

AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF PIKE COUNTY, MISSISSIPPI PROHIBITING
THE SALE FOR ON-PREMISES CONSUMPTION
OF BEER, WINE, OR ALCOHOLIC BEVERAGES OF ANY TYPE WITHIN
FIFTEEN (1500) FEET OF ANY CHURCHES IN UNINCORPORATED AREAS OF
PIKE COUNTY, MISSISSIPPI

WHEREAS, the Board of Supervisors of Pike County, Mississippi has been made aware of wide-spread problems related to lewd behavior, disturbances of the peace, profane language, drunkenness, and other offensive acts which have been committed by intoxicated persons in close proximity to churches and places of worship in unincorporated areas of Pike County, Mississippi; and

WHEREAS, the Board of Supervisors of Pike County, Mississippi is advised that under the provisions of §67-3-65, Mississippi Code Annotated, the Board of Supervisors is authorized to fix zones and territories, enforce such proper rules and regulations, and for such other measures as will promote public health, morals and safety regarding the possession and consumption of alcoholic beverages in this county; and

WHEREAS, pursuant to §19-3-40, Mississippi Code Annotated, the Board of Supervisors of Pike County, Mississippi has the authority to adopt resolutions and ordinances for which no specific provision has been made by general law and which are not inconsistent with the Mississippi Constitution, the Code of 1972, or any other statute or law of the State of Mississippi; and

WHEREAS, it appears unto the Pike County Board of Supervisors that the health, safety and public welfare of this county would be served by the enactment of a prohibition of the sale for on-premises consumption of beer, wine, and all alcoholic beverages within a certain distance of churches and recognized places of worship in unincorporated areas of Pike County, Mississippi.

On motion by Supervisor Venton Adams, seconded by Supervisor Gary Honea, the following resolution was duly adopted:

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Pike County, Mississippi, that for the reasons set forth above and pursuant to the authority granted therein, the following resolution is hereby enacted:

1. SHORT TITLE. This Ordinance shall be known as the "Pike County Prohibition of the Sale for On-Premises Consumption of Beer, Wine and all other Alcoholic Beverages within Fifteen Hundred (1500) feet of Any Church in unincorporated areas of this County," which distance shall be measured from the nearest point of contiguous church property on which contiguous tract is located the principal church sanctuary to the main door of the affected business establishment.

2. INTENT. It is the express intent of the Board of Supervisors and of this Ordinance to promote a clean, healthy, safe, and attractive environment in unincorporated areas of Pike County, Mississippi, and to preserve the health, safety, and public welfare of this county.

3. APPLICABILITY. This Ordinance shall apply to and be enforced in the unincorporated portions of Pike County, Mississippi.

4. DEFINITION. The following words, phrases or terms, as used in this Ordinance, shall have the following meanings:

a) alcoholic beverages; any spirits, including but not limited to wine, beer, ale, or other liquid containing alcoholic beverages.

b) churches; any building, sanctuary or other improvement in which religious activities are conducted and in which regular, systematic worship services are

conducted on a regular basis;

c) pre-existing business establishments; any bar, café, restaurant or other business which has regularly sold, for on-premises consumption, wine, beer, ale, or other alcoholic beverages, for a period of time greater than one (1) year prior to the effective date of this Ordinance, which business establishments are intended to be "grandfathered" and thus made exempt from enforcement of this Ordinance.

5. SALE FOR ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED WITHIN FIFTEEN HUNDRED (1500) FEET OF CHURCHES (EXCEPTING PRE-EXISTING BUSINESSES AS HEREIN DEFINED). It is unlawful for any person to sell for on-premises consumption alcoholic beverages of any type or description in the unincorporated areas of Pike County, Mississippi within Fifteen Hundred (1500) feet of any church. Pre-existing businesses, which have been in continuous operation for more than one (1) year preceding the effective date of this Ordinance, are excepted from the enforcement of this Ordinance.

6. PENALTY. Any person found to be in violation of this Ordinance shall be fined \$ 500.00 for each offense.

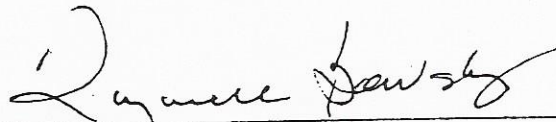
7. NUISANCE, INJUNCTION. Any violation of this Ordinance is hereby declared to be a nuisance. In addition to any other relief provided by this Ordinance, the Board of Supervisors may apply to the Chancery Court for an injunction to enjoin continued violation of this Ordinance.

8. CONFLICT. Any other Ordinances of Pike County, Mississippi, which are conflicting or inconsistent with this Ordinance, are hereby repealed to the extent of any inconsistencies.

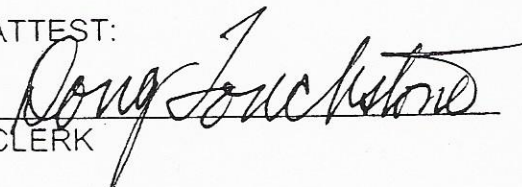
9. EFFECTIVE DATE. The Board of Supervisors of Pike County, Mississippi do hereby find and determine that it is necessary for the immediate and temporary preservation of the health, safety and public welfare of this County that this Ordinance be made effective immediately. Accordingly, this Ordinance shall be in full force and effect from and after this date, and the Clerk is directed to publish notice accordingly.

SO ORDERED AND ADOPTED by the Supervisors of Pike County, Mississippi on this the 28th day of November, 2008.

PIKE COUNTY BOARD OF SUPERVISORS

BY: 
PRESIDENT

ATTEST:


CLERK

RECORD OF VOTES:

TAZWELL BOWSKY	<u>Nay</u>
LEXIE ELMORE	<u>Aye</u>
CHUCK LAMBERT	<u>Aye</u>
VENTON ADAMS	<u>Aye</u>
GARY HONEA	<u>Aye</u>