



## AGENDA REQUEST

**TO:** Mayor and City Council

**FROM:** Ben Logan, City Attorney

**DATE** October 2, 2025

**SUBJECT:** IN THE MATTER OF TEXT AMENDMENT TO DEVELOPMENT CODE TA25-02 (1) DEFINING ALCOHOLIC BEVERAGE PACKAGE RETAILER PERMITTEES (TRADITIONALLY KNOWN AS PACKAGE LIQUOR STORES), PROVIDING GUIDANCE ON STATE LAW ALLOWED LOCATIONS OF SALE AND PROVIDING MINIMUM DISTANCE REQUIREMENTS BETWEEN PACKAGE RETAIL PERMITTEES

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### Request:

Recent legislative sessions have allowed municipalities limited zoning powers over “Alcoholic Beverages” of any alcoholic liquid, including distilled spirits, as defined by Miss. Code Ann. Section 67-1-5, of more than 6% alcohol by weight, and native wines and wine, as defined by Miss. Code Ann. Section 67-1-5, of more than 5% alcohol by weight, capable of being consumed by a human being. The term does not include light wines, light spirit products, and beer.

Whereas, prior to these enactments, state law pre-empted local regulations of “liquor and fortified wine,” essentially, for everything except for the question of the locality of being “wet” or “dry.” Tupelo’s current Code of Ordinances and Development Code do not address this area of the law, deferring to state law as the controlling authority.

Under these new, limited local zoning powers, this Development Code text amendment narrowly addresses package retailer permittees, what we traditionally have called package liquor stores. This text amendment defines package retailer permittees (package liquor stores), recites state law restrictions on locations and imposes local minimum distance requirements between package retailer permittees (package liquor stores).