

AN ORDINANCE OF RANKIN COUNTY, MISSISSIPPI PROVIDING FOR THE  
REGULATION AND RETAIL SALE OF BEER AND LIGHT WINE

As Amended on the 31<sup>st</sup> day of March, 2022

WHEREAS, on the 23<sup>rd</sup> day of December, 1991, Rankin County, Mississippi, by and through its Board of Supervisors, passed a Corrected Ordinance Relating to the Retail Sale of Beer and Light Wine; and

WHEREAS, the December 23, 1991 Corrected Ordinance Relating to the Retail Sale of Beer and Light Wine was amended on March 19, 1992, September 3, 1996, July 7, 1998, November 15, 1999, October 15, 2009, November 7, 2011, June 13, 2014 and March 15, 2018; and

WHEREAS, the Rankin County Board of Supervisors finds it to be in the best interest of all citizens of Rankin County, Mississippi, to revise the March 15, 2018, amended ordinance at Paragraph 5(d) thereof; and

WHEREAS, the provisions of this Ordinance should be made effective immediately upon passage; and

NOW, THEREFORE, BE IT ORDAINED BY RANKIN COUNTY, MISSISSIPPI, by and through its Board of Supervisors, that the December 23, 1991 Corrected Ordinance Relating to the Retail Sale of Beer and Light Wine and the amendments thereto enacted on March 19, 1992, September 3, 1996, July 7, 1998, November 15, 1999, October 15, 2009, November 7, 2011, and June 13, 2014, and March 15, 2018 **are hereby repealed and replaced by this Ordinance.**

## SECTION 1: SALES AUTHORIZED

Subject to the provisions of this ordinance, the sale of beer and light wine containing an alcohol content not exceeding the maximum amount of alcohol by weight allowed under Mississippi law shall be allowed within Rankin County, Mississippi.

## SECTION 2: PRIVILEGE LICENSE REQUIRED

Any person, partnership, firm or corporation desiring to engage in the business of selling beer or light wine at retail shall pay the county a privilege license tax at the same rate as that imposed by Sections 27-71-303 and 27-71-345 of the Mississippi Code of 1972, annotated and as amended, for the purpose of engaging in such business and shall file with the Tax Collector of Rankin County, Mississippi an application showing that said person, partnership, firm or corporation possesses all the requirements provided for in this ordinance. Further, said applicant shall present with the application a permit as required by Sections 67-3-17 and 67-3-23 of the Mississippi Code of 1972, annotated and as amended. All such county privilege licenses shall be applied for and renewed annually. Said licenses shall be displayed conspicuously in licensee's place of business and shall not be transferable. It shall be unlawful for any person, partnership, firm or corporation to engage in the business of the retail sale of beer or light wine, without having first applied for and obtained from the Tax Collector a privilege license to engage in such business as aforesaid.

## SECTION 3: APPLICATION REQUIRED

Any person, partnership or corporation desiring a license to sell beer at retail or desiring to renew such a license to sell beer shall file an application with the Tax Collector in the form of a sworn statement giving the address of each partner or member and, if a corporation, the names of two principal officers, the post office address and the nature of business in which engaged. In

case any business is conducted by the same person, partnership, firm or corporation at two or more separate places, a separate license for each location of business shall be required.

The applicant shall further show in his sworn application for a license that he, the partnership, firm or corporation possesses the following qualifications:

(a) Applicant must be over 21 years of age and a person of good moral character, a citizen of the United States and in the state of Mississippi.

(b) Applicant shall not have been convicted in this or any other state of a felony or of pandering or of keeping or maintaining a house of prostitution.

(c) Applicant shall not have been convicted in this or any other state within five (5) years preceding the date of his application of any laws of this or other states or of the United States relating to alcoholic beverages or gambling or have had revoked any license or permit to sell alcoholic beverages of any kind within said period of time.

(d) Applicant shall be the owner of the premises for which the permit is sought or the holder of a bona fide written lease thereupon.

(e) If applicant is a partnership or firm, all members of the partnership or firm must be named and shall be qualified to obtain a license.

(f) If applicant is a corporation, all officers and directors thereof and any stockholder owning more than 5% of the stock of such corporation and the person or persons who shall conduct and maintain the licensed premises for the corporation shall possess all the qualifications required herein for an individual permittee; provided however, that the requirements as to residents shall not apply to officers, directors and stockholders of such corporation, but such requirements shall apply to any officer, director or stockholder who is also the manager of the licensed premises or who is engaged or employed at the licensed premises in any capacity, in the conduct or operation of the licensed premises.

#### SECTION 4: LOCATION TO BE IDENTIFIED

In addition to the foregoing information required as to said application, the said application shall give the location of the proposed site for such sale and the Board of Supervisors reserve the right to determine whether or not such business shall be permitted to conduct the sale of beer and light wine at such location and no permit shall be granted to any person, firm, partnership or corporation where it is apparent that the same shall be conducted in such close proximity to any

church sanctuary, school main entrance, funeral home or kindergarten as might prove harmful to the general welfare, health and morals of the community. Under no circumstances shall such business be located closer to any church, funeral home, school or kindergarten, than 500 feet measured from the front door of said business along the center line of the street to the front door of any such church, sanctuary, school main entrance or kindergarten, as said doors were situated on November 20, 1991. The restriction as to the location of such business shall not apply if said premises has already been licensed under the terms of this ordinance prior to the construction or operation of any such church, school, funeral home or kindergarten.

#### SECTION 5: GENERAL RESTRICTIONS

Subject to Section 15 hereof, it shall be unlawful for any person, partnership, firm, business or corporation within Rankin County, Mississippi:

(a) To sell beer or light wine in any type business establishment other than a grocery store or convenience store. Further, that a grocery store or convenience store is hereby declared to be a store deriving 50% or more of its gross sales from the sale of groceries and if such a store or business does not derive 50% or more of gross sales from the sale of groceries, the said business or store shall not qualify for the sale of beer and light wine. In determining gross sales of groceries the sale of gasoline shall not be included.

(b) To sell, dispense or give beer or light wine to anyone before 7:00 a.m. or after 11:00 p.m.

(c) [Repealed].

(d) To sell, dispense or give beer or light wine to anyone in a quantity of less than a four pack excepting that the sale of beer in kegs and sale of light wine in 750 ml and 1.5 liter container sizes will be permitted. *The provisions of this subsection (d) notwithstanding, it shall be lawful for retailers identified in subsection (a) hereof to dispense and sell frozen light wine and/or frozen malt beverage products dispensed from a frozen drink machine in accordance with Mississippi Department of Revenue Notice 72-17-003, and such amendments or revisions thereto as accepted and approved by the Rankin County Board of Supervisors. Retailers shall only use frozen drink mixture provided by a light wine or malt beverage distributor licensed by the Mississippi Department of Revenue. Each serving shall be a minimum of 750 ml or 25 fluid ounces and shall be dispensed by the retailer only in a container with a tamper evident seal cap so as not to be consumed until the consumer reaches their off-premises destination. The frozen*

*dispensing machine or machines contemplated by this ordinance shall be situated by the retailer such that no customer has access to the machine(s).*

(e) It shall be unlawful for any person, firm, partnership or corporation within Rankin County, Mississippi to permit consumption of beer or light wine on the premises of the store or business establishment selling beer or light wine or to have open containers or same on said premises and it shall be unlawful to have open containers of beer or light wine in automobiles or on public property, unless exempted by Section 15 of this Ordinance.

(f) To sell, give or furnish any beer or light wine to any person visibly or noticeably intoxicated or to any insane person or to any habitual drunkard or to any person under the age of 21 years.

(g) To permit on the premises of any place licensed to sell beer or light wine any lewd, immoral or improper entertainment or conduct or practices.

(h) To permit loud, boisterous or disorderly conduct of any kind upon the premises of any place licensed to sell beer or light wine or to permit the use of loud musical instruments if either or any of the same disturb the peace and quietude of the community wherein such business is located or to operate pinball machines, pool tables or other coin operated amusement machines with the exception of juke boxes, unless the establishment has 50% or more gross grocery sales receipts.

(i) To permit persons of ill repute, known criminals, prostitutes or minors to frequent said licenses premises, except minors accompanied by parents or guardians or under proper supervision.

(j) To permit or suffer gambling or the operation of games of chance upon the licensed premises.

(k) To throw, leave or put beer or light wine cans or bottles on the streets, avenues and road of Rankin County, Mississippi or to throw, leave or put beer or light wine cans or bottles upon the property of anyone except the person or persons possessing said cans or bottles.

(l) To receive, possess or sell on the premises any beverage of any kind or character containing more than the maximum alcohol by weight allowed under Mississippi law.

(m) To sell, dispense or give away beer or light wine without having paid the privilege tax to Rankin County, Mississippi as provided by this ordinance.

(n) To sell beer or light wine to any person knowing that the person to whom the beer or light wine is sold is buying the same for a person under the age of 21 years.

(o) To serve beer or light wine from the place of business to a person or persons in an automobile or automobiles in the form of curb service.

(p) To work or employ anyone under 18 years of age in said place, business or establishment where beer or light wine is sold except under proper and constant supervision of the adult owner or owners or an adult employee or employees.

#### SECTION 6: PARENTAL CONSENT/OTHER

A person who is at least eighteen (18) years of age but under the age of twenty-one (21) years may possess and consume beer or light wine with the consent of his parent or legal guardian in the presence of his parent or legal guardian and it shall not be unlawful for the parent, legal guardian or spouse of such person to furnish beer or light wine to such person who is at least eighteen (18) years of age.

A person who is at least eighteen (18) years of age and who is serving in the armed services of the United States may lawfully possess and consume beer or light wine on military property where the consumption of beer or light wine is allowed.

A person who is above the age of eighteen (18) and under twenty-one (21) years of age shall not be deemed to unlawfully possess or furnish beer or light wine if in the scope of his employment such person:

- (a) Clears or buses tables that have glasses or other containers that contain or did contain beer or light wine;
- (b) Waits on tables by taking orders for beer or light wine; or
- (c) Stocks, bags or otherwise handles purchase of beer or light wine at a store.

#### SECTION 7: UNLAWFUL PURCHASES

It shall be unlawful for any retailer to possess for the purpose of sale, to sell or offer to sell any beer or light wine which was not purchased from a wholesaler in this state who has a permit to sell such beer or light wine. It shall be unlawful for any wholesaler to possess for purpose of

sale, to sell or offer to sell any beer or light wine which was not purchased from a manufacturer or importer of a foreign manufacturer authorized to sell such beer or light wine in this state.

#### SECTION 8: RIGHT OF INSPECTION

The Board of Supervisors of Rankin County, Mississippi shall have the power and authority to demand the inspection of all invoices, sales tax reports and other business papers or records which would reflect the true amount of sales being made by a licensed business being derived from the sale of groceries. The Board of Supervisors shall have the right to demand such records at least quarterly or more often, if the Board of Supervisors shall have any reason to believe that the business selling is not deriving 50% or more of gross sales for the sale of groceries. The failure to furnish said records to the Board of Supervisors or to any designated employee of the Board of Supervisors shall be a violation of the ordinance and shall be punishable as herein provided. Further, the Board of Supervisors shall immediately revoke the license of any person, partnership, firm or corporation refusing to furnish said records to the Board of Supervisors or any designated employee of the Board of Supervisors.

#### SECTION 9: CONSUMPTION RESTRICTIONS

It shall be unlawful for any person within the limits of Rankin County, Mississippi to consume beer or light wine on the streets, avenues, sidewalks, alleys or publicly owned property, except as authorized by Section 15 hereof. Further, no beer or light wine shall be consumed in automobiles either parked or while moving.

#### SECTION 10: AGE RESTRICTION

It shall be unlawful for any person within Rankin County, Mississippi to possess, give, buy or receive beer unless 21 years of age or older.

## SECTION 11: PENALTY FOR VIOLATION

The Board of Supervisors shall suspend or revoke the license of any retailer of beer or light wine who has been convicted of violating this ordinance and such revocation of a license shall be in addition to and not in lieu of a limitation of any other penalty provided by this ordinance.

Any person, partnership, firm or corporation violating any provision of this ordinance shall be fined not in excess of \$500.00 or imprisoned in jail for not in excess of six (6) months or be punished by both such fine and imprisonment and each and every violation shall be a separate offense and separate fines and imprisonment may be assessed for each offense.

## SECTION 12: OTHER PENALTIES

Except as otherwise provided by Section 6, any person under the age of twenty-one (21) years who purchases or possesses any beer or light wine be guilty of misdemeanor and upon conviction shall be punished by a fine of not less than \$25.00 nor more than \$500.00 and/or a sentence to not more than 30 days community service.

Any person under the age of 21 years who falsely states he is 21 year of age or older or presents any document that indicates he is 21 years of age or older for the purpose of purchasing or possessing any beer or light wine shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$25.00 nor more than \$500.00 and/or a sentence to not more than 30 days community service.

Except as otherwise provided by Section 6, any person who knowingly purchases beer or light wine for or give or makes available beer or light wine to a person under the age of 21 years shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$100.00 nor more than \$500.00 and/or a sentence, to not more than 30 days community service.



The term "community service" as used in this section shall mean work, projects or services for the benefit of the community assigned, supervised and recorded by appropriate public officials.

#### SECTION 13: RESTAURANTS

Notwithstanding any of the other provisions of this ordinance, the sale of beer or light wine by the drink shall be lawful within restaurants and cafes. Restaurants and cafes shall be defined as those establishments which are in the business of preparing and serving food for consumption within the premises and who derive 75% of their gross receipts from the sale of such prepared food. Such sales shall be permitted between the hours of 11:00 a.m. and 12:00 midnight. No restaurants may serve beer or light wine outside an enclosed structure.

#### SECTION 14: OUTDOOR ADVERTISING

It shall be unlawful for any person, firm, partnership or corporation licensed by Rankin County, Mississippi to sell beer or light wine to advertise the sale of such beer by the use of any type of sign located outside the building or by the use of any type sign located within said building which is visible from the outside.

#### SECTION 15: RECREATION SALES

Notwithstanding any of the other provisions of this Ordinance, the sale of beer or light wine by the drink shall be permitted at any golf course or country club wherein there exist 9 or more regulation golf holes, to be consumed only on the premises between the hours of 11:00 a.m. and 12:00 midnight. Further, notwithstanding any of the other provisions of this Ordinance, the sale of beer or light wine by the drink shall be permitted at any event sponsored by the Pearl River Valley Water Supply District conducted exclusively on the premises of any public park owned or controlled by the Pearl River Valley Water Supply District to be consumed solely on the premises

of a public park owned or controlled by Pearl River Valley Water Supply District between the hours of 11:00 a.m. and 12:00 midnight.

SECTION 16: CHANGES IN ALLOWABLE ALCOHOL CONTENT BY WEIGHT

This ordinance shall apply to, regulate and control the retail sale of any and all beer and light wine in the county in conformity with the maximum allowable alcohol content as may be established by the laws of the State of Mississippi from time to time.

ADOPTED as an official ordinance of the Rankin County Board of Supervisors, on this the 31<sup>st</sup> day of March, 2022.

RANKIN COUNTY BOARD OF SUPERVISORS

BY:   
BOARD PRESIDENT

ATTEST:

  
CLERK OF THE BOARD *by: W. McCoy*

