REVISED RULES AND REGULATIONS FOR THE SALE, CONSUMPTION OR POSSESSION OF ALCOHOL ON CITY PROPERTY SUBJECT TO THESE RULES AND REGULATIONS, WHICH WERE CONSIDERED AND ADOPTED BY THE COUNCIL ON DECEMBER 17, 2013

On December 8, 2010, the City Council for the City of Pascagoula amended Section 58-62 of the Code of Ordinances which theretofore had prohibited the sale, consumption or possession of alcoholic beverages on City property. Pursuant to that amendment to the aforesaid section, the City Council reserved unto itself the right to issue permits for the sale, consumption or possession of alcoholic beverages on City property on a case-by-case basis. At its regular meeting on November 5, 2013, the City Council further amended Section 58-62 of the Code of Ordinances to authorize the City Manager to issue permits for the sale, consumption or possession of alcoholic beverages on City property subject to these rules and regulations.

1. No permits will be issued to any individuals or organizations (applicants) for the sale or consumption of alcoholic beverages on any youth athletic field in the City of Pascagoula when any youth events are in session. No permits will be issued for the 12th Street softball fields and the Tucker Street baseball fields. No permits will be issued for any events on any City owned or leased property that are primarily youth-oriented events.

2. Applicants desiring a permit for the sale, consumption or possession of alcohol on any City property not listed hereinabove, shall complete an application in the form attached hereto as Exhibit A and incorporated into these rules by reference.

3. Any Applicant seeking a permit shall complete the aforesaid application and submit the same to the City Manager not less than 30 days prior to the proposed event or activity.

4. Applicants shall appear in person before the City Manager not less than 30 days prior to the proposed event in order to present the application and respond to any inquiries that the City Manager may have concerning the enforcement of these rules and regulations.

5. Permits, once issued by the City Manager, shall not be transferrable to any third party unless specifically approved by the City Manager.

6. Permits shall be for a specified period of time only and for a specific event or activity. No permits will be issued that will be open-ended, or not confined to a specific time period, unless authorized by the City Manager.

7. Applicants requesting a permit shall be required to execute a waiver of liability and a hold harmless agreement in favor of the City in the form attached hereto as Exhibit B. The original of the waiver and hold harmless agreement shall be retained by the City Manager and a copy shall be given to the Applicant.

8. The Applicant shall be required to hire off-duty law enforcement officers, or reserve officers, for security during the event. The number of security officers required shall be determined by the Police Chief, or his designee, and his determination on the issue of security shall be final.

9. Unless authorized by the City Manager, anyone obtaining a permit shall not allow attendees at the event to bring alcohol onto the premises, or to take alcohol from the premises. The Applicant shall be responsible for furnishing sufficient waste containers for disposal of non-reusable alcohol containers. If a permit is issued for events to take place at Point Park, River Park, Beach Park, or on any athletic field, then in such event, no glass containers of alcohol shall be permitted at such locations. It shall be the responsibility of the Applicant to comply with all ABC regulations and all other ordinances or state laws affecting the sale and consumption of alcoholic beverages. Under no circumstances shall the Applicant allow the sale to, or consumption of, alcohol by minors or any obviously intoxicated individuals.

10. If it is anticipated that persons under the age of 21 will be in attendance at any event permitted pursuant to these rules and regulations, then the Applicant shall abide by the following rules pertinent thereto:

    a. Under no circumstances shall alcoholic drinks of any kind be sold to, possessed or consumed, by such individuals while in attendance at the event. It shall be the duty of the Applicant to make certain that alcoholic drinks are not dispensed to anyone under the age of 21.
    b. Persons under the age of 21 shall not be allowed to dispense alcoholic beverages unless they are employed by a third-party vendor hired by the Applicant and possess the proper credentials for dispensing alcoholic beverages. It shall be the duty of the Applicant to make certain that such individuals are properly credentialed.
    c. Persons under the age of 21 shall not be allowed to transport alcoholic beverages to or from the event regardless of their relationship to the Applicant, or membership in the Applicant's organization.
    d. Violation of any of these rules by the Applicant, or any of the Applicant's agents, servants, employees, guests or invitees, shall result in the immediate revocation of any permit granted hereunder and may, in the proper circumstances, subject

the Applicant, the Applicant's agents, servants, employees, guests or invitees, to criminal prosecution under the appropriate statutes and ordinances.

e. Violation of any of these rules by the Applicant, or any of the Applicant's agents, servants, employees, guest or invitees, may result in the Applicant being denied a permit for such activities in the future.

11. In addition to the requirements specifically set forth in this policy, the Applicant must agree to abide by all rules and regulations currently in force and affecting the use of property belonging to the City.

12. Signs must be posted at all exits to and from the venue in question stating that no alcoholic beverages may be brought in or taken from that venue during the event.

13. Failure of the Applicant to abide by any of the rules and regulations set forth herein, or any other rules and regulations endorsed or enforced pursuant to the ordinances of the City, shall result in the immediate revocation of any permit granted by the City Manager hereunder.

14. The Applicant, by his signature on the application, acknowledges having received a copy of these rules and regulations and further acknowledges his full and complete understanding thereof.

15. Upon the granting of a permit pursuant to these policies, the Applicant shall be required to deposit with the City Clerk the sum of $500.00 to cover the costs of cleaning the premises. This sum shall be refunded to the Applicant only upon the recommendation of the City Manager, or his designee, after an inspection of the premises to determine whether or not the same have been satisfactorily cleaned by the Applicant.

16. The City Manager reserves the right to impose any other terms and conditions upon the Applicant that he deems necessary in order to protect the property of the City and the best interest and welfare of the citizens. With the exception of Rules 1, 10, 11, 13 and 14, the City Manager is authorized to, from time to time, amend, waive enforcement, or otherwise suspend the application of one or more of these rules, as the need may arise. A waiver or suspension of any of these rules for the benefit of a particular applicant, shall not constitute grounds for or be construed as a waiver or suspension of the same rules for subsequent applicants. The Applicant agrees to be bound by all rules and regulations set forth herein and any other conditions that may be imposed upon the issuance of a permit by the City Manager.

17. The rules and regulations set forth herein have been recommended to and approved by the City Council. The City Council reserves the right to alter or amend these rules, either on its own motion, or at the request of the City Manager.

18. A decision by the City Manager that is adverse to the Applicant may be appealed to the City Council provided the Applicant files written notice of appeal with the City Clerk within 10 days after the postmark date of the notice of the City Manager's decision mailed by first-class mail to the address of the Applicant shown on the application. The Applicant shall be given notice of the date and time the City Council will hear the appeal, which notice shall be mailed at least 7 days prior to the date set for the hearing before the City Council. Failure of the Applicant to timely avail himself of an appeal of the City Manager's decision shall result in that decision being final.

Exhibit A

APPLICATION FOR THE SALE, CONSUMPTION OR POSSESSION OF ALCOHOL ON CITY PROPERTY

1. Full name of applicant_____

2. Physical address of applicant_____

3. If the applicant is an organization then provide the following information:
   a. Name, address and telephone number of each principal of the organization.
   _____
   _____
   b. Name, address and telephone number of the person who will be presenting the application on behalf of the organization._____
   _____

4. Location of event for which the permit is being requested.
   _____

5. Date and times for which the permit is being requested.
   _____

6. Nature of event to be staged at the location.
   _____

7. Person or parties responsible for the sale or distribution of alcoholic beverages at the proposed event.

   Name:_____
   Address:_____
   Physical Address:_____
   Telephone Number:_____

8. If it is anticipated that alcoholic beverages will be sold at the event, then attach to this application copies of the ABC permits of the persons or parties who will be selling the alcoholic beverages. If copies of such permits are not presently available, please provide an explanation in the space below. Copies of ABC permits must be filed with the City Clerk prior to the issuance of any permit for the sale, consumption or use of alcohol on City property.
   _____
   _____
   _____

9. Number of people expected to attend the event._____

Exhibit A

10. Names, addresses and telephone numbers of persons responsible for post-event cleanup.

_____

_____

_____

The applicant certifies that he/she is over the age of 21 and that he/she has been provided with and has read all of the rules and regulations pertaining to the sale, consumption or possession of alcoholic beverages on City property and fully understands the same and agrees to be bound thereby. Applicant further certifies that he/she is authorized by _____ (name of organization) to make this application and to bind the organization to the observance of the rules and regulations set forth by the City Council for the sale, consumption and possession of alcoholic beverages, and/or the use of the premises in question. The applicant further understands that there shall be no sale of alcoholic beverages at the event to any minors or to any persons who are obviously intoxicated and no sales of alcoholic beverages shall be allowed after 12:00 midnight. The applicant further acknowledges that a violation of any of the aforesaid rules and regulations shall result in the immediate revocation of any permit issued by the City Council and the cancelation of any right to host the event at the designated location. The applicant further acknowledges that he/she has full and complete authority to execute the waiver and hold harmless agreement submitted on the even date herewith to the applicant.

Witness my signature on the _____ day of _____, _____.

_____

_____

_____

_____

Exhibit B

STATE OF MISSISSIPPI

COUNTY OF JACKSON

WAIVER AND HOLD HARMLESS AGREEMENT

Personally came and appeared before me the undersigned notary public in and for the jurisdiction aforesaid, _____, who on his/her oath stated that he/she is over the age of 21 years and that he/she is acting in his/her individual capacity, or in a representative capacity on behalf of _____ and acknowledged that he/she has fully familiarized himself/herself with the rules and regulations promulgated by the City Council of the City of Pascagoula for the sale, consumption or possession of alcoholic beverages on City property and all other rules and regulations pertinent to the use of the premises in question, and agrees to be bound thereby for the duration of the event for which the application has been filed. The applicant further acknowledges that he/she, in his/her individual capacity, or as representative of _____ (name of organization) waives any and all claims against the City of Pascagoula for damages, injuries to person or property, or causes of action that may arise as a result of the applicant's use of the City property in question during the period of the event. The applicant, in his/her individual capacity, or as representative of _____ (name of organization), further agrees to indemnify and hold harmless the City of Pascagoula, its agents, servants and employees, from any and all claims, damages, causes of action, assessments, attorney fees, or litigation expenses of any type arising out of applicant's use of the premises during the period in question and at which time alcoholic beverages are being sold, consumed or possessed thereon by applicant's agents, servants, employees, invitees and guests.

Exhibit B

Witness the signature of the applicant on this the _____ day of _____, _____.

_____
Applicant

Sworn to and subscribed before me on this the _____ day of _____, _____.

_____
Notary Public

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