

ORDINANCE NO. 1
2006 Series

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

WHEREAS: Franklin County has found that youth can easily purchase alcohol without showing any age identification. Furthermore, 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. Also, alcohol servers and sellers who receive responsible beverage service training are less likely to sell alcohol to persons under age 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 further reduce youth access to alcohol and support employees in refusing the sale or service of alcohol to persons under age or persons who have had too much alcohol.

**NOW, THEREFORE, BE IT ORDAINED BY FISCAL COURT OF FRANKLIN
COUNTY, KENTUCKY:**

Section One: Mandatory Responsible Beverage Service Training. All persons employed in the selling and serving of alcoholic beverages in the unincorporated areas of Franklin County, Kentucky, shall participate in a County approved responsible beverage service training program. For a responsible beverage service training program to be approved by the County, it must effectively train its participants in the identification of false age documentation and recognition

of characteristics of intoxication. The County 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 entities located or doing business in the unincorporated areas of Franklin County, Kentucky and who are licensed to sell alcohol by the drink or otherwise, pursuant to County Ordinance, shall show proof as a condition prerequisite for the issuance 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 County. This Ordinance shall not apply to Manufacturers of alcoholic beverages as this term is defined in KRS 241.010(29) 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 County Ordinance for the sale of alcoholic beverages shall complete responsible beverage service training from a program approved by the County 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 County.

c. All entities licensed under County 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 County. 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 the required 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 County not less than once every three years thereafter.

e. All persons or entities licensed under County Ordinance for the sale of alcoholic beverages in the unincorporated areas of Franklin County 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 County 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 a copy of this County Ordinance.

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.

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 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 County Judge Executive with responsibility for enforcement of this and other Ordinances relating 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 County.

b. Compensation. The approved training agencies shall not be compensated or otherwise reimbursed by the County. 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 Ordinance. All new employees, officers or agents shall complete the training within forty-five (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;
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. The Office of the Judge-Executive, 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 Kentucky Revised Statute and a license by Franklin County, Kentucky. The individual employee shall not be civilly or criminally liable for violations of this Ordinance, 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 this Ordinance are as follows:

a. For the first violation within a two year period, suspension of the licensee's County liquor license for a period of up to ten (10) 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 County liquor license for a period of thirty (30) days and a fine of not less than \$250 nor more than \$500.

Section Six: Compliance with the ordinance as it relates to training shall not be a defense to criminal or other violation of Kentucky Revised Statutes addressing alcohol sales.

THIS ORDINANCE No. 1-2006 SHALL BECOME EFFECTIVE ON THE DATE OF THE SECOND READING AND ADOPTION.

INTRODUCED, ~~SECONDED~~ AND GIVEN FIRST READING ~~APPROVAL~~ at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 2 day of March, 2006.

GIVEN SECOND READING AND ADOPTED at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 16 day of March, 2006, and of record on Fiscal Court Order Book 21, page 37.



ROBERT ROACH
FRANKLIN COUNTY JUDGE EXECUTIVE

ATTESTED BY:



Clerk, Franklin County Fiscal Court

