

## Alcohol Retail Outlet Ordinance

### Overview

Most people are aware that alcohol consumption can lead to individual and community problems. Local, state, and federal laws recognize these potential dangers by regulating the way in which alcohol is marketed, sold, and served. One of the key regulatory concerns is preventing an overconcentration of alcohol outlets and the health and safety problems that can result.

Over the past 20 years, alcohol outlets in Nebraska have grown at a rate nearly twice as fast than that of the state's population. This growth has led to an overconcentration of alcohol outlets in certain areas of Omaha, creating vulnerable neighborhoods where crime has escalated and quality of life issues surfaced. Exacerbating these issues is the powerlessness of neighbors and city leaders in the State liquor licensing process. Although local governing bodies can provide recommendations to the State on liquor licensing decisions, the current structure gives final authority to the State. Too often, the recommendations of the Omaha City Council are ignored by the State Liquor Control Commission.

The city has the opportunity to gain regulatory authority through its land-use powers to control the environment around alcohol outlets to better reflect community standards. Without this authority, rising alcohol outlet density will likely lead to more crime, including assaults, drinking and driving and increased nuisances, such as graffiti, loitering and excessive litter, thereby jeopardizing our most vulnerable population—our youth.

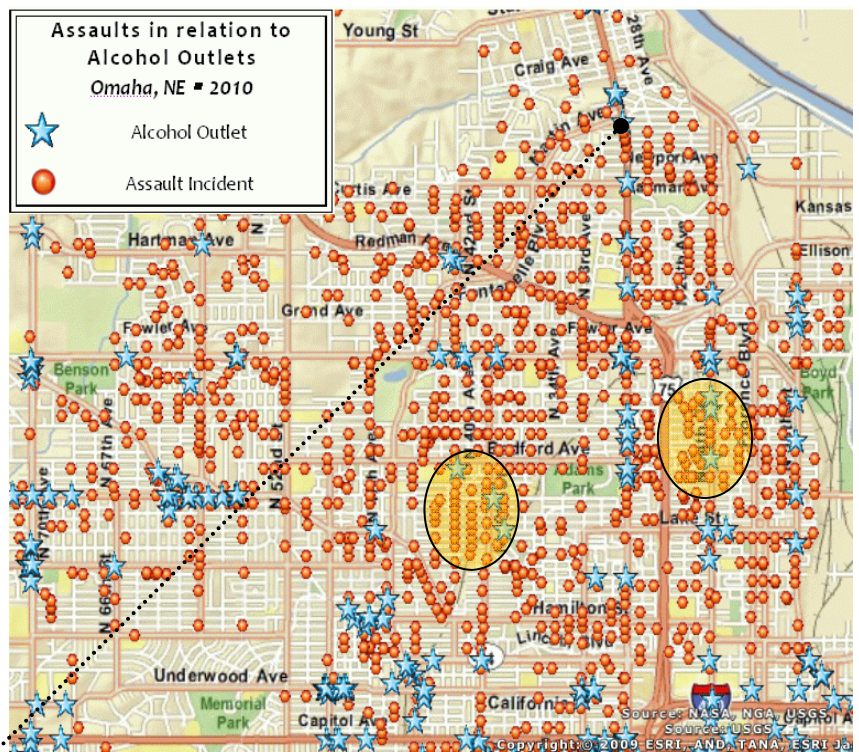
Increasingly, Omaha residents living, working and shopping near alcohol outlets are questioning their safety. Some residents have expressed fear to walk in their own neighborhoods or visit parts of the city where crime, including assaults, are more prominent. Too often alcohol outlets create environments that invite crime. The map included illustrates the connection between 2010 assaults (SpotCrime) and alcohol outlets. The areas highlighted in yellow show three alcohol outlets (denoted by blue stars) surrounded by a cluster of assaults (red dots), providing a visual example of how placing several alcohol outlets in one concentrated area is connected to high crime levels. Further, a business with poor business practices could also become a magnet for crime.

### Crime

Numerous studies confirm that neighborhoods with a higher concentration of alcohol outlets experience higher rates of alcohol consumption, resulting in increased alcohol-related traffic crashes, assaults, homicides, and child maltreatment among other crimes.

A 2005 study conducted in Omaha by Rebecca K. Murray, Ph.D., of Creighton University's Department of Sociology and Anthropology, assessed the effects of liquor-serving establishments on crime and found:

- A bar on a residential city block increases the expected number of felonious assaults on that block by 68.9%.
- Blocks adjacent to a residential block with a bar increased the expected number of felonious assaults by 40.5%.



### Howell's BP 7166 N. 30 St.

Howell's BP was granted a liquor license by the State despite the Omaha City Council's recommendation of denial which it based on documented violence and crime, including a Dec. 2009 homicide where a store clerk was shot dead.

“We’d rather have an empty building than another liquor store in our already struggling neighborhood. There was violence in this area before; alcohol is certainly not going to make it safer.”

- Sharon Olson, Minne-Lusa/Miller Park Neighborhood Association

# Quality of Life Issues

Omaha neighbors living in areas of high alcohol outlet density report problems ranging from loitering, panhandling, and graffiti to excessive litter and public urination in and around their neighborhoods.

An association exists between alcohol-selling establishments and social disorder (Urban Institute, 2008). The literature suggests that neighborhoods with high concentrations of liquor stores are often plagued with quality of life issues creating physical disorder—disorder that sends cues that neighborhood cohesion is limited, inviting crime and further disorder (Perkins, et al., 1993; Skogan, 1990).

These neighborhoods often lack desirable public and private services that provide community oversight (Alwitt and Donley, 1997; LaVeist and Wallace, 2000; Mohan, 2005). Neighborhoods without areas such as parks, recreation centers, movie theaters, and grocery stores may have higher rates of social disorder, which further invite crime.



“Neighbors paint this frequently to cover the graffiti on the side of this liquor license establishment, We’re tired of repeating this action; we want businesses to take care of their own property, not place the burden on residents to do it for them.”

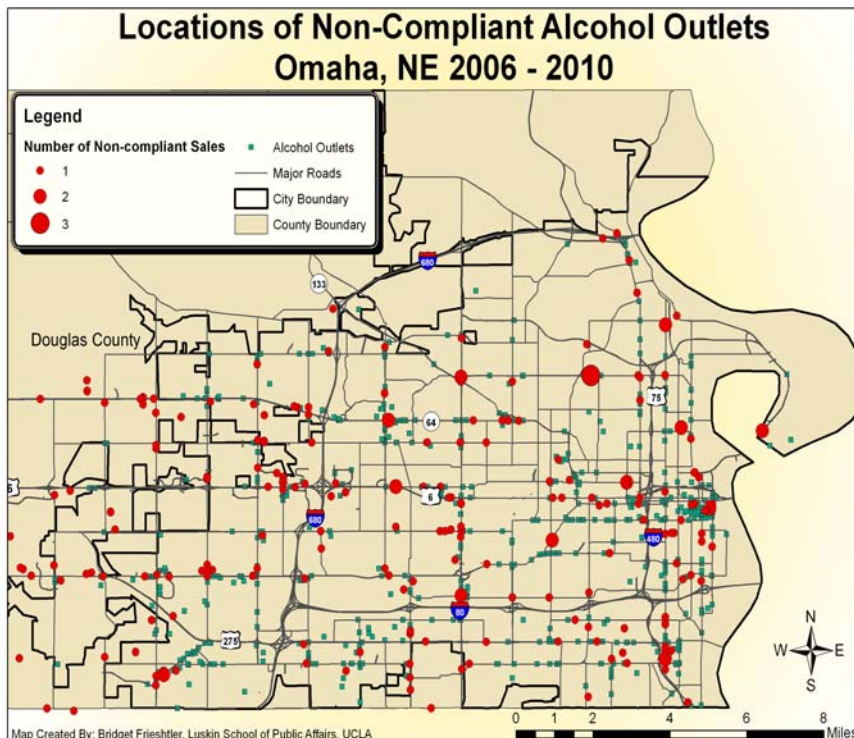
- Chris Foster, Gifford Park Neighborhood Association

“This was the stock pile left behind after I chased three guys out of my area park, Clarkson Neighborhood Park, in the middle of the afternoon. This is a mere sampling of the alcohol-related trash I collect weekly at our park.”

- Margie Magnuson, Joslyn Castle Neighborhood Association



# Youth Alcohol Use



Over a four-year-period (2006–2010), a number of businesses in Omaha have sold alcohol to minors during law enforcement operations known as alcohol compliance checks. Some establishments have repeatedly allowed youth access to alcohol which is denoted with a larger red dot on the map to the left. The larger dot symbolizes more than one sale to a minor violation.

Omaha’s experience is confirmed by the research that consistently shows a correlation between increased alcohol outlet density, youth access to alcohol and increased underage drinking.

“When all other factors were controlled, higher initial levels of drinking and excessive drinking were observed among youths residing in zip codes with higher alcohol outlet densities.”

Chen, M., Greuenewalkd, P. J., & Remer, L. G. (2009). Does alcohol outlet density affect youth access to alcohol? *Journal of Adolescent Health, 44*(6), 582-589.

**Underage drinking** cost the citizens of Nebraska an estimated \$453 million in 2007, ranking Nebraska among the top 20 states in the nation for costs per youth of underage drinking.

## How Did We Get in This Mess?

This issue has been with us for a while. In 2007, the Alcohol Impact Coalition (AIC) was formed by representatives of over a dozen Omaha metro neighborhood associations to advocate for holding alcohol-selling establishments with poor business practices accountable through grassroots resident action.

Leading this effort was the Orchard Hill Neighborhood Association. The leadership of Orchard Hill paved the way for the work of the AIC when it took its fight all the way to the State Supreme Court, which ruled in the *Orchard Hill* case that neighborhood conditions must be considered when determining whether or not to issue a liquor license. This was a major victory for neighborhoods.

But this type of success was few and far between. Years of fruitless efforts working within the State liquor licensing system left members of the AIC feeling frustrated with a process that left little opportunity to protect their neighborhoods from further disintegration.

Neighbors were not the only people to feel disenfranchised from the State liquor licensing process. The Omaha City Council has routinely seen its recommendations preempted by the State licensing system. The City Council's frustration hit a crescendo in the Spring of 2010 when its recommendations on limiting the number of Walgreens allowed to sell alcohol was all but ignored by the State.

The City of Omaha needs more local power to control the placement and service practices of liquor outlets. With the current system, there is little ability to control the alcohol landscape at a local level.

Addressing alcohol outlet density was a growing concern for the city; in fact, in 2010 the Environment Omaha plan was adopted by the City Council on a 7-0 vote. The plan confirmed the need to "develop an alcohol accessibility policy to decrease accessibility in neighborhoods."

**The ordinance will be a community-enhancing, business-friendly policy that creates a shared responsibility between merchants, community members, and the city for preventing alcohol outlet-related problems. The ordinance would create a "level playing field" whereby the Omaha City Council and Omaha residents have a voice regarding the placement and nature of new liquor licenses. In addition, current alcohol outlet standards of operation vary widely. The proposed ordinance offers an updated policy tool designed to prevent and reduce public health and safety problems created in and around alcohol outlets, including off-sale (liquor stores, markets, drug stores, etc.) and on-sale (bars, restaurants, clubs).**



### ***Let Omaha Control its Alcohol Landscape***

With growing momentum, the LOCAL Campaign was launched in 2010 to advocate for change. Through the LOCAL Campaign, advocates have called upon city leaders to partner in solving these challenges by updating Omaha's city code with a land-use, zoning ordinance. The Centers for Disease Control and Prevention (CDC) has long encouraged this strategy to address the overconcentration of alcohol outlets to reduce alcohol-related problems.

The LOCAL Campaign is a committed group of neighborhood activists, urban developers, anti-violence advocates, public health organizations, and members of the treatment and medical communities, among others working to find a solution to protect their struggling neighborhoods. Together, they propose an ordinance to better address issues related to alcohol outlets and the problems that occur in and around these establishments.

**"The City Council got it right with Walgreens. We're trying to give kids and neighborhoods a fighting chance. We want economic development that works for the families of Omaha where business can thrive."**

*- Jeanie Dickes, Orchard Hill Neighborhood Association*

### **Solution: Local Zoning Ordinance**

**S**upporters of the LOCAL Campaign are actively encouraging the adoption of a local zoning ordinance to reduce alcohol-related problems. Based on the strong link between outlet density and excessive alcohol consumption, the CDC recommends limiting alcohol outlet density — either by reducing current density levels or limiting further outlet growth — is an effective way to reduce associated harms. It may also provide additional benefits for quality of life by reducing nuisance-related problems such as loitering, public disturbances and vandalism (Journal of Preventative Medicine, 2009). Outlet regulation is generally implemented through licensing or zoning processes.

**Neighborhood Meetings** were held to generate community input around the types of components the ordinance should encompass. Two key areas for the ordinance emerged.

## 1. **New Alcohol Outlets** (*Location and Operational Requirements*)

The majority of proposed new liquor licenses will have distance restrictions (from other alcohol outlets, and from schools, churches, or other sensitive areas). New outlets will have standards placed on their operations (such as lighting requirements and graffiti and trash removal). Furthermore, the “bait-and-switch” practice of liquor licenses intentionally morphing from their original intent (i.e., a restaurant turns into a nightclub) will be significantly more difficult.

## 2. **Existing Alcohol Outlets** (*Nuisance-related Standards of Operation*)

Existing alcohol outlets will be permitted to operate without change, as long as they abide by a new set of nuisance abatement standards. Nuisance abatement standards of operation protect the health and safety of the local community and prevent outlet-related problems, including disturbances of the peace, sales to minors, public drinking and inebriation, and property damage. The standards are designed to ensure that operating characteristics of alcohol establishments are compatible with nearby businesses and residences.

## Implementation

Implementing the ordinance will increase Omaha’s focus on preventing alcohol outlet-related problems. Routine law enforcement inspections and compliance checks will help ensure that all businesses are an asset to the community.

An Advisory Board, appointed by the City Council, made up of neighborhood advocates, alcohol retailers, public health representatives, and the broader business community will oversee implementation of the ordinance, and help to ensure both new and old businesses are adhering to the standards. A Complaint Committee, comprised of two advisory board members and a law enforcement officer, would be charged with reviewing any outlet-related nuisance to verify validity by visiting the establishment in question. The Complaint Committee would attempt to take all appropriate actions to work with the business as it voluntarily works to abate the issue. If the business is unable or unwilling to adhere to the standards requested, the Complaint Committee would make a recommendation for further review of the licensed establishment’s nuisance issues by the full Advisory Board with formal city proceedings to follow as outlined in city code.

According to the research, regular, routine inspections work to reduce alcohol-related problems associated with outlets. The Advisory Board will mitigate challenges as they come, partnering with establishments to encourage adherence to the standards of operations outlined in the ordinance.

**You can help**

### ***Will an ordinance make a difference . . . YES!***

Communities nationwide have reduced alcohol-related problems by implementing similar ordinances. These ordinances work by providing local municipalities authority to control the standards of operation around alcohol establishments through land-use powers.

Over time, all Omaha residents will benefit from the ordinance. Using progressive discipline with enforcement, the city will avoid expending valuable resources to address repeat disturbances caused by outlets.

### ***Why should you support the ordinance?***

What harms some of us, impacts all of us. Omaha should ask, “What do we want our community to look like for the next generation?” Research and community experience has shown that implementing land-use policies reduces rates of alcohol-related problems and changes community norms.

Such an ordinance can create a safer, healthier community for families while serving as an essential compliment to our alcohol prevention activities being implemented in schools and other community settings.

**For policy change** to be effective, input, discussion and support must be mobilized from those who are stakeholders in the process of policy development and implementation.

This partnership between businesses, local government, law enforcement and residents—can foster collaboration to bring a positive change in order to promote the health and safety of our community.

**We need your support** Please join us in taking the next step to keep Omaha a safe and healthy place to live and for our children to grow.

**Stay Connected** with the LOCAL Campaign at [thelocalcampaign@gmail.com](mailto:thelocalcampaign@gmail.com) or follow us on Facebook at The LOCAL Campaign page.

### **Action**

1. **Talk to your City Council person to encourage his/her leadership on the ordinance.**
2. **Sign the resolution of support**
3. **Attend the City Council meeting when the ordinance goes up for a vote. Your voice is needed.**