

ORDINANCE 485

AN ORDINANCE REQUIRING MINIMUM MANDATORY TRAINING REQUIREMENTS FOR EMPLOYEES OF BEER PERMIT HOLDERS.

WHEREAS, in order to protect the health, safety and welfare of Rocky Top citizens, the Rocky Top Beer Board desires to adopt minimum mandatory training requirements for all employees of beer permit holders; and

WHEREAS, *Tennessee Code Annotated, Section 57-5-107 (a)* provides that:

All incorporated cities, towns and Class B counties in the state of Tennessee are authorized to pass proper ordinances governing the issuance and revocation or suspension of licenses for the storage, sale, manufacture and/or distribution of beer within the corporate limits of the cities and towns and within the general services districts of Class B counties outside the limits of any smaller cities as defined in § 7-1-101(8) and to provide a board of persons before whom such application shall be made, but the power of such cities, towns and Class B counties to issue licenses shall in no event be greater than the power herein granted to counties, but cities, towns and Class B counties may impose additional restrictions, fixing zones and territories and provide hours of opening and closing and such other rules and regulations as will promote public health, morals and safety as they may by ordinance provide. The ordinance power granted to a municipality by this subsection does not permit a municipality to establish residency requirements for its applicants. The ordinance power granted to a municipality by this section does not permit a municipality to impose training or certification restrictions or requirements on employees of a permittee if those employees possess a server permit issued by the alcoholic beverage commission pursuant to chapter 3, part 7 of this title.

BE IT ENACTED by the Board of Mayor and Council of the City of Rocky Top, Tennessee that:

Section 1: No person holding a permit or license to sell beer in the municipal limits of Rocky Top shall allow any employee to sell or serve beer unless that employee has attended and completed a program of alcoholic beverage sale or server instruction approved and certified by the Tennessee Alcoholic Beverage Commission.

Section 2: No employee of a person holding a beer permit or license to sell beer in municipal limits of Rocky Top shall be allowed to sell or serve beer unless that person has attended and completed a program of alcoholic sale or server instruction approved and certified by the Tennessee Alcoholic Beverage Commission.

- A) New employees of permit holders will have thirty (30) days to obtain proper certification from the date of hire.
- B) Certificate of training is transferable between alcohol outlets except for outlets that are certified Responsible Vendors by the Tennessee Alcoholic Beverage Commission.

C) Employees holding a valid Tennessee Alcoholic Beverage Commission certification or license shall be exempt from the terms of this ordinance.

Section 3: Employees of permit holders shall annually complete a program of alcoholic sale or server instruction approved and certified by the Tennessee Alcoholic Beverage Commission.

Section 4: Documentation demonstrating compliance with the terms of this ordinance shall be maintained on premises and shall be available for inspection by proper authorities at all times.

Section 5: The Rocky Top Beer Board may issue Show Cause Orders to any permit holders or employees to command their presence and answer charges before the Board upon information and belief received that a violation of this ordinance has occurred.

Section 6: Failure to comply with annual training requirements will result in the suspension of a beer permit for up to ten (10) days, or in the alternative, the imposition of a monetary fine.

Section 7: The Rocky Top City Clerk shall cause a copy of this ordinance to be mailed to all beer permit holders within thirty (30) days of passage and all new applicants shall be provided a copy of this ordinance at the time of application.

Section 8: The terms of this ordinance are hereby incorporated by reference in the Rocky Top Beer Board Rules and Regulations.

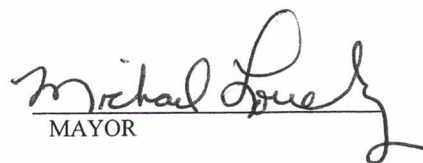
Section 9: If any provision of this ordinance shall be invalidated by a court of law the remaining sections shall remain valid, effective and enforceable.

This ordinance shall take effect fifteen (15) days after its final passage, the welfare of the City requiring it.

Passed First Reading: May 21, 2015

Passed Second Reading: June 18, 2015

Adopted this 18 day of June, 2015.


MAYOR

ATTEST:


CITY RECORDER