

ORDINANCE REGULATING THE LEASING OF PREMISES FOR EVENTS WHERE AT LEAST 100 PEOPLE ATTEND AND BEER, LIGHT WINE AND/OR ALCOHOLIC BEVERAGES ARE SERVED AND PROVIDING PENALTIES FOR VIOLATIONS OF SAID ORDINANCE

WHEREAS, the governing authorities of the City of Columbus are empowered to adopt any orders, resolutions or ordinances with respect to the care, management and control of municipal affairs and its properties and finances for which no provision has been made by general law and which is not inconsistent with existing law pursuant to Section 21-17-5 of the Mississippi Code Annotated (1972); and

WHEREAS, the City of Columbus also has the authority under Miss. Code Ann. §17-1-1 et seq. to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

WHEREAS, it is the desire of the City of Columbus to protect public life, health and welfare and to promote the health, safety, morals and general welfare of the community by the adoption of this ordinance; and

WHEREAS, the City Council finds that some places within the City which are available for rent for functions where alcoholic beverages, beer and light wine are consumed contribute to littering, public intoxication, noise, disorderly conduct, assaults and similar problems; and

WHEREAS, on numerous occasions, the impact of the management of certain facilities has been significant when the establishment is rented for a special event, performance, or the like, or when the establishment fails to alert law enforcement to criminal conduct occurring at locations where significant numbers are gathered and consuming beer, light wine and alcohol; and

WHEREAS, in order to preserve the immediate preservation of the public peace, health, safety, which has been shown to be needed because of breaches of the peace at such events, including shootings and murder, upon the unanimous vote of all members of the governing body, this Ordinance shall be effective from and after its passage.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Columbus, Mississippi as follows:

Section 1. -- Leasing of property for a gathering at which alcoholic beverages will be consumed.

(A) Property Owner Application.

If any Owner of an interest in property (the Property Owner) shall lease, rent, or otherwise temporarily convey for profit or otherwise that property (the Premises or the Property) to any individual, group, business entity, organization or other association (the Lessee), for the purpose of having an event at which 100 or more people shall be in attendance and at which beer, light wine, and/or alcoholic beverages are consumed (an Event), then the property owner must apply (the Application) for a permit (an Event Permit) from the City of Columbus Police Department not later than five (5) days in advance of the Event and pay an application fee (Application Fee) of \$75.00. The Property Owner must Apply for an Event Permit and pay the Application Fee for each Event at the time the Application for an Event Permit is submitted. The Application will be reviewed by the Columbus Police Chief or his designee and may be denied on the basis of prior

serious criminal convictions of either the Property Owner or the Lessee or on the basis of false or incomplete information provided on the Application or failure of the Owner or of the Lessee to follow comply in the past with this Ordinance. Otherwise, a permit shall be approved and issued. If the application is denied, the \$75.00 Application Fee will be refunded.

(1) **Contents of the Property Owner's Application.** Any Property Owner Applying for an Event Permit under this section must supply, at a minimum, the following, which must be true, correct, accurate and required before a Permit Application may be granted:

- (a) The names of all Property Owners where the Event is to be held;
- (b) The residential address of all Owners or Agent for Process of all Owners;
- (c) The telephone numbers of all Owners or Agent for Process of all Owners;
- (d) The physical address and location of the Premises where the Event is planned to be held;
- (e) The name of the Lessee and if the Lessee is anything other than an individual the name of the person signing the application on behalf of the Lessee;
- (f) The name of the responsible individual (either the Property Owner, the Lessee, or an agent of either the Property Owner or the Lessee) who shall be present on the Premises for the duration of the Event and who shall be responsible for conduct of the Lessee and the Lessee's guests on the premises (the "Responsible Individual");
- (g) The date and time of the event, the number of expected guests or attendees and the type of entertainment planned (i.e., live music, disc jockey, etc.).
- (h) If beer, light wine and alcoholic beverages, as those terms are defined in law, then the Property Owner shall fully supply all information required by this Ordinance.
- (i) The certificate of insurance of the Owner's general liability insurance company, showing the effective date of coverage, and proof that the policy will be in effect on, and provide coverage for accidents and injuries occurring during the Event and providing minimum limits of liability in the amount of \$250,000.00 for each occurrence during the Event.
- (j) The names of all bonded security personnel who shall be on site during the event and the covenant and promise that there shall be a minimum of one such security personnel for each 50 attendees at such Events.
- (k) A copy of the Lessee's agreement with the Owner for the Event.
- (l) A signed Agreement that the Police Department may enter onto the premises of any Event for the purpose of verifying compliance with this Ordinance.

(2) **Facts Stated in Application shall be Mandatory and Current to obtain and maintain a valid Permit**

Any Property Owner making application for an Event Permit shall promise in such application that any Permit issued under this Ordinance may be revoked at any time thereafter, if it is found and determined that there are more attendees than stated in the Application for an Event Permit or if there are insufficient bonded security on site to achieve minimum of one security guard for each fifty (50) attendees, or if there are on the premises of the Event, any minors consuming alcoholic beverage, beer or light wine, or if any attendees are found to have on the premises any illegal drugs. Likewise, if at any time during any Event, there occurs a breach of the peace, illegal conduct, or other conduct that is reasonably likely to lead to a breach of the peace, then in that event, the Permit for that Event may be revoked and the Event terminated immediately upon such finding. If it is determined that the certificate of insurance required by

this Ordinance is void or has been cancelled or non-renewed before the end of the Event, then the Event may likewise be cancelled and terminated immediately upon such finding.

(3) Law Enforcement May Enter, Inspect and Revoke Permit.

Any Property Owner that authorizes an Event for which a Permit shall be required under this Ordinance shall make his premises available and accessible to City and County Law Enforcement Officers, including the City's Fire Marshall, to enter into the premises when an Event is held for the purpose of inspecting to ensure that the Event is held and is in compliance with this Ordinance and that all representations, covenants, promises and stated facts contained in the Application of the Property Owner are true and correct as stated in the Application for any such Event. If such Law Enforcement finds that the facts have been misrepresented or otherwise that there exists good cause, he may revoke the permit upon approval of the Chief of Police or his designee without advance notice to the Property Owner and in such case, such Event may be cancelled and attendees ordered to leave the Premises of the Owner.

Section 2. Beer, Light Wine and Alcoholic Beverages.

A. Property Owner Ignorance - No defense. If beer, light wine, and/or alcoholic beverages are expected to be present or are in fact present in any type of drinking container or in any bottle, can or other container upon which the seal, cork or cap has been opened ("an Open Container"), on Premises that are Leased for an Event and the Property Owner has not obtained an Event Permit under this section, then the Property Owner shall be in violation of this section. The Property Owner shall be strictly liable for the failure to apply for an Event Permit under this section and it shall be no defense that the property owner was unaware that beer, light wine, and/or alcoholic beverages would be consumed or would be present on the premises in open containers.

B. On Premise Retailers - Exempt. This section does not apply to establishments which allow on premises sale and consumption or sale of beer, light wine, and/or alcoholic beverages under the authority of state law or local code.

C. Lessee to have License for sale. If beer, light wine and/or alcoholic beverages are to be sold at any Event held under this Ordinance, regardless of whether the Lessor has a license, the Lessee planning to provide alcoholic beverages at an Event must hold a valid liquor license issued by the State of Mississippi (for the sale of alcohol other than light wine or beer) and if the Lessee is planning to provide beer and light wine for consumption at an Event, then Lessee must have a valid license for sale of beer and light wine.

D. Responsibilities of Lessor and Lessee when Alcoholic Beverages, Beer and Light Wine are offered for consumption at Events. At time the Property Owner's property is Leased for an Event, both Lessor and Lessee shall be responsible under this ordinance for complete compliance with all state laws and local codes that govern the operation of an establishment which has an On-Premises retailer's permit issued by the alcoholic beverage control division, including, but not limited to, chapters governing the hours of operation, the consumption of alcohol by minors, the presence of minors on the premises where alcoholic

beverages are sold, entertainment, the conduct of patrons, and any disturbance of the peace. In addition to complying with all applicable chapters pertaining to on-premises retailers of beer and light wine and/or alcoholic beverages, no person may possess any beer, light wine, or alcoholic beverage in an Open Container, upon the premises permitted under this section (including the land, buildings, parking lot or other improvement under the possession or control of the property owner) except during the hours that establishments with on-premises retailer's permits are allowed to sell beer, light wine, or alcoholic beverages. Outside of the hours that establishments with on-premises retailer's permits are allowed to sell beer, light wine, or alcoholic beverages, no open container may be stored upon premises permitted under this section. When Property is Permitted for an Event under this section, the City may hold either the Property Owner, Lessee or both responsible and liable for a violation of this Ordinance and/or for a violation of any state law or local code governing the operation of an establishment which has an on-premises retailer's permit issued by the alcohol beverage control division. This section in no way limits or abrogates any or diminishes any other provision of law and shall be considered supplemental thereto.

Section 3. Consequences for Violations of This Ordinance Any person, including the Property Owner or Property Owner's representative who executed the Application on behalf of the Property Owner and the Lessee, as well as the Owner's representative on site found to be in violation of the provisions of this Ordinance or to have on site more attendees than stated in the application or fewer bonded security officers and required, shall be guilty of a misdemeanor and, upon conviction in Municipal Court, fined in an amount not exceeding a sum of \$500.00 for the first offense, or \$1,000.00 for any subsequent offense, and/or sentenced to serve up to 90 days in jail for the first offense, or up to six months for any subsequent offense. Additionally violations of this Ordinance may result in the denial of Applications from a Property Owner for an Event Permit under this chapter for up to six months for the first offense and up to a period of one year for any subsequent violation. Further, violations that result in, lead to, or contribute to serious injury or death, whether the result of an accident or otherwise, may result in a permanent denial of the Property Owner from receiving an Event Permit for any location owned by such Owner.

Section 4. Appeals. Property Owners or Lessees objecting to a temporary or permanent denial of an Event Permit may appeal to the Mayor and City Council for relief from such denials. Such appeals shall be filed within five (5) business days (Monday through Thursday) of such denials and shall be considered untimely thereafter. During the pendency of any such timely filed appeal, the decision or ruling of the Police Chief or his designee shall remain in effect. Property Owners and / or Lessees aggrieved by any decision of the Mayor and City Council may seek relief from such decisions by the timely filing of a bill of exceptions as allowed by Mississippi law.

Section 5. City Exempt. City of Columbus Property, including, but not limited to the Trotter Convention Center, Riverside Park and the Bridge over Riverside Park, is exempt from the provisions of this Ordinance for rental of its property and facilities.

with an effective date of September 16, 2014. The motion to adopt the ordinance was then seconded by Council Member _____. After a thorough discussion about the merits for the Ordinance, and the need for same, the Mayor called for a vote on the adoption of the Ordinance and he then recorded the votes as follows:

Council Member Taylor voted	_____
Council Member Mickens voted	_____
Council Member Box voted	_____
Council Member Turner voted	_____
Council Member Karriem voted	_____
Council Member Gavin voted	_____

The Mayor then announced that the Ordinance was passed and effective on the 16th day of September, 2014.

Robert E. Smith, Sr., Mayor

Attest:

Milton Rawle, Secretary/Treasurer