



# The Avalon Home and Land Owners Association

## LIQUOR LICENSE SURVEY – 2008

PLEASE NOTE: AHLOA has modified its position in recapping the 2008 Survey findings subsequent to legitimate considerations offered by the Mayor. Our initial position was that AHLOA rejects that Avalon is a tourist destination. AHLOA failed to consider that the magnificent atmosphere of Avalon that we all enjoy is made possible not only by exceptional governance and concerned citizens, but also by the business community that serves us, and which relies on visitors.

One holder of an Avalon liquor license has applied for a waiver of the prohibition against outside music during business hours. The membership was surveyed regarding this proposal. We tabulated 800 returns, about 57% of the membership, a high response level, indicating a strong interest in the subject.

PLEASE GIVE US YOUR OPINION ON THE REQUEST	% of those answering
I WOULD support granting of the request without condition.	2.2%
I WOULD NOT support the request under any conditions.	45.8%
I would support the request for private events, authorized by a Borough permit, with limited hours and no amplification or percussion instruments.	20.0%
I would support general outdoor music, but with limited hours, providing noise abatement ordinances are strictly enforced.	32.0%

The largest block of returns, 45.8%, is unconditionally against relief. The smallest group, 2.2%, favors the proposal. That is a ratio of 20:1 against the proposal. The second largest group (32%) supports general outdoor music with limited hours and strict enforcement of noise regulations.

The key point is enforcement of existing regulations. While 52% of respondents apparently are willing to allow some form outdoor music, the conditions rule their response. Some 77% want no change in enforcement of noise regulation ordinances.

### COMMENTS

AHLOA rejects the premise that Avalon is a tourist destination, dependant on short-term, high-volume visits and convention business for economic health. Recent real estate market history shows that Avalon is, in fact, much more a second-home town. It is also a town whose residents are wealthier and older than average. The cultural climate is shifting. The significant successes in the past few years have been the Avalon Library, the Bay Atlantic Symphony and the Museum.

Avalon is a residential town, not one built around entertainment, and it has been so within living memory. AHLOA believes that is the salient fact Council should consider in evaluating the application. Comparison with the entertainment environment of other nearby communities is, in fact, a reason to reject the request. Avalon is not like these communities and does not want to become more like them. That is clear from the Master Plan.



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## **AHLOA RECOMENDATIONS**

The present ordinances regulating noise should continue in force. Council should not consider selective relief either for limited times or limited areas. Waivers of any form ignore the residential character of Avalon, and provide benefits only to the applicant.

These ordinances, in place for many years have been successfully enforced against residential noise disturbances. Changes to the present license authorizations of any form are inconsistent with the residential character of Avalon, provide benefits only to the applicants, and significantly complicate enforcement. That being said, AHLOA wishes to be reasonable about the desire of businesses to accommodate their patrons. The survey identified 52% of members who would like some outdoor music format. If a reasonable proposal is presented, and AHLOA has a chance to review it before Council acts, AHLOA would support a test of the concept for a limited period to be determined by Council, after which the waiver would end. We will not support any proposal for unlimited hours.

At the end of the trial period, Council should render a judgment as to the impact on the community and the ability of the Police Department to enforce the ordinances. If either judgment is negative, then the trial should be terminated. The applicant should accept as a condition of the limited waiver, e judgment of the Council as final.