

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

**ORDINANCE 2008-67**

5 **IN CHAPTER 14, ARTICLE X, SECTION 14-236 THROUGH 14-239, AN**  
6 **ORDINANCE ESTABLISHING A JUVENILE CURFEW, THE VIOLATION OF**  
7 **WHICH IS AN ADMINISTRATIVE INFRACTION.**  
8

9 **Sec. 14-236. Definitions**

- 10 a. Curfew Hours means the hours from 1:00. a. m. until 6:00 a.m. of the same day.  
11 b. Emergency means unforeseen circumstances, or the resulting situation, calling for  
12 immediate action. This includes, but is not limited to, fire, natural disaster, or  
13 vehicular accident, as well as any situation requiring action to avert serious injury  
14 or the loss of life.  
15 c. Guardian means a person or a public or private agency who either pursuant to  
16 court order or acceptance of testamentary appointment, is the legal guardian of the  
17 minor. This definition also includes a person to whom parental powers have been  
18 delegated under South Carolina law, or duly identified responsible adult or  
19 chaperone acting in loco parentis of a group of minors or an individual minor.  
20 d. Minor means any person who has not obtained the age of eighteen years.  
21 e. Parent means a person who is the natural parent, adoptive parent, or stepparent of  
22 the minor.  
23 f. Public place means a place located in the City of Myrtle Beach to which the  
24 public, or a substantial group of the public, has access, including, but not limited  
25 to, streets, highways, sidewalks, parking lots, vacant lots, parks, and the common  
26 areas in and about apartment buildings, office buildings, hospitals, schools, shops  
27 and places of entertainment such as movie theaters.  
28 g. Remain means to linger or stay, as well as to refuse to leave when requested to do  
29 so by a police officer or the owner or other person in control of a public place.  
30 This term also encompasses activities that may be mobile, such as walking,  
31 driving, and riding about in a public place.  
32

33 **Sec. 14-237. Offenses**

- 34 a. It shall be an administrative infraction for a minor to remain in a public place  
35 during curfew hours.  
36 b. It shall be an administrative infraction for a parent or guardian of a minor to  
37 knowingly permit, or to allow by exercising insufficient control, the minor to  
38 remain in a public place during curfew hours.  
39

40 **Sec. 14-238 Defenses**

41 It is a defense to the infraction under this ordinance that the minor was:

- 42 a. Accompanied by the minor's parent or guardian;  
43 b. Involved in an emergency or on an errand necessitated by an emergency;  
44 c. Engaged in an employment activity, or on the way to or from an employment  
45 activity, without any detour or stop except as necessary to drop off or pick up a  
46 co-employee;

- 47 d. In a motor vehicle involved in interstate travel;
- 48 e. On an errand directed by a parent or guardian, without any detour or stop;
- 49 f. On the sidewalk abutting the minor's home;
- 50 g. Attending a school, religious, or governmental activity, which is supervised by
- 51 adults, or traveling to or from such a school, religious, or governmental activity
- 52 without detour or stop;
- 53 h. Attending a recreational activity sponsored by the City of Myrtle Beach, a civic
- 54 organization, or a similar entity, which is supervised by adults, or traveling to or
- 55 from such an activity without detour or stop;
- 56 i. Exercising rights protected by the First Amendment of the United States
- 57 Constitution;
- 58 j. Married, or otherwise legally emancipated by operation of law.
- 59

60 **Sec. 14-239 Enforcement**

61 Before taking any action to enforce this ordinance, a police officer shall ask the apparent  
62 offender's age. The officer may ask for proof of the apparent offender's age, and shall be  
63 justified in taking action to ascertain the apparent offender's age in the absence of  
64 identification, such as taking the apparent offender into custody while contacting his or  
65 her parent or guardian, or accompanying the apparent offender to his or her residence for  
66 the purpose of obtaining identification. If the apparent offender is a minor, or cannot  
67 produce identification proving otherwise immediately, the officer shall ask the reason for  
68 the apparent offender's being in a public place. The officer shall not take any action to  
69 enforce this section unless the officer reasonably believes that an offense has occurred  
70 and, based on any response as well as other circumstances, no defense provided herein is  
71 applicable. Absent exigent circumstances involving the minor's safety, the officer shall  
72 not take the minor into protective custody, but may contact the minor's parent or guardian  
73 to come to take control of the minor. During this period, the officer may require the  
74 minor or the minor's parent or guardian or both to remain in the officer's presence for a  
75 period of up to two hours, so long as the officer complies with all requirements of law.  
76 The police officer shall summons the minor and the minor's parent to the Administrative  
77 Hearing Court for violation of this ordinance.

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79 This ordinance shall take effect 90 days after adoption.  
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83 \_\_\_\_\_  
84 JOHN RHODES  
85 MAYOR

86 ATTEST:

87  
88  
89 \_\_\_\_\_  
90 JOAN GROVE, CITY CLERK

91 1<sup>st</sup> Reading: September 9, 2008  
92 2<sup>nd</sup> Reading