

Alcohol-Free School Zones

Briefing to the Quality of Life Committee

March 26, 2007



Background

- Municipal regulation of alcohol is preempted by TABC regulations. The city can only regulate alcohol as allowed by the TABC.
- Alcohol-free schools zones are a TABC regulation, not zoning.
- Sale of alcohol is prohibited within 300 feet of a church, public or private school, public hospital, day-care center, or child-care facility (with exceptions).

Alcohol-Free School Zone Process

- The alcohol-free school zone must be initiated by resolution from a public school district or a private school.
- City council then passes a resolution creating the alcohol-free school zone.
- Sale or service of alcohol within 1,000 feet of an alcohol-free school is prohibited.

Exceptions

- Alcohol spacing rules do not apply within the downtown freeway loop, so would not apply to Booker T. Washington, Maya Angelou, and Barbara Manns high schools.
- The alcohol-free school zone generally applies to bars/private clubs and liquor stores. It does not apply to:
 - restaurants (50% or less revenue from on-premise sales);
 - grocery stores [50% or less revenue (excluding gas) from off-premise sales];
 - manufacturers, distributors, and wholesalers;
 - a caterer's license or permit issued for a private school; and
 - a liquor store within 1,000 feet of a private school (minors are prohibited from entering except with parent).

Measurement of Distance

- Measurement from schools is in a direct line from the property line of the school to the property line of the place of business, and in a direct line across intersections.
- A city ordinance cannot require a different method of measurement than the TABC.
- Building Inspection checks the measurement when they sign-off on a new alcohol license or permit.

Grandfathering

- If an alcohol business satisfied the spacing requirements for the original permit, then it satisfies the spacing requirements for all renewals.
- An alcohol business that is grandfathered can be sold or transferred, but an alcohol business in an alcohol-free school zone around a public school can retain its grandfathering only if it is sold to a surviving spouse or child.
- Grandfathering for spacing from a public school will be lost if the alcohol business violates certain TABC regulations.

Existing Alcohol-Free School Zones

- Pearl C. Anderson Learning Center
- Joseph J. Rhodes Learning Center
- H.S. Thompson Learning Center
- J.H. Brown Learning Center
- O.M. Roberts Elementary School
- City Park Elementary School
- Frazier Elementary School
- Harris Elementary School
- Dunbar Learning Center
- Daniel “Chappie” James Learning Center
- James Madison High School
- Charles Rice Learning Center
- Lincoln High School
- Exempt Fair Park and the South Dallas Cultural Center

Current Request

- On August 24, 2006, the Board of Trustees of DISD adopted a resolution requesting that the city create alcohol-free school zones around all DISD schools or
- that the city create alcohol-free school zones on the following schools:
 - Arcadia Park Elementary, 1300 North Justin Avenue
 - Felix G. Botello Elementary, 225 South Marsalis Avenue
 - Jimmie Tyler Brashear Elementary, 2959 South Hampton Road
 - Leonidas Gonzalez Cigarroa, M.D. Elementary, 8990 Webb Chapel Road
 - Emmett J. Conrad High, 7502 Fair Oaks Avenue
 - Henry B. Gonzalez Elementary, 6610 Lake June Boulevard

Current Request (continued)

- Frank Guzick Elementary, 5000 Berridge Lane
- Highland Meadow Elementary, 8939 Whitewing Lane
- Jack Lowe, Sr. Elementary, 7000 Holly Hill Drive
- Lee McShan, Jr. Elementary, 8307 Meadow Road
- Rosemont Elementary (Chris Semos campus), 1919 Stevens Forest Drive
- Arturo Salazar Elementary, 1120 South Ravinia
- Celestio Mauricio Soto, Jr. Elementary, 4510 West Jefferson Blvd.
- Sam Tasby Middle School, 7001 Fair Oaks Avenue
- C.A. Tatum, Jr. Elementary, 3002 North St. Augustine Road

Current Request (continued)

- Jerry R. Junkins Elementary School, 2808 Running Duke Drive, was not included because it is in Carrollton.
- Jill Stone Elementary (formerly Vickery Meadows), 6606 Ridgecrest Road, added at the request of Councilmember Griffith.

Houston's Experience

- In 1996, Houston placed alcohol-free school zones on all schools per a request from HISD. Also on Aldeen ISD and Spring Branch ISD schools.
- No alcohol-free school zones on private schools.
- There has been no effort to repeal the alcohol-free school zones.
- The number of businesses near schools has not been significantly reduced, but this has not been quantified. A small number of businesses have lost grandfathering due to TABC violations.
- As a policy, they do not allow variances. Only one variance has been granted.
- Houston has been very active in filing protests against problem businesses.

Survey of Schools and Businesses

- Survey does not include schools that already have an alcohol-free school zone.
- Survey based on TABC permit and license renewal reports.
- Percentage of alcohol sales are not audited.
- Based on most recent records. May not reflect current sales.
- Some businesses without information on percentage of alcohol sales were classified on the basis of the type of permit or license.
- All businesses are grandfathered because they are in existence prior to the alcohol-free school zone. Survey only give a sense of impact alcohol-free school zones might have in the future.

Survey Results

- 218 schools in survey:
 - 157 schools with no alcohol businesses within 1,000 feet.
 - 61 schools with alcohol businesses within 1,000 feet.
- Of the 61 schools with alcohol businesses within 1,000 feet:
 - 261 alcohol businesses.
 - 109 businesses with sales over 50 percent.

Next Steps

- Direction to staff:
 - take no action;
 - all DISD schools;
 - 16 listed schools; or
 - something else.
- Resolution for consideration by city council.

Questions and Discussion