

Cape May Point bans smoking on its beaches

By RICHARD DEGENER Staff Writer | Posted October 11, 2013

CAPE MAY POINT — A smoke while watching the sun set is now a thing of the past in this borough that borders the mouth of the Delaware Bay.

The Borough Commission has made the Cape May Point's beaches, known for their spectacular sunsets over the water, off limits to "cigarettes, cigars, pipes or other tobacco products" under an ordinance adopted 3-0 Thursday night.

The ban extends to the walkways leading to the beach, but the ordinance does not specifically mention the seaside decks overlooking the strand. It's unclear whether the ban extends to the rock groins popular with anglers that extend out into the water. That is a legal question that still must be answered.

Reasons for the ban, as stated in the ordinance, are the litter from cigarette butts and the fact that the state of New Jersey banned smoking inside public buildings because secondhand smoke is "deleterious to public health."

Acting Mayor Anita Van Heeswyk and Commissioner Robert Moffatt voted for the ban. Commissioner Bob Mullock, who just took office at the meeting, had some qualms but voted for it due to the litter issue. Mullock said he wants to minimize laws that take away people's freedoms.

"My concern wasn't people smoking on the beach but cigarette butts on the beach," Mullock said Friday.

Emelia Oleson, who leads local beach cleanups twice a year, said the main litter item by quantity, not weight, is cigarette butts. She said this is true on beaches all over the world as documented by beach cleanups.

"The problem with cigarette butts and cigar filters is they are very often digested by marine mammals and babies," Oleson said.

Several anti-smoking advocates attended the Thursday night meeting. Kim Burns, of the group Tobacco Free for a Healthy New Jersey, said cigarette butts are toxic and contain an estimated 7,000 chemicals. She said these toxins biodegrade into the ground.

While some cigarette butts found on beaches are not discarded by beachgoers but can wash down storm sewers, Burns noted that towns that have banned beach smoking have seen the number of butts decline by 45 percent. This is significant in a borough that cleans its beaches by hand.

Support also came from Barbara Heinz, who helps people quit smoking under a program called Mom's Quit Connection at the Perinatal Cooperative in Pennsauken, Camden County.

"I applaud you for trying to address this for your environment and your people," Heinz said.

Mullock questioned a section of the ordinance that doubles fines between 11 p.m. and 6 a.m. The fines are normally a minimum of \$100 and a maximum of \$2,000.

"If the reason is secondhand smoke, why double violations between 11 and 6? It's less likely secondhand smoke will bother people at that particular time. I think we might be overpressing," Mullock said.

Enforcement emerged as the biggest concern for residents at the meeting. Marie Rice quizzed the commission about that issue, as well as that of anglers on the rock groins.

"I think you'll find more fishermen are smoking than beach people," Rice said.

Van Heeswyk said the ordinance "probably won't be enforced." The borough does not want lifeguards to enforce it since they should spend their time protecting swimmers. Beach-tag checkers, who gather the beach trash at the end of the day, may tell people about the ban, but Van Heeswyk said police would have to be called for any enforcement.

Ann Brecker pushed to table the ordinance to get a clearer picture of how the ban affects beach entrances, which include the wooden decks overlooking the water.

"I'm against constant regulations that are not enforceable," Brecker said.

Borough Solicitor Brock Russell noted the state may soon ban smoking at nearby Cape May Point State Park. Proposed legislation, still in committee, would ban smoking at all state beaches, parks and forests.

Francine Nietubicz, who described herself as an ex-smoker, suggested having one beach just for the smokers, but this idea drew no support. Nietubicz also asked about the new electronic cigarettes that do not produce secondhand smoke or litter. They are not addressed in the ordinance. Another suggestion was to put containers at the beach entrances for smokers to put out their cigarettes.

Connie Mahon suggested adopting the ordinance as written then making any necessary changes after seeing how it goes next summer.

"I applaud you. You're taking a very bold move," Mahon said.

A number of shore towns have banned or restricted smoking, including several on Long Beach Island. This is the first town on the Delaware Bay to do so, although smoking is not allowed at nearby Sunset Beach in Lower Township.

Heinz said the smoking rate in New Jersey is 14.8 percent but is 20.1 percent in Cape May County.

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http://m.pressofatlanticcity.com/communities/lower_capemay/cape-may-point-bans-smoking-on-its-beaches/article_6a7b07da-32c1-11e3-9e90-001a4bcf887a.html?mode=jqm