

Final draft, adopted 8/2/01, delivered to Mayor's office for signature.

**CITY OF GEORGETOWN
ORDINANCE NO. 01-016**

**AN ORDINANCE RELATED TO MANDATORY
RESPONSIBLE BEVERAGE SERVER TRAINING**

WHEREAS: Surveys of businesses selling alcohol have found that youth can easily purchase alcohol without showing any age identification. Alcohol sales to individuals who are or about to become intoxicated pose a significant risk of serious injury or death to "the motoring public and financial liability to the business serving the alcohol. Alcohol servers and sellers who receive responsible beverage service training should be less likely to sell alcohol to persons underage or who have consumed too much alcohol by virtue of their training in the identification of false age documentation and recognition of characteristics of intoxication; and

WHEREAS: Responsible beverage service training would inform alcohol servers and sellers of the consequences of the illegal sale of alcohol to persons under age or who have consumed too much alcohol. This training would be more effective through the participation of owners or managers of businesses selling alcohol in courses on the development of effective policies, which reduce youth access to alcohol and support employees in refusing the sale or service of alcohol to persons under age or who have had too much alcohol.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF GEORGETOWN, KENTUCKY:

Section One: Mandatory Responsible Beverage Service Training. All persons employed in the selling and serving of alcoholic beverages shall participate in a City-approved responsible beverage service training program. For a responsible beverage service training program to be approved by the City, it must effectively train its participants in the identification of false age documentation and recognition of characteristics of intoxication. The City will not require

enrollment in particular classes, but only that the training be obtained from a recognized program meeting the goals expressed in this Ordinance.

Section Two: Licensees. a. All persons employed by a person or entity licensed under City Ordinance 00-034 for the sale of alcoholic beverages whose job duties include the sale **or** service of alcoholic beverages or the management of premises on which alcoholic beverages are served, shall complete responsible beverage service training from a program approved by the City.

b. All persons licensed under City Ordinance 00-034 for the sale of alcoholic beverages shall complete responsible beverage service training from a program approved by the City.

c. All entities licensed under City Ordinance 00-034 for the sale of alcoholic beverages shall designate a person who, on behalf of the entity, shall complete responsible beverage service training from a program approved by the City. The person designated must have the authority to implement or amend the licensee's on-premise practices for selling and serving alcohol

d. All persons required to complete training under paragraphs a., b. and c, above, shall complete that training within forty-five (45) days of the date on which the person first becomes subject to the training requirement. All persons completing the training required by this section shall be re-certified in responsible beverage service training from a program approved by the City not less than once every three years thereafter.

e. All persons or entities licensed under City Ordinance 00-034 for the sale of alcoholic beverages shall require all their employees who are engaged in the selling or serving of alcoholic beverages or the managing of premises on which such sales are offered to complete a City-approved responsible beverage service training class according to the provisions of this Ordinance.

Section Three: Required Information and Signage to Assist the Trained Servers and

Sellers. a. **Driver's License Guide and Compilation of Laws.** The licensee shall maintain the following information on the premises, in a location accessible at all times to all employees of the licensed establishment:

1. A current driver's license guide, which shall include license specifications for both adults and minors for each state (including Canadian provinces), and shall list such information from at least five (5) years prior to the present date; and

2. A current compilation of the laws relating to the sale and possession of alcoholic beverages in Kentucky. This compilation must also include City Ordinance 00-034.

b. **Signage.** The licensee shall maintain on the premises, in all customer areas, current signage related to underage consumption of alcoholic beverages and to driving under the influence of alcohol. One (1) sign must be located behind the counter/bar and one (1) sign must be present in each additional room or section within the restaurant area in which the writing on the sign behind the counter/bar is not clearly legible. The sign(s) must have dimensions of at least one (1) foot by one (1) foot with letters at least one-half (1/2) inch in height. All signs must be comfortably readable from a distance of fifteen (15) feet. Any signs required by this Ordinance for which there are comparable ABC requirements shall be maintained in conformity with KY ABC regulations.

c. **Personnel Certification Records.** Each licensee shall maintain a file on its business premises for each person connected with its business for whom training is required under this Ordinance. That file shall contain the name, job description, date of employment and proof of certification pursuant to this Ordinance of each employee, officer and agent subject to the training requirement provided in this Ordinance. During business hours, this file shall be

available to the person or persons designated by the Mayor's Office with responsibility for enforcement of this Ordinance and City Ordinance 00-034, related to the licensing of premises for the sale of alcoholic beverages.

Section Four: Seller/Server Training Agency, a. Licensees and servers shall participate in a training program with an approved responsible beverage service training agency, selected and approved by the City.

b. Compensation. The approved training agencies shall not be compensated or otherwise reimbursed by the City. The training agencies shall recover costs and profit through fees collected from the persons receiving the training.

c. Training. The approved training agencies shall certify the qualifications of all required participants as required by this Ordinance. All new employees, officers or agents shall complete the training within sixty (60) days following their hiring or other event which subjects that person to the training requirement. New employees, officers or agents failing to complete the training within the prescribed time shall not work on the premises after the expiration of that period until they have successfully completed such training.

d. Standards for Certification. The training agency must reasonably instruct upon and certify the participants' competence in at least the following:

1. Pertinent laws and ordinances related to the sale of alcohol;
2. Verification of age, forms of identification and usual methods of false or misleading age identification;
3. The effect of alcohol on humans and the physiology of alcohol intoxication, including the effect of alcohol on pregnant women, their fetuses and other situations involving the use of alcohol by persons vulnerable to its effects;

4. Recognition of the signs of intoxication;
5. Strategies for intervention and prevention of underage and intoxicated persons from consuming alcohol;

6. The licensee's policies and guidelines, including the employee's role in observing those policies; and

7. Potential liability of persons serving alcohol;

e. Qualifications for Training Agencies. The training agency shall have a minimum of two (2) years actual experience in responsible beverage service and alcohol awareness training. Each instructor shall be certified to teach his or her subject matter.

f. Personnel and Physical Resources. The training agencies shall have sufficient personnel and physical resources to provide responsible beverage service training course to newly hired employees, officers and agents as required by this Ordinance.

Section Five: PENALTIES. Consistent with the provisions of City Ordinance 00-034, the Mayor, or his or her designee, is charged with primary responsibility for enforcement of this Ordinance.

Penalties for violation of this Ordinance shall be assessed against the person or entity holding a license for the sale of alcoholic beverage under City Ordinance 00-034. The individual employee shall not be civilly or criminally liable for violations of this Ordinance. The penalties assessed against the Licensee for violations of this Ordinance are as follows:

- a. For the first violation, a fine not exceeding fifty dollars (\$50.00).
- b. For subsequent violations, within a two year period, a fine not exceeding five hundred dollars (\$500.00) and suspension of the licensee's City liquor license for not less than three (3)

days nor more than thirty (30) days. The licensee may redeem the days of that suspension for the payment of \$500.00 each.

b. Each day of each violation shall constitute a separate violation.

Section Six: Effective Date. This Ordinance shall take effect upon passage and publication.

The foregoing Ordinance was introduced and read for the first time June 7, 2001, read for the second time, adopted and approved, August 2, 2001.

APPROVED BY:



EVERETTE L. VARNEY, MAYOR

ATTESTED BY:



GLENWOOD C. WILLIAMS, CLERK