

# **POLICY ON THE ISSUANCE OF ALCOHOLIC BEVERAGE PERMITS AND APPLICATIONS**

*(adopted by the Board of Directors of the Marion County Alliance of Neighborhood Associations – February 2012)*

The Marion County Alliance of Neighborhood Associations (MCANA) advocates for impartial interpretation and application of laws and policies that protect individuals, neighborhoods and the community at large from issues and proposals that may and do threaten the quality of life and peaceable enjoyment of property for members of our community. We believe that the sale and availability of alcohol should be responsibly regulated to protect the health, safety and welfare of the general community. Additionally, as part of our core mission, we uphold the right of a neighborhood or other-wise defined community to represent their interests on these issues through a process that ensures equal participation by all affected parties.

MCANA is increasingly concerned that the current processes and practices being utilized by the local board for the application, review and disposition of alcoholic beverage permits in Marion County has become cumbersome and contradictory to the best overall interests of the community and that individuals and neighborhoods are not provided appropriate access, representation, credence and consideration in policy interpretations, deliberations and decisions regarding the alcoholic beverage permitting process.

Therefore, it is MCANA's policy to:

- 1) Support Purpose #1 of the Alcoholic Beverage Statutes [Indiana Code Title 7.1-1-1-1(1)] : "To protect the economic welfare, health, peace and morals of the people of this state";
- 2) Support Purpose #2 of the Alcoholic Beverage Statutes [Indiana Code Title 7.1-1-1-1(2)] : "To regulate and limit the manufacture, sale, possession and use of alcohol and alcoholic beverages";
- 3) Support Purpose #4 of the Alcoholic Beverage Statutes [Indiana Code Title 7.1-1-1-1(4)] : "To provide for the raising of revenue" with the explicit condition that the raising of revenue is secondary to Purposes #1 and #2, is not the primary reason for granting permits to sell alcoholic beverages and should not override legitimate concerns of impacted neighbors and businesses;
- 4) Oppose the proliferation and over-concentration of alcoholic beverages in areas of Marion County where evidence, circumstance and neighborhood preference dictate that additional permits should not be issued;
- 5) Oppose the approval of applications to sell alcoholic beverages when such an approval causes the total number of permits to be in excess of the maximum quota amounts designated by the Indiana General Assembly;
- 6) Urge the Indiana Alcohol and Tobacco Commission to promulgate a rule that if all required paperwork is not presented by the applicant at the first docketed hearing, a new hearing date will be scheduled and that the applicant will be required to provide written notice of the new date to all interested parties;
- 7) Assist neighborhoods in remonstrating against applications for permits to sell alcoholic beverages when such services are not desired or needed by those neighborhoods or which would exert unreasonable negative effects to that neighborhood and/or the larger community;
- 8) Provide factual education of neighborhoods, policy-makers and other members of the community about the negative impacts of unwarranted or excessive alcohol availability.

## **Marion County Alliance of Neighborhood Associations General Policy Statement on Alcohol Availability and its Effects**

**Background:** *The Marion County Alliance of Neighborhood Associations has for many years been concerned about the increasing proliferation of alcohol outlets and the negative impacts of increased availability on neighborhood and community quality of life.*

*Alcoholic beverages can be enjoyed responsibly, but can and do produce adverse impacts on personal health, public safety, public health in general and neighborhood and community quality of life.*

*The sale and distribution of alcoholic beverages are regulated by state law, the intent of which is to protect the health, safety and welfare of the people. The Marion County Alcoholic Beverages Board is charged with hearing and deciding on the permits for sale and distribution. This is a public process in which our representatives are tasked with hearing the evidence and making decisions in the public interest.*

*The sale of alcoholic beverages can be a very profitable business for private companies. Thus in most board hearings, remonstrating community groups are usually confronted with, and opposed by, well-orchestrated effort by Applicants or their attorneys. The pressure exerted by these well-funded parties is very apparent in these proceedings, which have no written rules of procedure and thus place remonstrators at a decided disadvantage. In addition, alcohol interests have a powerful and targeted legislative lobbying effort that is continually seeking to expand the sale of product.*

*For the past several years, McANA has observed a disconcerting trend in policy by the IATC (Indiana Alcohol and Tobacco Commission) and the MCABB (Marion County Alcoholic Beverages Board), via policy interpretations, deliberations and decisions toward facilitating applications and approving permits. This has, and is, resulting in the proliferation of permits in neighborhoods which neither need nor desire additional alcohol service and which believe that the impacts of such new service would be detrimental to public health, safety and quality of life.*

*The State's permit review process provides for local community input. However, the grounds upon which an application can be denied have been considerably reduced over time by various administrative interpretations and require unreasonably difficult effort on the part of neighbors to prove the undesirability of alcohol being sold at certain locations.*

*The State has also recently provided for more permits in Marion County than our population and the quota limits would allow. Therefore it is left to neighborhood groups and umbrella organizations to equip community members with the resources and policy understanding needed to affect a quality remonstrance.*

*In addition to working to improve the ability of neighborhoods to equitably participate in a fair and impartial process, MCANA seeks to ensure that appointees to the local board will protect the health, safety and best long term interests of the community and resist pressures to place political situations above their sworn duties and obligations*