

Roadhouse; Ordinance No. 2024 - 0001

STATE OF MISSISSIPPI
COUNTY OF CLAY

AMENDED
ORDINANCE REGULATING PLACES OF PUBLIC ASSEMBLAGE,
INCLUDING ROADHOUSES AND LIKE ESTABLISHMENTS,
AND PROVIDING FOR PENALTIES FOR VIOLATIONS
(Revised April 4, 2024)

WHEREAS, Article Six, Section 170 of the Mississippi Constitution and Section 19-3-41 of the Mississippi Code of 1972, as amended and annotated, grant jurisdiction over roads and all matters of County Police to Boards of Supervisors; and

WHEREAS, Chapter 5, Title 19 of the Mississippi Code of 1972, as amended and annotated, authorizes counties to protect the general health, safety and welfare of its citizens where the Legislature has not made provision; and

WHEREAS, Section 19-3-40 of the Mississippi Code of 1972, as amended and annotated, the "home rule" statute, grants counties the power to adopt ordinances respecting county affairs for which no specific provision has been made by the Legislature and which is not inconsistent with the Mississippi Constitution; and

WHEREAS, Clay County is in the process of creating a long-term comprehensive development plan for the benefit of its citizens and the adoption of an ordinance regulating public assemblage will enhance such plan; and

WHEREAS, the Clay County Board of Supervisors has received significant accounts of places of public assemblage, including roadhouses, nightclubs, dance halls and the like, within and without of the County which contribute to littering, public intoxication, controlled substance violations, noise, disorderly conduct, assaults, overcrowding and traffic congestion limiting emergency responders in the performance of their duties, and, additionally, some of these assemblages have permeated conspiracies of silence, allowing violators to escape the administration of justice, and which are managed without adequate attention to these problems; and

WHEREAS, on numerous occasions, the impact of these business operations has been more significant when the establishment is hosted by an entertainment promoter for a special event or performance, or the like when the establishment fails to alert law enforcement of criminal conduct occurring during operations; and

WHEREAS, some of those operations are located in buildings which are not in compliance with current building and/or National Fire Protection Association standards, causing a safety hazard for the occupants, customers and patrons of said buildings.

NOW THEREFORE, BE IT ORDAINED by the Board of Supervisors of Clay County, Mississippi:

Article I.

Applicability, Intent & Interpretation

This ordinance shall apply to all places of public assemblage as defined in Article II, including all existing establishments, as well as any that make application subsequent to the adoption of this ordinance. This ordinance shall not apply to functions hosted or sponsored by a governmental entity or its agents acting on behalf of said entity, events categorized as private parties for which fees for admission are not being charged, or any charitable organization which has exempt status as established by the Internal Revenue Service.

The intent of this ordinance is to promote public safety and welfare by regulating security, alcohol policies, loitering, littering, noise, over-crowding, parking and other nuisances which affect public safety and welfare.

If any portion of this ordinance is claimed to be ambiguous, the appropriate regulating authority as identified in Article II shall render interpretations of this ordinance based on the intent. Any party in disagreement with the interpretation of the regulating authority may file a written appeal to the Regulations Committee as described in Article V. Upon receipt of a written appeal, the Regulations Committee shall schedule a meeting with the appellant within thirty (30) calendar days to hear testimony from both sides and to render a decision as outlined in this ordinance. The interpretation of the authority shall stand during any appeal process.

Article II.
Definitions

This ordinance shall apply to all places of public assemblage, including but not limited to, roadhouses, nightclubs, dance halls, lounges, taverns, cabarets, bars, pool halls, community centers, recreation centers, convention centers and restaurants, whether allowing alcoholic beverages or not, and regardless of whether entertainment is provided or allowed during any portion of its regular operation and which provides entertainment activities through any of the following: amplified music, whether live or programmed, dancing, table games and/or video games. This definition also includes open air assemblages as well as restaurant/bar establishments which provide entertainment as described above during any portion of its operation. Any other establishment which only occasionally hosts the above described activities shall be subject to the provisions of this ordinance while engaging in such activities. This definition is applicable to the owner of the real estate, any lessee, operator, host, entertainment promoter and any borrower of the premises conducting events on the property.

Bring Your Own Bottle/BYOB: Any establishment that allows hard liquor to be brought inside for consumption shall not allow it to be poured into any other container of more than twelve (12) ounces in size.

Consume or Consumption: Consume or consumption is the ingestion of alcoholic beverages or the possession of any alcoholic beverages in its original container or bottle, can or other container, which has been opened. Consumers are restricted to inside the place of public assemblage while consuming alcoholic beverages, with the exception of open air functions (ex. blues festivals and outdoor concerts, etc.). In the case of open air functions, the consumption of alcohol shall be restricted to the area(s) reserved for sitting for the purpose of enjoying outdoor entertainment, which shall not include those area(s) designated for parking.

Entertainment Promoter: Any individual, partnership, corporation, or other entity or agent promoting any venue, performing artists, advertising services, or similar activities, by contracting with a person, partnership or corporation not owned and operated by the promoter.

For Profit Event: Any event other than a non-profit event.

Non-Profit Event: Any event designed and intended to produce profits for the benefit of and/or subsequent disbursement by organizations which are tax exempt under federal tax laws and Internal Revenue Service regulations.

Overcrowding. A condition that exists when either there are more people in a building, structure or portion thereof than has been authorized or posted

by the fire official, or when the fire official determines that a threat exists to the safety of the occupants, due to persons sitting and/or standing in locations which may obstruct or impede the use of aisles, passages, corridors, stairways, exits, or other components of means of egress as required by the Mississippi Legislature and/or adopted by the Clay County Board of Supervisors.

Public Safety Concerns include, but are not limited to the following:

- 1) One or more acts of violence resulting in physical injury;
- 2) Observed illegal drug activity, or
- 3) The unlawful possession and/or serving of beer or light wine, occurring inside of the establishment, or in the parking area of an open-air activity.

Public safety concerns exist regardless of whether the venue is owned, leased or operated by a third party.

Regulating Authority. The official, officer or entity charged with regulating the provisions of this ordinance, including but are not limited to, the Sheriff and/or his designee, fire coordinator, State Fire Marshal, or the Alcohol Beverage Control Division of the State Department of Revenue.

Regulations Committee. The committee designated by the Clay County Board of Supervisors to administer certain sections of this ordinance as provided in Article V.

Period of Safe Operation. A period of least ninety (90) days during which Clay County E911 office has recorded no calls for service reporting criminal activity or public safety concerns other than those reported by the establishment.

Article III

Permit

Permit Required. (A) As a condition precedent to having an event or opening any establishment as defined in Article II, the owner, lessee, operator, host, promoter or borrower of the premises, as the case may be, whether on a regular basis or one (1) time event, shall obtain a permit prior to allowing customers or patrons into the place of public assemblage.

- 1) A building, part of a building, or outdoor location may be occupied and used as a place of public assemblage by a person, entity or organization other than the owner or full-time lessee, only when the operator, promoter or any borrower has been issued a permit which is

in effect under the provisions of this article;

- 2) Compliance with physical requirements of the facilities shall be the responsibility of the owner. Compliance with operating requirements shall be the responsibility of the owner unless a valid permit has been obtained by a lessee, operator, promoter, host or borrower, and in which case, the owner shall be jointly responsible for compliance; and
- 3) If a place of public assembly, as defined in Article II deviates from the primary operation of business, a separate permit will be required. If a business' primary scope of activity is providing available space for rental, a permit will be required for each separate event.

(B) Permit Application. Fees and Issuance: Permit applications may be obtained from the Clay County Sheriff and/or his designee. Upon submission of a completed application and applicable permit fee, the Sheriff and/or his designee shall review the application, as well as any incidents occurring at the place of public assemblage within the preceding twelve (12) months, past compliance with this ordinance, and the historical record of the owner and proposed establishment, if any.

Permit Fees shall be assessed as follows:

- 1) The permit fee for a local club or business owner shall be \$500.00.
- 2) The permit fee for a locally based DJ, who makes appearances at various locations shall be \$50.00.
- 3) The permit fee for a nonresident event promoter shall be \$1,000.00 per event.

THE SHERIFF AND/OR HIS DESIGNEE SHALL THEN SUBMIT HIS RECOMMENDATIONS AND THE COMPLETED APPLICATION TO THE REGULATIONS COMMITTEE FOR CONSIDERATION. The Regulations Committee shall issue permits subject to the facility meeting all occupancy requirements of the State or County's adopted building and life safety codes.

(C) Permit Validity. Upon adoption of the revised version of this ordinance, all permits must be applied for and re-issued no later than June 1, 2024. Permits issued June 1, 2024, shall have an expiration of one year, thereby expiring on May 31, 2025.¹ If a permit is suspended or revoked for

¹This deadline shall not apply to permits issued to nonresident event promoters or permits issued for special events.

failure to comply with the provisions of this ordinance, all permit fees tendered shall be forfeited.

The intent of this provision is to establish a renewal date of June 1st and an expiration date of May 31st for all annual permits.

(D) Permit Renewal.

- 1) A permit renewal application may be granted after a review of past performance. Consideration by the Regulations Committee shall include but not be limited to: safe operation, past permit revocations and/or suspensions, observance of occupancy restrictions, functionality of security cameras, violations of other applicable law, record of prior permittees affiliated or associated with the applicant, evidence of illegal drug activity, beer or light wine violations, evidence of fighting, disorderly conduct and other dangerous activities on or about the permitted premises.
- 2) Violations of this ordinance by persons, entities, or organizations other than the owner, whether permitted under this ordinance or not, may be grounds for non-renewal of the permit.
- 3) The Regulations Committee reserves the right to deny the issuance of a permit in the following instances:
 - a) If it finds the applicant has not submitted a complete application or appropriate fee, or
 - b) Upon recommendation of the Sheriff or his designee that the applicant has failed to comply with this ordinance.

If the Regulations Committee declines to issue a permit, all permit fees shall be forfeited with a letter issued by the Regulations Committee to the applicant stating the reason(s) for the denial.

(E) Permit Suspension and/or Revocation. The Regulations Committee may temporarily suspend a permit for a violation of one or more provisions of this ordinance.

- 1) If a permit is suspended or revoked, no entertainment activities, including amplified music, whether live or programmed, dancing, table games or video games may be conducted on the premises. If any entertainment activities occur during a period of suspension or revocation, the privilege license and certificate of occupancy shall be revoked. Such suspension or revocation does not otherwise affect the

sale or purchase of the realty or personalty during the suspension or revocation.

- 2) The Regulations Committee may permanently revoke a permit for two (2) or more violations within the provisions of this ordinance in a twelve (12) month period, or for more than three (3) violations of the provisions of this ordinance. Such permanent revocations may serve as the basis for actions in law or equity to shutter the establishment.
- 3) Such suspension shall be held in abeyance for a period of three (3) business days to permit the owner, lessee, manager, host, agent, etc. to appeal the suspension or revocation. Notice of the suspension or revocation shall be by certified mail, hand delivery, or by leaving notification at the door of the permittee's location.
- 4) A permit shall not be suspended or revoked if a violation is not a public safety concern, unless the violation is found to have continued or recurred after the permittee received notice of the violation and an opportunity to remedy or prevent the violation's occurrence.
- 5) A permit may be suspended or revoked and the event cancelled, if advertisement or promotional materials include images, graphics and/or text depicting violence, obscenity or other illegal activity.

(F) Emergency Temporary Suspension by Sheriff: The Sheriff's on-duty field Supervisor/Commander may temporarily suspend the establishment's permit if he/she determines that an immediate suspension is necessary to restore order for failure to comply with the provisions of this ordinance, or life, health or safety of customers or patrons are in danger. Emergency Temporary Suspension by the Sheriff or his designee shall be implemented as follows:

- 1) The facility shall be vacated and closed, effective immediately, upon verbal notification to the owner, lessee, manager, host, agent or representative and shall be effective for up to 24 hours or as needed to restore order or to ensure compliance with security requirements.
- 2) The establishment may re-open thereafter, provided that the situation giving rise to the emergency temporary suspension of the permit has been adequately addressed as determined by the Sheriff and/or his designee. The Field Supervisor shall submit a report outlining the basis for his/her decision to suspend the permit(s) to the Sheriff and/or his designee. The Sheriff and/or his designee shall, within five (5) business days, submit a finding to the Regulations Committee, either recommending the continuation of the permit, temporary suspension for a designated period or revocation. The Regulations Committee shall notify the permittee as provided herein.

- 3) Within three (3) business days of receiving notice of denial, suspension or revocation of the permit, the permittee or applicant may appeal the action by filing a written notice of appeal with the Regulations Committee at the Office of the Chancery Clerk.
- 4) The Regulations Committee will conduct a hearing as promptly as possible, and within five (5) business days of receiving the written notice of appeal, to determine whether to: (a) reinstate or issue the permit; (b) temporarily suspend the permit; or (c) permanently revoke the permit.
- 5) The permittee or applicant for a permit shall be entitled to appear, testify and present evidence at a hearing. Formal rules of evidence shall not apply and reasonable limitations may be placed upon total hearing time.
- 6) A temporary suspension may not extend beyond the date on which the permit expires. Any such suspension or revocation does not otherwise affect the owner's sale of the premises or personalty. The Regulations Committee shall prepare written findings and conclusions concerning the appeal decision within five (5) business days of the hearing.

(G) Appeal Procedure Concerning Imposition of Supplemental Security Requirement (Article IV):

- 1) Within ten (10) business days of receiving notice that the business has become subject to a supplemental security requirement, the permittee may appeal the action by filing a written notice of appeal with the Regulations Committee. The Regulations Committee will conduct a hearing as promptly as possible, and within five (5) business days of receiving the written notice of appeal, to determine whether to: (a) continue imposition of the security requirement; (b) continue imposition of the security requirement, but shorten the requirements; or (c) remove the security requirement.
- 2) The permittee or permit applicant shall be entitled to appear, testify and present evidence at the hearing. Formal rules of evidence shall not apply and reasonable limitations may be placed upon total hearing time. The Regulations Committee shall prepare its findings and conclusions concerning the appeal decision within five (5) business days of the hearing.

Article IV
Operating Requirements

(A) *Applicability*. All establishments must adhere to posted occupancy limits. Supplemental security may be required based on occupancy limits and the number of law enforcement or emergency calls received within a six (6) month period.

(B) *Entertainment Promoter Use*. The owner or lessee of the establishment shall not allow any entertainment promoter to use, sub-lease or rent the premises (including any outdoor and/or parking areas) without verifying that the promoter has a valid entertainment promoter permit and has complied with the security staffing requirements.

(C) *Hours of Operation*. Operating hours for establishments shall be from noon until 1:00 a.m. the following morning. At 1:30 a.m., all customers shall be out of the building and off the premises. The owner, management, band and security will be allowed to remain on site after 1:30 a.m. to clean the premises and remove equipment. The owner, management, band and security must be off the premises by 2:00 a.m.

(D) *Age Restrictions*. It is unlawful for any person under the age of twenty-one (21) to be in possession of alcoholic beverages. All persons under the age of twenty-one (21) years shall be wearing a non-removable, easily identifiable armband in any nightclub, bar or location where alcoholic beverages are sold. The permittee shall be responsible for verifying the age of all occupants. It shall be the responsibility of the owner, operator, event host and security staff to make certain all persons admitted have photograph identification.

(E) *Weapons and Other Dangerous Items*. The permittee shall post a sign on the entrance door declaring that no weapons are allowed inside. The permittee shall also be responsible to ensure that no guns, knives, brass knuckles, or other paraphernalia which may be used as weapons are brought into the building except by security guards duly licensed and authorized to carry said weapons.

Aside from a location listed in Subsection (1)(f) of this section or Section 45-9-101(13) indicating that the possession of a firearm is prohibited on the premises, as long as the sign also indicates that it does not apply to a person who is properly licensed under Section 45-9-101 or Section 91-31-1(2) to carry concealed firearm or to a person lawfully carrying a firearm that is not concealed.

Hand wand metal detectors shall be utilized on all persons entering the establishment.

Pyrotechnics are prohibited and the permittee is responsible to ensure that no fire or other hazardous materials are used inside the premises.

(F) Occupancy Capacity. The number of people in an assembly area, in concentrated use without fixed seating, shall be seven square feet per person. If fixed seating is present, the occupancy will be the number of seats with adequate aisles and clearances.

The assembly area is to be measured in a continuous area. This area requirement may be modified for a bandstand, speaker's stand or for displays.

(G) Egress. There shall be a minimum of two means of egress from the assembly area. The paths to these exits must not be obstructed and no lock or exit hardware shall present free escape from the premises. Each exit shall be clearly marked with any exit having a minimum opening of 36 inches and be hinged in the outward direction of egress travel. Egress capacities shall be consistent with assembly capacity. An egress shall terminate in a safe, free and unobstructed area.

(H) Emergency Lighting. Emergency lighting shall be installed to illuminate the assembly area and paths of egress in the case of a power failure.

(I) Signage. Signage shall be provided at all exits or paths of egress to an exit. Signs stating "NO EXIT" shall be provided for all dead-end corridors, closet doors, openings to kitchen or utility rooms.

(J) Authority. The Authority Having Jurisdiction (AHJ) shall have the ability to inspect any premises to ensure adherence to this ordinance, as well as to make recommendations for overall safety for every day and special event operations.

- 1) Overcrowded or admittance of any person beyond the approved capacity of a building or portion thereof shall not be allowed. Each person admitted beyond the safety capacity shall be considered a separate offense.
- 2) The fire official or law enforcement official, upon finding any overcrowding, obstructions of any passageways, aisles or other means of egress, or upon finding any condition which constitutes a life safety hazard shall be authorized to cause the event to be immediately ceased until such condition or obstruction is corrected.
- 3) Owners or any permittee shall be responsible for recording the number of people allowed in the facility and such numbers shall be produced upon request by fire or law enforcement officials. Failure to

provide a documented tabulation of customers/patrons admitted shall constitute a misdemeanor.

(K) Nuisance Activity. The establishment/permittee, etc. shall use best efforts to deter nuisance activities, including but not limited to loitering outside the establishment, littering, vandalizing, making loud noises or otherwise disturbing the peace of nearby property residents. Property residents aggrieved by the activities of an establishment or its patrons may file a written complaint fully describing the nature of the nuisance with the Clay County Sheriff's Office. The Sheriff's Office is authorized to issue citations based on this ordinance, and require all parties involved to appear in Clay County Justice Court for hearing of the alleged violation(s). If found guilty, the Court is authorized to fine and/or imprison as allowed by law for misdemeanor offenses, and to suspend or revoke permits as provided in Article III of this ordinance. Continued violations of littering, loitering, vandalizing, loud noise, fighting, assaults, blocking roadways, and other nuisance activities will be grounds for suspension or revocation of permits issued.

(L) Masks and Face Coverings. Masks that conceal one's identity are prohibited. Examples of masks and face coverings prohibited by this ordinance are ski masks, which cover all but one's eyes, nose and mouth; balaclavas, which cover necks and the lower part of one's face; and costume masks covering the whole face except the eyes.

(M) Security. All businesses covered under this ordinance shall provide adequate supervision so as to prohibit the sale, giving or furnishing of any alcohol, beer or light wine to any person visibly intoxicated, or to any habitual drunkard, or to any person under the age of twenty-one (21) years, and to otherwise provide for the safety of employees and patrons on the premises of such businesses to the extent required by State and local laws, rules and regulations, and as further provided herein. The permittee for the sale of alcoholic beverages and/or beer or light wine, as the case may be, shall be responsible at all times for acts of manager(s) and employee(s) who are in violation of applicable local or State laws or rules and regulations, and which take place at the permitted establishment, regardless of whether the permittee is present.

Unless otherwise excused, all establishments and their operators, as contained in this ordinance shall provide a minimum of ten (10) bonded and approved security guards per 100 people for each event, plus a minimum of two (2) bonded security guards in each parking lot to control traffic and congregating. At least one of the bonded security guards shall remain on site for at least one hour after the establishment closes to ensure that no loitering, littering or other unlawful activity occurs. A minimum of five (5) approved security guards must be present and on duty at any event or establishment,

unless otherwise excused by the Regulations Committee, the Sheriff or the Sheriff's designee.

- 1) Security guards shall be uniformly attired and easily identified with SECURITY printed on their shirt or uniform, with lettering in a bold color which contrasts with the color of the shirt. The shirt/uniform shall be different than any other shirt/uniform worn by non-security employees on the premises,
- 2) If a private security company is used by the business that company must be insured, bonded and hold a valid business license to do business in the State of Mississippi and Clay County.
- 3) A list of all members of any private or on site security team must be provided to the Sheriff at the time the permit is issued. The list shall be updated and submitted to the Sheriff each time the list is modified.
- 4) In the case of a promoted and/or advertised event, it shall be the joint responsibility of the owner and event promoter to provide adequate security.
- 5) The Regulations Committee and/or the Sheriff reserve the right to inspect and accept or reject the security guards scheduled to staff an establishment or an event. The Regulations Committee and/or the Sheriff also reserve the right to require additional security personnel.
- 6) Bonded security guards shall utilize a hand wand metal detector on all persons entering the premises.
- 7) Security guards shall be responsible for making certain all persons admitted are in possession of age verifiable photo identification.

(N) Security Cameras. The owners or permittees shall install security cameras and record events in each of the several areas of the interior premises, as well as the parking lot, which will be subject to inspection at any time by the Clay County Sheriff's Department or fire officials.

- 1) All cameras must be working properly and maintained by the business. The Sheriff or his designee shall have authority to periodically inspect cameras and sample footage, showing day/date of usage, to ensure compliance with this ordinance. For purposes of inspection, the Sheriff or his designee is authorized to review, during regular business hours, only the minimal amount of the most recent footage to allow him or her to determine the

cameras are working properly and otherwise in compliance with this ordinance.

- 2) All cameras must have sufficient resolution and low-light capabilities to capture clear and identifiable images of persons inside the establishment. No camera shall operate at a resolution lower than 1080p. Levels of lighting shall be maintained inside the establishment to capture video footage sufficient to identify individuals, and to provide clear observation of the premises and activities of patrons on the premises, by security staff at such businesses.
- 3) All cameras shall be required to operate in record mode during regular hours of operation or at any time the business is open to the public and alcohol is being sold or consumed on the business's premises. "Open to the public" shall mean accessible to individuals other than staff or employees, whether by general admission, special permit, special permission or invitation.
- 4) All video recordings shall be stored or electronically retained for a minimum of thirty (30) days.
- 5) If a camera or cameras are found to be out of compliance due to placement or functionality, a business shall be given seven (7) calendar days from the date such non-compliance began, to return to compliance before being deemed in violation of this ordinance.
- 6) Restaurant establishments may apply for an exemption under the following conditions: (a) submission of a seating plan for approval by the Regulations Committee; (b) if approved, the seating plan must be posted in the establishment along with the occupant capacity certification and the tables and chairs must be in place according to the plan during all hours of restaurant operation; and (c) the establishment may be exempt from the security guard requirement if approved by the Regulations Committee.

(O) Independent Contractors/Food Vendors. Any independent contractor or food vendor inside or outside the premises must follow the Mississippi Department of Health Codes and have the required certifications to serve food.

Such contractor or vendor must all also follow the same time requirements as the bar, nightclub, roadhouse, etc., meaning that all sales must be final by 1:00 a.m. The contractors/vendors must be off the premises by 1:30 a.m.

(P) Posting of Ordinance, Business Permit and Licenses. A current version of this ordinance, business permit(s) and license to serve alcohol must be conspicuously displayed on the premises.

Article V
Regulations Committee

(A) There is hereby established a Regulations Committee composed of the following members:

(a) County Sheriff and/or his designee;

(b) County Fire Coordinator and/or his designee;

(c) a citizen of Clay County duly appointed by the Clay County Board of Supervisors;

(d) the County Administrator and/or his designee; and

(e) the County Attorney.

(B) The Committee shall meet on an "as needed" basis. A three-fifths (3/5ths) majority present at a meeting shall constitute a quorum. The Committee shall elect a president, vice president and secretary. The president shall preside at meetings. In the absence of the president, the vice president shall preside. In the absence of the president and vice president, the secretary shall preside. The presiding officer shall conduct the meeting in accordance with common law rules of parliamentary procedure. The Committee shall have the following duties and authority:

- 1) To render interpretations of this ordinance when an interpretation of a regulating authority is challenged as outlined in Article I;
- 2) The authority to suspend or revoke the license by the procedure described in the paragraph below of any establishment found guilty of any two of the same or separate violations during a twelve (12) month period of any county, state or federal regulation, including but not limited to, the regulations contained in this ordinance or a total of any three violations. This authority shall not affect the authority of any other officer or entity to exercise a legal right to close the operation;
- 3) To make rules for conducting the business of the Committee;
- 4) Members of the Committee shall report any violations to the secretary. The secretary shall keep an accounting of reported violations and report to the other members of the Committee when a business accumulates three violations. For the purpose of this, a guilty verdict rendered by a local, state or federal court shall constitute a violation;

- 5) Any member of the Committee may ask for a meeting of the Committee to determine what, if any, action should be taken relative to a business which has been found guilty of any three violations;
- 6) The Committee shall give written notice of a meeting to the subject business owner, lessee, operator, host, etc., at least ten (10) calendar days in advance of the meeting by registered mail to the address of the operation contained in the application and/or permit in order to afford them the right to appear and give testimony at said meeting;
- 7) Action by the Committee shall be decided by a majority vote of the members present at such meeting. The Committee shall give written notice of the decision to the affected party by sending same by registered mail to the address contained in the application/permit;
- 8) The owner, permittee, etc. may appeal the decision of the Committee by filing a written appeal with the Clay County Board of Supervisors within ten (10) calendar days following the postmark date on the notice from the committee with the Chancery Clerk of Clay County;
- 9) Any decision by the Clay County Board of Supervisors may be appealed pursuant to the provisions of Section 11-51-75 of the Mississippi Code of 1972, as amended and annotated;
- 10) Members of the Committee shall not be held personally liable, either individually or as a group, for any action taken by the Committee while acting in good faith on behalf of Clay County.

Article VI
Violations and Penalties

(A) A violation of any provision of this ordinance shall be a misdemeanor. Unless provided for in this ordinance, each violation shall subject the owner/permittee to a mandatory fine of not less than Five Hundred Dollars (\$500.00) and/or not more than ninety (90) days in jail, or both.

(B) Each day that a violation exists shall constitute a separate offense and will be subject to separate penalties for every day that the violation continues.

(C) If any court determines that any violation is a felony, such finding shall supersede the penalties provided in this ordinance.

Article VII
Ordinance Provisions

(A) The omission of any specific requirement or provision for this ordinance shall not be interpreted as permitting any variation from the general meaning and intent of the ordinance as commonly inferred or interpreted, and should the occasion arise as to such intent and meaning, the interpretation of the governing authorities shall hold.

(B) Should any section or provision of this ordinance be declared unconstitutional or invalid, such declaration shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so held to be unconstitutional or invalid.

(C) Whenever any requirements of this ordinance are in conflict with the provisions of any other legally adopted rules or regulations, the most restrictive law or requirement shall govern.

Article VIII
Effective Date

This ordinance will become effective thirty (30) days from the date of its passage by the Board of Supervisors of Clay County, Mississippi.

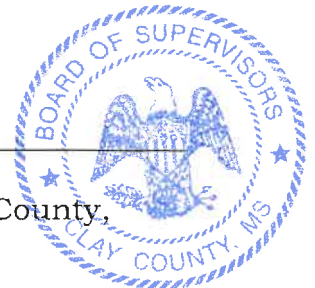
SO ORDERED BY THE BOARD OF SUPERVISORS OF CLAY COUNTY,
MISSISSIPPI, on this the 4 day of April, 2024.



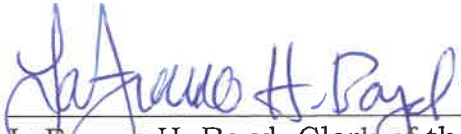
Eddie Scott, Sheriff of Clay County,
Mississippi



R.B. Davis, President of the
Board of Supervisors of Clay County,
Mississippi



ATTEST:



LaFrance H. Boyd, Clerk of the Board
of Supervisors of Clay County,
Mississippi and Chancery
Clerk of Clay County, Mississippi