

**HOUSTON ALCOHOL ORDINANCE FOR  
THE SALE OF BEER, LIGHT WINE, AND LIQUOR  
THE CITY OF HOUSTON, MISSISSIPPI**

**WHEREAS**, the citizens of the City of Houston, Mississippi participated in a Special Election on July 9, 2019, that was ordered by Board of Aldermen of the City of Houston, on the issue of whether or not the sale, distribution, and possession of beer, light wine, or liquor shall be legal in Houston, Mississippi. The majority vote was **FOR** the legal sale of beer, and likewise, for the sale of light wine, and liquor, and;

**NOW THEREFORE**, be it resolved by the Board of Aldermen of the City of Houston, Mississippi, as set forth above and pursuant to the authority granted therein, the following Ordinance is hereby enacted:

**HOUSTON BEER AND LIGHT WINE ORDINANCE**

**1. BEER:**

A. Sale regulated- It will promote the public health, morals and safety to provide reasonable rules and regulations governing the sale of beer and light wine as provided in this article.

2. **DEFINITIONS:** 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:

A. Beer and light wines are defined by MCA 1972, § 67-3-5 and by this article as beverages having an alcoholic content of not more than five (5) percent by weight.

B. Permittee is a person or entity who has obtained a beer permit from the ABC Division of the Mississippi Tax Commission under MCA 1972, § 67-3-7-17, as amended.

3. **PRIVILEGE LICENSE REQUIRED:** No beer or light wine shall be sold within the municipal boundaries of the city unless the seller has first obtained a retail beer and light wine permit from the Mississippi Department of Revenue under MCA § 67-3-1, as amended, and has also obtained a business privilege license and a sale of beer and light wine privilege license. The fee is set by state law and shall be fifty (50) percent of received from state and paid to the City as privilege license fees are allocated. All Beer and Light Wine license shall carry a fee of fifty dollars (\$50.00) payable to the City of Houston and shall expire one (1) year after its purchase and must be renewed within fifteen (15) days of expiration date.

**4. RESTRICTIONS ON THE SALE OF BEER AND LIGHT WINE:**

A. Cold beer sales allowed. It shall be lawful for refrigerated beer or light wine to be sold within the municipal boundaries of the city for off-premises and on-premises consumption except as restricted below.

B. On-premises kitchen facilities required. No beer or light wine shall be sold for on-premises consumption unless the seller has suitable kitchen facilities on the licensed premises to provide for the preparation, cooking and serving of food so that food sales generate fifty (50) percent of gross revenue. The service of foods not prepared on the

premises shall not be deemed in compliance with the requirements of this section. Restaurants must contain seating for a minimum of twenty (20) with suitable facilities for the consumption of food for its patrons and the kitchen facilities must remain open for business so long as beer or light wine is being sold.

C. Special Venues without a kitchen. May apply for a one-time permit with the Board of Aldermen's approval. This permit must be applied for at least forty-five (45) days prior the date of the event. The non-refundable fee will be fifty dollars (\$50.00) for said special permits.

D. Sunday Sales. It shall be unlawful to sell beer and light wine on Sunday.

E. Drive-in sales prohibited. It shall be unlawful to sell beer or light wine through a drive-in window sales facility or a drive-thru "beer barn" within the municipal boundaries of the city.

F. Advertising. There shall be no advertising for beer and light wine outside of the interior of the building where it is sold or consumed. There shall be no advertising or storage of beer or light wine within the interior of the store which allows it to be visible from the street or highway side of the store. Likewise, absolutely no billboards shall be displayed in the city limits of Houston to promote alcoholic sales.

G. Territory where sale is prohibited. All existing businesses, grocery stores, restaurants, and applicable business shall be grandfathered in as of the date of the adoption of this ordinance. All new business erected or established after the adoption of this ordinance shall not sale beer or light wine either on-premises or off-premises consumption within one hundred (100) feet of the nearest point of the primary building of any church and within two hundred fifty (250) of the nearest point of the primary building of any school. This distance shall be measured from the nearest point of the building housing the church or school to the nearest point of the premises which consists of the floor planned area to be licensed by the commission. This distance shall be measured in a straight line, such as airline distance, rather than the usual route of pedestrian travel.

H. Sales for off-premises consumption. It is unlawful for any beer or light wine beverages to be sold for off-premises consumption in quantities less than said products are prepackaged for sale by the manufacturer. Furthermore, sales of single container beer or light wine products is strictly prohibited.

I. Open containers prohibited on public property. It shall be unlawful for any person to possess an open container of beer or light wine on public property, including buildings, parking lots, sidewalks, streets and parks within the municipal boundaries of the city with the exception of those events which are approved by the Board of Aldermen.

J. Zones where beer and light wine may lawfully be sold. The sale of beer and light wine shall be lawful only in C-1 (central commercial), C-2 (neighborhood convenience district), and C-3 (highway commercial) within the municipal limits of the city.

K. Open container—Vehicles. It shall be unlawful for any person to possess an open container of beer or light wine either as an operator or passenger of a motor vehicle. Open containers shall include containers which have been opened and reclosed. Open containers do not include empty containers.

L. Open container—Private property. It shall be lawful for any person of legal age to possess a container of beer or light wine on private property.

M. Consumption of package beer. There shall be no on-premises consumption of package beer on the premises where the same is sold.

N. On-premises consumption. It shall be unlawful for any premises licensed for on-premises consumption to allow a patron to leave such premises with either a full or partial container of beer or light wine.

O. Bagging of beer and light wine sold for off-premises consumption. The sales clerk of each premises selling package beer or light wine must first place the same in a non-see-through, opaque bag or sack before delivering same to the purchaser.

P. Hours for Sale of Beer and Light Wine. The sale of beer and light wine in stores shall be between the hours of 7:00 a.m. and 10:30 p.m. Monday through Saturday.

Q. On-Premises Hours for Sale of Beer and Light Wine. The sale of beer and light wine may be sold on premises between the hours of 7:00 a.m. and 10:30 p.m., Monday through Saturday.

R. New Year's Eve Hours for Sale of Beer and Light Wine. All on-premises permittees may remain open until 1:00 a.m. New Year's Day. If New Year's Eve falls on Sunday, on-premises permittees may open from 1:00 p.m. to 1:00 a.m.

S. Off-Premises Hours for Sale of Beer and Light Wine. The sale of beer and light wine may be sold off premises between the hours of 7:00 a.m. and 10:30 p.m., Monday through Saturday.

**5. DISCONTINUING OPERATIONS DURING AN EMERGENCY:** In the event of any disturbance, uprising or riot or any other emergency of life, property or public safety, the mayor or the chief of police may promptly order any and all places in the city where beer or light wine is consumed, sold or otherwise dispensed, to discontinue such for the period of such emergency.

## **6. MINORS GIVING FALSE IDENTIFICATION:**

A. It shall be unlawful for any person under the age twenty-one (21) years to make a false statement as to his or her age for the purpose of obtaining beer or light wine. The penalty for violating this provision shall be a fine of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) and a sentence of not more than thirty (30) days community service.

B. The judge may, in his or her discretion, accept, in lieu of community service, a certificate indicating the individual has successfully completed an alcohol and/or drug education program or treatment program at the expense of the individual.

7. **COMPLIANCE WITH STATE LAW REQUIREMENTS:** No permit or license required by this article shall issue to any person unless satisfactory evidence is furnished to the city tax collector that such person has complied with the requirements of state law, and if the permit required by state law is at any time revoked, said revocation shall operate as a cancellation and forfeiture of the rights of the person holding a permit or license from the municipality.

8. **PENALTY FOR VIOLATION OF ARTICLE; MISDEMEANOR:** Any violation of this article shall constitute a misdemeanor and shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than six (6) months or both, unless otherwise specified herein.

9. **TITLE:** The sections of this article may be referred to collectively as the "Houston Beer Ordinance.

10. *Historic District.* There shall be no off premises sale of beer in the Historic District of Houston, Mississippi pursuant to the map located with the City Clerk.

## HOUSTON LIQUOR ORDINANCE

1. **DEFINITIONS:** Any term, word or phrase which is specifically defined by Miss. Code Ann. 1972, § 65-1-5, shall be so defined in this article:

A. *Permittee* shall refer to any holder of a state permit to sell alcoholic beverages.

B. *Commercial establishment* shall include any business or organization, public or private, which charges or accepts revenue for goods, membership or admittance, whether for profit or not for profit.

C. *Consumption* shall include the ingestion of any alcoholic beverage as well as possession of any alcoholic beverages in an open or opened container.

2. **PURPOSE:** The city finds and determines that it is in the public interest and will promote public health, morals and safety to provide reasonable rules and regulations governing the sale of alcoholic beverages.

3. **Cross Reference**-Houston Beer Ordinance. Incorporation of state laws, including sale to minors and possession by minors.

*All state statutes, rules and regulations, including the rules and regulations of the state 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.*

4. **State Law reference**— Miss. Code Ann. 1972, Title 67, generally, § 97-31-1 et seq.

A. *Sale, possession of alcoholic beverages.* It is unlawful to sell, offer for sale, or otherwise dispense alcoholic beverages or to possess alcoholic beverages in the city in violation of any state law or any rule or regulation of the state department of revenue, including the sale of alcoholic beverages to minors, possession of alcoholic beverages by minors and sale of alcoholic beverages within prohibited distances from churches, schools, kindergartens and funeral homes.

**B. State Law reference.** Sale to minors prohibited, penalties, Miss. Code Ann. 1972, § 67-1-81; permits, distance regulations, § 67-1-51; permitted premises where alcoholic beverages are sold, Mississippi Administrative Code, § 35.II.2.03.

5. **FALSE STATEMENTS BY MINORS:** It is unlawful in the city for any person under the age of twenty-one (21) years of age to make a false statement to the effect that he or she is twenty-one (21) years of age or older for the purpose of purchasing or otherwise acquiring any alcoholic beverage or for the purpose of gaining admittance to any business, resort, or entertainment venue in which alcoholic beverages are being sold or furnished and in which persons under the age of twenty-one (21) years of age are not allowed by the owner, host or manager or pursuant to any state or local law or regulation.

6. **Cross reference-Houston Beer Ordinance,** minors giving false identification, § 4-6. Sec. 4-30. - Locations where possession prohibited.

7. **Non-Permitted Areas:** It shall be unlawful in the city for any person to have in his or her possession any alcoholic beverage on or in any of the following locations, *except as specifically allowed by order of the City Board of Aldermen:*

- (1) The interior of any business, including a restaurant, in which the owner or manager shall display in several conspicuous location inside the business and at the entrances signs containing the following language: "NO ALCOHOL BEVERAGES ALLOWED";
- (2) Any public playground;
- (3) Any public park;
- (4) Any fire station or police station;
- (5) Any school buildings or grounds or any sports facilities owned or in use by any school;
- (6) Any public library or museum; or
- (8) Any property owned, leased or operated by the city.

8. Transportation for compensation prohibited. It is unlawful in the city for any person to transport or deliver any alcoholic beverage to another person for compensation of any kind except for transportation as permitted by state law, rules or regulations. **State Law reference-** Miss. Code Ann. 1972, §§ 67-1-1 et seq., 27-71-15 et seq.

9. Possession of alcoholic beverages by operators of public conveyance prohibited. It is unlawful in the city for any person operating any public conveyance to have any alcoholic beverage in their possession in such conveyance. "Public conveyance" shall be defined as a taxi service, a limousine service, a bus service, or any other motorized means of conveyance operating as a means of transporting people for hire.

10. Liquor store advertisements. There shall be no advertisements for alcoholic beverages on the exterior of any building wherein alcoholic beverages are sold pursuant to a package retailer's permit except as specifically authorized by state law. There shall be no advertising or storage of alcoholic beverages within the interior of any building wherein alcoholic beverages are sold pursuant to a package retailer's permit which allows it to be visible from the street or

highway side of the store. Likewise, absolutely no billboards shall be displayed in the city limits of Houston promoting alcoholic sales.

11. Requirement for insurance. Permittees selling alcoholic beverages within the municipal boundaries of the city shall procure and maintain at all times general liability insurance and other necessary insurance which shall specifically insure against alcohol related events with minimum limits of one million dollars (\$1,000,000.00).

12. Hours and days during which liquor may be sold.

As set by state laws, rules and/or regulations, alcoholic beverages may be sold as follows:

A. Package Store Hours for Sale of Liquor. The sale of liquor shall be sold between the hours of 10:00 a.m. and 10:00 p.m. Monday through Saturday.

B. On-Premises Hours for Sale of Liquor. The sale of liquor may be sold on premises between the hours of 10:00 a.m. and 10:00 p.m., Monday through Saturday.

C. New Year's Eve Hours for Sale of Liquor. All on-premises permittees may remain open until 1:00 a.m. New Year's Day. If New Year's Eve falls on Sunday, on-premises permittees may open from 1:00 p.m. to 1:00 a.m.

D. Off-Premises Hours for Sale of Liquor. The sale of liquor may be sold on premises between the hours of 10:00 a.m. and 10:00 p.m., Monday through Saturday.

C. These prohibited hours and days, all of which conform with present state law, shall be subject to any amendment of state law, rules or regulations, and shall conform with any amendments thereto without amendment to this article. They are further subject to specific amendment by order of the department of revenue in response to a petition by the city requested approval of alternate hours and/or Sunday sales, which order shall survive any subsequent amendment to state law, rules or regulations not specifically intended to supersede prior orders by the department of revenue approving hours and days during which alcoholic beverages may be sold.

D. While resorts are exempt from state hours and days of sale regulations, the city may, by petition to the department of revenue, request designate hours and/or days for resort sales without further amendment to this article. Any subsequent order of the department of revenue on this subject is hereby adopted by reference.

E. Any other limits, prohibitions or exceptions granted by state laws, rules and/or regulations, in their present form and as hereinafter amended, are hereby adopted by reference.

**State Law reference**— Hours and days during which alcoholic beverages may be sold by hotels, restaurants, package stores and caterers, Mississippi Administrative Code, § 35.II.2.04.

13. Brown-bag ordinance. It shall be unlawful for any person or business entity, nor any agent nor employee thereof, operating a commercial establishment to allow consumption of alcoholic beverages by customers or business invitees on the premises of such establishment without a state on-premises retailer's permit.

14. Open container. Except at special events as permitted by the board of Aldermen, it is unlawful in the city for any person to have in his or her possession an open container, which shall not be construed to include an empty container or an open but reclosed container, in the following locations within the municipal boundaries of the city:

- A. On public property, including buildings, parking lots, sidewalks, streets and parks; and
- B. Within a motor vehicle, regardless of whether the person is possession is an operator or a passenger of the motor vehicle.

**Cross reference**— Restrictions on sale of beer or light wine, § 4-4(i), (k).

15. Lewd entertainment. It shall be unlawful in the city for any retailer of alcoholic beverages to allow or permit within or on the business premises any conduct or activities prohibited by Title 35, Part II, Subpart 2, Chapter 7 of the Mississippi Alcohol Beverage Control Regulations, including conduct which is lewd, immoral or offensive to public decency, as defined therein.

**State Law reference**— Prohibited conduct and activities, Mississippi Administrative Code, § 35.II.2.08.

16. Disturbance of the peace. It shall be unlawful in the city for any retailer of alcoholic beverages to allow or permit loud and disorderly conduct on the business premises, including loud music, so as to disturb the community.

17. Enforcement. The city police department is hereby authorized, ordered and directed to enforce this article.

18. Criminal penalties. Any person violating any of the terms or provisions of this article shall be guilty of a misdemeanor and, upon conviction, subject to a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than six (6) months or both. In addition, in lieu of imprisonment the judge may, at his or her discretion, impose not more than thirty (30) days community service. The judge may further, at his or her discretion, accept in lieu of community service a certificate indicating successful completion of an alcohol and/or drug education program or treatment program at the expense of the individual.

19. Limitation. It is the intent of the city that its ordinances conform to all state statutes, rules and regulations now in force or as hereafter amended, repealed, modified or later created. Nothing in this article shall be construed as overruling or limiting the applicability of state laws, rules and regulations. Any provision of any ordinance herein which shall be interpreted by a court of competent jurisdiction as being in conflict with any applicable state law, rule or regulation governing alcoholic beverages is superseded by the conflicting state law, rule or regulation, and the remainder of the ordinance shall remain in full force and effect.

20. Territory where sale is prohibited. All existing businesses, grocery stores, restaurants, and applicable business shall be grandfathered in as of the date of the adoption of this ordinance. All new business erected or established after the adoption of this ordinance shall not sale beer or light wine either on-premises or off-premises consumption within one hundred (100) feet of the nearest point of the primary building of any church and within two hundred fifty (250) of the nearest point of the primary building of any school. This distance shall be measured from the nearest point of the building housing the church or school to the nearest point of the premises which consists of the floor planned area to be licensed by the commission. This distance shall be measured in a straight line, such as airline distance, rather than the usual route of pedestrian travel.

21. Historic District. There shall be no sale off premises of liquor in the Historic District of Houston, Mississippi pursuant to the map located with the City Clerk.

22. Effective Date. This Ordinance shall be in effect thirty (30) days from and after its date of approval by the board and the Clerk is directed to publish notice accordingly.

KELLIE K. ATKINSON, Ward One  
VOTED: YES

SHENIA K. JONES, Ward Two  
VOTED: YES

FRANK THOMAS, Ward Three  
VOTED: YES

WILLIE MAE MCKINNEY, Ward Four  
VOTED: ABSENT AND NOT VOTING

BARRY L. SPRINGER, Ward at Large  
VOTED: YES

SO ORDERED AND ADOPTED by the Board of Alderman of the City of Houston, Mississippi

this the 22 day of July, 2019.

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STACEY W. PARKER, Mayor

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LISA EASLEY, City Clerk