

ORDINANCE NO. 2009 –

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CHARTERED CITY OF VISTA, CALIFORNIA, ADDING  
CHAPTER 5.10 ALCOHOLIC BEVERAGES –  
RESPONSIBLE BEVERAGE SALES AND SERVICE TO  
THE VISTA MUNICIPAL CODE REQUIRING  
RESPONSIBLE SALES AND SERVICE TRAINING**

**WHEREAS**, the City of Vista is a hospitality destination for families, visitors and community members alike; and

**WHEREAS**, the City of Vista includes alcohol outlets licensed by the California Department of Alcoholic Beverage Control for on and off-site sale of alcohol; and

**WHEREAS**, stores, bars and restaurants which sell or serve alcohol to minors or to the intoxicated patron pose a threat to the public health and safety of the City of Vista; and

**WHEREAS**, the threat to public health and safety includes the injuries and deaths caused by vehicle crashes, sexual assaults, domestic violence and other crimes which occur as a result of service of alcohol to minors or service to the intoxicated patron; and

**WHEREAS**, Responsible Beverage Service and Sales (RBSS) training is a successful method for alcohol licensees to educate their managers and servers on the effects of over-service and service to minors, and on techniques to avoid over-service and service to minors; and

**WHEREAS**, RBSS training provides alcohol licensees with a clear understanding of California Department of Alcoholic Beverage Control (ABC) and other state regulations, and is highly recommended by the ABC; and

**WHEREAS**, training in RBSS and the accompanying certification gives credibility and distinction to alcohol sales and service as a profession; and

**WHEREAS**, better trained staff will assist the alcohol licensee in protecting their valuable alcohol license, and in reducing their business liability; and

**WHEREAS**, alcohol licensees who have RBSS trained staff demonstrate to patrons and other community members and agencies that public safety is their highest concern.

**NOW, THEREFORE**, the City Council of the Chartered City of Vista, in accordance with the freedom accorded to charter cities generally, and by the Charter of the City of Vista, specifically does ordain as follows:

**Section 1.** Title 5 of the Vista Municipal Code is hereby amended by adding Chapter 5.10 "Alcoholic Beverages – Responsible Beverage Sales and Service" as follows:

**CHAPTER 5.10**

**ALCOHOLIC BEVERAGES – RESPONSIBLE BEVERAGE SALES AND SERVICE**

**Sections:**

- 5.10.010**        **Definitions**
- 5.10.020**        **Responsible Beverage Service Training Required – Proof**
- 5.10.030**        **Violation - Penalty**

**Section 5.10.010 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 at retail pursuant to a license granted by the California Department of Alcoholic Beverage Control.
- C. "Business certificate" means a certificate or license authorizing a business to operate within the City of Vista, California.
- D. "Licensee" means any person or entity that has a license for the retail sale, delivery, or service of alcoholic beverages from the California Department of Alcoholic Beverage Control.
- 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 Sales and Service Training" or "RBSS Training" means a training program conducted by the California Department of Alcoholic Beverage Control or by a RBSS Training Provider certified by the California Department of Alcoholic Beverage Control to train alcohol licensees, their managers and servers in responsible alcoholic beverage sales and service methods and practices.

**Section 10.46.020 Responsible Beverage Service Training Required – Proof.**

A. No 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 Responsible Beverage Service and Sales 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 RBSS Training. However, licensees, their managers and servers shall have ninety (90) days from the date of beginning of such activities or the effective dates of this chapter, whichever is later, to complete RBSS Training. Businesses existing as of the effective date of this ordinance shall have one hundred eighty (180) days from the effective date of this ordinance to comply with this chapter. Thereafter, all said businesses shall have ninety (90) days from the date of the beginning of such activities to comply with this chapter.

C. Certification received from an RBSS Training program will be considered valid for a period of two years from the date of certification.

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

E. Licensees shall maintain on the premises a file of proof of completion of the RBSS 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 and, if applicable, the course renewal date; (3) the name of the certified RBSS Training completed; (4) a copy of each training certificate, if available; and (5) identifying information of the licensee, managers and servers, including the name, address, phone number and California driver's license number, if applicable.

F. The City shall provide to all applicants for a business certificate that are alcohol licensees, as defined in this chapter, a summary of the requirements of this chapter together with its penalties for violation prior to issuing a business certificate or renewal.

**Section 10.46.030 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 Section 1.16.010 of the Vista Municipal Code. At the discretion of the prosecutor, a violation of this chapter may be charged as a misdemeanor.

B. Civil Action. In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the City Attorney in the name of the People of the State of California as a public nuisance under California Civil Code Section 731.

C. Administrative Citation. Alternatively, any violation of this chapter may be enforced by administrative action brought by the City pursuant to Chapter 1.13 of the Vista Municipal Code.

**Section 2.** If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

**Section 3.** This Ordinance shall be effective the thirty-first (31) day following its adoption. The City Clerk shall cause this ordinance to be published in the manner required by law.

INTRODUCED AND ADOPTED at a meeting of the City Council held on \_\_\_\_\_, by the following vote.

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
MORRIS B. VANCE, Mayor

APPROVED AS TO FORM:  
Darold Pieper, City Attorney

ATTEST:  
Marci Kilian, City Clerk

By: \_\_\_\_\_

By: \_\_\_\_\_