

ORDINANCE NO. 18 -12

AN ORDINANCE OF THE CITY OF BERE, KENTUCKY, ESTABLISHING SERVER TRAINING FOR ALCOHOL LICENSE HOLDERS IN THE CITY OF BERE.

WHEREAS, the City of Bere desires to promote responsible serving of Alcoholic Beverages in the City, and

WHEREAS, a Server Training Program would benefit the citizens of Bere and would help in the responsible serving of alcoholic beverages.

NOW, THEREFORE, the City Council of the City of Bere, Kentucky, does ordain as follows:

SECTION ONE

That the Code of Ordinances of the City of Bere, Kentucky, be amended by adding §55.020, so that such Sections shall read as follows:

§ 55.020 ALCOHOL SERVER TRAINING REQUIRED

SECTION ONE

(1) All persons, corporations, associations, restaurants, businesses, clubs or other entities licensed by the city 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 are to complete a responsible beverage service training class approved by the city. This shall not apply to any manufacturer of alcoholic beverages is defined in KRS 241.010(29) or any other person, corporation, association, business or other entity licensed for the wholesale of alcoholic beverages.

(2) "Server" For purposes of this ordinance shall mean any person employed or working in any capacity, whether as an employee, volunteer help or as a working proprietor, in any premise licensed for the sale of alcoholic beverages by retail sale and/or dispersed by the drink or where malt beverages are sold by retail or by the drink and whose job duties include the sale, dispersing or service of alcoholic beverages on the management of the licensed premises; provided, however, no person working at a special event for which a temporary alcoholic beverage license has been approved shall be required to comply with this Ordinance.

(3) Training; standards for certification: All persons, corporations, associations, restaurants, businesses, clubs or other entities licensed or employed in the sales and service of alcoholic beverages, including the retail sale of alcoholic beverages by the package or drink, shall participate in and complete a mandatory responsible beverage service training program approved by the city. Before approval is granted, the city shall first be satisfied that the training program is genuine and effectively trains all participants in the recognition of false identification and age documents as well as the human characteristics of alcohol intoxication.

(4) No person shall be employed by a licensed premise as a server unless the server has successfully completed a city approved alcoholic beverage server training program. This training program shall be completed for all newly hired servers within thirty (30) days of the first date of employment.

(5) Licensees, employees, officers or agents who fail to complete the mandatory responsible beverage service training within the prescribed time shall not sell or serve alcoholic beverages on the licensed premises until they have successfully completed the required training. Servers successfully completing the training shall receive a server certification from the server-training program. Each server shall successfully complete a new server-training program to be re-certified not less than once every three (3) years.

(6) No licensed premise in which alcoholic beverages are sold by retail sale or consumed by the drink or malt beverages are sold for consumption on the premises or retail sale shall allow any server employed over thirty (30) days to sell, dispense or service any alcoholic beverage or malt beverages or to manage any such licensed premises unless that server is the holder of a current server certification. This includes all holders of an alcohol and/or malt beverage license.

(7) Each such licensed premise shall maintain a file at the licensed premise for each such server for whom training is required. The file shall contain the name, job description, date of employment and proof of certification of each server regulated by this Ordinance. This information shall be available during hours of operation to any alcoholic beverage control officer or any police officer. Training records shall be retained by the licensee for a minimum of one(1) year.

(8) (A) Any person who sells and/or serves alcoholic beverages in a licensed establishment shall participate in and successfully complete a responsible beverage service-training program approved by the City of Berea. 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.

(B) For a responsible beverage service-training program to be approved by the city, it must effectively train its participants in the following:

(i) Applicable federal laws, state statutes and regulations and local ordinances regarding the sale of alcoholic beverages;

- (ii) Verification of age forms of identification and methods of recognizing false or misleading age documents;
- (iii) The effect of alcohol on humans and the physiology of alcohol intoxication;
- (iv) Recognition of the signs or characteristics of alcohol intoxication;
- (v) Strategies for intervention and preventing underage and intoxicated person from consuming alcoholic beverages; and
- (vi) Potential liability for persons selling or serving alcoholic beverages.

(9) Penalties.

(A) No person, corporation, association, restaurant, business, club or other entity holding a license for the sale of distilled spirits, wines and/or malt beverages by the package or drink shall intentionally, willfully, knowingly, or wantonly authorize, direct, permit, allow or cause any employee, officer or agent of the licensee who has not completed the mandatory service training required, to sell or serve any alcoholic beverages to anyone on the licensed premises.

(B) Any person, corporation, license, association, restaurant, business, club or other entity or any employee thereof, found to be in violation of any subsection of this section, shall upon conviction thereof, be fined in any amount not to exceed one hundred dollars (\$100.00); for subsequent violations within a two-year period and upon conviction thereof, a fine not to exceed five hundred dollars (\$500.00). Each day a violation occurs shall constitute a separate offense. The provisions of this Ordinance may be enforced pursuant to the provisions of

(C) If a person who violates any provision of this Ordinance is a Corporation, Partnership, Joint Stock Company, Association or Fiduciary, then the president and/or the principal officer or partner responsible for such violations may be fined as authorized by this section § 55.005 of this Code.

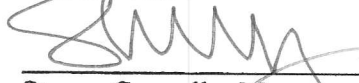
SECTION TWO

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall be effective on the 4th day of December, 2012, and shall be published according to law.

FIRST READING: November 20, 2012.

SECOND READING & ENACTMENT December 4, 2012.

APPROVED:



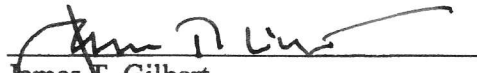
Steven Connelly, Mayor

CITY OF BERA, KENTUCKY
ATTEST:



Clerk of the City Council

PREPARED BY:



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