

POLICY FORMAT: Alcohol Impact Area (AIA): City Ordinances

RESTRICTION TYPE: Brands

SUMMARY: This sample policy language was adapted from an Alcohol Impact Area in Seattle, Washington. The Seattle policy was enacted in three stages. First, state law and administrative code was changed to enable the process (*see p. 5*). Next, the city passed two ordinances: the first established the Alcohol Impact Area and required a 6-month effort to solve the problem through voluntary means; the second showed that voluntary efforts had failed and asked the state Liquor Board to impose mandatory restrictions. Sample language for both ordinances is provided below.

CITY ORDINANCE #1: Creates an Alcohol Impact Area and requires voluntary efforts to address alcohol-related problems within the Alcohol Impact Area. This sample language is based on Seattle, Washington Ordinance 121487.

SAMPLE POLICY LANGUAGE

ALCOHOL IMPACT AREA

Section 1. The City Council finds:

- (a) Residents, business owners and community organizations within the proposed AIA have appealed to the City for relief from the adverse effects of public inebriation and the illegal activity associated with off-premises alcohol sales and consumption in the proposed AIA, and have requested the enactment of an ordinance establishing the ____ Alcohol Impact Area.
- (b) The records of the local police department and fire department, other emergency response records and other evidence document a pervasive pattern of public intoxication and/or public consumption of alcohol in the area.
- (c) This public intoxication and/or public consumption, and the illegal activity associated with it, are contributing to the deterioration of the quality of life within the area, and threaten the welfare, health, peace and safety of the area's visitors and occupants.

Section 2. Creation of the ____ Alcohol Impact Area.

- (a) The geographic area described below is declared to be the ____ Alcohol Impact Area (AIA): _____.
- (b) The City will notify off-premises licensees in the AIA about the public inebriation and public health concerns related to the sale of certain alcohol products.

- (c) The City will request off-premises licensees in the AIA to voluntarily adhere, for a period of at least six months, to certain business practices designed to reduce public inebriation and improve public health and safety in the area. These include restrictions on the sale of certain alcohol products, limitations on container sizes and packaging, and reduced hours of off-premises alcohol sales.
- (d) The Chief of Police and Fire Chief shall provide quarterly updates to the City Council regarding the effectiveness of voluntary efforts to address the public inebriation issues in the AIA.
- (e) Nine months from the effective date of this ordinance, the Chief of Police and Fire Chief shall provide a report to the City Council's public safety committee on the effectiveness of voluntary efforts to address public inebriation issues in the AIA. This report shall include crime statistics, police reports, emergency medical response data, detoxification reports, sanitation reports, public health records and other information which documents the impact of the voluntary efforts. Based on the information contained in the report, the Council may consider the adoption of legislation directing the Chief of Police to request the State Alcohol Beverage Control Board to impose mandatory restrictions on liquor licensees in the AIA. Such legislation must be adopted by Council before any representative of the City requests the State Alcohol Beverage Control Board to impose such restrictions.

CITY ORDINANCE #2: Finds that voluntary efforts have failed and asks the state Liquor Board to impose mandatory restrictions that prohibit off-premise retailers within the AIA from selling certain brands of malt liquor and fortified wine. This sample language is based on Seattle, Washington Ordinance 121999.

SAMPLE POLICY LANGUAGE

ALCOHOL IMPACT AREA

Section 1. The City Council finds:

- (a) In Ordinance 121487, the City Council created the _____ Alcohol Impact Area (AIA) and directed that voluntary efforts to reduce the impact of public inebriation in the AIA be attempted for a period of 6 months and that a report on such efforts be submitted to the City Council.
- (b) Despite the best efforts by the City and community groups over a period of more than a year since the passage of Ordinance 121487, attempts to obtain voluntary restrictions on off-premises sales of alcohol in the AIA **have failed:**

- a. The low cost/high alcohol content products continue to be available throughout the AIA;
 - b. Public inebriation and illegal activities associated with the sales and consumption of these products continue to contribute to the deterioration of the quality of life within the area and threaten the welfare, health, peace, and safety of the area's visitors and occupants, as demonstrated by crime statistics, police reports, emergency response data, detox reports, sanitation reports, public health records, and other information contained in Attachment A;
 - c. Residents, business owners and community organizations have continued to appeal to the City for relief from these adverse effects.
- (c) Thus, the city should request that mandatory restrictions on the sales of alcohol by off-premises licensees in the AIA be imposed by the State Alcohol Beverage Control Board.

Section 2. Request to State Alcohol Beverage Control Board

The City Council shall request the State Alcohol Beverage Control Board to recognize the _____ Alcohol Impact Area created by Ordinance 121487 and to impose mandatory restrictions on the sale of the low cost/high alcohol products as set forth in Attachment B.

Section 3. Effective Date

This ordinance shall take effect and be in force thirty (30) days from its approval by the City Council.

Attachment A

- Police calls for service including person down and adult liquor violations/drinking in public
- Relevant crime statistics, police reports, emergency response data, detox reports, sanitation reports, public health records, etc.
- Qualitative and anecdotal information from community meetings (stories, observations, etc.)
- Public comments taken from public hearings before the City Council
- Information regarding the voluntary compliance phase including requested participation through the good neighbor agreements and requested removal of products on the targeted product list
- A list of the products asked to be banned during the voluntary compliance phase
- A percentage of how many businesses signed voluntary agreements including locations of businesses
- Any data on changes in alcohol-related medical incidents in the area of the proposed alcohol impact area before and after voluntary compliance efforts
- Any other relevant data or data unique to the city

- Conclusions and Recommendations section stating that a problem still exists, there are successful models in place, and stating that components of a more effective strategy include mandatory restrictions, a product list, and a targeted geographic area.

Attachment B

The Licensee agrees to eliminate off-premises sales of the following alcohol products:

1. Beer and Malt Products

- | | | |
|--|---|---|
| <ul style="list-style-type: none"> • Bull Ice • Busch Ice Colt 45 Ice • Colt 45 Malt Liquor • Hamm's Ice Brewed Ale • Hamm's Ice Brewed Beer • Hurricane Ice Malt Liquor • Keystone Ice • King Cobra Malt Liquor | <ul style="list-style-type: none"> • Lucky Ice Ale Premium • Lucky Ice Beer • Magnum Malt Liquor • Mickey's Iced Brewed Ale • Mickey's Malt Liquor • Miller High Life Ice • Milwaukee Best Ice • Milwaukee Best Premium Ice Beer • Natural Ice | <ul style="list-style-type: none"> • Old Milwaukee Ice • Olde English 800 • Olympia Ice • Pabst Ice • Rainier Ale • Red Bull Malt Liquor • Schmidt's Ice • Special 800 Reserve • St. Ide's Liquor and Special Brews • Steel Reserve |
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2. Wine Products

- Cisco
- Gino's Premium Blend
- MD 20/20
- Night Train Express
- Richard's Wild Irish Rose
- Thunderbird

POLICY FORMAT: Alcohol Impact Area: State Administrative Code

SUMMARY: The proposed state administrative code grants authority to the city to designate an Alcohol Impact Area (AIA) and lays out the requirements for state recognition of the AIA. This sample language is based on Washington Administrative Code, Section 314-12-215.

SAMPLE POLICY LANGUAGE

ALCOHOL IMPACT AREA RULES

Section 1. Alcohol Impact Area definition.

An Alcohol Impact Area (AIA) is a geographic area within a city, town, or county that is adversely affected by public inebriation or illegal activity associated with alcohol sales or consumption. The area must be designated by ordinance by the local government subdivision and recognized by resolution of the state Alcohol Beverage Control Board before any enhanced processes described by these rules are applied.

Section 2. Guidelines for recognizing an Alcohol Impact Area.

The alcohol beverage control board, by resolution, may recognize an AIA adopted by a city, town, or county. To achieve recognition, the AIA must meet all of the following conditions:

- (a) The AIA comprises a geographic area that does not include the entire territory of the local jurisdiction;
- (b) The government subdivision has given a rationale, expressed in the ordinance, for the establishment of the proposed boundaries of the AIA;
- (c) The government subdivision has described the boundaries of the AIA in the ordinance in such a way that:
 - i. The board can determine which liquor licensees are in the proposed area; and
 - ii. The boundaries are understandable to the public at large
- (d) The AIA ordinance includes findings of fact which establish:
 - i. There is a pervasive pattern of public inebriation and/or public consumption of alcohol within the proposed AIA, as documented in crime statistics, police reports, emergency medical response data, detoxification reports, sanitation reports, public health records, or similar records; and
 - ii. Public inebriation or illegal activity associated with alcohol sales and/or consumption within the proposed AIA is contributing to the deterioration of the general quality of life within the area or threatens the welfare, health, peace, or safety of the area's visitors and occupants.

- (e) The AIA will take effect on the date of the board’s resolution extending recognition to the AIA.

Section 3. Processes, conditions, and restrictions allowed within an AIA.

- (a) The board will apply a unique local license review process for liquor license applications, license assumptions, and license renewals within the AIA.
- (b) The board may place conditions or restrictions on the off-premises liquor licenses within the AIA. These restrictions must be reasonably related to reducing public inebriation or illegal activity associated with off-premises alcohol sales and/or consumption. These restrictions may include, but are not limited to:
 - i. Restrictions on the hours of operation for off-premises alcohol sale within the AIA;
 - ii. Restrictions on the off-premises sale of certain alcohol products within the AIA; and
 - iii. Restrictions on alcohol container sizes available for off-premises sale within the AIA.

Section 4. Circumstances required for restrictions.

The board may restrict the off-premises sale of alcohol within an AIA, subject to all of the following conditions:

- (a) Product restrictions must be requested by the government subdivision’s law enforcement agency or public health authority;
- (b) The board must find that the off-premises sale of such alcohol products is reasonably linked to the problems associated with public inebriation; and
- (c) The government subdivision must have shown that voluntary efforts have failed to significantly reduce the impact of public inebriation, or that voluntary efforts need augmentation by license restrictions described in subsection (3) of this section.

Section 5. Voluntary efforts required.

Before the board will implement mandatory product restrictions, the government subdivision’s voluntary efforts must include:

- (a) Notification of all off-premises licensees in the proposed AIA that behavior associated with alcohol sales is having an impact on public inebriation.
- (b) Documentation that the government subdivision has made reasonable efforts to implement voluntary agreements to promote business practices that reduce public

inebriation and promote public welfare, health, peace, and safety with off-premises licensees within the AIA.

- (c) Implementation of these voluntary agreements must have been attempted for at least six months before information is presented to the board that voluntary efforts have failed or need augmentation.

Section 6. If restrictions are approved for an AIA:

- (a) The board will notify the appropriate beer and wine distributors of the product restrictions placed on off-premises licensees within the AIA.
- (b) When product restrictions are placed on off-premises licensees within an AIA, no state liquor store or agency within the AIA may sell these restricted products.

Section 7. Process for liquor license applications and renewals in an AIA.

- (a) When the board receives an application for an off-premises liquor license, the board will establish an extended time period of sixty days for the government subdivision to comment on the application.
- (b) The government subdivision may submit comment before the end of this sixty-day period, but may request an extension of this period when unusual circumstances, explained in the request, require additional time for comment.
- (c) The requesting government subdivision will notify the licensee or applicant when an extension of the sixty-day comment period is requested.
- (d) For renewals, notice will be mailed to the government subdivision not less than ninety days before the current license expires.

Section 8. AIA effective dates

An AIA will remain in effect until:

- (a) The sponsoring government subdivision repeals the specific enabling ordinance that originally defined the specific AIA recognized by the board; or
- (b) The board repeals its recognition of an AIA as the result of a public hearing, called by the board acting on its own initiative or at the request of a community organization within the AIA, made after the AIA has been in effect for at least two years.