

**AN ORDINANCE OF THE TOWN OF CALEDONIA, MISSISSIPPI**

**AMENDMENT TO ORDINANCE REGARDING SELLING AND  
CONSUMPTION OF BEER OR LIGHT WINE WITHIN MUNICIPAL LIMITS  
OF THE TOWN OF CALEDONIA, AND TO PROVIDE PENALTIES FOR  
VIOLATION.**

**THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF  
CALEDONIA, MISSISSIPPI ADOPT THIS AMENDMENT TO  
ORDINANCE AS FOLLOWS:**

**SECTION 1. PURPOSE**

The Town of Caledonia, Mississippi, as a political subdivision of the State of Mississippi, recognizes the right of people of legal age to consume beer and light wine. While recognizing the right of the people, the Town of Caledonia, Mississippi, concurrently recognizes its responsibility and right to adopt and enforce such rules and regulations as will promote public health and safety within its boundaries. There being a compelling interest on the part of the Town of Caledonia, Mississippi, to promote, preserve and protect the safety and public health of citizens and employees of the Town of Caledonia, Mississippi, the governing authorities of the Town of Caledonia, Mississippi, believe that it is in the best interest of all citizens of the Town of Caledonia, Mississippi, and such other persons as visit the property of the Town of Caledonia that regulation of the sale and consumption of beer and light wine within the municipal limits of the Town of Caledonia, Mississippi, be amended. Previous Ordinances or amendments are believed to have been adopted on May 1, 1945; August 17, 1982; and September 3, 2013. It is the intent of this Amendment to supplant or amend only such provisions of those identified Ordinances or amendments, and any others that may have been duly adopted by the Town but are not referenced above, that are in conflict with the following amending language.

**SECTION 2. RESTRICTION ON SALE AND CONSUMPTION OF BEER OR LIGHT  
WINE – DISTANCE FROM CHURCHES OR SCHOOLS; SIGNAGE;  
PERMITTING**

Except as otherwise provided by law, it shall be unlawful for any retail establishment, hereinafter “establishment”, to publicly sell or consume beer or light wine within any territory surrounding a church or school within the Town, when measured to be within 100 feet from the church or school. Nothing in this section shall be construed to deny the right of consumption of beer or light wine at a church or private residence. Distances shall be measured from front door of building to front door of building, using line of sight measurement. Beer and light wine shall be defined by reference to Mississippi statutory law and any amendments thereto.

All outdoor signage or advertisements stating that beer and/or light wine is for sale or otherwise indicating that beer and/or light wine is available at an establishment shall be affixed to said establishment offering said beer and/or light wine.

Applications for a permit for the sale of beer or light wine shall be submitted through the Town Clerk of Caledonia and shall be approved by the Mayor after confirming that all requirements

have been met. Each initial application shall be accompanied by a permitting fee of \$500 which shall be retained by the Town if the Town approves and issues the permit to the applicant, but shall be returned to the applicant if the permit is not issued to the applicant. A permit issued pursuant to this ordinance shall be good for a period of one-year from date of issuance and may be renewed on an annual basis by payment of an annual renewal fee of \$100 to the Town.

### **SECTION 3. ON-PREMISES CONSUMPTION OF BEER OR LIGHT WINE**

(a) Light wine and beer shall be sold for on-premises consumption only at an establishment within the Town which:

(1) Regularly and in a bona fide manner uses and keeps open a kitchen for the serving of meals to guests for compensation, which has suitable seating facilities for guests and which has suitable kitchen facilities connected to such establishment for cooking an assortment of foods and meals commonly ordered at various hours of the day. The service of foods not prepared on the premises, or salads only, shall not be deemed in compliance with the requirement of this subsection. No establishment shall qualify under this subsection unless 60 percent or more of the revenue derived from such establishment shall be from the preparation, cooking and serving of meals, and not from the sale of alcoholic beverages, light wine and beer, unless the value of the food given to and consumed by customers is equal to 60 percent or more of the total revenue; or

(2) An establishment that provides for sale gas, gasoline, diesel or other petroleum-based products for retail sale shall not qualify for on-premises consumption regardless of the percentage that food sales are of the total revenue.

(b) It shall be a misdemeanor for any person to consume beer or light wine on the premises of a retailer not licensed to sell such beer or light wine for on-premises consumption.

(c) At the end of each calendar year, each establishment licensed for the sale of light wine and beer for on-premises consumption shall file an independently certified audited statement with the Town clerk showing the revenue derived from the sale of food and meals and the sale of light wine and beer on the premises. Any establishment within the Town serving light wine and beer for on-premises consumption may be required to provide such figures at any time during the year, as well as file a year end report. If results of the audit show that the establishment is not in compliance with the percentage requirements set forth in this section, the establishment's license to sell light wine or beer for on-premises consumption may be suspended for a period of 90 days.

(d) A second violation of the provisions of this section within a period of one year shall be cause for the revocation of the license to sell light wine and beer for on-premises consumption. Any such establishment may not be granted a new license to sell light wine or beer for on-premises consumption until one year shall have elapsed from the effective date of the revocation of such license.

(e) It shall be unlawful for any business establishment which has been permitted and licensed to sell light wine or beer for on-premises consumption to sell, give or permit to be consumed light wine or beer between the hours of 10:00 p.m. and 10:00 a.m. the following morning.

(f) "Suitable seating facilities," as used in this section, shall mean facilities for the seating of patrons, which is exclusive to the premises for which an on-premises consumption permit has been issued. Such seating area shall be contiguous to the premises for which an on-premises consumption permit has been granted. A common area utilized by the customers of establishments not holding an on-premises consumption permit shall not be considered as suitable seating facilities, as such term is used in this section. For the purpose of this section, an area adjacent to a common food court area in a retail establishment shall not be considered as a suitable seating area unless it is fully enclosed by walls.

(g) Permit and license. If an establishment is properly permitted and licensed for the sale and consumption of beer and light wine on the premises, it will not be a violation of this section for customers to consume beer or light wine while on the premises, whether indoors or outdoors, as long as such customers remain on the licensed establishment's property within a walled or fenced area wherein access is restricted to allow entrance only through the licensed establishments main entrance.

#### **SECTION 4. SALES OF BEER AND LIGHT WINE FOR OFF-PREMISES CONSUMPTION**

(a) Prohibited hours. It shall be unlawful for a convenience store, service station or other type of retail establishment holding a permit authorizing the sale of beer or light wine for off-premises consumption to sell to any person between the hours of 10:00 p.m. and 7:00 a.m.

(b) Congregate for consumption. It shall be unlawful for any person to remain on the premises of a commercial establishment which is not licensed for on-premises consumption, or any portion thereof, or street right-of-way adjacent to such establishment, while such person is consuming beer or light wine.

#### **SECTION 5. RESTRICTION ON CONSUMPTION OF BEER OR LIGHT WINE AND POSSESSION OF OPEN CONTAINERS ON PUBLIC PROPERTY**

(a) Open containers prohibited on public property. It shall be unlawful for any person to possess an open container of beer or light wine or to consume beer or light wine on any property owned or controlled by the Town of Caledonia, including buildings, parking lots, sidewalks, streets and parks within the Town of Caledonia boundaries. The definition of open containers does not include empty containers in which beer or light wine is sold in at a retail establishment, but does include anything from which beer or light wine is being consumed, including, but not limited to glasses, bottles or cups.

(b) Open container – Vehicles. It shall be unlawful for any person to possess an open container of beer or light wine or to consume beer or light wine either as an operator or passenger of a motor vehicle on any property owned or controlled by the Town of Caledonia, including buildings, parking lots, sidewalks, streets and parks within the Town of Caledonia boundaries. The definition of open containers does not include empty containers as described in (a) above.

## **SECTION 6. TEMPERATURE OF SALES OF BEER AND LIGHT WINE**

Any reference in previous ordinances or amendments regarding the temperature of the beer and light wine which could be offered for sale is hereby removed. It being the intent of this amendment that beer or light wine may be offered for sale at any temperature as deemed appropriate by the establishment offering such beer or light wine.

## **SECTION 7. PENALTY**

In addition to any penalties otherwise provided for in this Ordinance or any amendment thereto regarding suspension or revocation of privilege to sell beer or light wine, any person or establishment which violates this Ordinance shall be guilty of a misdemeanor and shall be fined in an amount of not less than \$100.00 nor more than \$500.00 for a first offense. Upon conviction of a repeated violation, which means a second or subsequent violation of this Ordinance committed by an establishment or person within any twelve (12) month period, said person shall be guilty of a misdemeanor and shall be fined in an amount of not less than \$250.00 nor more than \$500.00. Upon conviction of a third or subsequent violation of this Ordinance committed by an establishment or person within any twelve (12) month period, the person or establishment so convicted shall be guilty of a misdemeanor and shall be fined in an amount of not less than \$500.00 nor more than \$999.00 and/or the person or owner of said establishment shall be incarcerated for a period of between zero (0) days and ninety (90) days in jail.

## **SECTION 8. ENFORCEMENT**

The provisions of this Ordinance shall be enforced by the Marshall for the Town of Caledonia, Mississippi, or any designee thereof.

## **SECTION 9. SEVERABILITY AND CAPTIONS**

This Ordinance and the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. The Captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

## **SECTION 10. REPEAL**

All resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

## **SECTION 11. ADMINISTRATIVE LIABILITY**

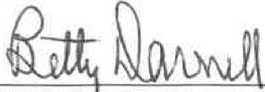
No officer, agent, employee or member of the Town shall render himself or herself personally liable for any damage that may occur to any person or entity as a result of any act or decision performed in the discharge of his or her duties and responsibilities pursuant to this Ordinance.

**SECTION 12. EFFECTIVE DATE**

This Ordinance shall be effective thirty (30) days from and after its passage.

SO ADOPTED, the 5<sup>th</sup> day of September, 2023.

By:

  
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BETTY DARNELL, Mayor  
Town of Caledonia

ATTEST:

  
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DONNA GLASGOW, Town Clerk