

The Mayor and Board of Aldermen of the City of Long Beach, Mississippi, took up for consideration, the matter of regularizing the consumption and transportation of alcoholic or intoxicating beverages of any kind within said City. Whereupon Alderman Sneed introduced in writing and there was read and considered first section by section and then as a whole, the following Ordinance:

ORDINANCE NO. 350

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, REGULATING THE CONSUMPTION AND TRANSPORTATION OF CEREAL MALT BEVERAGES, BEER, WINE, AND ALCOHOLIC OR OTHER INTOXICATING BEVERAGES WITHIN SAID CITY; PROVIDING PENALTIES FOR ANY VIOLATION THEREOF; AND FOR RELATED PURPOSES.

WHEREAS, having made due investigation therefor, the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, do now find, determine and declare that there have been recent and repeated outbreaks of disorder calculated to lead to a breach of the public peace and interference with the rights and privileges of the traveling public within said City due to the consumption and transportation of cereal malt beverages, beer, wine and/or alcoholic or other intoxicating beverages in public places in said City; and the immediate and temporary, as well as the permanent, preservation of the public peace, health and/or safety requires the regulation thereof; NOW, THEREFORE

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

SECTION 1. Any person who shall drink or consume any cereal malt beverage, beer, wine, or alcoholic or other intoxicating beverage of any kind, or shall have in his or her possession an open container of any cereal malt beverage, beer, wine, or alcoholic or other intoxicating beverage of any kind, while in any vehicle along or upon any public road, street, alley, way, sidewalk, park, or any municipally owned or public facility, or any parking lot intended for use and normally used or provided by business for public use, within the corporate limits of the City of Long Beach, Mississippi, shall be guilty of a misdemeanor; and upon conviction thereof shall be punished as hereafter provided.

SECTION 2. It shall be unlawful for any person to have in his or her possession, or to carry, transport or handled in any manner or mode, any cereal malt beverage, beer, wine, or alcoholic or other intoxicating beverage of any kind, along or upon any public road, street, alley, way, sidewalk, park, or any municipally owned or public facility, or any parking lot intended for use and normally used or provided for public use by business within the corporate limits of the City of Long Beach, Mississippi, save and except in containers which are sealed and which have not been unsealed since they were first sealed by the brewer or brewery, distiller or distillery, or manufacturer,

bottler or canner, respectively, of such cereal malt beverage, beer, wine, or alcoholic or other intoxicating beverage of any kind. The possession of such unsealed container while in places above prohibited shall constitute prima facie evidence of a violation of the provisions hereof. Any person violating any portion hereof shall be guilty of a misdemeanor; and upon conviction thereof shall be punished as hereafter provided.

SECTION 3. The purpose of this Ordinance is to declare the public policy of the City of Long Beach, Mississippi, to prohibit any person from carrying, handling or transporting any cereal malt beverage, beer, wine, other spiritous or vinouse liquors, or alcoholic or other intoxicating beverages along, upon or over the public streets, alleys, ways, sidewalks, parks, municipally owned or public facilities, and parking lots within the corporate limits of the City of Long Beach, Mississippi, so as to make it possible to extract in the places prohibited, the contents or any part thereof from the containers of such beverages, since the beverage was originally placed in such container and sealed at its place of manufacturing, brewing, distilling, canning or bottling.

SECTION 4. Acknowledging the benefit that may accrue from bona fide activities or programs of bona fide non-profit organizations for public, civic, educational, welfare, eleemosynary or charitable purposes, there shall be excepted from the provisions of this ordinance, any such bona fide non-profit or charitable, fraternal or civic organization, and its active participating members, which organization shall have first secured a permit for such activities and/or program from the Chief of Police, approved by the Mayor, of the City of Long Beach, Mississippi; provided further, that the granting of such permit shall not be deemed to allow or permit any act prohibited by the Laws of the State of Mississippi.

SECTION 5. Any person who shall violate any portion or provision of this ordinance shall be guilty of a misdemeanor; and upon conviction thereof shall be punished by a fine not to exceed the sum of Five Hundred Dollard (\$500.00), or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment.

SECTION 6. The provisions of this ordinance are hereby declared to be severable; and should any section, sub-section, paragraph, sentence, phrase, clause or word of this ordinance, or the application thereof, be declared to be invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions, or the application thereof, of this ordinance.

SECTION 7. To protect against the recent and threatened outbreaks of disorder and to prevent threatened breach of the public peace and the interference with the rights of the traveling putlic within the City of Long Beach, Mississippi, from any violation of the acts prohibited herein, and the immediate and temporaty, as well as the permanent, preservation of the

public peace, health and safety therefor so requiring it, this ordinance shall be in full force and effect, from and after its adoption, July 3, 1984; but the same shall nevertheless be published and enrolled as provided by law.

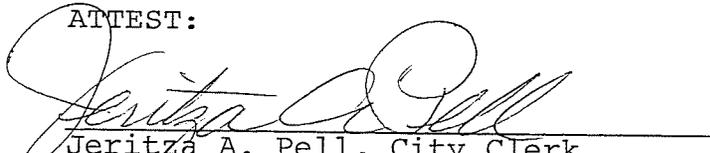
ADOPTED AND APPROVED, this 3rd day of July, 1984.

APPROVED:



 Glenn W. Mitchell, Mayor

ATTEST:



 Jeritza A. Pell, City Clerk
 (SEAL)

The above and foregoing ordinance was introduced in writing by Alderman Sneed, who moved its adoption. Alderman Charlton, seconded the motion to adopt the ordinance, which was read and considered first section by section and then as a whole; and the question being put to a roll call vote, the result as to each section separately and as to the whole was as follows:

Alderman John Charlton	voted Yea
Alderman Louis Elias	voted Yea
Alderman Mike Lawless	voted Yea
Alderman Donald Logan	voted Yea
Alderman Harry Sneed	voted Yea

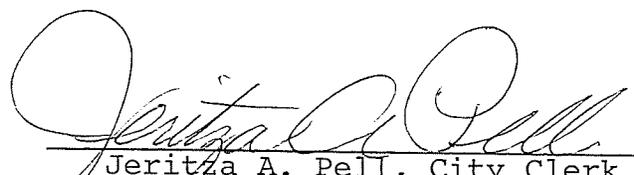
The question having received the affirmative vote of all of the members of the board of aldermen, the Mayor declared the motion carried and the Ordinance No. 350 duly and regularly adopted and approved, this 3rd day of July, 1984.

CERTIFICATE

STATE OF MISSISSIPPI
 COUNTY OF HARRISON
 CITY OF LONG BEACH

I, the undersigned, Jeritza A. Pell, City Clerk within and for the City of Long Beach, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of that certain Ordinance No. 350, adopted by the Mayor and Board of Aldermen of the City of Long Beach at a regular meeting duly convened and held July 3, 1984 as the same appears of record in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 4th day of July, 1984.



 Jeritza A. Pell, City Clerk

(SEAL)