

Cape May City Council votes to ban smoking at beaches, Promenade, public parks

By RICHARD DEGENER Staff Writer | Posted: Wednesday, October 19, 2011 12:15 am

CAPE MAY — City Council on Tuesday night introduced an ordinance banning smoking on the beaches, oceanfront Promenade and public parks, saying it will consider a ban at the Washington Street Mall in the future.

The ordinance was introduced with a 5-0 vote. All five members of council are nonsmokers.

A public hearing and final vote on the ordinance will be held at 7 p.m. Monday, Nov. 14.

Deputy Mayor Jack Wichterman first broached the idea earlier this year, but he was interested only in smoke-free beaches. The scope of the ordinance changed considerably since then. It now includes the Promenade, Rotary Park, Sunset Pavilion at Third Avenue, Kiwanis Park, Wise-Anderson Park, Harborview Park, and the city's dog park off Lafayette Street.

Robert Zlotnick, of Pleasantville-based Atlantic Prevention Resources, an anti-tobacco group, pushed for a ban on the popular Washington Street Mall.

"We talked about it. That will be a topic for next year," Wichterman said.

The ordinance sets a minimum fine of \$100 for violations. The maximum fine, which could follow repeat offenses, is as much as \$1,250 along with community service, or prison terms not exceeding 90 days.

The ordinance was praised by Kim Burns, of Atlantic Prevention Resources, who coordinates a campaign called "Tobacco Free for a Healthy New Jersey."

"We think what you're doing is unbelievably awesome. You're going to set a precedent for other municipalities," Burns said.

Jay Schatz, an innkeeper who lives on Gurney Street, applauded the move but also raised questions about it. Schatz, who said he does not smoke, recalled the city coming under fire years ago for banning such things as bare feet and Speedo bathing suits. Cape May became known as a city that prohibited things.

Schatz asked who would be telling Canadian tourists in July or August that they can't smoke on the beach.

“Here we go again,” Schatz said. “Be prepared for this. If you’re not going to enforce it, you shouldn’t ought to pass it.”

Indoor smoking bans came about because of the effects of secondary smoke. The proposed ordinance cites studies that say second-hand smoke outdoors also poses hazards.

“Numerous studies have found that tobacco smoke is a major contributor to outdoor pollution and breathing second-hand smoke is a cause of disease in healthy nonsmokers,” states the ordinance.

The ordinance gives the city’s justification as “protecting the public health and welfare.” It says the nonsmoker’s right to breathe smoke-free air is a priority over an individual’s desire to smoke. The ordinance specifically mentions cigarettes, cigars and pipes but does not outlaw smoke-free tobacco products.

The ordinance charges the Police Department, Code Enforcement, Fire Department and Beach Patrol with enforcing the new law.

“I’ve received a lot of vocal support in the city of Cape May. People are thanking us for what we are doing,” Wichterman said.

Burns said her organization is ready to help the city produce brochures to hand out with beach tags explaining the ordinance.

Contact Richard Degener:

609-272-6711

RDegener@pressofac.com