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Cape May Introduces Ordinance to Ban Smoking on Beach

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By Jack Fichter



Kim Burns

CAPE MAY – City Council introduced an ordinance Tue., Oct. 19 that would ban smoking on the beach, Promenade and public parks beginning in 2012.

Deputy Mayor Jack Wichterman, who initiated the ordinance, said many residents have told him they support the smoking ban.

The ordinance notes that “breathing secondhand smoke is a cause of disease in healthy non-smokers.” It covers all Cape May beaches, Rotary Park and bandstand area, Kiwanis Park, Harborview Park, the Dog Park on Lafayette Street and all future parks and recreation areas.

Mayor Edward J. Mahaney Jr. asked City Solicitor Tony Monzo to include the future recreational area on Lafayette Street that includes Wise-Anderson Park. The mayor thanked Monzo for creating a clear, all encompassing ordinance.

Enforcement of the ordinance will be the responsibility of police and code enforcement with the assistance of the fire department and beach patrol.

The ordinance defines the minimum penalty for those caught smoking on a city beach or in a park as a fine of \$100. The maximum penalty is stated as a jail term not exceeding 90 days or by a fine of \$1,250.

Kim Burns, regional coordinator of Tobacco Free for a Healthy New Jersey, said she thought what the mayor and council were doing to limit smoking in the city was “unbelievably awesome.”

“You’re going to set a precedent for other shore communities,” she said.

Dr. Bob Zlotnick of Atlantic Prevention Resources suggested smoking also be banned on the Washington Street Mall. Wichterman said council would discuss that idea next year.

Zlotnick said his organization would be willing to create a sticker or a small card explaining the smoking ban that could be distributed with beach tags.

During public comment, innkeeper Jay Schatz said he remembered the city repealed a number of nuisance ordinances years ago covering items such as men appearing shirtless on the Promenade and a ban on Speedo style bathing suits.

“Here we go again down that slippery slope of adding all these ordinances,” he said.

Schatz said he was a non-smoker but he was concerned Canadian tourists would be unhappy with the ordinance banning smoking on the beach. He questioned placing enforcement of the ordinance on lifeguards and beach tag inspectors.

A public hearing on the smoking ban ordinance is scheduled for Mon., Nov. 14 at 7 p.m.

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