

RESOLUTION NO. 2015-14

TOWNSHIP OF EAST LAMPETER

A Resolution of the Township of East Lampeter, Lancaster County, Pennsylvania, to establish non-binding guidelines for decisions on applications for inter-municipal transfers and / or economic development liquor licenses

WHEREAS

The Board of Supervisors desires to respond to applications for inter-municipal transfers and / or economic development Restaurant liquor licenses in a consistent, fair and transparent manner, and

WHEREAS

The adoption of a set of non-binding guidelines will assist the Board of Supervisors as they consider such applications, and

WHEREAS

Pennsylvania has enacted laws governing the sale of alcohol in Pennsylvania and has designated municipal governing bodies as the decision makers regarding all inter-municipal transfers of Restaurant (R) liquor licenses and economic development licenses if said transfer is in a County where the ratio of R-licenses is less than 1 per 3,000 residents of said County according to the last recorded census or if an application for an economic development license is submitted, and

WHEREAS

The Board of Supervisors has the final decision making authority over the inter-municipal transfer of Restaurant (R) retail liquor licenses, and

WHEREAS

Research compiled and analyzed by the "Task Force on Community Preventative Services" entitled "Recommendations for Reducing Excessive Alcohol Consumption and Alcohol-Related Harms by Limiting Alcohol Outlet Density" states the following,

"On the basis of the reviewed evidence, the Task Force found sufficient evidence of a positive association between outlet density and excessive alcohol consumption and related harms to recommend limiting alcohol outlet density through the use of regulatory authority (e.g., licensing and zoning) as a means of reducing or controlling excessive alcohol consumption and related harms."ⁱ

and

WHEREAS

The Task Force on Community Preventative Services has found the following to be true,

"Excessive alcohol consumption is the third leading cause of preventable death in the United States and is a risk factor for many health and societal problems. In 2006, the estimated economic cost of excessive drinking in the U. S. was \$223.5 billion (Bouchery et al., 2011).

Excessive alcohol consumption can take the form of heavy drinking, binge drinking, or any drinking by pregnant women or underage youth.

- Heavy drinking is defined as more than two drinks per day on average for men or more

than one drink per day on average for women.

- Binge drinking is defined as five or more drinks during a single occasion for men or four or more drinks during a single occasion for women.
- Approximately 1 in 6 US adults binge drinks, about 4 times a month. On average, the largest number of drinks consumed during a binge is 8.
- Underage drinking is considered a form of excessive drinking because it is both illegal and often involves consumption in quantities and settings that can lead to serious immediate and long-term consequences.
 - People aged 12 to 20 years drink 11% of all alcohol consumed in the United States. More than 90% of this alcohol is consumed in the form of binge drinks”ⁱⁱ

and

WHEREAS

Alcohol Policy MD, a non-profit organization has recommended the following policy solutions,

“Communities can influence both alcohol availability and consumption, and thereby mitigate related problems, by controlling the number of alcohol outlets, regulating the behavior of current outlets, and even closing problem outlets. These measures, along with others such as stricter enforcement on underage sales of alcohol and responsible alcohol service training, are part of a broader strategy that communities can implement to prevent and reduce threats to the health and safety of their residents from alcohol abuse.”ⁱⁱⁱ

and

WHEREAS

The Task Force on Community Preventative Services has found the following to be true,

“The effectiveness of bans in reducing alcohol-related harms appears to be highly dependent on the availability of alcohol in the surrounding area. In isolated communities, bans can substantially reduce alcohol related harms. However, where alcohol is available in areas nearby those with bans, travel between these areas may lead to serious harms.”^{iv}

and

WHEREAS

The Board of Supervisors believes that the following Lancaster County Municipalities of similar population density and proximity should be considered as comparative areas when looking at alcohol outlet availability:

- East Hempfield Township
- Lancaster City
- Lancaster Township
- Manheim Township

and

WHEREAS

In order to have a reasonable regulatory framework that balances individual freedoms against the wellbeing of society the Township Supervisors must be realistic, pragmatic, and make decisions that are based on available research and data, and

WHEREAS

In order to not have an adverse impact on the health and welfare of East Lampeter Township

residents, the target ratio of liquor licenses providing alcohol in a retail fashion to the population should be equal to the average of the ratio within the comparable municipalities, plus or minus 20%.

NOW THEREFORE

The East Lampeter Township Board of Supervisors will, when considering an application for an intermunicipal transfer of a Restaurant liquor License, use as a primary factor in their decision, the then current ratio of the total of all Retail licenses, as defined by the Pennsylvania Liquor Control Board (PLCB), located in the Township to the most recent census population figure for the Township, expressed as population per license, compared with the same ratio for the above identified Lancaster County municipalities, and

When the above ratio is more than 120% of the average of the ratios for the above identified Lancaster County municipalities, this factor will serve as a determination that there are an adequate number of retail outlets for the purchase of alcohol within East Lampeter and it will be necessary for an applicant who proposes to transfer a license into the Township to provide compelling evidence of community benefits that would be derived by allowing the addition of a new Restaurant retail outlet for the purchase of alcohol within East Lampeter Township in order for the Board of Supervisors to approve of the requested transfer.

Additionally, the Board of Supervisors will review and consider the location, surrounding land uses, proximity to other licensed establishments, Churches, Schools, Parks and places where children are usually present as well as the potential economic development benefits of a proposed license transfer when presented with an application.

References

- AlcoholPolicyMD. (n.d.). *The Relationship Between Alcohol Availability and* . Retrieved July 19, 2014, from Alcohol Policy MD :
http://www.alcoholpolicymd.com/alcohol_and_health/alc_availability.htm
- Services, G. t. (n.d.). Retrieved July 19, 2014, from
<http://www.thecommunityguide.org/alcohol/EffectivenessLimitingAlcoholOutletDensityMeansReducingExcessiveAlcoholConsumptionAlcohol-RelatedHarms.pdf>
- Services, T. F. (n.d.). Retrieved July 19, 2014, from
<http://www.thecommunityguide.org/alcohol/RecommendationsReducingExcessiveAlcoholConsumptionAlcohol-RelatedHarmsLimitingAlcoholOutletDensity.pdf>
- The Community Guide*. (n.d.). Retrieved July 19, 2014, from Preventing Excessive Alcohol Consumption: <http://www.thecommunityguide.org/alcohol/index.html>

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- ⁱ (The Community Guide Recommendations)
ⁱⁱ (The Community Guide Summary)
ⁱⁱⁱ (AlcoholPolicyMD)
^{iv} (Report on the Effectiveness of Limiting Alcohol)

DULY ADOPTED this 5th day of October, 2015, at a regular meeting of the Board of Supervisors of East Lampeter Township, at which a quorum was present and voting throughout.

East Lampeter Township
Board of Supervisors

By:  _____
Chairman

ATTEST:  _____
Township Manager

Comparison of Liquor Licenses and Population Ratios

Municipality	2010 Census Population	Restaurant Licenses	Ratio Pop/R	Hotel Licenses	Airport Rest	Eting Pl Retail	Golf Course	Other Retail	Total	Ratio Pop/T
Lancaster City	59,322	66	899	7	0	5	0	3	81	732
Lancaster Twp	16,149	6	2,692	0	0	1	0	0	7	2,307
Manheim Twp	38,133	26	1,467	5	1	1	1	0	34	1,122
<u>East Hempfield</u>	<u>23,522</u>	<u>12</u>	<u>1,960</u>	<u>4</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>17</u>	<u>1,384</u>
Total	137,126	110	1,247	16	1	7	2	3	139	987
East Lampeter	16,424	10	1,642	8	0	0	1	1	20	821
Comparison Ratio (LC, LT, MT & EHT)			76%							120%

Note: The "Other Retail" category includes licenses for Off Track Wagering Facilities, Performing Arts Facilities, Public Services and Public Venues.

Data compiled as of 9/15/15.

