

## ORDINANCE AMENDMENT

THE TOWN OF SMITHFIELD HEREBY ORDAINS:

### CHAPTER 118. ALCOHOLIC BEVERAGES

#### ARTICLE IV. ALCOHOL SERVER TRAINING

**118-8. Requirements.**

(a) Every holder of a liquor license issued by the Town of Smithfield shall ensure that:

(1) All persons who sell or serve alcoholic beverages, anyone serving in a supervisory capacity over those who sell or serve alcoholic beverages, anyone whose job description entails the checking of identification for the purchase of alcoholic beverages and valet parking staff shall receive Alcohol Server Training as set forth herein.

(2) Any eligible employee of a licensee shall be required to complete certified Alcohol Server Training as defined herein within sixty (60) days of the commencement of his or her employment and must attain a minimum score of seventy-five percent (75%).

(3) Licensees shall require employees described in subparagraph (a)(1) hereof to be recertified every three (3) years.

(4) As a condition of license renewal, and as part of the license renewal application, each licensee must submit to the Town Clerk information verifying that all persons described in subparagraph (a)(1) hereof and employed by the licensee for more than sixty (60) days in the past year have completed a certified Alcohol Server Training program as defined herein within the last three (3) years.

(5) All persons who have completed certified Alcohol Server Training as required herein must have their valid server permits on the premises when engaged in the sale or service of alcoholic beverages.

(6) Individuals who have been issued a server permit in another jurisdiction by an approved Rhode Island Alcohol Server Training program shall be determined to be in compliance with this Ordinance subject to the three (3) year limitation contained herein.

(7) Only Alcohol Server Training programs that meet the criteria determined by the Department of Mental Health, Retardation and Hospitals may be eligible for certification by the Department of Business Regulation. The Smithfield Substance Abuse Prevention Coalition shall maintain a list of certified Alcohol Training Programs which meet said criteria.

(b) Any liquor licensee who violates or fails to comply with any provision of this Section 118-8 shall be subject to the following sanctions:

- 1) an initial written warning for a first violation or noncompliance within a three (3) year period;
- 2) a written warning for a second violation or noncompliance within a three (3) year period;
- 3) a fine not to exceed two hundred fifty dollars (\$250) for a third violation or noncompliance within a three (3) year period; and
- 4) license suspension for a fourth and subsequent violation in a three (3) year period.

(c) Any server who violates or fails to comply with any provision of this Ordinance relating to servers of alcoholic beverages shall be subject to the following sanctions:

- 1) an initial written warning for a first violation or noncompliance within a three (3) year period;
- 2) a written warning for a second violation or noncompliance within a three (3) year period;
- 3) the loss of server training certification for a third violation or noncompliance in a three (3) year period.

(d) Failure to have a valid server permit on the person of an individual required to be certified hereunder shall not constitute a violation, provided, proof of a valid permit is provided within ten (10) days of the request therefor.

(e) All fines collected by the Town hereunder shall be paid over to the Smithfield Substance Abuse Prevention Coalition.

## ARTICLE VI. PENALTY PROVISIONS FOR ALL LIQUOR VIOLATIONS

### ' 118-10. Penalties.

(a) Penalties for Violations: In addition to any criminal penalties which may be imposed by a court of law, any holder of a liquor license issued by the Town of Smithfield who breaches any condition on which the license is issued, or who violates any rule, regulation, ordinance, or statute applicable thereto, with the exception of the Alcohol Server Training requirements set forth in Section 118-8, shall for the **first offense**, be subject to a fine of up to Five Hundred Dollars (\$500.00) and/or suspension or revocation of license; and for the **second and any subsequent offense**, be subject to a fine of up to One Thousand Dollars (\$1,000.00) and/or suspension or revocation of license. Each separate violation hereunder shall be considered a separate offense even if multiple violations occur on the same date or arise out of the same incident. In the event that there are no offenses within thirty-six (36) successive months from the date of the last offense, then the next offense shall be treated as the first offense. All fines collected by the Town hereunder shall be paid over to the Smithfield Substance Abuse Prevention Coalition.

(b) Minimum Penalties: In no event shall a penalty imposed hereunder be less than:

- (1) for a first offense, a mandatory minimum fine of \$100.
- (2) for a second offense in a 36-month period, a mandatory minimum fine of \$250.
- (3) for a third offense in a 36-month period, a mandatory minimum penalty of a \$350 fine and a 3-day license suspension.

(c) Imposition of Penalty. Prior to imposing any penalty hereunder, the Town Council shall conduct a public show cause hearing. The hearing notice shall be given to the licensee at least ten (10) days prior to the hearing. The notice shall include the date, time and place of the hearing, and shall state the nature of the charges against the licensee.