

## Cape May council proposes banning smoking on the beach, Promenade

By RICHARD DEGENER Staff Writer | Posted: Monday, October 10, 2011 10:28 pm

CAPE MAY — City Council is proposing a complete smoking ban on the beaches and the asphalt Promenade along the ocean.

That would make Cape May the first shore resort in South Jersey to ban smoking on an ocean beach, although towns elsewhere have smoking bans. Seaside Heights, Belmar, Manasquan, and Seaside Park are among nearby communities that enacted smoking restrictions on the beaches. In Ocean County there are restrictions at Ortley Beach and on a section of Island Beach State Park. Restrictions have been discussed on Long Beach Island in recent years.

Karen Blumenfeld, executive director of Global Advisors on Smokefree Policy, or GASP, said the move by Cape May would be a first for ocean bans in the southern part of the shore, although bay beaches in Somers Point, in Atlantic County, and nearby Lower Township, in Cape May County, have banned smoking.

Blumenfeld said the ban would cut down on litter, be safer, and cause less harm to the environment. She claims people on the beaches are affected by secondhand smoke and cigarette butts are ingested by birds and marine life. The secondhand smoke argument was used to ban indoor smoking years ago.

“We’re very happy to hear Cape May is eager to protect their residents and visitors from toxic secondhand smoke on the beach and boardwalk. It reinforces that Cape May is family friendly and people go for a healthy, safe experience,” Blumenfeld said.

All five members of City Council are non-smokers.

“All five of us agree to go along with this and try it out,” Mayor Ed Mahaney said.

Councilman William Murray, who admitted smoke bothers him when he is at the beach, said the city will monitor beach tag sales and conflicts between smokers and non-smokers to see how it works out. He said the ban would mostly be enforced by non-smokers.

“If it’s too much, we can always change it back again. There aren’t that many smokers anymore. They can smoke before they get there,” Murray said.

Former Mayor Jerry Inderwies Sr. first proposed creating two smoke-free beaches in 2003. But concerns about enforcement stalled the idea.

Earlier this year Deputy Mayor Jack Wichterman proposed a ban on two-thirds of the city’s beaches. Blumenfeld gave a presentation before council in May but Wichterman decided to wait until after the 2011 summer season to raise the issue again.

Wichterman brought it up at a council meeting last week and Councilwoman Deanna Fiocca, with support from Murray, pushed to include the Promenade.

“I suggested just the beaches and they took it a step further,” Wichterman said.

It would go beyond the bans in some towns to the north. In Seaside Heights, Ocean County, smoking is allowed on the boardwalk and the first 20 feet of beach. Cape May’s ban would push smokers out onto Beach Avenue or the sidewalk on the north side of the street.

Mahaney said the ban would not just be during bathing season but 24 hours a day, 12 months of the year. He said it also would be in place for surf fishermen on the beaches this time of year.

City Solicitor Tony Monzo is still drafting the ordinance banning smoking. Wichterman said council would introduce it on Oct. 18.

Mahaney said the city did not want to be one of the first towns to ban beach smoking, in case it was challenged in court. He said GASP has told the city that is not a concern.

“We don’t want to abuse or abbreviate anybody’s constitutional rights,” Mahaney said.

There has been plenty of litigation involving smoker’s rights and non-smoker’s rights but Blumenfeld said none has involved the issue of outdoors smoking.

“As far as we know there haven’t been any legal challenges to such ordinances. We track all types of litigation on tobacco control. I’m not aware of any outdoor challenges,” Blumenfeld said.

Outdoor smoking bans are not just enacted on beaches. Whole towns in California have enacted them. Blumenfeld said New York City banned outdoors smoking at parks, beaches and marinas earlier this year. Philadelphia, she said, is looking at making parks smoke-free.

The Cape May County Park & Zoo and Sunset Beach in Lower Township are smoke-free, Blumenfeld said.

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