

## Ocean City To Discuss Smoke-Free Beach; Referendum To Gauge Voters' Stance Suggested

Posted on **03/26/2014** by **Joanne Shriner**

OCEAN CITY – Whether to ban smoking on the beach as well as the Boardwalk will be formally discussed by Ocean City lawmakers next month.

According to Councilman Brent Ashley during strategic planning sessions last week, the Mayor and City Council discussed having Ocean City follow some of its competitor resorts and officially institute a smoke-free beach.

“With the council members that were there, I think the support is there to move forward with some type of plan to be proactive in this [smoke-free beach],” Ashley said at the conclusion of Monday evening’s Mayor and City Council legislative meeting. “All of our neighbors have done this. The State of New Jersey is looking at making all of their beaches and parks smoke-free.”

Ashley recognized there are newspaper articles dating back to 1994 when local businessman Joe Kroart first introduced the opportunity for Ocean City to become the nation’s first smoke-free beach.

“Since then, hundreds of other beaches have done it ahead of us, so I would hope the council would take a pro-active approach this time,” Ashley said.

City Manager David Recor confirmed the matter is scheduled for a meeting in April when the Mayor and City Council will discuss “best practices for both the Boardwalk and the beach”, including a smoke-free beach.

Councilwoman Margaret Pillas asked for the council to consider posing the question of whether the taxpayers want smoke-free beaches by referendum in November’s election. Recor responded a referendum will also be part of the upcoming discussion.

A couple of weeks ago, the City of Rehoboth Beach passed a smoking ban in certain public places, such as the beach, Boardwalk and bandstand that will take effect on May 15.

Rehoboth Beach follows in the footsteps of Ocean City’s more immediate neighbors to the north in Delaware of Fenwick Island, Bethany Beach and Dewey Beach, who all have smoking bans in effect.

Last week *The Baltimore Sun* editorialized, “The question is no longer whether tourist attractions are in danger of losing business if they ban smoking but whether they are in danger of losing attendance if they don’t.”

More specifically, *The Baltimore Sun* opinion piece focused on Ocean City stating, “Yet Ocean City remains badly behind the times. The town council has repeatedly considered similar far-reaching outdoor smoking bans in recent years but failed to adopt them. Ocean City does ban smoking in parks but asks visitors only to be courteous about smoking on the beach ... That’s unfortunate because it’s contributed to an impression that Ocean City is not the family-friendly resort it claims to be but one that caters to smokers.”

A smoke-free beach in Ocean City was last formally discussed among city officials in July of 2012

when the Mayor and City Council was in consensus to implement smoke-free areas on the beach by the following summer but the topic never returned for further public discussion.

A public hearing was held in December of 2010 regarding a smoking ban on Ocean City's beaches, Boardwalk and at public parks.

A handful of speakers spoke for and against the question, but the council at that time decided to place cigarette butt cans and signage along the beach and the Boardwalk, providing smokers with smoking stations.

A law was not passed mandating smoking at designated smoking stations but served as a request for smokers to use the stations. However, the council did vote to ban smoking in Ocean City's public parks.

"Several weeks ago, I brought up enforcing the litter law with people flicking their cigarette butts out of the car window," Ashley added on Monday evening. "Apparently, I hit a nerve with a lot of people in town and have had many comments on that. I understand the newly formed Ocean City Surf Club is going to be backing that initiative to encourage the police department to start issuing warnings and fines to people who are flicking butts out the car windows."

In January, Ashley asked the Police Commission to discuss having the penalty for flicking cigarettes out of car windows become heftier in Ocean City after coming across news out of Illinois.

A new law in Illinois that went into effect on Jan. 1 requires a first-time offender who flicks a cigarette out of a window receive a class B misdemeanor with fines up to \$1,500. If caught three times, an offender would face a class 4 felony, with a \$2,500 fine and up to three years in prison.

During a Police Commission report in February, Ocean City Police Chief Ross Buzzuro stated the department is looking into two areas of Ocean City's code where flicking cigarettes can be incorporated, littering and discarding objects from a motor vehicle.

"Whether it is someone walking down the street disposing of trash, or from a car, it is something we can certainly take a look at and start to enforce," Buzzuro said at that time. "We want to reinforce the cleanliness and respect of our town. As we approach the beginning of the season, it is something that we can certainly address."

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