

CITY OF BILOXI
AGENDA ITEM
FACT SHEET

Item No.: 4 H

Council Meeting Date: September 19, 2023

ITEM TITLE: ORDINANCE (2nd Reading)

INTRODUCED BY: Mayor Andrew "FoFo" Gilich

CONTACT PERSON: E. Michael Leonard, CAO *ML*

Peter Abide, City Attorney

SUMMARY EXPLANATION:

Ordinance to amend Chapter 12 - Licenses and Business Regulations to add Article XIV - Alcoholic Beverages; Consumption and Storage on Unlicensed Premises.

Resolution _____ Ordinance Public Hearing _____ Routine Agenda _____

Exhibits for Review

Contract _____ Minutes _____ Plans/Maps _____ Deed _____ Lease _____

Other (Specify):

Submittal Authorization: Council President _____ Mayor

STAFF RECOMMENDATION: Mayor recommend approval.

COUNCIL ACTION: Motion By: Glavan Second By: Barrett

Vote:	<u>Councilmember</u>	<u>Yes</u>	<u>No</u>	<u>Other</u>	<u>Councilmember</u>	<u>Yes</u>	<u>No</u>	<u>Other</u>
Lawrence	_____	_____	_____	_____	Tisdale	_____	_____	_____
Gines	_____	_____	_____	_____	Glavan	_____	_____	_____
Newman	_____	_____	_____	_____	Barrett	_____	_____	_____
Deming	_____	_____	_____	_____				

ACTION TAKEN: First reading on september 12, 2023

Ordinance No.

ORDINANCE TO AMEND CHAPTER 12 – LICENSES AND BUSINESS REGULATIONS
TO ADD ARTICLE XIV – ALCOHOLIC BEVERAGES; CONSUMPTION AND STORAGE
ON UNLICENSED PREMISES

WHEREAS, the City is in the process of updating its ordinances pertaining to licenses and business regulations; and

WHEREAS, the Biloxi City Council finds that it is in the best interests of the health, safety and welfare of the residents of Biloxi that City ordinances addressing licenses and business regulations be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI:

SECTION ONE: That Chapter Twelve be amended as follows:

ARTICLE XIV. – ALCOHOLIC BEVERAGES; CONSUMPTION AND STORAGE ON UNLICENSED PREMISES

Sec. 12-14-1 Definitions.

The following phrases or terms whenever used or referred to in this chapter shall have the following meaning:

- (a) Alcoholic Beverage shall mean any intoxicating, alcoholic liquid as defined by Section 67-1-5 of the Mississippi Code of 1972, as annotated and amended and wines and beer as those terms are used in Section 67-3-1, et, seq of the Mississippi code of 1972, as annotated and amended.
- (b) Consume or Consumption shall mean any ingestion of alcoholic beverages, beer and light wine or the possession of any alcoholic beverages, beer and light wine in any type of drinking container or in any bottle, can or other container upon which the seal, cork or cap has been opened.
- (c) Premises shall mean the building in which the public or private commercial establishment is located and the land, parking lot and improvements connected with or serving such establishment, which land, parking lot and improvements are under the possession or control of the proprietor of such establishment.
- (d) Public or Private Commercial Establishment shall mean any store, restaurant, bar, lounge, club, lodge, fraternal order meeting place, or any other business, whether for profit or not-for-profit, which is not the holder of an alcoholic beverage permit issued by the Alcoholic Beverage Control Division of the Mississippi State Tax Commission, which charges or accepts revenue of any type in exchange for goods, sources, membership, or admittance.

- (e) Store or Storage shall mean to accept, hold, refrigerate, or receive any alcoholic beverage, beer or light wine or container thereof not owned or sold by the proprietor of a public or private commercial establishment as defined herein.

Sec.12-14-2. Hours of Consumption.

No person, partnership, or corporation, nor any agent or employee thereof, operating a public or private commercial establishment shall permit the consumption of alcoholic beverages, beer, or light wine on the premises of such establishment between the hours of Midnight and 7:00 a.m.

Sec. 12-14-3. Storage.

No person, partnership, corporation, or employer or agent thereof, which operates a public or private commercial establishment shall store any alcoholic beverage, beer or light wine not owned by said person, partnership or corporation, between the hours of Midnight and 8:00 a.m., unless otherwise permitted by the laws of the State of Mississippi; provided, however, that nothing in this section shall be construed to permit the storage of alcoholic beverages, beer or light wine at any time on Sunday except between the hours of 12:00 noon and 10:00 p.m.

Sec. 12-14-4. Penalties.

Any person or entity which shall be found to have violated this section shall be subject to a fine not exceeding One Thousand Dollars (\$1,000), or imprisonment not exceeding ninety (90) days, or both. Additionally, any person or entity found in violation of this section may result in the revocation of any business or privilege license by the City of Biloxi.

Sec. 12-14-5. Limitation.

Nothing in this section shall be construed to authorize, legalize, protect or condone the sale, distribution, possession, storage, consumption or giving away of any alcoholic beverage, beer or light wine which are controlled or not permitted by the owner or proprietor or any public or private commercial establishment.

Sec. 12-14-6. Severability.

In the event that any portion of this section is ruled invalid by a court of competent jurisdiction, the remainder of this chapter shall remain in full force and effect.

SECTION TWO: This Ordinance shall become effective as soon thereafter as is signed, certified, and as is otherwise provided by law.