



ORD

Bk:0003 Pg:444-447

RCD: 11/22/2022 @ 1:50:03:PM

LAMAR COUNTY, MS

JAMES AULTMAN CHANCERY CLERK

**AN ORDINANCE BY THE BOARD OF SUPERVISORS OF LAMAR COUNTY,
MISSISSIPPI REGULATING ON PREMISE SALE AND CONSUMPTION OF BEER,
LIGHT WINE, LIGHT SPIRIT PRODUCT AND ALCOHOL WITHIN THE
UNINCORPORATED BOUNDARIES OF THE COUNTY**

Enforcement Ordinance # 1800

WHEREAS, The Board of Supervisors of Lamar County, Mississippi has vital governmental interest in promoting the public health, morals and safety of the County and its citizens; and

WHEREAS, The Board of Supervisors of Lamar County, Mississippi being charged with the duty to protect the health, safety and well-being of its citizens and the County itself, is vested by laws of the State of Mississippi with the power to promulgate regulations and ordinances which promote the health, safety and welfare of its citizens; and

WHEREAS, it is the finding and opinion of the Board of Supervisors of Lamar County, Mississippi that in order to preserve and safeguard the health, safety, property values, community moral standards, and the general welfare of the people, businesses and industries of Lamar County, it is in the County's best interest to regulate On Premise Sale and Consumption of Beer, Light Wine, Light Spirit Product and Alcohol within the County; and

WHEREAS, the Lamar County Board of Supervisors shall have the power to adopt reasonable ordinances regarding On Premise Sale and Consumption of Beer, Light Wine, Light Spirit Product and Alcohol pursuant to Section 19-3-40, Section 67-3-1, et al., Section 67-1-1, et.al and Section 17-1-1, et al. of the Mississippi Code Annotated; and

WHEREAS, this ordinance shall be applicable throughout all of the unincorporated areas of Lamar County, Mississippi; and

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS
OF LAMAR COUNTY, MISSISSIPPI as follows, to wit:**

A. Definitions:

1. On Premise Sale and Consumption- Shall mean any location or property obtaining a state license to sell beer, light wine, light spirit product or alcohol for on premise consumption.
2. Event Venues- Shall mean any location or property obtaining a state event venue license to sell beer, light wine, light spirit product or alcohol for on premises consumption.
3. Off premise Consumption- Shall mean any location or property obtaining a state license to sell beer, light wine, light spirit product or alcohol with no consumption on premise.
4. Brew Pubs- A restaurant that includes brewing of beer or ale. The area of brewing, including bottling or kegging, shall not exceed 25 percent of the total area of the commercial space. This includes such terms as Micro-Brewery where consumption on premises occurs.

- B. On Premises Consumption not including Event Venues
1. Any location or property that has an on premises consumption license from the State of Mississippi regulating agency for the sale of beer, light wine, light spirit product or alcohol shall have no less than 50% of the gross publicly accessible floor area, not including restrooms, available for table or booth seating.
 2. Any location or property that holds an on premises consumption license from the State of Mississippi regulating agency shall have a Mississippi Department of Health permitted kitchen operational at all times of operation.
 3. A menu of the available food for consumption shall be provided to all customers or patrons which enter and ask to purchase beer, light wine, light spirit product or any alcohol product.
 4. On site brewing licenses from the State of Mississippi regulating agency shall be allowed if no more than 25% of the gross building is used for such brewing and packaging.
 5. All locations which obtain an on-premises consumption license from the appropriate state of Mississippi agency are to be considered a restaurant for the purposes of regulating.
- C. Event Venues
1. Any location or property which obtains an event venue license from the State of Mississippi regulating agency shall follow all regulations of such license during the time such license applies.
 2. Any event venue location which operates for consumption on site during any time without obtaining the appropriate license as stated in C.1, shall adhere to the on-premises consumption regulations of this ordinance.
 3. Any event venue location which a portion of the operation, parcel, or facility operates or may operate outside of the event venue state license as issued by the appropriate state of Mississippi regulating agency shall adhere to the on-premises consumption regulations in this ordinance.
- D. Off Premise Consumption
1. All locations or properties which obtain an off-premises consumption license from the appropriate state of Mississippi agency to transport, store, sale, distribute, receive or manufacture beer, light wine, light spirit product or alcohol are to be considered either retail, warehousing, manufacturing, distribution respectively and must adhere to all state and local regulations for the purposes of regulating.
- E. Resort Status Areas
1. All locations or properties shall adhere to the Resort Status designation regulations of the appropriate state of Mississippi agency which has been obtained and currently in place. Any portion of the operation, parcel, or facility which the resort status designation does not apply shall adhere to the appropriate regulations.
- F. Variance
1. A variance may be requested through petition to the Lamar County Planning Department for consideration of the Board of Supervisors. Such Variance may only be petitioned by the current parcel owner of record and be issued to the same or to the new proposed owner of record if a contract for purchase is provided. No Variance based on a purchase contract shall continue if the purchase fails to occur.

- G. This Ordinance may be enforced by any law enforcement Officer designated by the Lamar County Sheriff or any other Law Enforcement Officer of the State of Mississippi or Enforcement Officer designated the Lamar County Board of Supervisors.

Any violation of any of the provisions of this Ordinance shall be a misdemeanor and any person who shall knowingly and willfully violate the terms, conditions or provisions of this Ordinance, for violation of which no other criminal penalty is prescribed, shall be guilty of a misdemeanor and upon conviction therefor shall be sentenced to pay a fine of not less than one hundred (\$100) nor more than five thousand dollars (\$5,000.00), or imprisonment for a term not to exceed thirty (30) days, or both such fine and imprisonment. In case of continuing violations, each day shall constitute a separate charge; however, separate violations under this chapter need not be severed for trial when the identity of parties and location exists.

In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any provision in this Ordinance shall be subject to appropriate civil action, including, but not limited to, the declaration of a public nuisance, injunctive relief or abatement, damages, and sanctions in any court of competent jurisdiction.

- H. The Lamar County Board of Supervisors reserves the right to amend this Ordinance in the future as needed.
- I. This Ordinance shall take effect on the 22nd day of December 2022.
- J. The Clerk of this board is hereby directed to publish this Ordinance one (1) time in a local newspaper.

The above and foregoing Ordinance, after having been first reduced to writing, and discussed and considered by the Board, was moved for adoption upon the Motion of Supervisor Steven Lampton seconded by Supervisor Dale Lucus. Thereupon the matter was put to a roll call with the results as follows:

Warren Byrd, President- Yea

Steve Lampton, Vice President-Yea

Mitch Brent- Yea

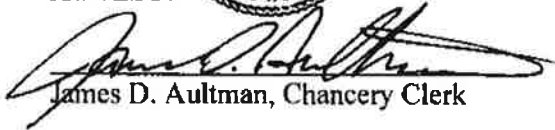
Dale Lucus- Yea

Terry Bass- Not Present

WHEREUPON, the President of the Board declared the Motion carried and the Ordinance so adopted on this the 21st day of November, 2022.



ATTEST:


James D. Aultman, Chancery Clerk


Warren Byrd
President of the Board of Supervisors

LAMAR COUNTY, MS JAMES AULTMAN
I CERTIFY THIS INSTRUMENT WAS FILED ON 11/22/2022 1:50:03 PM AND RECORDED IN ORD BOOK:0003 PAGE:444