

BOOK 123 PAGE 15

ORDINANCE AND CODE PROHIBITING THE SALE OF BEER, WINE OR ALCOHOLIC BEVERAGES AND PROHIBITING THE LOCATION AND USE OF ANY BUILDING FOR THE SALE OF BEER, WINE OR ALCOHOLIC BEVERAGES IN SECTIONS 2, 3, 4, 9, 10, 11, 12, 15 AND 16 OF TOWNSHIP 4 NORTH, RANGE 9 EAST, PIKE COUNTY, MISSISSIPPI AND PROHIBITING THE ISSUANCE OF A PERMIT OR PRIVILEGE LICENSE FOR THE SALE THEREOF

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIKE COUNTY, MISSISSIPPI as the governing board of said County, as follows:

SECTION 1: The sale of beer, wine or alcoholic beverages and the location and use of any building for the sale of beer, wine or alcoholic beverages within Sections 2, 3, 4, 9, 10, 11, 14, 15 and 16 of Township 4 North, Range 9 East, Pike County, Mississippi is hereby declared illegal and is prohibited, said action being authorized by Sections 19-5-9 and 67-3-65, MCA, 1972, which are made a part hereof by reference. The issuance of a permit or privilege license for such an establishment in said area is likewise prohibited.

SECTION 2: Any violation of this code shall be that of a misdemeanor, punishable, upon conviction, by a fine of not more than \$500.00 or by imprisonment in the County Jail for not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court.

SECTION 3: This ordinance and code is effective immediately after passage for the immediate preservation of the public health, safety, morals and general welfare.

SECTION 4: The full text of this ordinance and code and the order adopting it shall be published in the manner and time required by law.

ADOPTED AND PASSED BY Order of the Board of Supervisors of Pike County, Mississippi on June 4th, A.D., 1990.

BOOK 120 PAGE 310

IN THE MATTER OF AMENDING AN ORDINANCE PASSED BY THE BOARD OF  
SUPERVISORS OF PIKE COUNTY, MISSISSIPPI ON MAY 17, 1988

WHEREAS, on May 17, 1988, this Board passed an ordinance captioned:

"AN ORDINANCE AND ORDER OF THE BOARD OF SUPERVISORS OF PIKE COUNTY,  
MISSISSIPPI PROHIBITING THE SALE OF BEER, WINE, OR OTHER ALCOHOLIC  
BEVERAGE WITHIN A ONE MILE RADIUS OF A SCHOOL; PROHIBITING THE SALE  
OF BEER, WINE, OR OTHER ALCOHOLIC BEVERAGE BETWEEN THE HOURS OF  
TWELVE O'CLOCK MIDNIGHT SATURDAY NIGHTS AND TWELVE O'CLOCK NOON  
SUNDAY MORNINGS AND BETWEEN TWELVE O'CLOCK MIDNIGHT AND SEVEN A.M.  
ON OTHER NIGHTS OF THE WEEK IN THE AREAS OF PIKE COUNTY LYING OUTSIDE  
OF THE CITY AND MUNICIPAL LIMITS OF SUMMIT, McCOMB, MAGNOLIA, AND  
OSYKA; and RESCINDING OTHER ORDINANCES PREVIOUSLY PASSED  
REGULATING THE SALE OF BEER, WINE, OR OTHER ALCOHOLIC BEVERAGE",

which ordinance is recorded in Book 107 at Page 119 in the official minutes  
of this Board; and

WHEREAS, it affirmatively appears unto this Board and this Board  
hereby finds that said Ordinance should be amended by deleting the words  
"or to allow to be consumed" and adding the word "or" between the words  
sell, offer" in Section 2 of said Ordinance,

NOW, THEREFORE, the following Amended Ordinance was introduced:

"AN AMENDED ORDINANCE AND ORDER OF THE BOARD OF SUPERVISORS OF PIKE  
COUNTY, MISSISSIPPI PROHIBITING THE SALE OF BEER, WINE, OR OTHER  
ALCOHOLIC BEVERAGE WITHIN A ONE MILE RADIUS OF A SCHOOL; PROHIBITING  
THE SALE OF BEER, WINE, OR OTHER ALCOHOLIC BEVERAGE BETWEEN THE HOURS  
OF TWELVE O'CLOCK MIDNIGHT SATURDAY NIGHTS AND TWELVE O'CLOCK NOON  
SUNDAY MORNINGS AND BETWEEN TWELVE O'CLOCK MIDNIGHT AND SEVEN A.M. ON  
OTHER NIGHTS OF THE WEEK IN THE AREAS OF PIKE COUNTY LYING OUTSIDE OF  
THE CITY AND MUNICIPAL LIMITS OF SUMMIT, McCOMB, MAGNOLIA, AND OSYKA;  
and RESCINDING OTHER ORDINANCES PREVIOUSLY PASSED REGULATING THE SALE  
OF BEER, WINE, OR OTHER ALCOHOLIC BEVERAGE"

BOOK 120 PAGE 311

WHEREAS, it affirmatively appears unto this Board of Supervisors of Pike County, Mississippi and this Board hereby finds and adjudicates that public necessity or convenience and the proper and necessary preservation and promotion of the public health and safety of the citizens of Pike County require the prohibition of sale of beer, wine, or other alcoholic beverages within a one mile radius of a school and the further prohibition of sale of beer, wine, or other alcoholic beverages between the hours of twelve o'clock midnight Saturday nights and twelve o'clock noon Sunday mornings and between twelve o'clock midnight and seven o'clock a.m. other days of the week, with said prohibitions being effective in the areas of Pike County lying outside of the City or municipal limits of Summit, McCamb, Magnolia, and Osyka; and

WHEREAS, the above Saturday midnight to Sunday noon prohibition would ban the sale of alcoholic beverages during Sunday morning church services; and

WHEREAS, it further appears that the Ordinances regulating the sale of beer, wine, and other alcoholic beverages should be made uniform in the areas of the County lying outside of the City or municipal limits.

NOW, THEREFORE, the following Amended Ordinance was introduced:

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIKE COUNTY, MISSISSIPPI, as the governing board of said County, as follows:

SECTION 1: No owner, operator or employee of any cafe, restaurant, store or other business establishment shall sell beer, wine, or other alcoholic beverages within a one mile radius of a school.

SECTION 2: No owner, operator or employee of any cafe, restaurant, store, or other business establishment shall sell or offer for sale, alcoholic beverages between the hours of twelve o'clock midnight Saturday nights and twelve o'clock noon Sunday mornings or between the hours of twelve o'clock midnight and seven o'clock a.m. the other days of the week.

SECTION 3: The above prohibitions shall be effective within the areas of Pike County lying outside of the City or municipal limits of Summit, McCamb, Magnolia, or Osyka, Mississippi.

BOOK 120 PAGE 312

SECTION 4: The violation of this Amended Ordinance shall be that of a misdemeanor, punishable by such fine or county jail time or both as the Pike County Justice Court shall deem appropriate.

SECTION 5: That a copy of this Amended Ordinance and order shall be published for three (3) consecutive weeks in a newspaper published and circulated in Pike County, Mississippi.

SECTION 6: This Amended Ordinance shall take effect and be in force after the eighth day following the last publication authorized herein.

SECTION 7: The following Ordinances previously passed by this Board concerning the sale and/or consumption of beer, wine, or other alcoholic beverages are hereby rescinded, also effective the eighth day following the last publication authorized herein, said Ordinances being described as follows:

- (1) Ordinance adopted November 21, 1983 and recorded in Board of Supervisors Minute Book 84 at Page 632;
- (2) Ordinance adopted November 21, 1983 and recorded in Board of Supervisors Minute Book 84 at Page 633;
- (3) Ordinance adopted November 21, 1983 and recorded in Board of Supervisors Minute Book 84 at Page 634;
- (4) Ordinance adopted November 21, 1983 and recorded in Board of Supervisors Minute Book 84 at Page 635;
- (5) Ordinance adopted May 25, 1982 and recorded in Board of Supervisors Minute Book 78 at Page 423;
- (6) Ordinance adopted January 3, 1975 and recorded in Board of Supervisors Minute Book 60 at Page 466E;
- (7) Ordinance adopted November 6, 1974 and recorded in Board of Supervisors Minuted Book 60 at Page 251;
- (8) Ordinance adopted October 6, 1970 and recorded in Board of Supervisors Minute Book 51 at Page 576;
- (9) Ordinance adopted March 7, 1963 and recorded in Board of Supervisors Minute Book 37 at Page 107.

The above and foregoing Amended Ordinance having been introduced and read at a public meeting of the Board of Supervisors of Pike County,

Mississippi held on the 2nd day of January, A.D., 1990 was considered and adopted Section by Section and then as a whole by the following vote:

Following motion to adopt by Supervisor A. Marks, seconded by Supervisor Theodore Bullock and Supervisor Dick Andrews to adopt said Amended Ordinance, said vote was:

Supervisor Theodore Bullock - "For"

Supervisor A. Marks - "For"

Supervisor Dick Andrews - "For"

Supervisor Tommy Paulk - "For"

Supervisor Freddie Wall - "For".

SO ORDAINED, ADOPTED, AND ORDERED, this, the 2nd day of January, A.D., 1990.

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PRESIDENT

ATTEST:

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CLERK