said Code section, this definition shall be construed in a manner consistent with the then-current definition contained within the Mississippi Code.

Wine: any product obtained from the alcoholic fermentation of the juice of sound, ripe grapes, fruits or berries and made in accordance with the revenue laws of the United States.

This definition is derived from Miss. Code Ann. Section 67-1-5(d), and to the extent this definition differs in any respect from a future amendment to said Code section, this definition shall be construed in a manner consistent with the then-current definition contained within the Mississippi Code.

Section 2. Open Container in Public. It shall be unlawful within the City of Olive Branch for any person to drink or have in his possession in opened containers, any beer, wine or alcoholic beverages, the possession of which has been legalized under the laws of the state, except:

1. On the premises of private dwelling houses; or
2. Inside a building, including a secured area associated with a building such as a patio or porch, but not including a parking lot; provided that any building that is a public place of business must be duly licensed and authorized to sell and serve such beverages; or
3. On the premises of any golf course and/or related area that permits consumption and is duly licensed and authorized to sell and serve such beverages; or
4. On the premises of a qualified resort area, as defined by Section 67-1-5 of the Mississippi Code (1972); or
5. In the pool area of any private club or association that permits consumption of such beverages; or
6. On the premises of an outdoor festival approved by the Mayor and Board of Aldermen, upon written application; or
7. Within the boundaries of a lawfully created Leisure and Recreation District as defined by Miss. Code Ann.

Section 67-1-101 and the City Ordinance creating said District.

Section 3. Motor Vehicles. No person shall have in his or her possession an open container containing any alcoholic beverage, wine or beer within or on a motor vehicle, including motorcycles, while parked or standing on a public street or public parking lot in the City, or while such vehicle is in motion.

Section 4. Penalty. Any person violating any provision of this Ordinance shall be fined not less than One Hundred and 00/100 Dollars (\$100.00) and not more than Five Hundred and 00/100 Dollars (\$500.00) for each offense.

Section 5. Repealer. This Ordinance amends Section 2 of the February 6, 2018 Open Container Ordinance. All prior inconsistent versions are repealed.

The foregoing Ordinance was read, discussed and voted upon in a public meeting, section by section, and as a whole, and whereas a motion was duly made by Alderwoman Hamilton, and seconded by Alderwoman Henderson, with the following results:

Alderwoman Jan Aldridge	AYE
Alderman George Collins	AYE
Alderman Dale Dickerson	AYE
Alderman Gil Earhart	AYE
Alderwoman Pat Hamilton	AYE
Alderwoman Joy Henderson	AYE
Alderman David Wallace	AYE

The foregoing Ordinance was passed, adopted and approved on the 18th day of January, 2022.

/s/KENNETH R. ADAMS, MAYOR

ATTEST:

/s/TENA STEWART, CITY CLERK