

The Petaluma Alcohol Business Standards Ordinance

A Tool for Reducing Binge Drinking

This briefing offers an update on some strategies to address public health and safety problems created by businesses that sell alcohol

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What's the Problem?

Petaluma's dynamic redevelopment district includes a large number of bars, nightclubs and music venues in the downtown area. These establishments attract revelers from communities across the Bay Area. Petaluma has a higher concentration of alcohol outlets per resident population than the statewide average (one outlet for every 279 residents compared with one outlet for every 558 residents statewide). Numerous studies have shown that areas with a higher density of alcohol outlets experience higher rates of alcohol consumption, alcohol-related traffic crashes, assaults, homicides and other crimes than their neighbors¹.

Petaluma's steady march toward downtown revitalization has resulted in a vibrant mix of on-sale alcohol outlets including restaurants and bars. As of January 2006, 45% of the approximately 108 on-sale alcohol establishments in Petaluma were located in the downtown area. The California State Department of Alcoholic Beverage Control (ABC) has determined that the census tract containing downtown Petaluma is legally "over-concentrated" with alcohol outlets.

Consequences of outlet over concentration....

There are consequences to having so many locations to consume alcohol in a relatively small geographic area. Downtown Petaluma has history of heavy drinking and the resulting alcohol-related problems. As a result, street crime police officers have nicknamed the downtown drinking

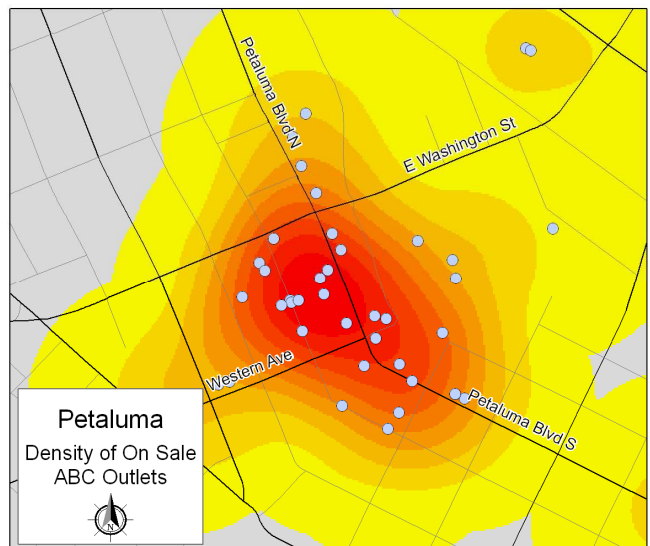
scene "The Bermuda Triangle".

The implication is that this area poses potential risks to downtown patrons from drinkers moving from establishment to establishment and engaging in loud, unruly and nuisance-related behavior.

In the last year alone, there were a number of occasions in which the sheer number of intoxicated drinkers resulted in near riots downtown, requiring a multiple jurisdictional law enforcement response to bring the situation under control. Observers of these events report that much of the activity on the streets appears "out of control" and "feels frightening." In a 2005 focus group, residents living in the downtown area reported that excessive alcohol-related noise and street-level nuisance behaviors are a common occurrence on weekend and holiday evenings².

To respond to these ongoing alcohol problems Petaluma Police are forced to shift valuable police resources to patrolling the downtown on Thursday, Friday, and Saturday nights...just to keep a lid on the street level activities and prevent problems from spinning out of control. Assigning so many police officers to one area in town

Downtown drinking scene nicknamed the "Bermuda Triangle"

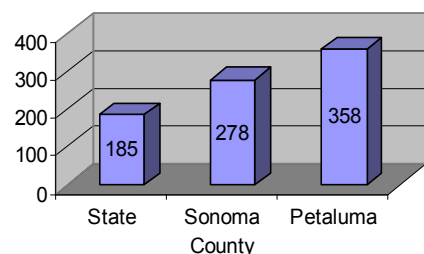


raises the question, "What impacts do reduced police resources have on other parts of the city during busy period of Thursday – Saturday nights?"

Members of the *Petaluma Coalition to Prevent Underage and High-Risk Drinking* have made on-site observations of the extent and nature

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Number of Alcohol Outlets/100,000 Population



Source: State Department of Alcoholic Beverage Control

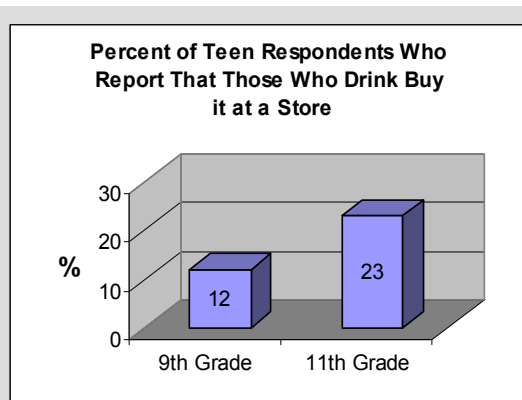
It Doesn't Have to Be this Way...

Under California state law, it is illegal to serve intoxicated patrons in bars and restaurants. Yet, high rates of drinking are occurring much too often in our downtown environment.

Do we want our downtown to be known as a place to come and party to the point of intoxication? Are we going to pretend we don't see young adults vomiting on the sidewalks after coming out of bars? Do we pretend that those same young people can get home safely when they get in their car and drive away? Do we ignore the increased rates of sexual abuse associated with this level of drinking? On-sale bars and restaurants have a legal responsibility to not serve people who are intoxicated. As well, they have a responsibility for the nuisance-related behavior that their patrons cause just outside their establishments. And why should the taxpayers of Petaluma pay for the police costs associated with controlling these problems?

Off-sale outlets should not be selling alcohol to minors. There is no excuse for clerks failing to ask for ID for those appearing under the age of 25. While mistakes occasionally happen, research suggests that more often than not sales to minors occur when clerks feel they will not get caught. Outlet personnel also have a legal responsibility to prevent loitering around their business that can result in "shoulder taps" or adults buying alcohol for minors in exchange for a few dollars. Petaluma police and youth report "shoulder taps" are a major source of underage access.

Petaluma is not alone in experiencing these kinds of alcohol outlet-related problems. Other communities aware of the limited alcohol outlet enforcement resources available to the ABC have developed and enacted local policy responses.



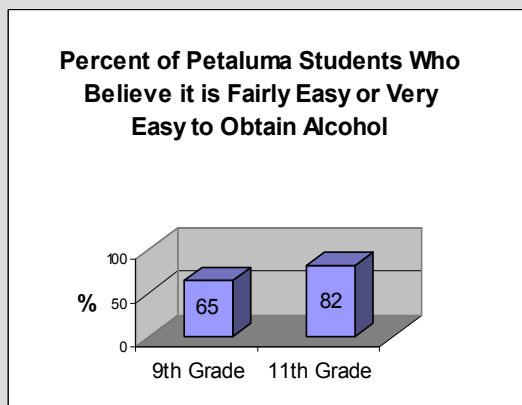
2005 California Healthy Kids Survey

Sales to Minors:

Since 2001, there have been 26 sales to minors violations in Petaluma alcohol outlets. The vast majority of these violations resulted from ABC/local law enforcement decoy operations.

Youth Focus Group Finding:

Petaluma youth interviewed in focus groups indicated that they are able to get adults who hang around grocery stores and convenience stores outlets to buy alcohol for them.



2005 California Healthy Kids Survey

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of drinking in the downtown area. They report predominantly young adults engaged in high levels of drunkenness, fights, vandalism, excessive noise, and other related problems. This behavior exists in spite of evidence that this level of binge drinking contributes to, among other things, higher levels of driving under the influence, increased rates of injury and violence, higher levels of unsafe and unwanted sex, increased domestic violence and increased rates of subsequent suicide and depression³.

Coalition members' observations are supported by Petaluma Police Department call for service data. During the period of June 1, 2005 — December 31, 2005, between the hours of 6:00 pm and 6:00 am, in the downtown area alone there were conservatively 375 police calls for service for alcohol-related problems including but not limited to drunk in public, fights, DUI, and property damage.

Also, recent Sonoma County Drinking Driver Program Place of Last Drink data show that 19 of 27 people willing to report where they had been drinking prior to being arrested for driving under the influence indicated downtown

Petaluma bars and restaurants as their place of last drink.

But outlet problems are not limited to only bars and restaurants. Results from the Healthy Kids Survey indicate that off-sale outlets are problematic as well. Students report that for those that drink, 23% of 11th graders buy alcohol at a store.

¹(Scribner R et al: May 1999), (Scribner RA; Mackinnon D; Dwyer, J: 1995), (Scribner RA; Mackinnon D; Dwyer J: July 1994) (Scribner RA; Cohen DA; Fisher W: February 2000) (LaBouvie E; Ontkush M: 1998 & Runcek D; Maier P: 1991)

²(Petaluma Coalition to Prevent Underage and High-Risk Drinking, 2005 Data Findings)

³(Naimi T, Brewer B, Lipscomb L, Gilbert B: May 2003 & Wechsler H, Mohler-Kuo M, Dowdall B, Koss M.: 2004)

"Steadily worsening since June of 2005 is the Jekyll and Hyde atmosphere of downtown Petaluma's nightlife. Routinely, between the hours of 11:30 p.m. and 2:00 a.m. every Friday and Saturday, a percentage of drinkers overindulge and leave the bars in the downtown area to rove in noisy and raucous packs; destroying storefront property, uprooting plants, stealing, urinating and vomiting in shop doorways, and keeping the residents of lower and upper Kentucky Street awake, frustrated and angry."

Claudia Phelps
Petaluma Downtown Merchant

What Is an Alcohol Business Standards Ordinance?

An Alcohol Business Standards (ABS) Ordinance is a powerful nuisance abatement tool designed to address public health and safety problems created by alcohol outlets...both on-sale (bars, restaurants, etc.) and off-sale (markets, supermarkets, drug-stores, etc). It changes the legal status of existing alcohol beverage establishments, granting them "Deemed Approved Alcohol Business" status, enabling them to operate as usual as long as they do not create a public nuisance.

The Alcohol Business Standards (ABS) ordinance lays out standards of operation, which usually include expectations that the outlet will not adversely affect the health and safety of the local community; the outlet will maintain upkeep so that its operating characteristics are compatible with the surrounding neighborhood; and the outlet will not contribute to nuisance activities, such as disturbances of the peace, public drinking and inebriation and property destruction.

The ABS Ordinance calls for alcohol outlet personnel to participate in a state certified Responsible Beverage Service Program (RBS). These

educational programs have been shown to reduce alcohol-outlet related problems when properly implemented.

Passage of an ABS Ordinance also includes a merchant education component, which enables owners and managers to understand the required standards of operation. An ongoing relationship between law enforcement and merchants allows for review of operating standards and periodic compliance checks to ensure that outlets remain in compliance.

A review of an alcohol outlet under the ABS Ordinance is triggered only when an individual or organizational representative, such as a member of the police department or other agency, registers a complaint that an ABS outlet has violated one of standards of operation.

The ordinance includes a clear process by which complaints are investigated. If a complaint is found to be valid, the city may suggest steps regarding how the establishment can come back into compliance. Recommended actions may include measures such as hiring security and improved lighting. If the business does not come into compliance after a specified amount of time, a public hearing will be held

before a city Administrative Hearing Officer. The hearing officer may impose a sanction on the business, such as a fine.

The law enforcement and administrative costs associated with the ABS Ordinance are funded in part by an annual fee collected from alcohol outlet businesses. This is often matched by city funds. The fee will also support the provision of RBS training for outlet managers, servers and sellers. Fee structures vary from city to city; a flat fee may be charged, or fees may vary depending upon the retailer's size, license type, level of risk to the community, and hours of operation.

"We have seen the benefits that Alcohol Business Standards Ordinances have had in other communities. This policy gives the police department another powerful tool to control the kinds of nuisance-related problems that, at times, occur at our alcohol outlets throughout the city. For example, we believe that adoption and enforcement of this ordinance will result in reductions in alcohol-related problems in the downtown area, thereby freeing up our officers to respond to other police matters throughout the city."

*Steve Hood
Petaluma Police Chief*

Does it Work?

In the first year after passing an Alcohol Business Standards Ordinance (Deemed Approved Ordinance) in late 1998, the City of Vallejo saw a 53% reduction in alcohol-related police calls for service at bars, restaurants, liquor stores, and convenience stores selling alcohol.

Some business owners, who had initially been apprehensive when the regulations

were proposed, later became strong supporters once they saw the improvements made to the entire community. Santa Rosa, Oakland, Santa Cruz, and Oxnard have also report success with their ABS Ordinances.



The Power of Policy Change

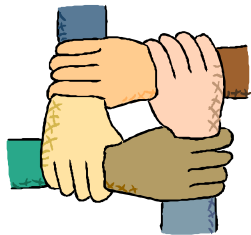
Environmental prevention strategies focus on changing the physical, social, and political settings in which problem behaviors occur.

Research has shown that policy strategies are a very powerful tool to reduce rates of alcohol-related problems in communities and change community norms. In many cases they are much more cost effective than strategies designed primarily to educate individuals.

Whether and how much adults and young people drink is shaped by community norms and expect-

tations about drinking, as well as the availability of alcohol. Reducing access to alcohol reduces the rates of high-risk drinking and related problems. Actively working to improve problem outlets benefits everyone in the community.

For policy change to be effective, community support must be mobilized and all key players must have a stake in the process of policy development, compliance and oversight. An effective partnership between businesses, local government, law enforcement, and residents can foster a significant change in the health and safety of our community.



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Resources Available

Sonoma County's Department of Health Services has a three-year contract to support the Sonoma County Community Partnership (SCCP). The Partnership is working to prevent and reduce problems related to high-risk drinking among youth and young adults.

Partnership members in Cotati, Petaluma, Rohnert Park and Sonoma State University have formed two local community coalitions. Coalition members include business owners, neighborhood residents, local law enforcement, city planning departments, school districts, nonprofits, and other public and private organizations.

The Partnership is receiving technical assistance from the Center for Community Action and Training (CCAT), a leader in the field of environmental prevention strategies and public policy interventions. CCAT has assisted communities across the country to pass public policies designed to reduce alcohol-related problems.

The Healthy Community Consortium, a local non-profit organization, provides technical assistance to the local coalitions that have formed to address high-risk and binge drinking and related community problems in South County.

How you can help...

The City Council must pass the Alcohol Business Standards Ordinance for the outlet performance standards to take effect. We need your help. Please consider the taking the following steps:

- ◆ Write a letter of support and/or contact your City Council member to express support for the Alcohol Business Standards Ordinance;
- ◆ Come to a Coalition meeting and get involved; and
- ◆ Contact the HCC with your interest.