CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE NO. 607 - 2026

ORDINANCE AMENDING THE CITY CODE REGARDING PROHIBITED ACTS ON THE PROMENADE AND BEACH AND AMENDING CURFEW

WHEREAS, the City of Cape May is committed to protecting the health, safety, and welfare of its residents and visitors; and

WHEREAS, maintaining safe public spaces is essential to that commitment; and

WHEREAS, recent incidents involving large gatherings of juveniles have led to disruptive, dangerous, and unlawful behavior in public areas as reported by the Cape May City Police Department. These incidents included illegal items being stored or concealed in backpacks; and

WHEREAS, such incidents have created risks to participants, bystanders, and public safety personnel; and

WHEREAS, on the recommendation of the Cape May City Police Department and the City Manager, it is in the best interest of the public health, safety, and welfare to implement additional strategies to address and prevent such conduct, and to do so on an emergent basis to ensure City personnel have the necessary tools to maintain public order during the height of the summer season; and

WHEREAS, pursuant to N.J.S.A. 40:81-21, the City Council is authorized to adopt an emergency ordinance that takes effect immediately, without publication and at a single meeting, when the ordinance is necessary for the immediate preservation of public order, peace, health, or safety, or to address an emergency condition, provided that such ordinance is approved by the affirmative vote of one more than a majority of the members of the Council; and

WHEREAS, pursuant to N.J.S.A. 40:48-2.52, the City Council is authorized to adopt an ordinance establishing curfew for juveniles and to make it unlawful for any parent or guardian to allow an unaccompanied juvenile to violate these provisions; and

WHEREAS, Section 158 of the City Code sets forth prohibited acts on the boardwalk, promenade, beach and environs, and the Washington Street Mall; and

WHEREAS, Section 208-1 of the City Code sets forth curfew requirements in the City of Cape May; and

WHEREAS, the City Council finds that periods of heavy pedestrian use and gathering on the Promenade create legitimate public safety concerns when pedestrian movement is obstructed. Council further finds that visitors and residents are entitled to safe and convenient passage along the Promenade. It is the intent of this ordinance to regulate obstruction of public passage in a content-neutral manner while fully respecting rights of free speech, expression, and assembly; and

WHEREAS, the City Council has determined that a juvenile curfew and restrictions on the possession of backpacks during designated nighttime hours are necessary to address recurring public

safety concerns associated with large late-night gatherings, reduce the risk of criminal activity and disorderly conduct, protect residents and visitors, and provide law enforcement personnel with effective tools to preserve public order during the peak summer season; and

WHEREAS, the City Council makes the foregoing findings based upon the reports, observations, and recommendations of the City Manager and the Cape May City Police Department, and further finds that the adoption of the amendments to the City Code set forth herein is necessary and appropriate to promote and protect the public health, safety, and welfare of the residents and visitors of the City of Cape May and to provide effective measures for the maintenance of public order.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Cape May in the County of Cape May and State of New Jersey as follows:

SECTION 1. Section 158-9 of the City of Cape May Code is amended as follows (~~strikethrough~~ portions indicating deletions and <u>underline</u> portions indicating new language):

§ 158-9 Prohibited acts at Boardwalk, promenade, beaches and environs.

[Amended 11-15-2010 by Ord. No. 218-2010; 5-15-2018 by Ord. No. 350-2018; 9-4-2018 by Ord. No. 361-2018;11-18-2019 by Ord. No. 382-2019; 9-7-2021 by Ord. No. 434-2021; 6-7-2023 by Ord. No. 503-2023; 7-2-2024 by Ord. No. 535-2024]

A. Boardwalk, promenade and environs. It shall be unlawful to violate the following regulations regarding conduct on the Boardwalk, promenade, and environs:

(1) No person may operate, drive or park any type of vehicle except emergency vehicles which are authorized by the City Manager, Chief of Police, Superintendent of Public Works or Beach Supervisor to be used for policing and cleaning.

(2) No person may start a fire or use any type of portable device used for cooking.

(3) No person may ignore any whistle, signal or order of any lifeguard or police officer of the City pertaining to the sport of fishing from the asphalt promenade or rock wall adjacent thereto or any jetty or groin.

(4) No person or persons may park vehicles, loiter, assemble, band or crowd together or otherwise act so as to interfere with or obstruct the ingress and egress of others to the beach.

(5) (Reserved)

(6) No person may engage in any type of rough athletics at any time.

(7) No person may hawk or peddle any article, goods, wares or merchandise or place or paint signs, advertisements, notices, symbols or marks upon the boardwalk, asphalt promenade or any of the approaches thereto, except as permitted by the City Manager or where a license is required under the City Code by the City Council.

(8) No person may ride or park an electric or power-assisted bicycle or electric or power-assisted scooter on the boardwalk, promenade, and environs at any time.

(9) In-season and off-season regulations.

(a) Bicycles.

[1] From May 16 and extending through the summer to September 14 ("in-season"), riding or parking a bicycle on the boardwalk, promenade and environs is permitted only between the morning hours of 4:00 a.m. to 10:00 a.m.

[2] Beginning September 15 and extending through the winter months until May 15 ("the off-season"), the above limitation on bicycles will not be in effect.

(b) Dogs. No person may take, allow, or permit any type of animal with or without a leash, except as follows:

[1] Dogs shall be permitted on the promenade and the beach only from September 15 and extending through the winter months until May 15 ("the off-season").

[2] Dogs shall be kept on a leash at all times and be accompanied by their owner or caretaker.

[3] The owner or caretaker shall carry a dog waste disposal device. Any owner or caretaker of a dog who permits such dog to leave animal waste on the boardwalk, promenade, or beach without disposing of same shall be subject to the penalties as set forth in § 158-15.

(c) Roller skates. Use of roller devices which are securely connected to safety shoes, commonly called roller skates and in-line skates, shall be subject to the same in-season and off-season restrictions applicable to bicycles above in § 158-9A(9)(a). Baby carriages and wheelchairs for persons with disabilities are permitted and not considered "roller devices" pursuant to this section.

(10) Obstruction of Promenade.

(a) Purpose. The City Council finds that the Promenade serves as a vital public pedestrian corridor used by residents and visitors for walking, recreation, access to businesses, emergency access, and enjoyment of the beach and waterfront. City Council further finds that, during periods of heavy use, individuals and groups may occupy portions of the Promenade in a manner that unreasonably interferes with pedestrian movement and public safety. It is the purpose of this section to preserve safe and convenient pedestrian passage along the Promenade through content-neutral regulation of physical obstruction while fully respecting rights of free speech, expression, assembly, and association guaranteed by the United States Constitution and the Constitution of the State of New Jersey.

(c) Prohibited Conduct. No person, whether acting alone or in concert with others, shall purposely or recklessly obstruct or unreasonably interfere with pedestrian use of the Promenade. No person or group of persons shall occupy the Promenade in a manner that prevents pedestrians from reasonably passing through or around the occupied area. The mere presence of multiple persons on the Promenade shall not constitute a violation of this section unless their conduct results in an obstruction as

defined herein. For purposes of this section, "obstruct" means to render pedestrian passage impassable or unreasonably difficult, inconvenient, or hazardous.

(d) Order to Move. Whenever a Police Officer, Special Law Enforcement Officer, or other duly authorized municipal official reasonably determines that a person or group is obstructing the Promenade, such official may direct the person or group to move, relocate, separate, or otherwise modify its position or conduct so as to permit pedestrian passage. Any person who knowingly refuses or fails to comply with such lawful directive shall be in violation of this section.

(e) Any person violating this section shall be subject to the general penalty provisions of the Code of the City of Cape May.

SECTION 2. Section 208-1 of the City of Cape May Code is amended as follows (~~strikethrough~~ portions indicating deletions and underline portions indicating new language)

§ 208-1 Curfew established.

~~It shall be unlawful for any juvenile to be on any public street or public place between the hours of 11:00 p.m. and 6:00 a.m. during the period from October 1 through April 30, and between the hours of 12:00 midnight and 6:00 a.m. during the period from May 1 through September 30 of each year~~.

(a) General Curfew. It shall be unlawful for any juvenile to be on any public street or public place between the hours of 10:30 p.m. and 6:00 a.m, unless accompanied by a parent, legal guardian, or other adult having lawful custody or control of such juvenile or unless engaged in, or traveling to or from, a business or occupation which the laws of this State authorize a juvenile to perform.

(b) Beach Curfew. It shall be unlawful for any juvenile to be on present on any beach, beachfront, beach accessway, or other City-owned beach property between the hours of 8:00 p.m. and 6:00 a.m, unless accompanied by a parent, legal guardian, or other adult having lawful custody or control of such juvenile or unless engaged in, or traveling to or from, a business or occupation which the laws of this State authorize a juvenile to perform.

SECTION 3. Section 158-9 of the City of Cape May Code is amended to include the following new subsection "C":

C. Bags and Backpacks. It shall be unlawful for any person to wear, carry, possess, place, or leave any prohibited bag, backpack, or container within the Cape May Promenade, public beaches, beachfront areas, street ends providing beach access, public walkways, ramps, stairs, boardwalks, or any approaches thereto during the restricted hours established by this section.

(1) Prohibited Bags and Containers. Between the hours of 8:00 p.m. and 6:00 a.m., no person shall wear, carry, possess, place, or leave any bag, backpack, or container measuring more than eight (8) inches in height, width, or depth within or upon the public areas referenced above. Prohibited items shall include, but not be limited to, backpacks, book bags, cinch bags, cooler bags, duffel bags, luggage, computer bags, camera bags, and any similar bag

or container exceeding the permitted dimension.

(2) Exceptions. The provisions of this section shall not apply to:

(a) Medical devices, medical supply bags, and other equipment reasonably necessary for the immediate care of a person;
(b) Members of the news media carrying equipment and materials used in the course of professional reporting duties;
(c) Law enforcement officers, emergency responders, beach patrol personnel, City employees, contractors, and other authorized government officials acting within the scope of their official duties; and
(d) Any other person specifically authorized by the Cape May Police Department or the City Manager.

(3) Enforcement and Warnings. The provisions of this section shall be enforceable by the Cape May City Police Department and Code Enforcement. When feasible, excluding exigent circumstances, two warnings shall be given to juvenile and adult persons. Such warnings shall be sufficient if provided orally, by posted signs, or by amplified announcement. Any person, adult, or juvenile, found to be with a prohibited item shall be directed to the nearest exit of the promenade. The failure to comply with the directions of the City enforcement official constitutes a breach of the peace.

SECTION 4. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 5. Should any section, paragraph, sentence, clause or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 6. **This Ordinance is adopted as an emergency ordinance pursuant to N.J.S.A. 40:81-21 and shall take effect immediately upon final passage and the date of adoption below. The City Clerk shall cause this Ordinance to be published as required by law following its adoption.**

SECTION 7. **On August 4, 2026, the City Council introduced Ordinance No. 606-2026, which proposed amendments substantially similar to those contained in this Ordinance. To avoid any ambiguity or duplication, and notwithstanding the prior introduction of Ordinance No. 606-2026, this Ordinance No. 607-2026 is intended to supersede, replace, and take effect in lieu of Ordinance No. 606-2026, which shall not proceed to final adoption.**

ATTEST:

CITY OF CAPE MAY, a municipal corporation of the State of New Jersey

_____
Erin C. Burke, City Clerk

BY:_____
Zachary M. Mullock, Mayor

NOTICE

Ordinance 607-2026 was introduced and adopted as an Emergency Ordinance pursuant to N.J.S.A. 40:81-21 at a Special Meeting of the City Council of the City of Cape May, held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on August 13, 2026 at 11:00 AM at which time a Public Hearing was held.

_____
Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Meier						
McDade						
Bodnar						
Baldwin						
Mullock						

Emergency Adoption: August 13, 2026
Published on City website: August 13, 2026
Effective: August 13, 2026

cc: DPW
CMPD