

ORDINANCE

AN ORDINANCE OF THE TOWN OF FARMINGTON TO
REGULATE THE POSSESSION AND CONSUMPTION OF
ALCOHOLIC BEVERAGES IN OPEN CONTAINERS IN
VEHICLES ON PUBLIC STREETS AND FOR RELATED
PURPOSES

WHEREAS, the governing authorities of the Town of Farmington, Mississippi, are empowered to make regulations to serve the general health of the municipality pursuant to Section 21-19-1 of the Mississippi Code Annotated (1972); and

WHEREAS, the governing authorities of the Town of Farmington, Mississippi, are empowered to adopt any orders, resolutions or ordinances with respect to the care, management and control of municipal affairs and its properties and finances for which no provision has been made by general law and which is not inconsistent with existing law pursuant to Section 21-17-5 of the Mississippi Code Annotated (1972); and

WHEREAS, the consumption of alcoholic beverages, wine, light wine and beer in conjunction with the operation of motor vehicles on public streets is a significant danger to the citizens of the Town of Farmington, Mississippi, and to visitors of the Town of Farmington, Mississippi, resulting in injury to persons and damage to property; and

WHEREAS, the presence of open containers of alcoholic beverages, light wine and beer in motor vehicles on the public streets and ways of the Town of Farmington, Mississippi, promotes consumption, is part of consumption and directly increases the risk of injury and damage; and

WHEREAS, the Board of Aldermen further finds and determines that the provisions contained in this ordinance are necessary to rationally and reasonably address the danger to public health, morals, safety and welfare and that they are reasonably related to the promotion of public

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health, morals, safety and welfare and are therefore not oppressive, arbitrary or discriminatory.

NOW, THEREFOR, BE IT ORDAINED by the Board of Aldermen as follows:

Section 1. The finding and determinations, and the prefatory statements, are hereby incorporated herein.

Section 2. The Ordinance of the Town of Farmington, Mississippi, is hereby adopted to read as follows:

Sec. 5-1. Prohibition of alcoholic beverages from municipal property.

The sale, distribution, bartering, giving away, and consumption of alcoholic beverages, wine, light wine and beer, or the possession of open containers thereof, are prohibited at outdoor events and activities (and events and activities held in nonpermanent structures, tents and pavilions) on real property owned by the Town of Farmington, Mississippi and on any real property leased to the Town of Farmington, Mississippi.

Section 5-2. Open containers of alcoholic beverages prohibited.

No operator or driver of a motor vehicle of any description, nor owner thereof if present in the motor vehicles, shall permit the possession or consumption of alcoholic beverages, wine, light wine or beer, as such terms are used in Chapters 1 or 3 of Title 67 of the Mississippi Code of 1972, in or on such motor vehicle while such vehicle is located on the public streets, roads, highway, alleys, parking lots and drives of businesses, or rights-of-way within the Town of Farmington, Mississippi, and any possession or consumption thereof anywhere in the corporate limits of Farmington is hereby prohibited.

Sec. 5-3. Possession or consumption by passenger from open containers prohibited.

No passenger in or on a motor vehicle located on the public streets, roads, highways, alleys or rights-of-way within the Town of Farmington, Mississippi, shall possess or consume, as defined in this Ordinance, alcoholic beverages, as such terms is used in Chapters 1 and 3 of Title 67 of the Mississippi Code of 1972, and including but not limited to alcoholic beverages, wine, light wine and beer, and such possession or consumption is prohibited.

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Sec. 5-4. Definitions of consumption and open containers.

For the purposes of this Ordinance, "consumption" or "consume" shall include the ingestion of alcoholic beverages or the possession of any cup, glass or open container of alcoholic beverages or any bottle, can or other container upon which the manufacturer's seal, cork, cap or other sealing method has been opened. Possession of such open container shall include but not be limited to the presence of the open container in, or accessible to, the passenger compartment of the motor vehicle, or anywhere else in the Town of Farmington, Mississippi, and the actual holding of the open container shall not be necessary in order to constitute a violation of this Ordinance.

Sec. 5-5. Sealed and inaccessible containers.

Nothing in this Ordinance shall prohibit the otherwise legal possession or transportation of alcoholic beverages in containers sealed by the manufacturer with an unbroken, unopened cork, cap, seal or other sealing method in motor vehicles located on public streets, roads, highways, alleys and right-of-way of the Town of Farmington, Mississippi.

Sec. 5-6. Purpose and legislative intent.

The purpose of this Ordinance is to regulate possession or consumption of alcoholic beverages, wine, light wine and beer anywhere in the Town of Farmington, Mississippi, and particularly in motor vehicles on public ways for safety by preventing the impairment of drivers and the distraction of drivers by passengers, and nothing in this Ordinance shall or may be construed to violate or be in contradiction to the prohibition laws of Mississippi or to legalize the possession or sale of alcoholic beverages, beer or wine.

Sec. 5-7. Penalties.

Any person or entity which shall be found to have violated this Ordinance shall be subject to a fine not exceeding one thousand dollars (\$1,000.00), or imprisonment not exceeding ninety (90) days, or both.

Section 6. This ordinance shall become effective on the thirty-first day after its passage, and the Town Clerk shall cause the ordinance to be published in *The Daily Corinthian*.

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The foregoing Ordinance was proposed in a motion by Alderman Dale Fortenberry,
seconded by Alderman Richie Mathis, and was brought to a vote as follows:

Alderman Hank Barrett	<u>yes</u>
Alderman Dale Fortenberry	<u>yes</u>
Alderman Richie Mathis	<u>yes</u>
Alderman Lowell Gann	<u>absent</u>
Alderman Charles Kemp	<u>absent</u>

Whereupon, the ordinance having received a majority of affirmative votes, the President of Board of Aldermen declared that the Ordinance had been passed and adopted on this the 20 day of July, 2004.

TOWN OF FARMINGTON, MISSISSIPPI

BY: Ray Hughes
RAY HUGHES, MAYOR

ATTEST:

Debora Holloway
DEBORA HOLLOWAY, TOWN CLERK



APPROVED:

Ray Hughes
RAY HUGHES, MAYOR

7-20-04
DATE