

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

ORDINANCE NO. 2008-59
ALTERNATE

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; LOSS OF EXEMPTION AND
9 APPEAL IN THE CODE OF ORDINANCES OF THE CITY OF MYRTLE
10 BEACH

11
12 IT IS HEREBY ORDAINED THAT SECTION 14-1 (E) OF THE CODE OF
13 ORDINANCES OF THE CITY OF MYRTLE BEACH IS ENACTED AS
14 FOLLOWS:
15

16 **Sec. 14-1 (e)** Hours of sale restricted for commercial establishments which allow for on-
17 premises consumption of beer, ale, porter and/or wine.
18

19 (1) Beer, ale, porter and wine shall be defined for purposes of this section as stated in
20 Section 61-4-10 of the Code of Laws of South Carolina 1976, as amended from time to
21 time. Commercial establishments that allow for the on-premises consumption of beer, ale,
22 porter and/or wine shall be prohibited from operating between the hours 2:00 a.m. and
23 6:00 a.m. on Mondays through Saturdays.
24

25 (2) Under a program established by the Manager, commercial establishments that allow
26 for the on-premises consumption of beer, ale, porter and/or wine may seek exemption to
27 the Subsection (e) (1), upon application and proof of business policies or practices that
28 comply with the following:
29

- 30 A) The business shall not allow any drinking contests or games, or contests involving
31 disrobing, or “wet t-shirt”, “Girls Gone Wild”™ or similar contests will be held
32 or advertised at the business, unless the business is licensed to operate as a
33 sexually oriented business. No agent, employee or independent contractor for the
34 business will encourage or permit this prohibited behavior by the patrons, unless
35 the business is licensed to operate as a sexually oriented business.
- 36 B) The business shall establish a policy that conforms with Department of Revenue
37 approved training program on age sensitive sales as listed in the DOR SC
38 Information Letter 06-05, and that addresses that all security, floor managers,
39 bartenders and wait staff will be trained so as to determine when a customer is
40 underage or apparently intoxicated, and the business, its agents and employees
41 will enforce the company policy of refusing further alcohol service to customers at
42 that point.
- 43 C) For those business that employ personnel that exercise security functions, all
44 security personnel shall be licensed by the State of South Carolina and be bonded.
- 45 D) No alcohol consumption will be permitted in the parking lots under the control of
46 the business. No alcohol consumption will be permitted outside of any roofed,

47 decked or café-style areas, nor shall any glass or metal containers of any kind shall
48 be permitted to leave the roofed, decked or café-style areas of the business. The
49 business will establish policies and security resources to assure compliance.

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

53 F) The denial of an application shall be subject to an appeal process. Within 5 days of
54 written notice of being denied, the business may fax, mail or email its appeal of
55 the action to the Manager. The Manager shall convene the Nuisance Hearing
56 Board within 5 days of receipt of the appeal notice. The appeal shall be heard and
57 decided under the procedures of the Board as set forth in Section 10-28, as
58 applicable.

59
60 (3) For the business that does not employ security personnel, if the business is not the
61 victim of the incident, but shall have within any six month period on the premises under
62 its control, two (2) attempted or accomplished robberies or larcenies, breaches of the
63 peace, drug offences, assaults, public nuisances, or violations related to unlawful service
64 of alcohol, then the business shall employ security personnel on a ratio of 1 per 100
65 occupancy. Failure to provide the required security within 30 days of notice shall result in
66 the immediate revocation of the exemption, and the business shall comply with Section
67 (e) (1) for a period of twelve (12) months before applying for another exemption.

68
69 (4) For all subject businesses, if the business is not the victim of the incident, but shall
70 have within any three (3) month period on the premises under its control, three (3)
71 robberies, larcenies, breaches of the peace, drug offences, assaults, public nuisances, or
72 violations related to unlawful service of alcohol or violations of this ordinance, then the
73 granted exemption shall be immediately revoked, and the business shall thereafter comply
74 with Section (e) (1). The business must be free from incident for a twelve (12) month
75 period before it can apply for another exemption.

76
77 (5) For all subject businesses, if the business shall have within any six (6) month period
78 on the premises under its control, two (2) violations related to unlawful service of alcohol
79 to minors or to already intoxicated persons, then the business shall be required to show
80 that, within three (3) months of notice of deficiency by the Police Department, that all
81 security, floor managers, bartenders and wait staff have completed training that conforms
82 with Department of Revenue approved training program on age sensitive sales as listed in
83 the DOR SC Information Letter 06-05, and that addresses how staff can determine when a
84 customer is apparently intoxicated.

85
86 (6) For Sections 3, 4 and 5, the issue of business accountability for incident occurrence
87 shall be subject to an appeal process. Within 5 days of written notice of being required to
88 provide security (3), loss of exemption (4) or requirement of retraining (5), the business
89 may fax, mail or email its appeal of the action to the Manager. The Manager shall
90 convene the Nuisance Hearing Board within 5 days of receipt of the appeal notice. The
91 appeal shall be heard and decided under the procedures of the Board as set forth in
92 Section 10-28, as applicable.

93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111

This ordinance shall take effect 90 DAYS from second reading to allow business to come into compliance.

JOHN RHODES
MAYOR

ATTEST:

JOAN GROVE, CITY CLERK

1st Reading: September 9, 2008
2nd Reading: