

MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING

' 115.20 MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING.

All persons employed in the selling and serving of alcoholic beverages in the city 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 subchapter.

(Ord. 22, 2007, passed 6-25-07)

' 115.21 LICENSEES.

(A) All entities located or doing business in the city and who are licensed to sell alcohol by the drink or otherwise, pursuant to city ordinance, shall show proof as a condition prerequisite for the issuance

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of the license to sell alcoholic beverages that those employees whose job duties include the sale or service of alcoholic beverages or the management of premises on which alcoholic beverages are served have completed a responsible beverage service training from a program approved by the city. This subchapter shall not apply to manufacturers of alcoholic beverages as this term is defined in KRS 241.010(30) or any other person, corporation, association, business or other entity licensed for the wholesale of alcoholic beverages.

(B) All employees of those persons or entities licensed under city ordinance for the sale of alcoholic beverages shall complete responsible beverage service training from a program approved by the city and show proof that all employees whose job duties include the sale or service of alcoholic beverages or the management of premises on which alcoholic beverages are served have completed a responsible beverage service training from a program approved by the city.

(C) All entities licensed under city ordinance 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 divisions (A), (B) and (C) above, shall complete the required training withing 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 for the sale of alcoholic beverages in the city 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 subchapter.
(Ord. 22, 2007, passed 6-25-07)

' 115.22 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 years prior to the present date; and

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(2) A current compilation of the laws relating to the sale and possession of alcoholic beverages in Kentucky. This compilation must also include a copy of this subchapter.

(B) *Signage.* The licensee shall maintain on the premises current signage related to underage consumption of alcoholic beverages and to driving under the influence of alcohol. One sign must be located behind the counter/bar and, for establishments serving alcoholic beverages in rooms other than the room in which the counter/bar is located, at least one additional sign must be located in an area visible to the patrons of the establishment. The sign(s) must have dimensions of at least one foot by one foot with letters at least 1/2-inch in height. All signs must be comfortably readable from a distance of 15 feet.

(C) *Personnel certification records.* Each licensee shall maintain a file on its business premises for each person whose job duties include the sale or service of alcoholic beverages or are responsible for management of premises on which alcoholic beverages are served and for whom training is required under this subchapter. That file shall contain the name, job description, date of employment and proof of certification pursuant to this subchapter of each employee, officer and agent subject to the training requirement provided in this subchapter. During business hours, this file shall be available to the person or persons designated by the City Manager with responsibility for enforcement of this and other ordinances relating to the licensing of premises for the sale of alcoholic beverages.
(Ord. 22, 2007, passed 6-25-07)

115.23 SELLER/SERVER TRAINING AGENCY.

(A) *Training program.* 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 those participating in the training program or from the licensees.

(C) *Training.* The approved training agencies shall certify the qualifications of all required participants as required by this subchapter. All new employees, officers or agents shall complete the training within 45 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 regarding the sale of alcohol;

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(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;

(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 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 subchapter.

(Ord. 22, 2007, passed 6-25-07)

' 115.99 PENALTY.

(A) For violation of any of the provisions hereof, the licensee shall be deemed guilty of a misdemeanor and for each offense shall be fined not less than \$100 nor more than \$500, 30 days imprisonment or both the fine and imprisonment, and it shall be the duty of the Police Court so finding the violation to notify the Board of Commissioners whereupon the license theretofore issued by the city shall upon notice be forfeited.

(B) (1) The Office of the City Manager, or his or her designee, is charged with primary responsibility for enforcement of ' ' 115.20 through 115.23.

(2) Penalties for violation of ' ' 115.20 through 115.23 shall be assessed against the person or entity holding a license for the sale of alcoholic beverage under the Kentucky Revised Statute and a license issued by the city. The individual employee shall not be civilly or criminally liable for violations of ' ' 115.20 through 115.23, but shall be liable for other violations as set forth in the Kentucky Revised Statutes addressing alcohol sales. The penalties assessed against the licensee for violations of ' ' 115.20 through 115.23 are as follows:

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(a) For the first violation within a two year period, suspension of the licensee's city liquor license for a period of up to ten days and a fine of not less than \$100 nor more than \$250.

(b) For the second or subsequent violation within a two year period, a suspension of the licensee's city liquor license for a period of 30 days and a fine of not less than \$250 nor more than \$500. (>70 Code, ' 5.12.080) (Ord. 22, 2007, passed 6-25-07)