

ORDINANCE NUMBER 907

OF THE

CITY OF PICAYUNE, MISSISSIPPI

**AN ORDINANCE AMENDING SECTION 10-114(1) OF THE
CITY OF PICAYUNE CODE OF ORDINANCES REGARDING THE
RETAIL SALE OF BEER AND LIGHT WINE BY A
BUSINESS WHICH DOES NOT HAVE QUALIFIED
RESORT STATUS WITHIN THE
CORPORATE LIMITS OF THE CITY OF PICAYUNE**

WHEREAS, the Mayor and City Council in and for the City of Picayune find that it is desirable and necessary to amend Section 10-114(1) of the City of Picayune Code of Ordinances regarding the retail sale of beer and light wine by a business which does not have qualified resort status within the corporate limits of the City Picayune under Ordinance No. 882 (Code of Ordinance Sections 10-142 through 10-151).

WHEREAS, the Mayor and City Council find that it should adopt distance restrictions for the retail sale of beer and light wine by a business that does not have a qualified resort status pursuant to Ordinance No. 882.

WHEREAS, the Mayor and City Council find that It should amend the distance restrictions set out in City of Picayune Code of Ordinance Section 10-114(1) for sale of retail beer and light wine to make same uniform with the distance restrictions set out in Ordinance 882.

NOW THEREFORE, BE IT Ordained by the Mayor and City Council of the City of Picayune, that City of Picayune Code of Ordinance Section 114(1) be, and the same shall be amended as follows, to-wit:

SECTION - ONE

1. That Section 114(1) of the Picayune Code of Ordinances shall be amended to read as follows, to-wit:

“To sell, store, dispense, furnish or give away Alcoholic Beverages defined as any alcoholic liquid, including light wines or beer, of less than eight percent (8%) of alcohol by weight, capable of being consumed as a beverage by a human being as provided for in Section 67-3-5, Mississippi Code of 1972, but shall not include native wines within one hundred (100) feet from a building housing a church, school, daycare, kindergarten or funeral home regardless of the zoning classification in which a church, school, daycare, kindergarten or funeral home is located. The one hundred (100) feet shall be measured in a straight line from the point on the building or common wall housing the holder of the permit nearest to the nearest point on the building or common wall housing the church, school, daycare, kindergarten, funeral home.

- a. **A church or funeral home may waive the distance restrictions in favor of allowing issuance of a retail permit to sell beer and light wine by a business, which does not have qualified resort status pursuant to Ordinance No 882. Such waiver shall be in written form from the owner, governing body or the appropriate officer of the church or funeral home having the authority to execute such a waiver, and the waiver shall be filed with the City Clerk or her designee and shall be approved by the City Council before becoming effective.**

- b. **Any building housing a business selling beer or light wine on August 6, 1981, that is subject to this distance restriction set forth herein may continue to sell such beer or light wine from said building unless such beer or light wine is not sold in that building for a period of six (6) months. After six (6) months with no beer or light wine sales from that location, the terms of this subsection shall be in effect.”**

SECTION - TWO

SEVERABILITY, CONFLICT AND EFFECTIVE DATE

Should any section, clause, paragraph, provision, or part of this Ordinance for any reason be held invalid or unconstitutional by any Court of competent jurisdiction, this act shall not affect the validity or any other section, clause, paragraph, provision, or part of this ordinance. All provision of this Ordinance shall be considered separate provision, and completely severable from all other portions.

Conflict in any case where a provision of this ordinance is found to be in conflict with the provision of any other ordinance or code of the City of Picayune, Mississippi, existing on the effective date of this Ordinance, the provisions of this Ordinance shall take precedence.

This Ordinance shall become effective thirty (30) days after its adoption and publication by the Mayor and City Council of the City of Picayune, Pearl River County, Mississippi.

The foregoing Ordinance, having first been reduced to writing, was moved upon by Council member Breland and seconded by Council member Gouguet, and voted upon as follows:

VOTING YEA: Mayor Ed Pinero, Council Members Breland, Gouguet, Bumpers and Lane

VOTING NAY: None.

NOT VOTING: None.

NOT PRESENT: Council Member Watkins

The motion having received the affirmative vote of the majority of the members present, the Mayor declared the motion carried and the Ordinance passed, approved, and adopted on this the 21st day of May, 2013.

ED PINERO, Mayor

ATTEST:

City Clerk

Published: August 1, 2013