

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
TITLE 8, HEALTH AND SANITATION, BY ADDING
CHAPTER 8.27, TRAINING IN RESPONSIBLE ALCOHOLIC
BEVERAGE SERVICE REQUIRED FOR ON-SALE
LICENSEES AND EMPLOYEES, TO THE CHULA VISTA
MUNICIPAL CODE

WHEREAS, Chula Vista is a hospitality destination for visitors and residents; and

WHEREAS, Chula Vista is currently home to approximately 165 alcohol outlets licensed by the California Department of Alcoholic Beverage Control (ABC) for retail on-sale, such as restaurants, bars, taverns, and night clubs; and

WHEREAS, alcohol intoxication poses a threat to public health and safety in Chula Vista, including underage drinking, injuries and deaths caused by vehicle crashes, sexual assaults, fights, domestic violence and other crimes, as well as nuisance behavior; and

WHEREAS, training in serving alcoholic beverages responsibly is available in the region, at no cost, in the Licensee Education on Alcohol and Drugs (LEAD) program; and

WHEREAS, similar programs incorporating best practices in the responsible service of alcoholic beverages are available from private providers for a fee (often less than \$25.00 per person) in live classes at locations throughout the region, interactive online courses, and workplace training sessions; and

WHEREAS, these programs train owners, managers and servers at on-sale establishments to prevent over-service to adults, such as recognizing intoxication and refusing sales, and to prevent service to minors, such as accurately checking identification and recognizing false identification; and

WHEREAS, alcohol licensees and their employees who participate in responsible beverage service training demonstrate to patrons and community members that public safety is a paramount concern; and

WHEREAS, requiring education in the responsible service of alcoholic beverages is a valid exercise of the City's police power and is necessary to secure and promote the public health, safety, and welfare of the community.

NOW THEREFORE the City Council of the City of Chula Vista does ordain as follows:

Section I.

**Chapter 8.27 TRAINING IN RESPONSIBLE ALCOHOLIC BEVERAGE SERVICE
REQUIRED FOR ON-SALE LICENSEES AND EMPLOYEES**

8.27.010. Definitions.

As used in this chapter, the following words and phrases have the meanings set forth in this section:

A. "Alcoholic beverage" shall have the same meaning as in the California Business and Professions Code, Section 23004, or any successor section.

B. "Alcohol outlet" means any physical location or structure from which any alcoholic beverage may be sold, delivered, or served pursuant to a retail on-sale license granted by the California Department of Alcoholic Beverage Control (ABC) for the service and consumption of alcohol.

C. "Business license" means a license authorizing a business to operate within the city of Chula Vista, California.

D. "Licensee" means any person or entity that has a retail on-sale license issued by the ABC, such as a bar, restaurant, tavern, or night club.

E. "Manager" means the person, regardless of job title or description, who has discretionary powers to organize, direct, carry on, control or direct the operation of an alcoholic outlet.

F. "Server" means any person who, as part of his or her employment, sells, serves or delivers any alcoholic beverage.

G. "Patron" means a customer who purchases alcohol through a sale, service or delivery.

H. "Responsible Beverage Service" (RBS) training or "Licensee Education on Alcohol and Drugs" (LEAD) training means an education program, conducted by the ABC or by a private provider, which incorporates best practices in the responsible service of alcoholic beverages.

8.27.020. Responsible beverage service training required—Proof.

A. No on-sale alcohol outlet may serve, sell, or arrange delivery to a patron any alcoholic beverages unless a manager, assistant manager or lead employee who has completed a LEAD or RBS training course is on the premises.

B. No licensee, manager or server shall sell, serve or deliver to a patron any alcoholic beverage unless he or she has completed LEAD or RBS training.

C. Each licensee, manager and server must complete training within six months from the effective date of this chapter, start of employment, or from start of business, whichever date is earliest.

D. Proof of completion for a LEAD or RBS training program will be considered valid for a period of four years from the date of completion.

E. Licensees shall be responsible for ensuring that all managers and servers they employ comply with this section.

F. Licensees shall maintain on the premises a file of proof of completion of the LEAD or RBS training by the licensee, managers and servers that shall be available for inspection by any peace officer or other enforcement officer during regular business hours. The proof of completion shall include: (1) the effective date of hire; (2) course completion date; (3) the name of the LEAD or RBS training completed; (4) a copy of each training certificate or wallet card, or other written proof of completion; and (5) identifying information of the licensee, managers and servers, including the name, address, phone number and California driver's license number, if applicable.

G. Before a Licensee may be cited pursuant to Section 8.27.030 of this Chapter for refusing to allow a peace officer or other enforcement officer to inspect proof of completion records as required in Subsection F, the peace officer shall obtain a search warrant for the proof of completion records from the San Diego Superior Court.

H. The city shall provide a summary of the requirements of this chapter together with its penalties for violation prior to issuing a business license to all alcohol outlets, as defined in this Chapter.

8.27.030. Violation—Penalty.

A. Violation of any provision of this chapter or failure to comply with any requirement of this chapter is an infraction and shall be punishable in accordance with the provisions of Chapter 1.20, General Penalty, of the Chula Vista Municipal Code, and other laws applicable to infractions.

B. Nuisance. In addition to any other remedies provided in this chapter, any condition caused or permitted to exist in violation of any of the provisions of this code shall be deemed a public nuisance, and may be summarily abated as such pursuant to Chapter 1.30, Abatement of Public Nuisance, of the Chula Vista Municipal Code.

C. Administrative Citation. In addition to any other remedies provided in this chapter may be enforced by administrative action brought by the city pursuant to Chapter 1.41, Administrative Procedure and Process, of the Chula Vista Municipal Code.

D. Business License Revocation. In addition to any other remedies provided in this chapter, any violation of this chapter may be grounds for revocation of an existing business license issued by the City of Chula Vista and/or denial of issuance of a future business license, pursuant to Chapter 5.02, Business Licenses Generally.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section V. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented By:

Approved as to form by:

David Bejarano
Chief of Police

Glen R. Googins
City Attorney