

10/06/2005

Ordinance

282-2005

ORDINANCE NO. 282-2005

AN ORDINANCE CREATING SECTION 3-28 OF THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT TO MANDATE RESPONSIBLE BEVERAGE SERVICE TRAINING FOR ANY PERSON WHO SELLS OR SERVES ALCOHOLIC BEVERAGES, TO PROHIBIT THE SALE OR SERVICE OF ALCOHOLIC BEVERAGES BY ANY PERSON WHO HAS NOT SATISFIED THE TRAINING REQUIREMENTS, TO PROVIDE A SIXTY (60) DAY GRACE PERIOD; TO REQUIRE LICENSEES TO MAINTAIN RECORDS REGARDING THE TRAINING REQUIREMENTS, AND TO ESTABLISH THE REQUIRED CONTENTS OF TRAINING PROGRAMS; AMENDING SUBSECTION (b) AND CREATING SUBSECTION (k) OF SECTION 3-26 OF THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT TO ESTABLISH A PENALTY FOR VIOLATIONS OF SECTION 3-28 AT A FINE OF NOT LESS THAN \$10.00 AND NOT MORE THAN \$100.00 FOR EACH OFFENSE; EFFECTIVE SIX MONTHS FROM DATE OF PASSAGE.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 3-28 of the Code of Ordinances be and hereby is created to read as follows:

(a) Any person who sells or serves alcoholic beverages in a licensed retail establishment or in any premise where alcoholic beverages are sold or served by the holder of a caterer's or special event license shall participate in and successfully complete a responsible beverage service training program meeting the requirements of subsection (e) below. The urban county administrator is authorized to determine whether a program satisfies the requirements of subsection (e), and upon the request of the licensee he will timely review a program to determine whether it satisfies these requirements. In the event the urban county administrator determines that a program fails to meet any of the requirements in subsection (e) below, he will notify the licensee of the non-satisfactory portion(s) of the program.

(b) All persons who are required to complete training under subsection (a) above and who were not previously subject to the training requirement, shall complete the training within sixty (60) days of the date on which the person is employed or otherwise first subject to the training requirement.

(c) Every licensee shall require every agent, servant or employee who sells or serves or is authorized to sell or serve alcoholic beverages on the licensed premises to complete a responsible beverage service training program meeting the requirements of subsection (e) below. Except for the sixty (60) day grace period in subsection (b) above, no licensee shall permit any person who has failed to successfully complete the mandatory training to sell or serve alcoholic beverages.

(d) Every licensee shall maintain on the licensed premises a file containing the name, job description, date of employment or association with the licensee and proof of successful completion of a responsible beverage service training meeting the requirements of subsection (e) below for each agent, servant or employee of the licensee who sells or serves or is authorized to sell or serve alcoholic beverages. The licensee shall retain, maintain and produce the compliance file in the same manner as the licensee is required by state law to keep, maintain, retain and produce alcoholic beverage records;

(e) A responsible beverage service training program must effectively train its participants in the following:

(1) Applicable state statutes and regulations and local ordinances regarding the sale of alcoholic beverages. The urban county administrator will prepare and distribute to all licensees a list of the minimal statutes, regulations and ordinances that each agent, servant or employee of a licensee who sells or serves or is authorized to sell or serve alcoholic beverages should know. A signed statement from each such agent, servant or employee indicating that he or she is familiar with and understands the list of statutes, regulations and ordinances provided by the urban county administrator shall satisfy this aspect of training;

(2) Verification of age, forms of identification and methods of recognizing false or misleading age documents;

(3) The effect of alcohol on humans and the physiology of alcohol intoxication;

(4) Recognition of the signs or characteristics of alcohol intoxication;

(5) Strategies for intervention and preventing underage and intoxicated persons from consuming alcoholic beverages; and

(6) Potential liability for persons selling or serving alcoholic beverages.


Section 2 – That subsection (b) of Section 3-26 of the Code of Ordinances be and hereby is amended and subsection (k) of Section 3-26 of the Code of Ordinances be and hereby is created to read as follows:


(b) Any person who shall violate any provisions of this chapter, other than those provisions specified in subsections (c) through (k) of this section, shall, for each offense, and upon conviction in the district court of the urban county government, be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or confined in the detention center for more than thirty (30) days, or both so fined and imprisoned. Each day of such violation shall constitute a separate offense.

(k) Any person violating the provisions of section 3-28 shall, upon conviction thereof, be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each offense.

Section 3 - That this Ordinance shall become effective six months from the date of its passage.

PASSED URBAN COUNTY COUNCIL: October 6, 2005


MAYOR

ATTEST: 
CLERK OF URBAN COUNTY COUNCIL
PUBLISHED: October 12, 2005-1t