

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY
OF FOREST, MISSISSIPPI:

ORDINANCE # 499 OF THE MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF FOREST, MISSISSIPPI REGULATING THE SALE,
DISTRIBUTION, AND POSSESSION OF ALCOHOLIC BEVERAGES
WITHIN THE CITY LIMITS OF FOREST, MISSISSIPPI

WHEREAS, pursuant to section 21-17-5 M.C.A., the Mayor and Board of Aldermen of the City of Forest, Mississippi have authority to adopt any orders, resolutions, or ordinances with respect to the municipal affairs of the City of Forest, Mississippi, which are not inconsistent with the Mississippi constitution of 1890, the Mississippi code of 1972, or any other statute or law of the state of Mississippi; and

WHEREAS, pursuant to section 21-13-1 M.C.A., the governing authorities of municipalities shall have the power to pass all ordinances and enforce same; and

WHEREAS, the qualified electors of the City of Forest, Mississippi participated in an election on June 3, 2025 on the issue of whether or not the sale, distribution, and possession of alcoholic beverages shall be legal in the City of Forest, Mississippi; and

WHEREAS, a majority of the qualified electors of the City of Forest, Mississippi voted for the legal sale of alcoholic beverages in the manner provided for in section 67-1-14 M. C.A.; and

WHEREAS, the election has been properly certified; and

WHEREAS, the Mayor and Board of Aldermen of the City of Forest, Mississippi, find that it is necessary and appropriate to adopt an ordinance pursuant to section 67-1-14 M.C.A., which provides that if in the election a majority of the qualified electors voting in the election shall vote "for the legal sale of alcoholic liquors," then the Mayor and Board of Aldermen "shall pass the necessary order permitting the legal sale of such alcoholic beverages in such municipality"; and

WHEREAS, the Mayor and Board of Aldermen find that it will promote the public health, morals, and safety of our citizens to provide reasonable rules and regulations governing the sale, distribution, and possession of alcoholic beverages as provided within this ordinance; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF FOREST MAYOR AND BOARD OF ALDERMEN AS FOLLOWS:

SECTION 1. It shall hereafter be unlawful for any person or vendor to expose for sale, offer for sale, sell, serve, or dispense beer and/or alcohol in any establishment where

beer and/or alcohol is sold or stored for sale during the prohibited hours as defined in this ordinance.

No "person or vendor" shall serve or dispense beer and/or alcohol in any establishment where the drinking or consumption thereof is permitted in, on, or about the premises unless such establishment be a restaurant which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable seating facilities for guests and has suitable kitchen facilities connected therewith for cooking an assortment of foods and meals commonly ordered at various hours of the day and from which establishment receives fifty per centum (50%) or more of the revenue derived from the preparation, cooking and serving of meals and not from the sale of beer and/or alcohol and within which establishment there shall be maintained at least two (2) sanitary restrooms.

Every establishment that sells, offers for sale, serves, or otherwise dispenses beer and/or alcohol beverages, and served within the premises for consumption, upon appropriate request, shall allow the City, through its designee, proper documentation of the sale of at least fifty per centum (50%) or more of prepared food daily, and said establishment shall provide said documentation by any reasonable accounting method.

It shall hereafter be unlawful for any person or vendor to sell, offer for sale, or dispense beer and/or alcohol within 500 feet of any church or church property, school or school property, and daycare or daycare property.

SECTION 2. DEFINITIONS

Except as otherwise defined herein, this Ordinance shall be deemed to apply the definitions to terms that are provided by state law as state law now exists or is hereafter amended or adopted, including, where applicable, the Rules and Regulations of the Mississippi Department of Revenue (Alcohol Beverage Control) in connection with the subjects of alcoholic beverages, including but not limited to, those definitions appearing in Mississippi Code Annotated Section 67-1-5 as currently defined or as hereafter amended and revised. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ALCOHOL shall mean the product of distillation of a fermented liquid of any origin, and includes synthetic ethyl alcohol, but does not include denatured or wood alcohol.

ALCOHOLIC BEVERAGES shall mean any alcoholic liquid, including wines of more than seven percent (7%) of alcohol by weight, capable of being consumed as a beverage by

a human being, but shall not include light wine and beer, as defined in Section 67-3-3, of the Mississippi Code of 1972 and shall also include native wines.

ANCILLARY LIQUOR STORE shall mean a Liquor Store owned and operated by an attached grocery store (excluding convenience grocery stores) and shall serve as complimentary or secondary use to the primary retail sales of the grocery store.

BEER shall mean beer of an alcoholic content of not more than eight per centum by weight.

CONSUME OR CONSUMPTION shall mean any ingestion of alcoholic beverages or the possession of any alcoholic beverages in any type of drinking container or in any bottle, can or other container upon which the seal, cork or cap has been opened.

ESTABLISHMENT shall mean any area or part of any building or structure situated within the City of Forest, Mississippi in which establishment beer and/or alcohol is stored or kept for sale, offered for sale, sold, served, or dispensed under license by the Commissioner as defined in Section 67-3-5, Miss. Code of 1972, or any part of said structure, or any building or structure that has any door, or other passageway that could in any manner be used or utilized as a means of access, ingress, or egress into the area where beer and/or alcohol is so kept or offered for sale, sold or dispensed.

INDEPENDENT LIQUOR STORE shall mean an independently owned and operated Liquor Store, excluding those defined as Ancillary Liquor Stores in this ordinance.

LICENSED PREMISES shall mean the land, grounds and buildings used by any person, firm, corporation, or other entity in the operation of any business for which they hold a privilege license issued by the City of Forest, Mississippi, for the purpose of selling liquor.

LICENSEE shall mean any person, firm or corporation or other entity who has been issued a license or permit by the State of Mississippi and/or the City of Forest, Mississippi, which authorizes or permits the sale of alcoholic beverages or beer for retail sales or on premises consumption, or the agents, servants, and employees of such firm, corporation or other entity.

LIQUOR STORE shall mean a store exclusively for the retail sale of sealed and unopened alcoholic beverages or "package retailer" as permitted by the Department of Revenue and defined in Title 35, Part II of the Mississippi Administrative Code.

OPEN CONTAINER shall mean the container of an alcoholic beverage, which has been opened so as to allow its contents to be consumed and shall include any container on which the seal has been broken.

PERMITTEE shall refer to any individual or entity who is a holder of a State of Mississippi permit to sell alcoholic beverages.

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.

PACKAGE STORE shall mean a business that sells alcoholic beverages in sealed containers for off-site consumption. Package stores are also permitted to sell other beverages, such as wine glasses, mixers, and soft drinks.

PUBLIC PLACE is any property situated within the City of Forest, Mississippi, open to the public, regardless of the ownership of the area, which the general public is invited or in which the general public is permitted, which is maintained for use for vehicular traffic, parking motor vehicles, public parks, playgrounds, public buildings, schools, or for pedestrian travel, including but not limited to streets, sidewalks, parking lots, bays and parking areas on public streets. means a church or any area to and any area owned or controlled by a municipality, county, state or federal government, including, but not limited to, streets, sidewalks or other forms of public transportation. Such term shall not mean a private residential dwelling.

RESTAURANT shall mean a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation, which has suitable seating facilities for guests, and which has suitable kitchen facilities connected therewith for cooking an assortment of foods and meals commonly ordered at various hours of the day. No place shall qualify as a restaurant under this chapter unless fifty (50) percent or more of the revenue derived from such place shall be from the preparation, cooking and serving of meals and not from the sale beverages or unless the value of food given to and consumed by customers is equal to fifty (50) percent or more of total revenue. See also Mississippi Code Annotated Section 67-1-5(m)(i)-(ii).

RETAIL PLAZA shall mean any shopping center, strip mall, or comparable development comprising multiple businesses housed within the same structure, each with a separate entrance. For the purposes of this ordinance, when a liquor store is located within a retail plaza, all distance measurements shall be taken exclusively from the boundaries of the unit occupied by the liquor store.

SCHOOL means an institution for the teaching of children, consisting of a physical location, whether owned or leased, including instructional staff members and students, and which is in session each school year. This definition shall include, but not be limited to, public, private, church and parochial programs for kindergarten, elementary, junior high and high schools. Such term shall not mean a home instruction program.

WINE shall mean any product obtained from the alcoholic fermentation of the juice of sound, ripe grapes, fruits and/or berries, and made in accordance with revenue law of the United States.

SECTION 3. HOURS

Package stores

- Package stores may open for business from 10:00 a.m. to 10:00 p.m., Monday through Saturday.
- Package stores are not allowed Sunday sales and may not open on Christmas Day.
- On New Years Eve, all on-premises permittees may remain open until 12:00 a.m. New Years Day.
- Sales of alcoholic beverages are not limited or restricted on election days.

BEER AND LIGHT WINE SALES PROHIBITED HOURS

- All hours after 12:01 A. M. of each day in the year and all hours before 7:00 A.M. of the such day; and in addition, thereto:
- From 11:59 P. M. on each Saturday of the year until 7:00 A.M. of the following Monday morning; and in addition thereto:
- All hours of the following day: Christmas.

SECTION 4. INDEPENDENT LIQUOR STORE

Independent Liquor Stores shall not be located within five hundred (500) feet of any platted residential subdivision entrance recognized by the Mayor and the Board of Alderman, without first receiving a variance in accordance with the City of Forest's Development Code. Distance shall be measured in a straight line from the intersection of right-of-way centerlines to the front door of the Independent Liquor Store. Independent Liquor Stores shall be no less than 1,000 sq. ft'. Independent Liquor Stores shall not be located within five hundred (500) feet of any church, funeral home, school, park, housing for the elderly complexes, or kindergarten or child-care facility. Distances shall be measured in a straight line from the nearest point of the building to the nearest point of the building housing the proposed store. Independent Liquor Stores, as defined in this ordinance, shall not be located within 1,500 feet from any other Liquor Store. Distances shall be measured in a straight line from the nearest point of the building to the nearest point of the building housing the proposed Independent Liquor Store. Independent Liquor

Stores shall be allowed only in zone C-3. Independent Liquor Stores Must be permitted by the Mississippi Department of Revenue and comply with all rules and regulations of the Alcoholic Beverage Control Division as defined in Title 35, Part II of the Mississippi Administrative Code; and Title 67, Chapter I of the Mississippi Code.

SECTION 5. ANCILLARY LIQUOR STORES

Ancillary Liquor Stores shall be subordinate in area and purpose to the attached principal grocery with a maximum gross floor area not to exceed 20% of the principal grocery's gross floor area and shall not exceed maximum area of 10,000 sq. ft'. The gross floor area of the liquor store shall be calculated separately and in addition to the principal grocery's gross floor area and not as part thereof. Ancillary Liquor Stores must be attached to the principal grocery by a common wall and be located on the same parcel. Ancillary Liquor Stores, as defined in this ordinance, shall not be located within 1,500 feet from any other Liquor Store. Distances shall be measured in a straight line from the nearest point of the building to the nearest point of the building housing the proposed Ancillary Liquor Stores. Ancillary Liquor Stores shall be allowed only in zone C-3. Ancillary Liquor Stores must be permitted by the Mississippi Department of Revenue and comply with all rules and regulations of the Alcoholic Beverage Control Division as defined in Title 35, Part II of the Mississippi Administrative Code; and Title 67, Chapter I of the Mississippi Code.

SECTION 6. APPLICATIONS

All applications for new license shall have attached a copy of a plat of the premises showing property lines, parking areas and buildings.

All applications for a new license or renewal shall have attached a copy of the applicant's State permit for sale of liquor.

QUALIFICATIONS OF APPLICANT

An applicant for a license under this article shall show in his sworn application therefore that he possesses the following qualifications:

- (1) Applicant must be over twenty-one (21) years of age, a person of good moral character, a citizen of the United States, and a resident of the State of Mississippi.
- (2) Applicant shall not have been convicted in this or any other State of a felony, or any felony under the Federal laws of the United States, or of pandering or keeping a house of prostitution.
- (3) Applicant shall not have been convicted in this or any other State, within two (2) years preceding the date of the application, of any laws of this or other States, or of the United

States, relating to alcoholic beverages or beer, or gambling, or have had revoked any license or permit to sell alcoholic liquids of any kind.

(4) Applicant shall be the owner of the premises for which the license is sought or the holder of a Bonafide written lease thereon.

(5) If applicant is a co-partnership, all members of the co-partnership must be named and shall be qualified to obtain a license.

(6) If applicant is a corporation, all officers and directors thereof, and any stockholders owning more than five percent (5%) of the stock of such corporation, and person or persons who shall conduct and manage the licensed premises for the corporation shall possess all the qualifications required herein for an individual licensee; provided, however, that the requirements as to the residence shall not apply to officers, directors, and stockholders of such corporation, but such requirement shall apply to any officers, 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

(7) Applicant shall not be residentially domiciled with any person whose license or permit has been revoked for cause within two (2) years preceding the date of the present application for licensing.

Any misstatement or concealment of fact in an application shall be ground for revocation of the license issued thereon.

SECTION 7. LICENSE

No license will be issued to any establishment located outside of the designated zones. No privilege license shall be issued by the city unless the applicant shall has satisfied the City Clerk that they possess all the requirements and have obtained from the Chairman of the State Tax Commission a permit as is required by §67-3-17, Mississippi Code 1972.No privilege license for the sale and/or consumption of liquor shall be issued by the City of Forest under the following conditions:

1. When the structural premises is located within five hundred (500) feet from corner of building to corner of building of a church or school.

A properly licensed business establishment may continue the sale of beer and/or light wine if a church or school is built nearer than five hundred (500) feet to said place of business and said business establishment complies with the other requirements of this ordinance. A business may apply for a variance of the distance limitations set forth in this ordinance, not to go below two hundred (200) feet, by submitting an Application for Variance obtained from the Department of Community Development and pursuant to the procedures prescribed in the City of Forest's Development Code.

- a. While it is not binding on the reviewing authority, consideration will be given to statements of the non-opposition executed by any church or school that may be affected by the granting of a variance. Said statement should be submitted with the Variance Application.

If the City Clerk finds and determines that the applicant possesses the required qualifications, then the applicant shall be issued a privilege license to engage in or continue in such business for a period of one (1) year, subject to all the terms and conditions of this ordinance.

INSPECTION AND CERTIFICATION REQUIREMENTS PRIOR TO ISSUANCE LICENSE

1. All properties applying for a license shall be inspected by the Chief of Police, Fire Chief, City Inspector or their representatives prior to issuance of a new license or renewal of license. Said inspection will be conducted to ensure that the licensed premises is in compliance with the requirements of this Ordinance and applicable Fire and Building Codes.
2. An inspection certificate will be filed by the City's Inspection Department and attached to the application for license or renewal. Said certification will be signed by the inspecting persons and a copy furnished to the applicant.
3. The licensee shall post a sign on or near all entrances to the licensed premises building noting the maximum number of persons, including employees, allowed in the building at one (1) time. Said maximum occupancy shall be the same as that noted on the inspection certificate.
4. Licensees shall notify the Department of Community Development immediately of any structural changes to the building.

RENEWAL; DISPLAY; TRANSFER

1. All City privilege licenses under this article shall be applied for and renewed annually.
2. The license and inspection certificate shall be displayed conspicuously in the licensees' place of business. No licensed premises is allowed to operate as such when said license and certificate are not displayed as noted.
3. City privilege licenses shall not be transferable.

SECTION 8. PROHIBITED ITEMS

It shall be unlawful for any licensee within the City of Forest to:

- a. Work or employ any person under the age of sixteen (16) years in connection with the sale or dispensing of beer or alcoholic beverages.

- b. To allow any person under the age of twenty-one (21) years to be present on the licensed premises during business hours.
- c. Sell, give or furnish any alcoholic beverage 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 twenty-one (21) years, or to allow any of such persons to consume alcoholic beverages or beer on the licensed premise.
- d. Sell, give or dispense on the licensed premises, any alcoholic beverage between the hours of 10:00 p.m. and 10:00 a.m.
- e. Remain open for business or to allow persons not employed by the licensee to remain on the licensed premises between the hours of 12:00 A.M. and 8 A.M.
- f. Allow any person to consume any alcoholic beverage or beer on the licensed premises, including parking lot, at any time.
- g. Allow loitering or the assembly of two (2) or more persons on the exterior of the licensed premises. Two (2) or more persons standing, sitting, gathered together or in a vehicle for five (5) minutes or more shall be considered assembly.
- h. Permit on his licensed premises any lewd, immoral or improper entertainment, conduct or practices.
- i. Permit loud, boisterous or disorderly conduct of any kind upon his premises, or to permit the use of loud musical instruments or noise making devices if either or any of the same may disturb the peace and quietude of the community wherein such business is located.
- j. Permit or suffer gambling or the operation of games of chance on the licensed premises.
- k. Permit persons of ill repute, known criminals or prostitutes to frequent the licensed premises.
- l. Keep the building and exterior public parking area of the licensed premises poorly lighted or allow any part of the licensed premises to be dirty or unsanitary.
- m. Fail to maintain sanitary and satisfactory restrooms for men and women patrons. Restrooms must be properly lighted, equipped with lavatories and water closets, kept in satisfactory sanitary condition, plainly marked on the entrance to same.
- n. It shall be unlawful for any person or licensee to possess, consume or carry any distilled spirits, beer, wine, alcoholic beverage, or alcohol of any kind onto a licensed premises, if the distilled spirits, beer, wine, alcoholic beverage or alcohol was not purchased on that premises. Any person in violation of this ordinance shall be subject to the penalties outlined in this ordinance.
- o. It shall hereafter be unlawful for any person or vendor to sell, offer for sale, serve or dispense beer and/or alcohol in any establishment where beer and/or alcohol is sold or stored for sale, unless such establishment is lighted with not less than 20 foot candles of light at 30 inches above the floor level.

- p. Except as permitted by State Law, there shall be no advertising for Alcoholic Beverages outside of the interior of the building where it is sold and/or consumed. There shall be no advertising or storage of Alcoholic Beverages within the interior of the store which allows it to be visible from the street or highway side of store or establishment. Interior windows are to always remain completely visibly transparent from the outside. This shall exclude a sign demonstrating the business name as may be allowed by code in the City of Forest.

SECTION 9. RESTRICTIONS DURING EMERGENCIES; DUTIES OF CHIEF OF POLICE

1. In the event a local emergency shall be proclaimed pursuant to §33-15-17(d), Mississippi Code of 1972, such proclamation may include provisions temporarily suspending any license issued pursuant to this Chapter for the duration of the local emergency.
2. In the event a felony should be committed on a licensed premises, the Chief of Police or his representative shall have the authority to order the licensed premises closed and vacated for such time as is necessary to secure and preserve physical evidence of such felony.

SECTION 10. SUSPENSION OR REVOCATION OF LICENSE

The City Court shall suspend or revoke a license in the event that the licensee as defined herein shall be convicted of a violation of any provision of this Ordinance after due notice and hearing as follows:

1. A suspension of ninety (90) days upon the first conviction.
2. A suspension of one hundred eighty (180) days upon a second conviction within three years.
3. Permanent revocation upon a third conviction within three (3) years.

The City Court shall be authorized to revoke or suspend any license issued pursuant to this ordinance in the event it is determined that the holder of the license no longer meets the qualifications set forth in this Ordinance, after giving such person at least ten (10) days' notice of a hearing by the Court to consider the revocation or suspension of such permit and reasons therefore. The City Court shall automatically suspend any license issued pursuant to this Ordinance in the event the licensed premises shall be found to be in violation of any zoning code, building code, fire code, gas code, electrical code, mechanical code, or any applicable codes adopted by the City of Forest. If the violations are not corrected within thirty (30) days, the Court shall be authorized to revoke the permit theretofore issued to such persons. The Building Inspector or other official of the City of Forest must give to such persons fifteen (15) days' notice of the intention to revoke such permit and notify the license holder of the date, time, and place of a hearing to be held

before the City Court. The Court may, however, suspend such permit instead of revoking same if:

1. The licensee shows sufficient cause for his/her failure to repair the violations within thirty (30) days;
2. The licensee presents evidence that he/she has taken significant steps towards correcting the violation; and,
3. The licensee presents an estimate of when the repairs to the premises will be completed.

The City of Forest shall have the right to suspend or revoke any license issued pursuant to this ordinance upon a finding by the city that the licensed premises are operated or maintained in such a manner as to constitute a public nuisance. Prior to such revocation or suspension, the holder of the license shall be given written notice by the Chief of Police of the conditions alleged to constitute a public nuisance, and the date, time, and place of a hearing to be held before the City Court to show cause why the license should not be revoked or suspended. Such notice shall be mailed or delivered to the license holder at least fifteen (15) days prior to the date of the hearing.

SECTION 11. PENALTIES

Any person who violates any of the provisions of this ordinance, or any person who acts in such a manner as to subject a licensee under this chapter to penalties, shall be guilty of a misdemeanor, and upon a conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the County Jail for not more than ninety (90) days, or both in the discretion of the Court. In addition, if any person so convicted shall be the holder or any permit or license issued under authority of this chapter, the Court may also suspend or revoke such permit or license as provided in this ordinance.

SECTION 12. LIMITATION

Nothing in this article shall be construed to authorize, legalize, protect or condone the sale, distribution, possession, storage, consumption or giving away of any alcoholic beverage which is otherwise prohibited or regulated by laws or Ordinances or which is controlled or not permitted by the owner or proprietor of any public or private commercial establishment.

SECTION 13. ENFORCEMENT

It shall hereafter be unlawful for any person to consume beer and/or alcohol on school property, church property, public streets, and public places in the City of Forest.

The City of Forest Police Department is hereby authorized, ordered and directed to enforce this article. Failure to enforce any article or provision of this Ordinance shall not constitute a waiver nor imply that the action is legal.

SECTION 14. INCORPORATION OF STATE LAWS

Incorporation of State of Mississippi Laws including sale to minors and possession by minors: All State of Mississippi statutes, rules and regulations, including the Rules and Regulations of the Mississippi Department of Revenue in their present form or as hereinafter amended, modified, repealed or created are incorporated herein by reference as the governing law of the City of Forest. State law reference: See Mississippi Code Annotated, 1972, Title 67 generally and Section 97-31-1 et seq.

Except as otherwise set forth within this chapter, the laws of the State of Mississippi as they now exist or hereafter amended or adopted and, where applicable, the Rules and Regulations of the Mississippi Department of Revenue (Alcohol Beverage Control) shall apply. Any provision of this chapter that contradicts any such state authority is superseded and preempted by the state authority, all of which state authority is adopted herein by reference.

That this ordinance will go into effect 30 days upon passage, the public interest requiring, but that it be published in *The Scott County Times* as required by law. This ordinance adopted in regular meeting, this the 1st day of July, 2025.

/s/Nancy N. Chambers,
Mayor

/s/Faye Johnston, City Clerk