

**CITY OF RUSSELLVILLE, KENTUCKY  
ORDINANCE NO. 2005-08**

AN ORDINANCE AMENDING ORDINANCE 83-6, "AN ORDINANCE REGULATING THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF RUSSELLVILLE, KENTUCKY, DEFINING TERMS; CREATING THE OFFICE OF CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR; REQUIRING LICENSES; SPECIFYING TYPES WITH THE FEES FOR EACH AND RESTRICTING LOCATION OF LICENSEES; PROVIDING FOR THE ISSUANCE OF LICENSES AND PAYMENT OF FEES; SETTING THE TERMS OF LICENSES; REQUIRING THE DISPLAY OF LICENSES AND PROVIDING FOR REPLACEMENT OF LOST OR DESTROYED LICENSES AND FEE THEREFOR; REQUIRING STATE LICENSE; SPECIFYING HOURS WHEN SALES PERMITTED; SPECIFYING THAT SUBMITTING APPLICATION CONSENTS TO ENTRY, INSPECTION, AND SEARCH, REMOVAL, AND INTRODUCTION IN EVIDENCE; IMPOSING A REGULATORY LICENSE FEE; RESTRICTING ADVERTISING AND SIGNS; PROVIDING FOR REVOCATION AND SUSPENSION OF LICENSES IN THE EVENT OF VIOLATIONS OF STATE OR FEDERAL LAW OR OF THIS ORDINANCE; PROVIDING FOR PENALTIES; PROVIDING IMMUNITY; PROVIDING FOR THE EFFECTIVE DATE HEREOF; WITH A SEVERABILITY PROVISION" BY ADDING A NEW SECTION PROVIDING REGULATIONS AND MANDATORY TRAINING FOR SERVERS OF ALCOHOLIC BEVERAGES; PROVIDING FOR A SEVERABILITY CLAUSE, REPEALER CLAUSE AND AN EFFECTIVE DATE

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WHEREAS, the City Council in and for the City of Russellville, recognizes certain persons should be denied the opportunity to purchase alcoholic beverages; and

WHEREAS, the holders of licenses to sell and serve alcoholic beverages have the ability, and the obligation, to deny the sale of alcoholic beverages to certain persons; and

WHEREAS, training programs currently exist to educate servers on the responsible sale of alcoholic beverages, and such training can readily assist in reducing needless tragedies caused by irresponsible and intoxicated persons; and

WHEREAS, these training programs can and should reduce the cost of liability insurance for the Licensees, thus reducing operating costs of the Licensee; and

WHEREAS, it is in the best interests of the citizens of the City of Russellville for sellers and servers to be properly trained as to whom the sale of alcoholic beverages ought to be denied; and

WHEREAS, it is in the best interests of the Licensee to receive training as to whom the sale of alcoholic beverages ought to be denied.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL IN AND FOR THE CITY OF RUSSELLVILLE, KENTUCKY AS FOLLOWS:

A new section is to be added to Ordinance 83-6 to read as follows:

**A. REGULATIONS RELATING TO SERVERS**

1. "Server" for purposes of this Section 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 where alcoholic beverages are available for retail package sale, or where sold or dispensed by the drink, or where malt beverages are sold for consumption on the premises and whose job duties include the sale, dispensing or service of alcoholic beverages or the management of the licensed premises.

2. 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.

3. All persons required to undergo the training set forth in paragraph (2) above shall complete such training within one hundred twenty (120) days of the effective date of this ordinance. New licensees, employees, officers and agents shall complete the mandatory responsible beverage service training within sixty (60) days from the date of employment. 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. All persons completing the training requirements in this section shall be recertified in responsible beverage service training under the foregoing criteria not less than once every three (3) years thereafter.

4. Each licensed premise shall maintain a file at the licensed premise for each 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 Section. This information shall be available at any reasonable time to any alcoholic beverage control officer or any police officer.

5. This section shall not apply to those holders of a wholesale license for the sale of alcoholic beverages.

**B. APPROVED TRAINING FOR SERVERS**

The City of Russellville officially recognizes the following agencies as being qualified to provide the training required by this Ordinance:

- "TIPS" (Training for Intervention ProcedureS) as administered by Health Communications, Inc.
- "STAR" (Server Training in Alcohol Regulations) as administered by the Kentucky Alcoholic Beverage Control Board.
- Other training agencies may be approved by the City of Russellville Administrator of Alcoholic Beverages from time to time.

**C. SEVERABILITY CLAUSE**

In the event any provision of this Ordinance is invalid for any reason, such invalidity shall not affect any other provision.

**D. REPEALER CLAUSE**

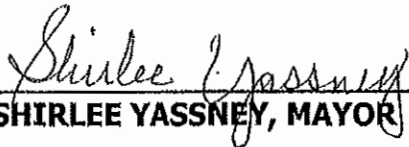
All portions of any ordinance or rule or regulation in conflict herewith are hereby repealed to the extent of that conflict only.

**E. EFFECTIVE DATE**

This Ordinance shall be effective upon its passage and publication according to law.

**FIRST READING** conducted on the 7<sup>th</sup> day of June, 2005.

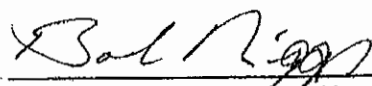
**SECOND READING and passage** the 21<sup>st</sup> day of June, 2005.

  
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**SHIRLEE YASSNEY, MAYOR**

Ayes: Jones, Russell; McPherson, Lanny; Phillips, Charles; Stratton, Mark; Whipple, Jack; Zick, Eugene

Nays: none  
Abstaining: none  
Absent: none

**ATTEST:**

  
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**BOB RIGGS, CITY CLERK**

## **LEGAL PUBLICATION OF ORDINANCE IN SUMMARY**

The City Council of Russellville, Kentucky, has enacted Ordinance 2005-08 entitled "AN ORDINANCE AMENDING ORDINANCE 83-6, 'AN ORDINANCE REGULATING THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF RUSSELLVILLE, KENTUCKY, DEFINING TERMS; CREATING THE OFFICE OF CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR; REQUIRING LICENSES; SPECIFYING TYPES WITH THE FEES FOR EACH AND RESTRICTING LOCATION OF LICENSEES; PROVIDING FOR THE ISSUANCE OF LICENSES AND PAYMENT OF FEES; SETTING THE TERMS OF LICENSES; REQUIRING THE DISPLAY OF LICENSES AND PROVIDING FOR REPLACEMENT OF LOST OR DESTROYED LICENSES AND FEE THEREFOR; REQUIRING STATE LICENSE; SPECIFYING HOURS WHEN SALES PERMITTED; SPECIFYING THAT SUBMITTING APPLICATION CONSENTS TO ENTRY, INSPECTION, AND SEARCH, REMOVAL, AND INTRODUCTION IN EVIDENCE; IMPOSING A REGULATORY LICENSE FEE; RESTRICTING ADVERTISING AND SIGNS; PROVIDING FOR REVOCATION AND SUSPENSION OF LICENSES IN THE EVENT OF VIOLATIONS OF STATE OR FEDERAL LAW OR OF THIS ORDINANCE; PROVIDING FOR PENALTIES; PROVIDING IMMUNITY; PROVIDING FOR THE EFFECTIVE DATE HEREOF; WITH A SEVERABILITY PROVISION' BY ADDING A NEW SECTION PROVIDING REGULATIONS AND MANDATORY TRAINING FOR SERVERS OF ALCOHOLIC BEVERAGES; PROVIDING FOR A SEVERABILITY CLAUSE, REPEALER CLAUSE AND AN EFFECTIVE DATE".

In accordance with KRS 86A.060(9), the undersigned, a licensed, practicing attorney in the Commonwealth of Kentucky, summarizes this Ordinance as follows:

1. This Ordinance has been enacted to provide for mandatory city-approved training for those persons who work in a business and who serve or sell alcohol, and for this mandatory training to be completed within 120 days from the date of publication of this Ordinance for existing servers, 60 days for all newly-hired servers, and for recertification every three (3) years.
2. This Ordinance contains regulatory requirements for record-keeping of training, and it provides a list of those agencies approved by the City to provide such training.
3. This Ordinance contains a Severability clause and Repealer Clause, and the full text of this Ordinance is available for copying and inspection at City Hall, Russellville, Kentucky, during normal business hours.

The City Council of Russellville, Kentucky enacted this Ordinance after a first reading conducted on June 7, 2005 and a second reading conducted on June 21, 2005.

### **CERTIFICATION OF COUNSEL**

I hereby certify that the foregoing is an accurate summary of City of Russellville Ordinance 2005-08.

C. Robert Hedges  
Russellville City Attorney  
157 West Fifth Street  
P. O. Box 335  
Russellville, KY 42276-0335  
270-726-9604