

1 **STATE OF SOUTH CAROLINA**  
2 **COUNTY OF HORRY**  
3 **CITY OF MYRTLE BEACH**  
4

**ORDINANCE NO. 2008-59**

5 **AN ORDINANCE TO ENACT CHAPTER 14, ARTICLE I, SECTION 14-1 (e),**  
6 **HOURS OF SALE RESTRICTED FOR COMMERCIAL ESTABLISHMENTS**  
7 **WHICH ALLOW FOR ON-PREMISES CONSUMPTION OF BEER, ALE,**  
8 **PORTER AND/OR WINE; WITH EXEMPTION AND LOSS OF EXEMPTION**  
9 **IN THE CODE OF ORDINANCES OF THE CITY OF MYRTLE BEACH**

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11 **IT IS HEREBY ORDAINED THAT SECTION 14-1 (E) OF THE CODE OF**  
12 **ORDINANCES OF THE CITY OF MYRTLE BEACH IS ENACTED AS**  
13 **FOLLOWS:**

14  
15 **Sec. 14—1 (e)** Hours of sale restricted for commercial establishments which allow for  
16 on-premises consumption of beer, ale, porter and/or wine.

17  
18 (1) Beer, ale, porter and wine shall be defined for purposes of this section as stated in  
19 Section 61-4-10 of the Code of Laws of South Carolina 1976, as amended from time to  
20 time. Commercial establishments that allow for the on-premises consumption of beer, ale,  
21 porter and/or wine shall be prohibited from operating between the hours 2:00 a.m. and  
22 6:00 a.m. on Mondays through Saturdays.

23  
24 (2) Under a program established by the Manager, commercial establishments that allow  
25 for the on-premises consumption of beer, ale, porter and/or wine may seek exemption to  
26 the Subsection (e) (1), upon application and proof of business policies or practices that  
27 comply with the following:

- 28  
29 A) The business shall not allow any drinking contests or games, or contests involving  
30 disrobing, or “wet t-shirt”, “Girls Gone Wild”™ or similar contests will be held  
31 or advertised at the business. No agent, employee or independent contractor for  
32 the business will encourage or permit this prohibited behavior by the patrons.  
33 B) The business shall establish a policy that conforms with Department of Revenue  
34 approved training program on age sensitive sales as listed in the DOR SC  
35 Information Letter 06-05, and that addresses that all security, floor managers,  
36 bartenders and wait staff will be trained so as to determine when a customer is  
37 underage or apparently intoxicated, and the business, its agents and employees  
38 will enforce the company policy of refusing further alcohol service to customers at  
39 that point.  
40 C) For those business that employ personnel that exercise security functions, all  
41 security personnel shall be licensed by the State of South Carolina and be bonded.  
42 D) No alcohol consumption will be permitted in the parking lots under the control of  
43 the business. No alcohol consumption will be permitted outside of any roofed,  
44 decked or café-style areas, nor shall any glass or metal containers of any kind shall  
45 be permitted to leave the roofed, decked or café-style areas of the business. The  
46 business will establish policies and security resources to assure compliance.

47 E) Upon City request, the business will consult with the Myrtle Beach Police  
48 Department and provide such security as is recommended by that Department that  
49 recognizes individual circumstances of the business.  
50

51 (3) For the business that does not employ security personnel, if the business is not the  
52 victim of the incident, but shall have within any six month period on the premises under  
53 its control, two (2) attempted or accomplished robberies or larcenies, breaches of the  
54 peace, drug offences, assaults, public nuisances, or violations related to unlawful service  
55 of alcohol, then the business shall employ security personnel on a ratio of 1 per 50  
56 occupancy. Failure to provide the required security within 30 days of notice shall result in  
57 the immediate revocation of the exemption, and the business shall comply with Section  
58 (e) (1) for a period of twelve (12) months before applying for another exemption.  
59

60 (4) For all subject businesses, if the business is not the victim of the incident, but shall  
61 have within any three (3) month period on the premises under its control, three (3)  
62 robberies, larcenies, breaches of the peace, drug offences, assaults, public nuisances, or  
63 violations related to unlawful service of alcohol or violations of this ordinance, then the  
64 granted exemption shall be immediately revoked, and the business shall thereafter comply  
65 with Section (e) (1). The business must be free from incident for a twelve (12) month  
66 period before it can apply for another exemption.  
67

68 (5) For all subject businesses, if the business shall have within any six (6) month period  
69 on the premises under its control, two (2) violations related to unlawful service of alcohol  
70 to minors or to already intoxicated persons, then the business shall be required to show  
71 that, within three (3) months of notice of deficiency by the Police Department, that all  
72 security, floor managers, bartenders and wait staff have completed training that conforms  
73 with Department of Revenue approved training program on age sensitive sales as listed in  
74 the DOR SC Information Letter 06-05, and that addresses how staff can determine when a  
75 customer is apparently intoxicated.  
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77 This ordinance shall take effect 90 DAYS from second reading to allow business to come  
78 into compliance.  
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83 JOHN RHODES  
84 MAYOR

85  
86 ATTEST:

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88 \_\_\_\_\_  
89 JOAN GROVE, CITY CLERK

90  
91 1<sup>st</sup> Reading: September 9, 2008

92 2<sup>nd</sup> Reading: