

ORDINANCE NO. __-____
CITY OF PASCAGOULA, MISSISSIPPI

**AN ORDINANCE OF THE CITY OF PASCAGOULA, MISSISSIPPI
AMENDING CHAPTER 6, SECTION 4, OF THE CODE OF ORDINANCES
REGARDING THE CONSUMPTION OR POSSESSION OF
OPEN CONTAINERS OUTSIDE LICENSED PREMISES**

WHEREAS, Chapter 6, Section 4, of the Pascagoula Code of Ordinances regulates the consumption or possession of open containers outside licensed premises; and

WHEREAS, certain revisions to Chapter 6, Section 4, are needed to ensure the health and safety of the City of Pascagoula and its citizens; and

WHEREAS, the City Council for the City of Pascagoula hereby amends Chapter 6, Section 4, as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PASCAGOULA AS FOLLOWS:

SECTION 1. Chapter 6, Article 4 is hereby amended to read as follows:

Sec. 6-4. - Consumption or possession of open container outside licensed *and unlicensed* premises.

(a) On the exterior premises of a place of business for which a permit has been issued by the state authorizing the sale of ~~*light wine or beer alcoholic beverages*~~ at retail, no person shall either possess an open container of ~~*light wine or beer or an alcoholic beverage*~~ or consume such ~~*light wine or beer alcoholic beverage*~~; provided, however, that restaurants and clubs are hereby excepted from this subsection.

(b) The holder of a state permit to sell ~~*light wine and beer alcoholic beverages*~~ at retail, except for restaurants and clubs, shall not allow any person on the exterior premises of the place of business for which such permit has been issued to possess an open container of ~~*light*~~

~~wine or beer~~ of alcoholic beverage or to consume such ~~light wine or beer~~ alcoholic beverage on such exterior premises.

(c) On the exterior premises of a place of business located on or adjacent to a major thoroughfare for which a permit has not been issued by the state authorizing the sale of alcoholic beverages at retail, no person shall either possess an open container of an alcoholic beverage or consume such alcoholic beverage; provided, however, the owner or authorized representative of such place of business may apply to the City Manager for a twenty-four hour permit to allow the possession of open containers of alcoholic beverages and consumption of alcoholic beverages on the premises of such place of business. Whether to issue such a permit shall lie solely within the City Manager's discretion. The provisions of this subsection shall not apply on the Saturday preceding Fat Tuesday or on other days as designated by the City Manager.

(d) As used in this section, the terms “restaurant” and “club” shall have the same meaning as provided in MCA 1972, § 67-1-5.

(e) As used in this section, an “open container” shall include, but not be limited to, a bottle or can on which the closure device, whether cap, tab or other, has been broken or unsealed and then reclosed.

(f) As used in this section, an “alcoholic beverage,” shall include, but not be limited to, light wine, wine, beer, liquor and any non-alcoholic beverages that are mixed with light wine, wine, beer or liquor.

(g) As used in this section, a “major thoroughfare” is U.S. Highway 90 (including frontage roads), Telephone Road, Chicot Road, Old Mobile Highway, Market Street, Ingalls Avenue, Live Oak Avenue, and Dr. Reuben P. Morris Drive.

SECTION 2. The amendments to this Chapter shall become effective as provided by law.

The above Ordinance was introduced in writing by Mayor Demetropoulos, seconded for adoption by Councilman _____, and received the following vote: Mayor Demetropoulos voted “___”, Councilman ___ voted “___”, Councilman ___ voted “___”, Councilman ___ voted “___”, Councilman ___ “___”, Councilman ___ voted “___”, and Councilman ___ voted “___”.

Passed this the __ day of _____ 2021.

APPROVED:

/s/
Steve Demetropoulos, Mayor

/s/
Karen Kennedy, City Clerk