

BEER AND LIGHT WINE APPLICATION



City of Tupelo
Department of Development Services
P O Box 1485, Tupelo, MS 38802-1485
(662) 841-6510
permits@tupeloms.gov

MUNIS _____
Received By: _____
Date Received: _____
(for office use only)

Fee required at time of application. See current fee schedule.

Please complete the application front and back and provide all required attachments. All fields are required.
Incomplete applications will be returned to the applicant. Permit is non-transferable

Applicant Name: _____ **Phone:** _____

Email: _____ **Address:** _____

Property Owner: Name: _____ **Phone:** _____

Email: _____ **Address:** _____

Business Owner: Name: _____ **Phone:** _____

Email: _____ **Address:** _____

Project Location/Address: _____

Parcel number(s) of location: _____

Business Name and License #: _____

Select principal use of the property proposed for the sale or consumption of beer and light wine:

- Restaurant ___ Restaurant with retail sales ___ Special Event ___
Retail ___ Private Club ___

Is a Variance for distance to a protected place required? Yes ___ No ___

Required Attachments (please initial or indicate Not Required "NR" below):

1. Recorded deed; if owner and applicant are not the same, current lease and owner permission _____
2. Certificate of Occupancy or Building Permit _____
3. State of Mississippi Retail Beer License for retail sales, if applicable _____
4. Accessory Use application _____
5. Copy of Restaurant menu, if applicable _____
6. Occupancy Capacity Limitation as determined by the City of Tupelo Fire Marshall (Section 5-26(c)) _____

Note: A City of Tupelo Privilege License may be acquired only after a Certificate of Occupancy permit has been granted.

I hereby certify the above information is true and correct and completed in accordance with the Tupelo Development Code and that I have received, or retained, a copy of this application. I further understand that if I am not the property owner, notarized permission from the property owner is required for application to be processed.

Applicant Signature _____ Date: _____

BEER AND LIGHT WINE APPLICATION

Beer and light wine sales and consumption in the City of Tupelo require a permit and are subject to compliance with the City of Tupelo Code of Ordinances, Chapter 5. The sale, bartering or giving away of light wine and beer is prohibited on Sundays except between the hours of 12:01 a.m. and 1:00 a.m. and between the hours of 10:00 a.m. and 12:00 midnight.

Beer and Light Wine Permits are granted only to the following establishments:

- (1) Upon the premises of a restaurant holding a permit authorizing the sale of such beverages which is kept open for the service of meals to guests, has suitable kitchen facilities, and derives fifty (50) percent or more of the revenue for the preparation, cooking and serving of meals and not for the sale of such alcoholic beverages. The service of such food as a sandwich and salads only shall not be deemed in compliance with this requirement.
- (2) Upon the premises of a club holding a permit authorizing the sale of such alcoholic beverages. A "club" must be organized not primarily for pecuniary profit, but for the promotion of some common object other than the sale or consumption of alcoholic beverages, maintained by its members through payment of annual dues, adequate for the reasonable and comfortable use and accommodation of its members and their guests. Such "clubs" must produce evidence of a board of directors or similar governing body chosen by the members at a regular meeting at some periodic interval. No member, officer agent or employee of the club is paid, or directly or indirectly receives in the form of a salary or other compensation any profit from the distribution or sale of such alcoholic beverages to the club or to the members or guests of the club beyond such salary or compensation as may be fixed and voted at a proper meeting by the board of directors or other governing body out of the general revenues of the club.
- (3) Upon municipal property with a properly issued special events permit as provided in article I of chapter 5 of the Code of Ordinances.
- (4) Upon municipal property as allowed under article III of chapter 5, Code of Ordinances.
- (5) Restaurants without on-premises retailer's permit. The owner of any restaurant that does not possess on-premises retailer's permit before complying with [Section 5-26 of the City of Tupelo Code of Ordinances] shall make application to be provided by the city clerk and pay an annual fee of ten dollars (\$10.00) for a "restaurant consumption permit." Said permit shall be approved by the city council before said permit is valid.

The retail sale, distribution, bartering, giving away, consumption and/or manufacture of light wine and beer is prohibited within a distance of four hundred (400) feet of residences, churches, schools, kindergartens, child-care facilities, nursing homes, funeral parlors, cemeteries, governmental buildings and publicly owned recreational areas. Distance from protected places is reduced to one hundred (100) feet where recreation areas are within a commercial area, on Gloster Street, in the Mixed Use Downtown zoning district. No distance restriction shall apply to residences located in the downtown overlay district.

Variances for distance from protected places may be granted by the City of Tupelo Planning Committee when special conditions may be considered such as:

- (1) Waiver or consent by the owner of the protected building; or
- (2) Cessation of use of the protected building, for a protected purpose; or
- (3) Absence of significant or material social, moral, cultural or economic detriment to the protected building; or
- (4) Agreement by the applicant to fulfill conditions designed to alleviate any such detriment; or
- (5) The presence of pre-existing establishments with permits for the retail sale, distribution, consumption or manufacture of light wines and beer within four hundred (400) feet of the protected building.