

BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

Protesting Grant of Liquor Licenses

The Alcoholic Beverage Control Act states in part that "the subject matter of this division involves in the highest degree the economic, social, and moral well-being and the safety of the State and of all its people. All provisions of this division shall be liberally construed for the accomplishment of these purposes." Nowhere does the act encourage the granting of licenses specifically for financial benefit of private vendors. Broad discretion is granted and should certainly be applied in the interest of the public good.

It shall be the policy of the Board to file a protest with the Department of Alcoholic Beverage Control against issuance of an on-sale or off-sale liquor license to any business located within 600 pedestrian feet of a school for one or more of the following reasons:

1. The premises are located within the immediate vicinity of a school and children's public playground, and the normal operation of the licensed premises would interfere with their respective functions.
2. Licensing the premises would create a public nuisance as defined in Penal Code Section 370.
3. Issuance of the license to the premises would create a law enforcement problem or aggravate an already existing police problem.
4. Issuance of the license to the premises would result in or add to undue concentration of licenses.

Further, it shall be the policy of the Board to attend any public hearing on such application for a liquor license and to provide testimony supporting denial of the license based on the public welfare, morals, and specifically on the adverse effect of the license on a school.

Effective: March 1, 1982

Revised/Effective: May 4, 1992