

1 **Reader's Note: As of September 19, these ordinances were edited and**  
2 **amended to correct inconsistencies and typographical errors. As a result, all**  
3 **of the ordinances have been updated. In addition, an alternative version of**  
4 **2008-59 is provided, along with the version previously available.**  
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10 **MEMORANDUM**  
11 **OFFICE OF THE CITY ATTORNEY**

12 TO: The Mayor and Council  
13 FROM: Thomas E. Ellenburg, City Attorney  
14 DATE: September 10, 2008  
15 SUBJECT: Latest refinement of proposed rally options ordinances

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17 These fifteen (15) individual ordinances have been refined and corrected as a result of  
18 various public meetings, as well as in less formal meetings in which observations and  
19 input were received from individual Council members, the Manager, the Chief of Police,  
20 individual hoteliers, individual business owners and representatives of the Hospitality  
21 Association. This set reflects City Council's most recent input at workshop and first  
22 reading. Note changes in headers and body to reflect proper placement in Code.  
23 Available online.

24  
25 2008-57 Amend existing Nuisance law found in Chapter 10, Article II, Nuisances  
26 of the Code. The effects of an unpermitted special event, or rally are a  
27 public nuisance against public health, public decency, peace and order,  
28 public welfare and safety and the public economy and responsible parties  
29 to be held financially responsible for public cost that result from their  
30 promotion.

31  
32 2008-58 Amend existing Special Event law in Sections 19-127, 19-128 and 19-156  
33 of Chapter 19, Article VI, Special Events of the Code. Those events in or  
34 adjacent to City limits, permitted or unpermitted, that impose an excessive  
35 public resource deployment are unlawful, and responsible parties are to be  
36 held financially responsible for public cost that result.

37  
38 2008-59 New law amending Chapter 14, Article 1, Section 14-1. No alcohol served  
39 between 2:00 a.m. and 6:00 a.m. Note substantial changes. Business can  
40 exempt from 2:00 a. m. to 6:00 a. m. sale prohibition upon showing of  
41 policy or practice that addresses among other things underage drinking,  
42 over-serving, internal and premises security. Exemption can be revoked  
43 upon events of criminality on premises of business.

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45 2008-59A Alternate version, should City Council wish to consider it.

46  
47 2008-60 New Law. Chapter 14, Article 1, Section 14-7. Defrauding a restaurant is a  
48 misdemeanor.  
49

50 2008-61 New law. Chapter 14, Article X, Sections 14-220. Infraction.  
51 Administrative process. Short term rental, payers of accommodation tax,  
52 innkeeper or hotel check-in procedures; photo id for check-in;  
53 identification of all guests per room, identification of all vehicles; issue  
54 parking card.  
55

56 2008-62 New law. Infraction. Chapter 14, Article X, Sections 14-221.  
57 Administrative process. No alcohol consumption or open possession in  
58 parking areas, lots and garages. Business shall not permit.  
59

60 2008-63 New law. Infraction. Chapter 14, Article X, Sections 14-222.  
61 Administrative process. Use of parking lot for non-parking activities a  
62 nuisance. No destruction of landscaped areas by chairs, etc. Businesses  
63 shall not permit.  
64

65 2008-64 New law. Infraction. Chapter 14, Article X, Sections 14-223 through 14-  
66 227. Administrative process. Helmet and eyewear required for cycles and  
67 mopeds; No impoundment.  
68

69 2008-65 New law. Infraction. Chapter 14, Article X, Sections 14-228 through 14-  
70 231. Administrative process. No trailers parked on public streets, or  
71 unlicensed private lots.  
72

73 2008-66 New law. Infraction. Chapter 14, Article X, Sections 14-232 through 14-  
74 235. Administrative infraction. Convenience store and premises security.  
75

76 2008-67 New law. Infraction. Chapter 14, Article X, Sections 14-236 through 14-  
77 239. Administrative process. Minor or Juvenile Curfew: 1 am to 6 am.  
78

79 2008-68 New law. Infraction. Chapter 14, Article X, Sections 14-240.  
80 Administrative process. No loud mufflers, impound serial offending  
81 vehicle.  
82

83 2008-69 Amend existing law in Chapter 14, Article V, Section 14-85, adding  
84 section (b) (10). No loitering on commercial lots after hours, or when  
85 posted.  
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87 2008-70 Amend existing law in Chapter 12, Article III, Division 1, by adding  
88 Section 12- 102: only 1 vehicle per space; Chapter 12, Article III, Division  
89 2, Repeal deactivation of meters for bike parking.  
90

91 2008-71 New law to enact Chapter 14, Article X, Sections 14-200 through 14-  
92 and/or reserve 14-219. Creation of administrative hearing process for  
93 disposition of infractions.  
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99 **STATE OF SOUTH CAROLINA**  
100 **COUNTY OF HORRY**  
101 **CITY OF MYRTLE BEACH**

**ORDINANCE 2008-57**

102  
103 **AN ORDINANCE AMENDING SECTIONS 10-22 OF DIVISION 1 OF ARTICLE**  
104 **II OF CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF**  
105 **MYRTLE BEACH TO DEFINE AND DECLARE UNPERMITTED EVENTS AND**  
106 **RALLIES TO BE PUBLIC NUISANCES; TO PROHIBIT THEIR**  
107 **MAINTENANCE, AND TO SEEK FINANCIAL REDRESS FROM THOSE**  
108 **ENTITIES THAT PROMOTE UNPERMITTED SPECIAL EVENTS IN THE**  
109 **CITY**

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111 WHEREAS, in the Greater Grand Strand Area, in the spring and fall of every year, there  
112 are motorcycle rallies that have historically had as their destination and congregational  
113 focal points the City of Myrtle Beach; and

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115 WHEREAS, since 1990 the City Council has in workshop and regular session at multiple  
116 meetings had on the agenda discussion and action items regarding the events and their  
117 impact and cost, and Council's desire to curtail the events and their impact; since 1995  
118 the City has participated with other local cities, Horry County, local business leaders, and  
119 bike related and other stakeholders in the annual Bike Week Task Force meeting to  
120 discuss plans, hear complaints, and find solutions to the overwhelming noise, litter,  
121 congestion and traffic unsafety; the City Administration with Council members have  
122 traveled and investigated how other communities like Atlanta or Daytona have dealt with  
123 overwhelming events; the City Administration has tried different configurations of traffic  
124 control to ease the congestion of people and vehicles, and the vehicular gridlock that  
125 results from the overwhelming numbers at great cost to the taxpayers; the City has met  
126 with organizers of the events to seek relief; the City has attempted through others,  
127 through funding or the offering of facilities for free, to create dispersion and to make  
128 Ocean Boulevard and Kings Highway less congested by providing alternative sites for  
129 visitors, but to no avail. The City has sought and received the training and on-site  
130 assistance of the United States Justice Department in management of the events. In the  
131 past the City has sought the help and assistance of the Governor's Office. The City has  
132 entered into multiple mutual aid agreements with law enforcement agencies in and out of  
133 state for assistance. The City has sought and received mutual aid from the South Carolina  
134 Law Enforcement Division, The Department of Probation, Pardon and Paroles, the State  
135 Constables, the State Highway Patrol, the Department of Natural Resources, and others to  
136 help manage the events; and STILL these rallies have grown in attendance to the point  
137 that they have now overwhelmed the public's tolerance for the noise, litter, congestion  
138 and traffic unsafety, and the public's expenditure of resources that are necessary just to  
139 contain and police them due to the noise, litter, overwhelming congestion, traffic unsafety  
140 and crime that is ever present during these times. These rallies are viewed by the  
141 residents as a public nuisance, and a destruction of the quality of life for the residents  
142 who live and work in the City of Myrtle Beach; and

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144 WHEREAS, these rallies have grown in attendance to the point that they are now  
145 considered, and advertised by others, as a marketing identity, an area branding for the  
146 City of Myrtle Beach and indeed, all of Horry County, as well as a nationally recognized  
147 defining attribute of the month of May for the Grand Strand area; and

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149 WHEREAS, the City Council does not believe that the encouragement and continuation  
150 of these events and rallies is in the best long term economic interest of the City of Myrtle  
151 Beach in developing a sustainable and family oriented tourist trade, and

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153 WHEREAS, the encouragement and continuation of these rallies by any public or private  
154 party will only continue to destroy the citizens' rights of public health, safety and  
155 welfare; and

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157 WHEREAS, the encouragement and continuation of these rallies has a negative disparate  
158 impact on the residents of the City of Myrtle Beach; and

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160 WHEREAS, the City of Myrtle Beach has taken legislative action to require that such  
161 congregational events be permitted, since they demand an expenditure of public resources  
162 above and beyond normal tourism, and further has taken definitive action to stop all  
163 vending and rallies-related activities through zoning changes and the cancellation of  
164 events at the Myrtle Beach Convention Center, and has put forth legislative actions to  
165 bring back the month of May for a more broadly appealing and family oriented tourist  
166 trade, and the City Council is articulating a legislative policy that does not attract, enable  
167 or encourage bike rallies as a sustainable tourism model and would ask that neighboring  
168 jurisdictions join in; and

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170 WHEREAS, the City Council of Myrtle Beach finds that it is necessary to provide for the  
171 abatement of unpermitted motorcycle special event and rally conditions, and any other  
172 such "events" that constitute an unpermitted special event, which are offensive to public  
173 order, detrimental to property values and community appearance, an obstruction to or  
174 interference with enjoyment of adjacent property or premises, hazardous or injurious to  
175 the health, safety or welfare, or require expenditure of public resources for police, fire  
176 and code enforcement which are of greater frequency, intensity or duration than normal  
177 tourism events; and

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179 WHEREAS, the Council finds that the public health, safety and welfare of the people are  
180 safeguarded and nurtured by the maintenance of property and premises in a wholesome  
181 and appropriate condition; and the unpermitted motorcycle special events and rallies, and  
182 other such unpermitted special events, are inapposite to achieving this goal; and

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184 WHEREAS, the Council finds that abatement of nuisances promotes an economically  
185 sound environment and preserves and maintains an attractive community appearance; and  
186 that unpermitted motorcycle special events and rallies, and other such unpermitted special  
187 events, are nuisances of a public order and are deserving of abatement; and

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189 WHEREAS, the Council finds that abatement of nuisances resulting from unpermitted  
190 motorcycle special events and rallies, and other such unpermitted special events, will  
191 protect and enhance the long term economic value of property, and thereby the long term  
192 economic vitality and stability of the community at large.

193

194 THEREFORE, the Council, as stewards of the public trust, declares that the purposes of  
195 this Ordinance are to reduce or eliminate the threat to health, safety, welfare, appearance  
196 and economic value due to unpermitted motorcycle special events and rallies, and other

197 such unpermitted special events, to declare such as illegal; to abate such conditions  
198 through such process as may be deemed appropriate and expedient, and to hold  
199 accountable those who promote, encourage or enable such nuisances to continue.

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201 **IT IS HEREBY ORDAINED THAT CHAPTER 10, ARTICLE II, SECTION 10-22**  
202 **OF THE CODE OF ORDINANCES OF THE CITY OF MYRTLE BEACH IS**  
203 **AMENDED AS FOLLOWS:**

204  
205 **Section. 22 NUISANCES**

206  
207 a. Nuisances affecting public health

208 The following are hereby declared to be nuisances affecting public health:

- 209  
210 1) All decayed or unwholesome food products or food waste not properly contained  
211 either inside or outside for more than twenty four hours before pick up;
- 212 2) Litter, debris, trash or refuse which is not placed within the appropriate container; or  
213 containers for waste which are not properly placed upon their pads;
- 214 3) All pools of stagnant water or vessels holding stagnant water in which mosquitoes  
215 can breed, excluding required retention ponds;
- 216 4) Swimming pools which either (a) are empty, excluding such pools that are completely  
217 and effectively covered, or (b) contain liquids and/or debris which are not  
218 bacteriologically, chemically or physically safe for swimming or other intended uses;
- 219 5) Animal carcasses not buried or disposed of in a lawful and sanitary manner within  
220 twenty four hours after death;
- 221 6) Leaking septic tanks or sewer lines or other sewage existing in an unsanitary manner;
- 222 7) Weeds or other rank growths of vegetation upon private or public property, and all  
223 other vegetation at any stage of maturity which exceeds twelve inches in height,  
224 except for healthy trees, shrubs or plants grown in a tended and cultivated garden or  
225 plot; regardless of height, harbors, conceals or invites rodents, pests or vermin or  
226 deposits of refuse; gives off noxious odors; constitutes a fire or traffic safety hazard;
- 227 8) Damaged or diseased limbs of trees or trees to the extent of potential injury to the  
228 public at large due to imminent structural failure;
- 229 9) Deliberate placement or discharge of into any part of a storm water drainage system  
230 of untreated sewage, sewage solids, process wastewater, refuse, explosive or  
231 combustible liquid, solid or gas, oils, greases, industrial water or other polluted water  
232 except where a federal, state or local permit for connections, discharge or disposal has  
233 been obtained prior to the event; or waters or wastes containing toxic or poisonous  
234 wastes to constitute a hazard to humans, plants or animals or to cause corrosion,  
235 discoloration or deposition on real or personal property; or any solid or viscous  
236 substances in such quantities or of such size capable of causing obstruction to the  
237 flow in the storm water drainage system or other interference with the proper  
238 operation of the drainage system of the City of Myrtle Beach.
- 239 10) Regardless of the intervals, the passage of time, or the length of time between events,  
240 the pervasive and continual clamor and noise, litter, and congestion of large number  
241 of persons and vehicles resulting from a promotion, direction, advertisement or  
242 solicitation for individuals to attend unpermitted special events, rallies and parades,  
243 whether cyclical or not, of any nature or sort, by persons or groups identifying or  
244 claiming the City of Myrtle Beach as the gathering or focal location; when that results  
245 in vehicles and participants congregating in such numbers that it works to the

246 detriment of the public health, safety and welfare of the citizens, or requires a  
247 heightened law enforcement response or a heightened intensity of law enforcement  
248 response, or a public resource response of such disproportionate expenditure when  
249 compared to normal tourism; those persons or legal entities of any status that enable,  
250 sponsor or advertise such unpermitted special events and rallies to be held within the  
251 city limits shall be responsible for the costs, as set forth in this Article, arising there  
252 from for promoting an unpermitted special event in the city limits.

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254 b. Nuisances offending public decency, peace and order

255 The following are hereby declared to be public nuisances affecting public  
256 decency, peace and order, ~~when~~ whether such violations are of an intermittent,  
257 cyclical, continual, reoccurring or constant nature when the responsible party  
258 generates, enables, or contributes to the occurrence of the unlawful behavior by a  
259 absence or failure of property management policy or practice, absence or failure  
260 of control over the property, absence or failure of supervision of guests or  
261 invitees, absence or failure of security measures; provided however, that no  
262 person shall be held liable or no structure shall be declared a nuisance in the event  
263 that person or accountable does not generate, enable or contribute to the  
264 occurrence of unlawful behavior by a management policy or practice, personal  
265 conduct, lack of control or supervision, absence or ineffectiveness of security or  
266 other factors:

- 267  
268 (1) Any structure, whether commercial or residential, where gambling devices, slot  
269 machines, punch boards and other such contrivances of similar character  
270 involving any elements of chance as a consideration or any type of gambling,  
271 bookmaking, wagering or betting is carried on, and all gambling equipment,  
272 except where such specific form of gambling is permitted by applicable law;
- 273 (2) Any structure, whether commercial or residential, operated as a bawdy house,  
274 house of assignation, place of prostitution or used and maintained for the  
275 commercial or criminal purposes of unlawful sexual activity in violation of  
276 federal, state or local law;
- 277 (3) Any structure, whether commercial or residential, where intoxicating liquors are  
278 manufactured, sold, bartered or given away in violation of federal, state or local  
279 law, or where intoxicating liquors kept for sale, barter or distribution in violation  
280 of federal, state or local law, and all liquors, bottles, kegs, pumps, bars and other  
281 property kept at and used for maintaining such a place;
- 282 (4) Any structure, whether commercial or residential, where acts of sale, possession  
283 or distribution of controlled substances occur in violation of federal, state and  
284 local law;
- 285 (5) Any structure, whether a commercial operation or a residential use, where  
286 municipal code violations, breaches of the peace, disorderly conduct or Offences  
287 against the Person found in Chapter 3, Title 16 of the South Carolina Code of  
288 Law, Offences against the Person found in Articles II, IV and VI, Chapter 14 of  
289 the Code of Ordinances of the City of Myrtle Beach occur with disproportionate  
290 frequency or intensity that they require an excessive public safety response cost.  
291 “Excessive public safety response” means the deployment or dispatch of five or  
292 more law enforcement officers to the scene at any one time, or the need for public  
293 safety personnel or emergency vehicles, or code enforcement or public works  
294 equipment or personnel due to an observation or report of public disturbances, or

295 public health/safety or code violations at the location of the structure when  
296 compared to the frequency or intensity of law enforcement action law or  
297 regulation enforcement required at other similarly situated structures, ~~or where the~~  
298 ~~intensity of law enforcement response, when required, is disproportionate to the~~  
299 ~~intensity of response required at other similarly situated structures. After notice of~~  
300 ~~the continuing nature of the nuisance and specific identification of the facts and~~  
301 ~~circumstances that either generate, enable or contribute to the nuisance, the~~  
302 ~~owner, lessee, renter, management or the person in control, may be held~~  
303 ~~responsible for the maintenance of a public nuisance and the structure declared a~~  
304 ~~public nuisance.~~

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306 A. For purposes of (5) only, a commercial operation is defined as activity in which  
307 goods or services are exchanged for money or barter, or the rental or lease of  
308 accommodations for any length of time; a residential use is defined as single-  
309 family residences or multifamily residences. It is the intent of this ordinance that  
310 commercial operations shall be held responsible for the acts or omissions which  
311 generate, enable or contribute to the requirement of frequent or intensive law  
312 enforcement action due to a management policy or practice, personal conduct,  
313 lack of control or supervision, absence or ineffectiveness of security or other  
314 factors. When such a management policy or practice, personal conduct, lack of  
315 control or supervision, absence or ineffectiveness of security or other factors are  
316 identified by law enforcement as generating, enabling or contributing to the  
317 disproportionate need for frequent or intensive law enforcement action, notice  
318 shall be provided to the commercial operation; such notice shall identify with  
319 particularity the management policy or practice, personal conduct, lack of control  
320 or supervision, absence or ineffectiveness of security or other factors that are  
321 generating, enabling or contributing to the frequency and intensity of unlawful  
322 behavior, and that further occurrences may result in a declaration of a public  
323 nuisance. If, after notice, the management policy or practice, personal conduct,  
324 lack of control or supervision, absence or ineffectiveness of security or other  
325 factors that are generating, enabling or contributing to the frequency and intensity  
326 of unlawful behavior are not changed or modified, the owner, lessee, renter,  
327 management or the person in control, may be held responsible for the  
328 maintenance of a public nuisance and the structure declared a public nuisance.

329 B. For purposes of (5) only, a residential use is defined as any residence in which a  
330 family or individual or individuals reside ~~for a period exceeding thirty days~~. It is  
331 the intent of this ordinance that owners, lessees or renters of the property shall be  
332 held responsible for the conduct of the residents, invitees or guest that generate,  
333 enable or contribute to the requirement of frequent or intensive law enforcement  
334 action. When conduct is identified by law enforcement as generating, enabling or  
335 contributing to the disproportionate need for frequent or intensive law  
336 enforcement action, notice shall be provided to the owner, lessee or renter; such  
337 notice shall identify with particularity the conduct that is generating, enabling or  
338 contributing to the frequency and intensity of unlawful behavior, and that further  
339 occurrences may result in the declaration of a public nuisance. If, after notice, the  
340 conduct that is generating, enabling or contributing to the frequency and intensity  
341 of unlawful behavior is not changed or modified, the owner, lessee, renter,  
342 management or the person in control, may be held responsible for the  
343 maintenance of a public nuisance and the structure declared a public nuisance.

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(6) Regardless of the intervals, the passage of time, or the length of time between events, any structure, whether a commercial operation or a residential use, which has inadequate security or policies in place to control an assembly of persons attending an event properly permitted, or in the case of unpermitted special events or rallies, whether of a cyclical nature or not, of any sort which have inadequate security or policies in place to prevent the congregation of persons in required parking areas and landscaped areas, or allows after hours loitering, or loitering without concurrent commercial activity, or allows encampment, unlawful amplified broadcasts, clamor and noise, placement of tables, chairs, coolers, and the like, or allows congregational preparation, service or consumption of food or beverage in required parking or landscaping areas, such use is deemed to require law enforcement response and management of such disproportionate intensity when compared to the intensity of law enforcement action required at other similarly situated structures under normal tourism circumstances, or is further deemed to require heightened intensity of law enforcement response, which is disproportionate to the intensity of response required at other similarly situated structures that have adequate and appropriate security and policies in place. After notice of the nuisance and specific identification of the facts and circumstances that either generate, enable or contribute to the nuisance, the owner, lessee, renter, management or the person in control, may be held responsible for the maintenance of a public nuisance and the structure declared a public nuisance.

c. Nuisances affecting public welfare and safety

The following are hereby declared to be public nuisances affecting public welfare and safety:

- 1) All trees, hedges, signs or other obstructions, or any portion of the same so located on private property which prevents the clear and unobstructed view of a fire hydrant, fire department connection or other fire protection device, or directional or identification signage pertaining to the above, from a public way;
- 2) Any obstruction, erosion or depression which poses a potential hazard to vehicles or pedestrians using a right of way on private property where the public is invited or permitted to traverse for commercial purposes;
- 3) All wires, strings, ropes or lighting contrivances over streets, alley or public grounds which are not authorized or permitted by the City or which are strung so that the lowest portion is less than thirteen and one half (13 & 1/2) feet above the surface of the ground;
- 4) All explosives, flammable liquids and other dangerous substances stored in any manner, in any amount other than that manner or amount permitted by law;
- 5) All hanging signs, awnings, canopies and other similar structures over the streets or sidewalks so situated or constructed as to endanger public safety or to be contrary to ordinance;
- 6) Any motor vehicle that is unregistered, inoperable, derelict or abandoned on any highway or right of way, or other public or private property, unless such vehicle is stored inside of a building or protected from the elements by way of a complete covering.

- 392 7) Any abandoned or discarded icebox, refrigerator, ice chest or other type of air-  
393 tight container whose door, lid or other closing devise has not been removed.  
394 8) Any tents, trailers, structures, cooking devices, appliance, chairs, tables,  
395 coolers or other objects used in impromptu, unpermitted or unmanaged  
396 outdoor events or gatherings in a required parking area or landscaped area of a  
397 business license holder, or the site of any short term residential rental, unless  
398 that such outdoor events that are specifically permitted through legislative or  
399 administrative action, or sponsored by the business license holder in  
400 compliance with regulations governing such outdoor events

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402 d. Nuisances affecting public economy

403 The following are hereby declared to be public nuisances affecting the public  
404 economy:

- 405 1) All structures bearing graffiti, to be abated by applicable law;  
406 2) All structures in violation of the International Property Maintenance Code, as  
407 adopted and all structures, for a period of one month, which remain  
408 unoccupied and boarded up, and whose exterior finish is destroyed, decayed,  
409 dilapidated or deteriorated in violation of the International Property  
410 Maintenance Code, as adopted, provided however, unoccupied structures shall  
411 not be considered a public nuisance affecting public economy if the building  
412 exterior is weather tight and maintained for purposes of appearance and  
413 security according to the International Property Maintenance Code, and the  
414 material which secures the building is compatible with the exterior in  
415 appearance, color, texture and design, and the premises are kept in compliance  
416 with all applicable building, property maintenance, zoning, and land use laws;  
417 3) All businesses or commercial enterprises operating without a valid, current  
418 and displayed business license.  
419 4) All premises continually not in compliance with applicable licensing, zoning  
420 and land use laws.  
421 5) All business with an outstanding arrearage of applicable city liens, taxes, fees,  
422 charges or assessments.  
423 6) All premises which originate false fire or burglar alarms, as defined by  
424 applicable law.  
425

426 Regardless of the intervals, the passage of time, or the length of time between events,  
427 unpermitted special events or rallies of any nature or sort, promoting, inviting or claiming  
428 the City of Myrtle Beach as the gathering or focal location, and promoting, inviting and  
429 encouraging participants and vehicles to congregate in such numbers and such length of  
430 time, that it results to the detriment of the public health, safety and welfare of the citizens  
431 in terms of clamor and noise, traffic congestion and unsafety, and litter, or requires a law  
432 enforcement response and a heightened intensity of law enforcement response, or a  
433 public resource response of such disproportionate expenditure when compared to normal  
434 tourism; those persons or legal entities of any status that enable, sponsor or advertise such  
435 unpermitted special events and rallies to be held within the city limits shall be responsible  
436 for the costs, as set forth in this Article, arising there from for holding an unpermitted  
437 special event in the city limits.

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439 **Effective Date.** This ordinance is effective immediately upon its adoption.  
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JOHN RHODES, MAYOR

ATTEST:

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Joan Grove, City Clerk

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

2<sup>nd</sup> Reading:

492  
493 AN ORDINANCE TO AMEND ARTICLE VI, OF CHAPTER 19, SECTIONS 19-  
494 127 TO INCLUDE EVENTS INSIDE OR OUTSIDE THE CITY LIMITS WHICH  
495 IMPACT THE PUBLIC; IN SECTION 19-128 TO CORRECT A SCRIVENER'S  
496 ERROR; AND IN SECTION 19-156 TO SPECIFY THE RESPONSIBLE PARTIES  
497 FOR COST RECOVERY WHEN THEY PROMOTE UNPERMITTED SPECIAL  
498 EVENTS THAT IMPACT THE CITY

499 **Sec. 19-127. Special event permit required; facility use permits; parade permits;**  
500 **noise variance required.**

501 (a) ~~Except as provided in this division, no person or persons shall conduct,~~  
502 ~~promote, manage, aid, or solicit attendance at a special event, rally, or~~  
503 ~~assemblage on public property or on private property, or on a combination~~  
504 ~~of private and public property any event of such magnitude as to impacts~~  
505 ~~public safety, traffic, or the health, safety and welfare of the residents or~~  
506 ~~the invitees to unless that person shall have obtained a special event permit~~  
507 ~~from the city council, based upon a complete application detailing the~~  
508 ~~particulars of the event.~~

509  
510 (a) Whether the event or rally is inside the City limits or adjacent to the City limits, no  
511 person or legal entity shall promote, stage, conduct, organize or sponsor a special event  
512 or rally that is reasonably foreseeable to affect the City residents' health, safety or  
513 welfare and require excessive public safety cost, unless an application for a special permit  
514 has been obtained, based on a complete management plan that protects public safety,  
515 health and welfare, and addresses cost recovery for public expenditures arising from the  
516 implementation of the plan. A person or legal entity that, without an approved plan and  
517 permit, promotes, stages, conducts, organizes or sponsors a special event or rally that  
518 results in an excessive public safety cost is guilty of a misdemeanor.

519  
520 **Sec. 19-128. Exceptions to special event permit requirement.**

521 (8) Events sponsored by a tax-exempt non-profit organization, when the following  
522 conditions are met:

523 g. No ~~permits~~ exceptions issued for May 1 through midnight of May 31 of every year.

524

525 **Sec. 19-156. Cost recovery for unlawful special event.**

526 ~~Whenever a commercial or non-commercial special event is conducted without a special~~  
527 ~~event permit when one is required, or an event is conducted in violation of the terms of an~~  
528 ~~issued special event permit, or an event exceeds the needs identified in the application,~~  
529 ~~the event organizer shall be responsible for, and the city manager shall charge the event~~  
530 ~~organizer for, all city costs incurred for personnel and equipment for a public safety~~  
531 ~~response caused or necessitated by the adverse impacts of the event, or the violation of~~  
532 ~~the special event permit, upon public safety.~~

533 **Sec. 19-156. Excessive public safety cost; Responsible parties;**

534 (a) **Excessive Public Safety Response Costs.**

535 In addition to all other civil and criminal remedies provided by law, the City shall be  
536 entitled to recover the cost of excessive public safety response associated with a special  
537 event, whether permitted or unpermitted, and occurring within or outside the city limits  
538 but directly impacts the city residents or city resources, from the responsible party.  
539 Excessive public safety response costs may be collected in any manner prescribed by law.  
540 Those responsible parties that promote, stage, conduct, organize or sponsor such  
541 permitted or unpermitted events either within or without the city limits shall be held  
542 accountable, and shall be responsible for the cost of the City's additional expenditure of  
543 public resources made necessary by any excessive public safety response. For purposes  
544 of this section, "excessive public safety response" means the deployment or dispatch of  
545 five or more law enforcement officers to the scene at any one time, or the need for public  
546 safety personnel or emergency vehicles, or code enforcement or public works equipment  
547 or personnel due to an observation or report of public disturbances, or public  
548 health/safety or code violations at the location of the structure when compared to the  
549 frequency or intensity of law or regulation enforcement required at other similarly  
550 situated structures. Excessive public safety response costs also include the cost of any  
551 public safety response that is caused by the failure of the permittee to adequately plan for  
552 or abide by the granted permit conditions. Excessive public safety response costs do not  
553 include protection of the attendees of a free speech event from hostile members of the  
554 public or counter-demonstrations.

555 (b) **Responsible parties.**

556 Responsible parties shall include any individual, group or legal entity that knows or  
557 should have known that their promoting, staging, conducting, organizing or sponsoring of  
558 a permitted or an unpermitted event or rally could result in public resource deployment  
559 for public safety, health or welfare. Responsible parties shall be jointly and severally  
560 liable for additional expenditure of public resources or excessive public safety response  
561 costs associated with a special event. Responsible parties shall include but not be limited  
562 to:

- 563 (1) The holder of a special event permit issued pursuant to this division;
- 564 (2) Any person, organization or entity that staged, conducted, organized, promoted or  
565 sponsored the event;
- 566 (3) The owner of the property where the event was held.

567  
568 This ordinance becomes effective upon second reading.  
569  
570

571 \_\_\_\_\_  
Mayor John Rhodes

572 ATTEST:

573  
574 \_\_\_\_\_  
575 Joan Grove, City Clerk

576  
577 1<sup>st</sup> Reading September 9, 2008

578 2<sup>nd</sup> Reading  
579  
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587  
588 AN ORDINANCE TO ENACT CHAPTER 14, ARTICLE I, SECTION 14-1 (e),  
589 HOURS OF SALE RESTRICTED FOR COMMERCIAL ESTABLISHMENTS  
590 WHICH ALLOW FOR ON-PREMISES CONSUMPTION OF BEER, ALE,  
591 PORTER AND/OR WINE; WITH EXEMPTION AND LOSS OF EXEMPTION  
592 IN THE CODE OF ORDINANCES OF THE CITY OF MYRTLE BEACH

593  
594 IT IS HEREBY ORDAINED THAT SECTION 14-1 (E) OF THE CODE OF  
595 ORDINANCES OF THE CITY OF MYRTLE BEACH IS ENACTED AS  
596 FOLLOWS:

597  
598 **Sec. 14—1 (e)** Hours of sale restricted for commercial establishments which allow for  
599 on-premises consumption of beer, ale, porter and/or wine.

600  
601 (1) Beer, ale, porter and wine shall be defined for purposes of this section as stated in  
602 Section 61-4-10 of the Code of Laws of South Carolina 1976, as amended from time to  
603 time. Commercial establishments that allow for the on-premises consumption of beer, ale,  
604 porter and/or wine shall be prohibited from operating between the hours 2:00 a.m. and  
605 6:00 a.m. on Mondays through Saturdays.

606  
607 (2) Under a program established by the Manager, commercial establishments that allow  
608 for the on-premises consumption of beer, ale, porter and/or wine may seek exemption to  
609 the Subsection (e) (1), upon application and proof of business policies or practices that  
610 comply with the following:

- 611
- 612 A) The business shall not allow any drinking contests or games, or contests involving  
613 disrobing, or “wet t-shirt”, “Girls Gone Wild”™ or similar contests will be held  
614 or advertised at the business. No agent, employee or independent contractor for  
615 the business will encourage or permit this prohibited behavior by the patrons.
  - 616 B) The business shall establish a policy that conforms with Department of Revenue  
617 approved training program on age sensitive sales as listed in the DOR SC  
618 Information Letter 06-05, and that addresses that all security, floor managers,  
619 bartenders and wait staff will be trained so as to determine when a customer is  
620 underage or apparently intoxicated, and the business, its agents and employees  
621 will enforce the company policy of refusing further alcohol service to customers at  
622 that point.
  - 623 C) For those business that employ personnel that exercise security functions, all  
624 security personnel shall be licensed by the State of South Carolina and be bonded.
  - 625 D) No alcohol consumption will be permitted in the parking lots under the control of  
626 the business. No alcohol consumption will be permitted outside of any roofed,  
627 decked or café-style areas, nor shall any glass or metal containers of any kind shall  
628 be permitted to leave the roofed, decked or café-style areas of the business. The  
629 business will establish policies and security resources to assure compliance.
  - 630 E) Upon City request, the business will consult with the Myrtle Beach Police  
631 Department and provide such security as is recommended by that Department that  
632 recognizes individual circumstances of the business.

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

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

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

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

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

2<sup>nd</sup> Reading:

681 STATE OF SOUTH CAROLINA  
682 COUNTY OF HORRY  
683 CITY OF MYRTLE BEACH  
684

**ORDINANCE NO. 2008-59**  
**ALTERNATE**

685 AN ORDINANCE TO ENACT CHAPTER 14, ARTICLE I, SECTION 14-1 (e),  
686 HOURS OF SALE RESTRICTED FOR COMMERCIAL ESTABLISHMENTS  
687 WHICH ALLOW FOR ON-PREMISES CONSUMPTION OF BEER, ALE,  
688 PORTER AND/OR WINE; WITH EXEMPTION; LOSS OF EXEMPTION AND  
689 APPEAL IN THE CODE OF ORDINANCES OF THE CITY OF MYRTLE  
690 BEACH

691  
692 IT IS HEREBY ORDAINED THAT SECTION 14-1 (E) OF THE CODE OF  
693 ORDINANCES OF THE CITY OF MYRTLE BEACH IS ENACTED AS  
694 FOLLOWS:

695  
696 **Sec. 14-1 (e)** Hours of sale restricted for commercial establishments which allow for on-  
697 premises consumption of beer, ale, porter and/or wine.

698  
699 (1) Beer, ale, porter and wine shall be defined for purposes of this section as stated in  
700 Section 61-4-10 of the Code of Laws of South Carolina 1976, as amended from time to  
701 time. Commercial establishments that allow for the on-premises consumption of beer, ale,  
702 porter and/or wine shall be prohibited from operating between the hours 2:00 a.m. and  
703 6:00 a.m. on Mondays through Saturdays.

704  
705 (2) Under a program established by the Manager, commercial establishments that allow  
706 for the on-premises consumption of beer, ale, porter and/or wine may seek exemption to  
707 the Subsection (e) (1), upon application and proof of business policies or practices that  
708 comply with the following:

- 709
- 710 F) The business shall not allow any drinking contests or games, or contests involving  
711 disrobing, or “wet t-shirt”, “Girls Gone Wild”™ or similar contests will be held  
712 or advertised at the business, unless the business is licensed to operate as a  
713 sexually oriented business. No agent, employee or independent contractor for the  
714 business will encourage or permit this prohibited behavior by the patrons, unless  
715 the business is licensed to operate as a sexually oriented business.
  - 716 G) The business shall establish a policy that conforms with Department of Revenue  
717 approved training program on age sensitive sales as listed in the DOR SC  
718 Information Letter 06-05, and that addresses that all security, floor managers,  
719 bartenders and wait staff will be trained so as to determine when a customer is  
720 underage or apparently intoxicated, and the business, its agents and employees  
721 will enforce the company policy of refusing further alcohol service to customers at  
722 that point.
  - 723 H) For those business that employ personnel that exercise security functions, all  
724 security personnel shall be licensed by the State of South Carolina and be bonded.
  - 725 I) No alcohol consumption will be permitted in the parking lots under the control of  
726 the business. No alcohol consumption will be permitted outside of any roofed,  
727 decked or café-style areas, nor shall any glass or metal containers of any kind shall  
728 be permitted to leave the roofed, decked or café-style areas of the business. The  
729 business will establish policies and security resources to assure compliance.

730 J) Upon City request, the business will consult with the Myrtle Beach Police  
731 Department and provide such security as is recommended by that Department that  
732 recognizes individual circumstances of the business.

733 K) The denial of an application shall be subject to an appeal process. Within 5 days of  
734 written notice of being denied, the business may fax, mail or email its appeal of  
735 the action to the Manager. The Manager shall convene the Nuisance Hearing  
736 Board within 5 days of receipt of the appeal notice. The appeal shall be heard and  
737 decided under the procedures of the Board as set forth in Section 10-28, as  
738 applicable.

739  
740 (3) For the business that does not employ security personnel, if the business is not the  
741 victim of the incident, but shall have within any six month period on the premises under  
742 its control, two (2) attempted or accomplished robberies or larcenies, breaches of the  
743 peace, drug offences, assaults, public nuisances, or violations related to unlawful service  
744 of alcohol, then the business shall employ security personnel on a ratio of 1 per 100  
745 occupancy. Failure to provide the required security within 30 days of notice shall result in  
746 the immediate revocation of the exemption, and the business shall comply with Section  
747 (e) (1) for a period of twelve (12) months before applying for another exemption.

748  
749 (4) For all subject businesses, if the business is not the victim of the incident, but shall  
750 have within any three (3) month period on the premises under its control, three (3)  
751 robberies, larcenies, breaches of the peace, drug offences, assaults, public nuisances, or  
752 violations related to unlawful service of alcohol or violations of this ordinance, then the  
753 granted exemption shall be immediately revoked, and the business shall thereafter comply  
754 with Section (e) (1). The business must be free from incident for a twelve (12) month  
755 period before it can apply for another exemption.

756  
757 (5) For all subject businesses, if the business shall have within any six (6) month period  
758 on the premises under its control, two (2) violations related to unlawful service of alcohol  
759 to minors or to already intoxicated persons, then the business shall be required to show  
760 that, within three (3) months of notice of deficiency by the Police Department, that all  
761 security, floor managers, bartenders and wait staff have completed training that conforms  
762 with Department of Revenue approved training program on age sensitive sales as listed in  
763 the DOR SC Information Letter 06-05, and that addresses how staff can determine when a  
764 customer is apparently intoxicated.

765  
766 (6) For Sections 3, 4 and 5, the issue of business accountability for incident occurrence  
767 shall be subject to an appeal process. Within 5 days of written notice of being required to  
768 provide security (3), loss of exemption (4) or requirement of retraining (5), the business  
769 may fax, mail or email its appeal of the action to the Manager. The Manager shall  
770 convene the Nuisance Hearing Board within 5 days of receipt of the appeal notice. The  
771 appeal shall be heard and decided under the procedures of the Board as set forth in  
772 Section 10-28, as applicable.

773  
774 This ordinance shall take effect 90 DAYS from second reading to allow business to come  
775 into compliance.

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MAYOR

ATTEST:

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JOAN GROVE, CITY CLERK

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

2<sup>nd</sup> Reading:

828 STATE OF SOUTH CAROLINA  
829 COUNTY OF Horry  
830 CITY OF MYRTLE BEACH

ORDINANCE NO. 2008-60

831  
832 AN ORDINANCE TO ENACT CHAPTER 14, ARTICLE I, SECTION 14-7  
833 DEFRAUDING A RESTAURANT

834  
835 IT IS HEREBY ORDAINED that Section 14-7 of the Code of Ordinances of the  
836 City of Myrtle Beach is enacted as follows:

837  
838 **Sec. 16-7** Defrauding a restaurant

839  
840 Any person who:

- 841 1) Orders and obtains any portion of food or beverage from a restaurant, and then  
842 before or after presentation of the bill, leaves quickly, secretively or sneakily,  
843 thereby absconding so as to avoid payment, or  
844  
845 2) Orders and obtains any portion of food or beverage from a restaurant, then fails or  
846 refuses to pay upon presentation of the bill because of a civil dispute over the  
847 provision of the food, and then refuses at the business's request to leave  
848 identification for each adult consumer so that the civil dispute may be resolved  
849 later by the parties, or upon being informed by the business that the police have  
850 been summoned to make a report, then refuses to wait for the police to arrive to  
851 make a report, and then leaves without paying, is guilty of defrauding a restaurant,  
852 which is a misdemeanor, and upon conviction must be fined not more than five  
853 hundred dollars and/or imprisoned not more than thirty days, and restitution for  
854 the amount owed or for damages is hereby permitted.

855  
856 This ordinance shall take effect immediately upon adoption.

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JOHN RHODES  
MAYOR

861  
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864 ATTEST:

865  
866 \_\_\_\_\_  
JOAN GROVE, CITY CLERK

867  
868 1st Reading: September 9, 2008  
869 2nd Reading:

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877  
878 **IN CHAPTER 14, ARTICLE X, SECTION 14-220, AN ORDINANCE TO**  
879 **PROHIBIT THE ENGAGEMENT IN RENTAL OF ACCOMMODATION TAX**  
880 **PROPERTY, OR SHORT TERM RENTAL PROPERTY, WITHOUT PROOF OF**  
881 **ADULT RESPONSIBILITY BY WAY OF IDENTIFICATION PRESENTED AT**  
882 **CHECK IN; AND TO REQUIRE PARKING STICKERS, HANGERS, CARDS OR**  
883 **OTHER IDENTIFYING RECORD FOR DISPLAY IN EACH VEHICLE**  
884 **REGISTERED; AND TO REQUIRE SECURITY AND CONTROL OF PARKING**  
885 **AREAS; THE VIOLATION OF WHICH IS AN ADMINISTRATIVE**  
886 **INFRACTION**

887

888 **Sec. 14-220** Security, Guest register; requirement; identification; form, parent of  
889 minor, parking placard, hanger or card.

890

891 a. The innkeeper of a lodging establishment that offers short term rental or that pays  
892 accommodations tax, shall keep a guest register showing the name, residence,  
893 date of arrival "check-in" and departure "check-out" of hotel guests. Every guest  
894 shall be identified, and the guest responsible for payment shall produce  
895 identification, one of which must be a valid driver's license or other  
896 governmentally issued identification with a photograph of the bearer, capable of  
897 photo-static reproduction, setting forth the name and residence of the financially  
898 responsible guest. It shall be an administrative infraction for any person to lease,  
899 let or rent or otherwise make available any short-term rental of accommodations  
900 to an adult without identification of the person responsible for the rental being  
901 obtained at the time of check in.

902

903 b. The guest shall also provide the license plate number and the state of issuance of  
904 the vehicles that are to be used by the guest during the guest's stay. The innkeeper,  
905 hotel/motel shall issue a parking sticker, hanger, card or other identifying record,  
906 with directions that it be prominently displayed at all times in each vehicle to be  
907 used by the guest during the guest's stay. It shall be an administrative infraction  
908 for any person to lease, let or rent or otherwise make available any short term  
909 rental of accommodations without obtaining the license number, and the state of  
910 issuance of every vehicle of the guest, or failing to issue a unique parking  
911 identification card, hanger or record.

912

913 c. If the guest(s) are under the age of 18, the innkeeper shall also require the duly  
914 identified responsible adult or chaperone acting in loco parentis of a group of  
915 minors or an individual minor, or the parent or legal guardian of the minor guest  
916 to register in person at the time of check-in for the minor, and to accept in writing  
917 liability for the guest room costs, taxes, all charges by the minor, and any  
918 damages to the guest room or its furnishings caused by the minor while a guest at  
919 the lodging establishment. It shall be an administrative infraction for any person  
920 to lease, let or rent or otherwise make available any short term rental of  
921 accommodations to a minor without proof of adult accompaniment, whose  
922 identification is obtained at the time of check in.

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- d. The guest register may be kept within the meaning of this section when reproduced on any photographic, photo static, microfilm, micro card, miniature photographic, or other process, which actually reproduces the original record.
- e. The innkeeper shall post a copy of this Article together with all rules of the establishment in a conspicuous place at or near the check-in, checkout or guest registration or waiting area.
- f. It shall be an administrative infraction and a public nuisance for the innkeeper to permit, encourage or allow the destructive use or occupation of required landscaped areas, and it shall provide security and policies that will prevent the placement of any object in the landscaped area, or the use of the landscaped area for any use other than immediate passage.
- g. It shall be an administrative infraction and a public nuisance for the innkeeper to permit, encourage or allow the use of its required parking area for impromptu, unpermitted outdoor events for congregational purposes, or for the open possession or consumption of alcohol, or for the preparation, dispensing or consumption of food or drink, or for the placement of objects such as tents, trailers, structures, cooking devices, appliances, tables, chairs, coolers or the like so that the parking area cannot be used for its intended purpose; provided however that such events that are specifically permitted through legislative or administrative action, or sponsored by the business license holder in compliance with regulations governing such outdoor events, are not prohibited.

This ordinance shall take effect 90 days after adoption.

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JOHN RHODES  
MAYOR

ATTEST:

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JOAN GROVE, CITY CLERK

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

971 STATE OF SOUTH CAROLINA  
972 COUNTY OF HORRY  
973 CITY OF MYRTLE BEACH  
974

ORDINANCE 2008-62

975 IN CHAPTER 14, ARTICLE X, SECTION 14-221, AN ORDINANCE TO  
976 PROHIBIT THE POSSESSION OR CONSUMPTION OF LIQUOR, BEER, ALE,  
977 PORTER AND/OR WINE IN THE PARKING LOTS ABUTTING CERTAIN  
978 PUBLIC RIGHTS OF WAY; THE VIOLATION OF WHICH IS AN  
979 ADMINISTRATIVE INFRACTION  
980

981 **Sec. 14-221.** Consumption, and possession or carrying of open or unsealed liquor, beer,  
982 ale porter and/or wine is prohibited in parking lots; exemptions.  
983

- 984 a. It shall be an administrative infraction for any person to consume, possess or carry  
985 an unsealed or open container or any alcoholic beverage in any required parking  
986 area of a business license holder.  
987
- 988 b. Except as specifically permitted herein, it shall be an administrative infraction for  
989 any business license holder to permit, enable or allow the consumption of liquor,  
990 beer, ale, porter or wine in the parking areas, and the commission or omission of  
991 the license holder that allows the unlawful activity constitutes the act of  
992 maintaining or contributing to a public nuisance, and the license shall be subject  
993 to business license revocation. The employment of security personnel with the  
994 posting of signage, or proof of providing written or oral warning of the  
995 prohibition to the guests prior to summoning law enforcement, shall create a  
996 presumption of compliance with the law by the business license holder.  
997

998 This ordinance shall take effect 90 days after adoption.  
999

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\_\_\_\_\_  
JOHN RHODES  
MAYOR

1006  
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1009 ATTEST:

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JOAN GROVE, CITY CLERK

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

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1023  
1024 **IN CHAPTER 14, ARTICLE X, SECTION 14-222, AN ORDINANCE TO**  
1025 **PROHIBIT THE DESTRUCTIVE USE OF THE LANDSCAPING AREAS**  
1026 **REQUIRED BY ZONING LAW, AND TO PROHIBIT PUBLIC NUISANCE USES**  
1027 **OF PARKING AREAS; THE VIOLATION OF WHICH IS AN**  
1028 **ADMINISTRATIVE INFRACTION**

1029  
1030 **Sec. 14-222** Destructive uses of landscape, and the public nuisance uses of parking  
1031 areas, are an infraction and a public nuisance.

- 1032
- 1033 h. Definitions: For purposes of this ordinance, destructive use includes, but is not  
1034 limited to the congregation, loitering or lingering of persons, or the placement of  
1035 tents, trailers, structures, cooking devices, chairs, tables, coolers or other objects  
1036 on or in a required landscaped area in disturbance or damage of the plants or area;  
1037 the required landscaped area is the defined non-grassy and mulched area of  
1038 plantings; congregation means an assembly of persons for any purpose other than  
1039 immediate passage; and public nuisance use of a parking area means, in the  
1040 creation or maintenance of impromptu, unmanaged outdoor events or parties, to  
1041 set up, place or use tents, trailers, structures, cooking devices, chairs, tables,  
1042 coolers or other objects from which to sell, dispense, cook, prepare, serve,  
1043 distribute or consume any food or beverage, object or product; or to broadcast  
1044 amplified music from vehicles or other devices; or the use of tents, trailers,  
1045 structures, cooking devices, chairs, tables, coolers or other objects for  
1046 congregational purposes that prevent the use of the parking area for its intended  
1047 purpose.
  - 1048
  - 1049 i. The business license holder shall provide adequate security resources and policies  
1050 that will prevent the destructive use in the required landscaped area, and to  
1051 prevent the public nuisance use of required parking areas.
  - 1052
  - 1053 j. It shall be an administrative infraction and a public nuisance for any business  
1054 license holder to permit, encourage or allow the destructive use of required  
1055 landscaped areas.
  - 1056
  - 1057 k. It shall be an administrative infraction and a public nuisance for any person to  
1058 engage in the destructive use of a required landscaped area.
  - 1059
  - 1060 l. It shall be an administrative infraction and a public nuisance for the business  
1061 license holder to permit, encourage or allow the public nuisance use of its  
1062 required parking areas; provided however that such events that are specifically  
1063 permitted through legislative or administrative action, or sponsored by the  
1064 business license holder in compliance with regulations governing such outdoor  
1065 events are not included.
  - 1066
  - 1067 m. It shall be an administrative infraction and a public nuisance for any person to  
1068 create or maintain a public nuisance use of a required parking area.

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This ordinance shall take effect 90 days after adoption.

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JOHN RHODES  
MAYOR

ATTEST:

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JOAN GROVE, CITY CLERK

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

2<sup>nd</sup> Reading:

1118 STATE OF SOUTH CAROLINA  
1119 COUNTY OF HORRY  
1120 CITY OF MYRTLE BEACH  
1121

ORDINANCE 2008-64

1122 IN CHAPTER 14, ARTICLE X, SECTION 14-223 THROUGH 14-227, AN  
1123 ORDINANCE TO REQUIRE SAFETY HELMETS AND PROTECTIVE  
1124 EYEWEAR WHILE ON A MOTORCYCLE; THE VIOLATION OF WHICH IS  
1125 AN ADMINISTRATIVE INFRACTION  
1126

1127 **Sec. 14-223** In enacting this section, it is the intent of the City Council to ensure that  
1128 all persons are provided with an additional safety benefit while on any motorcycle, as  
1129 defined and licensed by the state of origin, or any motor-driven cycle that does not  
1130 completely encase a person within the body of the vehicle, or motorcycles as defined by  
1131 the South Carolina Department of Motor Vehicles, hereinafter “motorcycle or cycle”.  
1132 While on a cycle, the operators and passengers must be helmeted as set forth herein and  
1133 wear a form of protective eyewear.  
1134

1135 **Sec. 14-224** Whether on public or private property abutting a right of way within the  
1136 city limits, a driver and any passenger shall wear a safety helmet meeting requirements as  
1137 established herein and protective eyewear when on or operating a cycle. It shall be an  
1138 administrative infraction to be on a cycle if the driver or any passenger is not wearing a  
1139 safety helmet and protective eyewear as required.  
1140

1141 **Sec. 14-225** No person within the city limits shall sell, or offer for sale, for use by a  
1142 driver or passenger of a cycle any safety helmet for the purpose of road use that is not of  
1143 a type meeting requirements as herein established. Each helmet sold or offered for sale  
1144 for use by drivers and passengers of cycles shall be conspicuously labeled in accordance  
1145 with the federal standard which shall constitute the manufacturer's certification that the  
1146 helmet conforms to the applicable federal motor vehicle safety standards, or shall  
1147 otherwise meet the safety standards contained herein.  
1148

1149 **Sec. 14-226** Safety Helmets Minimum Standards  
1150

1151 A. Safety Helmets shall include, but are not limited to, the requirements imposed by  
1152 Federal Motor Vehicle Safety Standard No. 218 (49 C.F.R. Sec. 571.218) and  
1153 may include compliance with that federal standard by incorporation of its  
1154 requirements by reference, or as federal regulations are amended in section or  
1155 content.  
1156

1157 B. Two Federal stickers showing compliance with standards. The federal standards  
1158 require manufacturers of conforming helmets to place a notice on the inside of the  
1159 helmet, in a place that can be viewed without removing the inside padding. 49  
1160 C.F.R. § 571.218(S5.6.1)(f). This notice sticker must include information on  
1161 substances that can compromise the helmet's integrity, such as paints and  
1162 solvents, and to warn purchasers not to modify the helmet. The name of the  
1163 manufacturer of the helmet must also appear, along with the model designation,  
1164 size, and month and year of manufacture. 49 C.F.R. § 571.218(S5.6.1)(a-d). The  
1165 absence of these stickers is a well-founded indication that the helmet does not  
1166 comply with safety standards, as they are almost universally inside the helmet and

1167 thus less likely to fall off.

1168

1169 C. Standards showing compliance

1170 1. Helmets that comply with the NHTSA standards are constructed of a  
1171 plastic or fiberglass shell to achieve proper protection from penetration  
1172 and a polystyrene inner liner to absorb the energy of an impact to the head  
1173 49 C.F.R. § 571.218(S5.1)(S5.2), and has material used to attenuate  
1174 impact in the event of a crash. There is presumption that helmets without  
1175 at least a one-inch thickness of polystyrene foam or other impact resistant  
1176 material are inadequate to pass the NHTSA standard. Novelty helmets will  
1177 usually have only an outer shell and some comfort padding. These helmets  
1178 without the impact absorbing materials do not meet NHTSA standards.

1179

1180 2. Helmets may not have any rigid projections that extend more than 0.20  
1181 inches or 5 millimeters. This allows the helmet to have snap fasteners on  
1182 the outside, but very little else. 49 C.F.R. § 571.218(S5.5).

1183

1184 3. The final indicator of compliance is the chinstrap used to hold the helmet  
1185 on the head. The retention system must be able to handle certain loads  
1186 without separating from the helmet. The fastening system must be easy to  
1187 engage, but must also stand up to certain loads, as specified in the  
1188 regulation. 49 C.F.R. § 571.218(S5.3). Retention systems that comply with  
1189 the standards will have secure rivets that are firmly attached to the helmet.  
1190 Novelty helmets will have rivets that are loose and do not appear to be  
1191 secure.

1192

1193 D. A safety helmet that is missing the "DOT" stickers, but otherwise meeting the  
1194 NHTSA standards as set forth above, may still be legally worn.

1195

1196 E. Other Stickers showing compliance. There exist other stickers that may appear on  
1197 a legal helmet showing that the helmet has passed additional scrutiny and has  
1198 been found to comply with the standards. Private foundations, such as Snell  
1199 Memorial Foundation (SNELL) and American National Standards institute  
1200 (ANSI) test helmets and certify that these helmets pass the standards. Legitimate  
1201 stickers from these bodies can be relied upon to determine that the helmet is in  
1202 compliance.

1203

1204 F. Therefore, a rebuttable presumption of non-compliance with helmet safety  
1205 standards exists if:

1206

1207 1. There is neither of the two stickers showing safety standards compliance met  
1208 through DOT in 49 C.F.R. § 571.218, which may be rebutted by a showing  
1209 that the helmet conforms to the standards contained herein; or

1210 2. There is no sticker showing conformance with the standards of SNELL or  
1211 ANSI; or

1212 3. The safety helmet lacks impact-absorbing material between the shell and the  
1213 comfort lining of the helmet of not less than one-inch thickness of  
1214 polystyrene foam or other impact resistant material; or

1215 4. The outer shell is not composed of rigid plastic or fiberglass; or

- 1216 5. The outer shell has rigid projections that extend more than 0.20 inches or 5  
1217 millimeters; or  
1218 6. The outer shell has no retention system, or has an inadequate retention  
1219 system.  
1220

1221 **Sec. 14-227** An administrative infraction of this division by a person is hereby declared  
1222 to implicate public health, safety and welfare, and such infraction constitutes a public  
1223 nuisance that affects public economy. Statistics concerning the use of proper motorcycle  
1224 helmets indicate the riders are forty percent more likely to have a fatal accident without a  
1225 helmet than with a helmet. In addition, in the most traumatic accidents involving head  
1226 injuries, it has been shown that the public at large bears a major portion of the costs of  
1227 treatment, thus negatively impacting the public economy. See "How to Identify Unsafe  
1228 Motorcycle Helmets" published by the U.S. Department of Transportation, National  
1229 Highway Transportation Safety Administration, DOT HS 807 880 (reprinted February  
1230 2001); Position Statement of the American Academy of Orthopedic Surgeons, December  
1231 1985.  
1232

1233 This ordinance shall take effect 90 days after adoption.  
1234

1235  
1236 \_\_\_\_\_  
1237 JOHN RHODES  
1238 MAYOR

1239 ATTEST:  
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1241  
1242 \_\_\_\_\_  
1243 JOAN GROVE, CITY CLERK

1244 1<sup>st</sup> Reading: September 9, 2008  
1245 2<sup>nd</sup> Reading:  
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1265 **STATE OF SOUTH CAROLINA**  
1266 **COUNTY OF HORRY**  
1267 **CITY OF MYRTLE BEACH**

**ORDINANCE 2008-65**

1269 **IN CHAPTER 14 ARTICLE X, SECTION 14-228 THROUGH 14-231, AN**  
1270 **ORDINANCE TO PROHIBIT THE PARKING OR STORAGE OF ANY BOATS**  
1271 **AND BOAT TRAILERS, SEMITRAILER, TRACTOR, TRAILER, OR**  
1272 **OVERSIZED VEHICLES AS HEREIN DEFINED ON PUBLIC STREETS AND**  
1273 **CERTAIN PRIVATE LOTS; RESIDING IN ANY PARKED OR STORED**  
1274 **VEHICLE PROHIBITED; AND AUTHORIZATION FOR IMPOUNDMENT;**  
1275 **THE VIOLATION OF WHICH IS AN ADMINISTRATIVE INFRACTION**

1276  
1277 Sec. 14-228 Definitions.

1278 The following words, terms and phrases, when used in this article, shall have the  
1279 meanings ascribed to them in this section, except where the context clearly indicates a  
1280 different meaning.

1281  
1282 Boat means every description of watercraft used or capable of being used as a means of  
1283 transportation on water.

1284  
1285 Recreational vehicle means any vehicle used for purposes other than the primary source  
1286 of transportation for a household, including: travel trailers, pick up coaches, campers,  
1287 motor homes, camping trailers, converted vans and buses, tent trailers, and other similar  
1288 type vehicles for sleeping, travel, or temporary dwelling as for recreation or vacations.

1289  
1290 Semitrailer means any two-wheeled vehicle coupled to or drawn by or designed to be  
1291 coupled to or drawn by any motor vehicle.

1292  
1293 Tractor means any motor vehicle having four or more wheels designed or used for  
1294 drawing other vehicles, but having no provision for carrying loads.

1295  
1296 Trailer means a non-motorized vehicle, with two or more wheels, designed to be coupled  
1297 to or drawn by another vehicle, and used to transport other forms of recreational vehicles,  
1298 or other forms of conveyance, materials or goods, including utility trailers.

1299  
1300 Oversize vehicle means any motor vehicle which exceeds twenty (20) ft in length; (9) ft.  
1301 in height and/or seven (7) ft. in width. Motor homes and recreational vehicles exceeding  
1302 these measurements are examples of oversized vehicles. Oversized vehicles are designed  
1303 or used principally for carrying things other than passengers, including a motor vehicle to  
1304 which has been added a cabinet box, platform, rack or other equipment for the purpose of  
1305 carrying merchandise other than the person or effects of passengers; also, any unit  
1306 consisting of a tractor and trailer so constructed as to haul merchandise or loads other  
1307 than persons; also, ambulances, hearses or automobile wreckers owned and used by a  
1308 garage in connection with its regular business. Individuals who are disabled and require  
1309 an oversized vehicle to accommodate the individual's daily needs, and pickup or light  
1310 trucks, under 10,000 pounds GVWR, which are primarily used by the property owner for  
1311 transportation purposes, are exempt from this section.

1312

1313 **Sec.14-229 Boats, recreational vehicles, semitrailers, tractors, trailers, or**  
1314 **oversized vehicles as herein defined, parking, storage, on streets or public ways**  
1315 **prohibited; impoundment.**

1316 Parking of any boat and boat trailer; semitrailer, tractor, trailer, or oversized vehicle as  
1317 herein defined upon any street or public way in the city longer than 30 minutes to provide  
1318 immediate loading, unloading, delivery or performance of a service shall be deemed a  
1319 nuisance detrimental to the convenience, comfort and safety of the citizens of the city,  
1320 and the creation of such a nuisance is hereby declared to be an administrative infraction.  
1321 When parked, lines of sight for both vehicles and pedestrians may not be blocked. When  
1322 more than 30 minutes are required, a person seeking parking may make application with  
1323 the police for permission and appropriate traffic safety actions. Law enforcement is  
1324 hereby authorized to remove and impound vehicles so illegally parked in the manner  
1325 provided by this article.

1326

1327 **Sec. 14-230 Boats, recreational vehicles, semitrailers, tractors, trailers, or oversized**  
1328 **vehicles as herein defined; parking on public streets in residential zones prohibited;**  
1329 **impoundment.**

1330 Parking, placing or storage of any boat, recreational vehicle, semitrailer, tractor, trailer, or  
1331 oversized vehicle as herein defined upon public streets in any residential zone is  
1332 prohibited, and shall be deemed a nuisance detrimental to the convenience, comfort and  
1333 safety of the citizens of the city, and the creation of such a nuisance is hereby declared to  
1334 be infraction. It shall be an administrative infraction for a parked or stored vehicle in a  
1335 residential zone to be occupied or used as a permanent or temporary dwelling unit. Law  
1336 enforcement is hereby authorized to remove and impound vehicles so illegally parked in  
1337 the manner provided by this article.

1338

1339 **Sec. Sec. 14-231 Restrictions on parking or storage of trailers in all zoning districts;**  
1340 **impoundment.**

1341 Other than that boat, boat trailer; semitrailer, tractor, trailer, or oversized vehicle as  
1342 herein defined, as parked or stored on that private property by that property owner, or  
1343 person with interest in the property, and such is used personally or in the normal course  
1344 of their business, it shall be an administrative infraction for any person or business  
1345 license holder to park or store, or cause to be parked or stored any truck, tractor, trailer or  
1346 semitrailer on any private property or lot not properly zoned and licensed as a  
1347 commercial parking lot, or vehicle storage lot, with required security, fencing and  
1348 buffering for such use; provided however, that accommodations parking areas may park  
1349 and store only for the term of the accommodations rental any tour bus, trailer, boat,  
1350 semitrailer or oversized vehicle in the normal course of business, if such parking will not  
1351 displace accommodations customers from using the legally required parking areas of the  
1352 business. Law enforcement is hereby authorized to remove and impound vehicles so  
1353 illegally parked in the manner provided by this article.

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This ordinance shall take effect 90 days after adoption.

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JOHN RHODES  
MAYOR

ATTEST:

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JOAN GROVE, CITY CLERK

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

**STATE OF SOUTH CAROLINA  
COUNTY OF HORRY  
CITY OF MYRTLE BEACH**

**ORDINANCE 2008-66**

**IN CHAPTER 14, ARTICLE X, SECTION 14-232 THROUGH 14-235, AN  
ORDINANCE TO REQUIRE SECURITY MEASURES AT CONVENIENCE  
BUSINESSES; THE VIOLATION OF WHICH IS AN ADMINISTRATIVE  
INFRACTION**

**Convenience Business and Drive Through Security Law**

**Sec. 14-232 Purpose.** The purpose of this law is to establish required minimum-security standards for the operation of convenience businesses for the safety and protection of persons operating and using convenience business. Failure to comply will be an infraction.

**Sec. 14-233 Responsibility.** The Police Department is responsible for the enforcement and training on how to conduct convenience store inspections; inspection of security standards and devices required by law; and the provision of a model Robbery Deterrence and Safety Training Program for owners and employees of convenience businesses. The owner is deemed to have authority and the operator/employee (to the extent of their authority to implement the measures) are jointly and severally responsible for compliance with the requirements set forth. It shall be an administrative infraction for any person to fail to comply with the safety requirements.

**Sec. 14-234 Definition of convenience business.** For purposes of this section, a convenience business is defined as having a drive through payment operation that functions or is capable of functioning, or a business that is primarily engaged in the sale of groceries, or both groceries and gasoline, and is open for business during any hours

1404 between 11 p.m. and 5 a.m. Excluded are businesses that are solely or primarily in the  
1405 restaurant business without drive through capability or have four (4) or more employees  
1406 and security personnel on the premises between the hours of 11 p.m. and 5 a.m. or  
1407 have more than 10,000 square feet of retail floor space with security personnel.  
1408

1409 **Sec. 14-235 Convenience business security**

- 1410 1) Every convenience business shall be equipped with the following security devices  
1411 and standards:
- 1412 a) A security camera system capable of recording and retrieving an image to  
1413 assist in offender identification and apprehension, and which actually is  
1414 operational.
  - 1415 b) A drop safe or cash management device for restricted access to cash  
1416 receipts.
  - 1417 c) A lighted parking lot.
  - 1418 d) Window signage that allows a clear and unobstructed view from outside  
1419 the building and, whenever possible, in a normal line of sight of the cash  
1420 register and sales transaction area.
  - 1421 e) Height markers at the entrance of the convenience business which display  
1422 height measures.
  - 1423 f) A cash management policy to limit the cash on hand at all times after 11  
1424 p.m.
  - 1425 g) Posted and enforced No Loitering policy and signage prohibiting  
1426 remaining on premises either after hours or during business hours without  
1427 commercial activity, as such constitutes a public nuisance.
- 1428 2) A convenience business shall not have window tinting that reduces exterior or  
1429 interior view in a normal line of sight.
- 1430 3) Every convenience business shall be equipped with a silent alarm to a private  
1431 security agency, unless application for an exemption is made to and granted by  
1432 the Police Department. An application for exemption must be in writing and must  
1433 be accompanied by an administrative fee of \$25 for each store for which an  
1434 exemption would apply.
- 1435 4) **ADDITIONAL SECURITY AS A RESULT OF VIOLENT CRIME.** If an  
1436 attempted robbery, robbery, or violent crime arising from an attempted robbery or  
1437 robbery as those crimes are identified and defined by South Carolina Statutes,  
1438 occurs within any 24 month period after the effective date of this ordinance, and  
1439 arises out of the operation of the convenience business, that convenience business  
1440 shall implement at least one of the following security measures:
- 1441 a) Provide at least two employees on the premises at all times after 11 p.m. and  
1442 before 5 a.m.;
  - 1443 b) Provide a security guard on the premises at all times after 11 p.m. and before  
1444 5 a.m.;
  - 1445 c) Lock the business premises throughout the hours of 11 p.m. to 5 a.m., and  
1446 only transact business through an indirect pass-through trough, trapdoor, or  
1447 window; or
  - 1448 d) Close the business at all times after 11 p.m. and before 5 a.m.
- 1449
- 1450 5) **ADDITIONAL SECURITY MEASURES CAN BE EXEMPTED IF 2 YEARS**  
1451 **WITHOUT INCIDENT.**

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For purposes of this section, any convenience business that by law implemented any of the security measures set forth in paragraphs (4)(a)-(d) and has maintained said measures as required without any occurrence or incidence of the crimes identified by subsection (4) for a period of no less than 24 months immediately preceding the filing of a notice of exemption, may file with the Police Department a notice of exemption from these enhanced security measures. In no event shall this exemption be interpreted to preclude full compliance with the security measures set forth in subsection (4) should any occurrence or incidence of the crimes identified by subsection (4) cause subsection (4) to be statutorily applicable. In no event shall the City of Myrtle Beach incur any liability for the regulation and enforcement of this act.

This ordinance shall take effect 90 days after adoption.

\_\_\_\_\_  
JOHN RHODES  
MAYOR

ATTEST:

\_\_\_\_\_  
JOAN GROVE, CITY CLERK

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

1505 **IN CHAPTER 14, ARTICLE X, SECTION 14-236 THROUGH 14-239, AN**  
1506 **ORDINANCE ESTABLISHING A JUVENILE CURFEW, THE VIOLATION OF**  
1507 **WHICH IS AN ADMINISTRATIVE INFRACTION.**  
1508

1509 **Sec. 14-236. Definitions**

- 1510 a. Curfew Hours means the hours from 1:00. a. m. until 6:00 a.m. of the same day.  
1511 b. Emergency means unforeseen circumstances, or the resulting situation, calling for  
1512 immediate action. This includes, but is not limited to, fire, natural disaster, or  
1513 vehicular accident, as well as any situation requiring action to avert serious injury  
1514 or the loss of life.  
1515 c. Guardian means a person or a public or private agency who either pursuant to  
1516 court order or acceptance of testamentary appointment, is the legal guardian of the  
1517 minor. This definition also includes a person to whom parental powers have been  
1518 delegated under South Carolina law, or duly identified responsible adult or  
1519 chaperone acting in loco parentis of a group of minors or an individual minor.  
1520 d. Minor means any person who has not obtained the age of eighteen years.  
1521 e. Parent means a person who is the natural parent, adoptive parent, or stepparent of  
1522 the minor.  
1523 f. Public place means a place located in the City of Myrtle Beach to which the  
1524 public, or a substantial group of the public, has access, including, but not limited  
1525 to, streets, highways, sidewalks, parking lots, vacant lots, parks, and the common  
1526 areas in and about apartment buildings, office buildings, hospitals, schools, shops  
1527 and places of entertainment such as movie theaters.  
1528 g. Remain means to linger or stay, as well as to refuse to leave when requested to do  
1529 so by a police officer or the owner or other person in control of a public place.  
1530 This term also encompasses activities that may be mobile, such as walking,  
1531 driving, and riding about in a public place.  
1532

1533 **Sec. 14-237. Offenses**

- 1534 a. It shall be an administrative infraction for a minor to remain in a public place  
1535 during curfew hours.  
1536 b. It shall be an administrative infraction for a parent or guardian of a minor to  
1537 knowingly permit, or to allow by exercising insufficient control, the minor to  
1538 remain in a public place during curfew hours.  
1539

1540 **Sec. 14-238 Defenses**

1541 **It is a defense to the infraction under this ordinance that the minor was:**

- 1542 a. Accompanied by the minor's parent or guardian;  
1543 b. Involved in an emergency or on an errand necessitated by an emergency;  
1544 c. Engaged in an employment activity, or on the way to or from an employment  
1545 activity, without any detour or stop except as necessary to drop off or pick up a  
1546 co-employee;  
1547 d. In a motor vehicle involved in interstate travel;  
1548 e. On an errand directed by a parent or guardian, without any detour or stop;  
1549 f. On the sidewalk abutting the minor's home;

- 1550 g. Attending a school, religious, or governmental activity, which is supervised by  
1551 adults, or traveling to or from such a school, religious, or governmental activity  
1552 without detour or stop;
- 1553 h. Attending a recreational activity sponsored by the City of Myrtle Beach, a civic  
1554 organization, or a similar entity, which is supervised by adults, or traveling to or  
1555 from such an activity without detour or stop;
- 1556 i. Exercising rights protected by the First Amendment of the United States  
1557 Constitution;
- 1558 j. Married, or otherwise legally emancipated by operation of law.  
1559

1560 **Sec. 14-239 Enforcement**

1561 Before taking any action to enforce this ordinance, a police officer shall ask the apparent  
1562 offender's age. The officer may ask for proof of the apparent offender's age, and shall be  
1563 justified in taking action to ascertain the apparent offender's age in the absence of  
1564 identification, such as taking the apparent offender into custody while contacting his or  
1565 her parent or guardian, or accompanying the apparent offender to his or her residence for  
1566 the purpose of obtaining identification. If the apparent offender is a minor, or cannot  
1567 produce identification proving otherwise immediately, the officer shall ask the reason for  
1568 the apparent offender's being in a public place. The officer shall not take any action to  
1569 enforce this section unless the officer reasonably believes that an offense has occurred  
1570 and, based on any response as well as other circumstances, no defense provided herein is  
1571 applicable. Absent exigent circumstances involving the minor's safety, the officer shall  
1572 not take the minor into protective custody, but may contact the minor's parent or guardian  
1573 to come to take control of the minor. During this period, the officer may require the  
1574 minor or the minor's parent or guardian or both to remain in the officer's presence for a  
1575 period of up to two hours, so long as the officer complies with all requirements of law.  
1576 The police officer shall summons the minor and the minor's parent to the Administrative  
1577 Hearing Court for violation of this ordinance.

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1579 This ordinance shall take effect 90 days after adoption.  
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1583 \_\_\_\_\_  
1584 JOHN RHODES  
1585 MAYOR

1586

1587 ATTEST:

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1591 JOAN GROVE, CITY CLERK

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1593 1<sup>st</sup> Reading: September 9, 2008

1594 2<sup>nd</sup> Reading

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1600 IN CHAPTER 14, ARTICLE X, SECTION 14-240, AN ORDINANCE TO  
1601 PROHIBIT THE OPERATION OF MOTOR VEHICLES THAT DO NOT HAVE  
1602 REQUIRED EPA LABELING COMPLIANCE OR THAT EXCEED  
1603 ESTABLISHED SOUND LEVELS; TO PROHIBIT THE OPERATION OF ANY  
1604 MOTOR VEHICLES THAT ARE NOT EQUIPPED WITH ANY EXHAUST  
1605 MUFFLER APPROVED BY THIS CHAPTER; THE VIOLATION OF WHICH IS  
1606 AN ADMINISTRATIVE INFRACTION; AND TO DECLARE VEHICLES IN  
1607 VIOLATION TO BE A PUBLIC NUISANCE, AND IMPOUND, TOW AND  
1608 STORE SUCH VEHICLES UNTIL THE VEHICLES CAN BE REMOVED FROM  
1609 THE CITY LIMITS WITHOUT OPERATION IN VIOLATION OF THE LAW.

1610

1611 IT IS HEREBY ORDAINED THAT SECTION 14-244 OF THE CODE OF  
1612 ORDINANCES OF THE CITY OF MYRTLE BEACH IS ENACTED AS  
1613 FOLLOWS:

1614

1615 **Sec. 14-240**

1616

1617 **Motorized vehicles not in compliance or operated to create noise.**

1618 a. For the public health, safety and welfare, every motorcycle or motor vehicle shall  
1619 be equipped with an adequate muffler system in constant operation, free of  
1620 defects and modifications that prevent the escape of any excessive or unusual  
1621 noise in operation. If not original equipment, the muffler must reduce exhaust  
1622 noise levels to that of the vehicle's original equipment. For purposes of this  
1623 section, a muffler system is a combination of components that provide for the  
1624 enclosed flow of exhaust gas from the engine exhaust port to the atmosphere.  
1625 Further, for purposes of this section, a motorcycle means a motor vehicle with 2,  
1626 3 or 4 wheels with a mass of less than 1499 lbs, and capable of achieving a speed  
1627 of 40 mph on a level surface with a 176 lbs driver, and such vehicle is equipped  
1628 with the customary features that allow operation on the South Carolina highway  
1629 system.

1630

1631 b. It shall be an administrative infraction for any person to operate any motor  
1632 vehicle at any time that is not equipped with any exhaust muffler approved by  
1633 this chapter, as shown by EPA labeling compliance or by testing.

1634

1635 c. The motor vehicle found in violation under the provisions herein may not be  
1636 driven or operated within the city limits, and constitute a public nuisance when  
1637 found in the city limits, and is subject to impoundment and immediate towing to  
1638 prevent operation as a nuisance vehicle. The police hold on the release of the  
1639 vehicle is deemed satisfied when the owner pays all applicable towing and  
1640 storage charges, and redeems the vehicle with the apparent and present ability to  
1641 remove the vehicle from the city limits without operation within the city limits in  
1642 violation of this ordinance.

1643

1644 d. It shall be an administrative infraction and a public nuisance to operate within  
1645 the city limits a motorcycle manufactured after December 31, 1982, that is not

1646 equipped with an unmodified exhaust muffler bearing the Federal EPA required  
1647 labeling compliance applicable to the motorcycle's model year, as set out in Code  
1648 of Federal Regulations Title 40, Volume 24, Part 205, Subpart D and Subpart E.  
1649

1650 e. It shall be an administrative infraction and a public nuisance to operate within the  
1651 city limits a motorcycle manufactured before December 31, 1982, or any custom  
1652 built motorcycle of any year of manufacture that has a measured noise level of  
1653 more than 83 decibels on the decibel meter when measured 20 inches from the  
1654 exhaust pipe at a 45 degree angle while the engine is operating at 2,800  
1655 revolutions per minute for one and 2 cylinder motorcycles and 3,500 revolutions  
1656 per minute for any motorcycle with 3 or more cylinders.  
1657

1658 f. It shall be an administrative infraction to operate any motor vehicle, excluding  
1659 motorcycles as regulated above, at any time or place when such operation  
1660 exceeds the sound pressure levels for the corresponding category of motor  
1661 vehicles as specified in Table N. The standards in Table N apply to all noise  
1662 emitted from motor vehicles including any and all equipment thereon, under any  
1663 condition of acceleration, deceleration, idle, grade or load and regardless of  
1664 whether in motion.  
1665

1666 g. It shall be an administrative infraction for any person or for any owner to allow  
1667 any person to modify, tamper with, alter, or change any motorcycle or motor  
1668 vehicle in any manner that causes the sound emitted to exceed the subsection (e)  
1669 or the corresponding sound pressure level in Table N.  
1670

1671 h. It shall be an administrative infraction, and a public nuisance, to operate any  
1672 motor vehicle of any size and regardless of the year of manufacture:  
1673

- 1674 1. That is not equipped with an adequate muffler in constant operation, free  
1675 of defects and modifications, and that prevents the escape of any  
1676 excessive or unusual noise, or
- 1677 2. That has a muffler system that is equipped with a straight pipe exhaust  
1678 system (regardless of the presence of baffles), or
- 1679 3. That has a hollow core muffler, or
- 1680 4. That has a muffler that is labeled for off road closed course competition  
1681 use, or
- 1682 5. That has a muffler system that has a cut out, bypass, or similar device  
1683 designed or so installed so that it can be used continually or intermittently  
1684 to bypass or otherwise reduce or eliminate the effectiveness of a muffler  
1685 or muffler system, or
- 1686 6. That has a muffler system that has been modified in a manner which will  
1687 amplify or increase the noise emitted by the exhaust.  
1688

1689 i. Regardless of Subsections a - h above, it shall be an administrative infraction to  
1690 operate any motor vehicle within the city limits so as to make any loud or  
1691 unnecessary noise that results from any one or more of the following actions by  
1692 the operator to create a per se loud and unnecessary noise:

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1. Misuse of acceleration or braking power that exceeds tire traction limits, sometimes known as "burn-outs", "burning rubber", "laying down rubber" or "peeling rubber".
2. Excessive acceleration or deceleration while in motion where there is no emergency need.
3. Rapid acceleration by means of quick up shifting of transmission gears with either a clutch or manual transmission or automatic transmission.
4. Rapid deceleration by means of quick downshifting of transmission gears with either a clutch or manual transmission or an automatic transmission.
5. Racing or revving of engines by manipulation of the accelerator, gas pedal, or carburetor in applying fuel to the engine in a greater amount than is necessary whether the vehicle is either in motion or standing still.
6. Operation of the vehicle by intentionally applying unnecessarily excessive acceleration from a stationary position, or unnecessary, deliberate or intentional bursts of acceleration while moving in a non-emergency situation.

TABLE N  
Maximum Allowable Noise Sound Pressure Levels for Motor Vehicles

| Type of Vehicle   | Maximum Allowable Sound Pressure Level | Measurement Distance from Motor Vehicle |
|---|--|---|
| Motor vehicles weighing less than 10,000 pounds, manufacturers gross vehicle weight | 82 dB (A)                              | 25 feet                                 |
| Motor vehicles weighing 10,000 pounds or more, manufacturers gross vehicle weight   | 90 dB (A)                              | 50 feet                                 |

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This ordinance is effective 90 days after adoption.

\_\_\_\_\_  
JOHN RHODES  
MAYOR

ATTEST:

\_\_\_\_\_  
JOAN GROVE, CITY CLERK

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

1732 STATE OF SOUTH CAROLINA  
1733 COUNTY OF HORRY  
1734 CITY OF MYRTLE BEACH

ORDINANCE NO. 2008-69

1735  
1736 AN ORDINANCE TO AMEND CHAPTER 14, ARTICLE V, SECTION 14-85, BY  
1737 ADDING (10) TO SECTION (B) PROHIBIT LOITERING WITH A HARMFUL  
1738 PURPOSE OR EFFECT BY REFUSING OR FAILING TO LEAVE A PRIVATE  
1739 BUSINESS, COMMERCIAL ESTABLISHMENT, OR PARKING LOT THAT IS  
1740 POSTED WITH CONSPICUOUS "NO LOITERING" SIGNS

1741  
1742 IT IS HEREBY ORDAINED THAT SECTION 14-85 (B) (10) OF THE CODE OF  
1743 ORDINANCES OF THE CITY OF MYRTLE BEACH IS ENACTED AS  
1744 FOLLOWS:

1745  
1746 **Sec. 14-85 (b)** A person is guilty of loitering with harmful purpose or effect when, given  
1747 the time and place, the person exhibits conduct differentiated from that of law abiding  
1748 citizen of such unusual frequency, intensity, manner or duration as observed by the law  
1749 enforcement officer that alarm and further investigation is warranted for the safety of  
1750 persons or property in the vicinity. Among the circumstances, facts or activities which  
1751 may be considered in determining whether such alarm is warranted is whether the actor:

1752  
1753 (10) Remains within the boundaries of a commercial property either after business  
1754 hours, or during business hours without contemporaneous commercial activity,  
1755 when the premises are posted with conspicuous "No Loitering" signs, with such  
1756 loitering constituting a public nuisance.

1757  
1758  
1759 This ordinance is effective upon second reading.

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1763 \_\_\_\_\_  
1764 JOHN RHODES  
1765 MAYOR

1766 ATTEST:

1767  
1768  
1769 \_\_\_\_\_  
1770 JOAN GROVE, CITY CLERK

1771 1<sup>st</sup> Reading: September 9, 2008  
1772 2<sup>nd</sup> Reading:

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1781 STATE OF SOUTH CAROLINA  
1782 COUNTY OF HORRY  
1783 CITY OF MYRTLE BEACH  
1784

ORDINANCE NO. 2008-70

1785 AN ORDINANCE TO ENACT CHAPTER 12, ARTICLE III, DIVISION 1,  
1786 SECTION 12-102, TO PROHIBIT MORE THAN ONE VEHICLE PER PARKING  
1787 SPACE; AND TO AMEND CHAPTER 12, ARTICLE III, DIVISION 1, SECTION  
1788 12-132 TO REPEAL DEACTIVATION FOR MOTORCYCLE PARKING IN THE  
1789 CODE OF ORDINANCES OF THE CITY OF MYRTLE BEACH  
1790

1791 IT IS HEREBY ORDAINED that CHAPTER 12, ARTICLE III, DIVISION 1,  
1792 Section 12-102 IS ENACTED AND SECTION 12-132 IS AMENDED IN the Code of  
1793 Ordinances of the City of Myrtle Beach as follows:  
1794

1795 **Sec. 12-102. One motor vehicle per space.**

1796 It shall be unlawful for more than one motorized vehicle to occupy a parking space at any  
1797 time.  
1798

1799 **Sec. 12-132. Deactivation; reservation.**

1800 (b) Deactivation by businesses ~~to provide for motorcycle parking or~~ during special  
1801 events may be granted upon request to the manager or his designee, when not in conflict  
1802 with any city purpose and if not in conflict with police, fire or public works purposes, and  
1803 receipt of payment of \$10.00 per space impacted per 24-hour period. ~~When deactivated~~  
1804 ~~by a business, no vehicles other than motorcycles may park in the space, unless otherwise~~  
1805 ~~authorized by the chief of police for traffic control purposes.~~ No booths, tables, signs,  
1806 commercial activities or consumption of alcohol, or gathering of people may occupy the  
1807 parking space. No other activity may take place upon the space other than parking. No  
1808 payment for parking in a deactivated space may be charged by the business, nor may  
1809 spaces be considered reserved only for the patrons of the business.  
1810

1811 This ordinance shall take effect immediately upon adoption.  
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1815 \_\_\_\_\_  
1816 JOHN RHODES  
1817 MAYOR

1818 ATTEST:

1819 \_\_\_\_\_  
1820  
1821 JOAN GROVE, CITY CLERK  
1822

1823 1<sup>st</sup> Reading: September 9, 2008  
1824 2<sup>nd</sup> Reading:  
1825  
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1833  
1834 AN ORDINANCE TO ENACT CHAPTER 14, ARTICLE X, SECTIONS  
1835 BEGINNING 14-200, ADMINISTRATIVE HEARING SYSTEM AND  
1836 INFRACTIONS

1837  
1838 ARTICLE X ADMINISTRATIVE HEARING SYSTEM  
1839

1840 **Sec. 14-200** CREATION AND PURPOSE, JURISDICTION.

- 1841 a. There is hereby established an Administrative Hearings System which is  
1842 authorized to conduct administrative hearings on citations charging violations of  
1843 municipal ordinances of the City of Myrtle Beach, enacted pursuant to its police  
1844 powers and in furtherance of the City's promotion of the public's health, safety,  
1845 welfare, security, peace, order, convenience, prosperity and economy.
- 1846 b. Matters subject to the administrative hearings system provided for by this Title  
1847 are charges of violation of any ordinance of the City of Myrtle Beach, in addition  
1848 to the matters specifically enumerated in this Article, so long as the charge is not  
1849 a "moving traffic violation," and the relief sought is not a penalty of incarceration  
1850 or a fine in excess of the amount established by Resolution of City Council,  
1851 excluding any allowable costs.

1852  
1853 **Sec. 14-201** DIVISION OF ADMINISTRATIVE HEARINGS; ADMINISTRATOR,  
1854 POWERS AND DUTIES.

- 1855 a. There is hereby established within the City Manager's Office a division of  
1856 administrative hearings, the function of which is to expedite the prosecution  
1857 and/or correction of code violations subject to the jurisdiction of the  
1858 administrative hearings system. The division is authorized to conduct and manage  
1859 administrative hearing proceedings in the manner provided for in this Title. The  
1860 division will consist of such persons as the City Manager appoints to assist with  
1861 the administrative hearing system provided for in this Title.
- 1862 b. The City Manager shall oversee the Division. The responsibilities shall include:
- 1863 1. Operating and managing the administrative hearing system;
  - 1864 2. Appointment or removal in sole discretion of administrative hearing  
1865 officers, as necessary;
  - 1866 3. Promulgating rules and regulations for the conduct of administrative  
1867 hearing proceedings.

1868  
1869 **Sec. 14-202** ADMINISTRATIVE HEARING OFFICER.

- 1870 a. Creation and Qualifications.
- 1871 The position of Administrative Hearing Officer is hereby created. The Manager  
1872 shall appoint the Administrative Hearing Officer. The term of the Administrative  
1873 Hearing Officer shall be one (1) year. The Hearing Officer serves at will, and  
1874 cannot receive city employee benefits. The Manager shall determine the number  
1875 of Administrative Hearing Officers and compensation. The Administrative  
1876 Hearing Officer shall be an attorney admitted to the practice of law in the State of  
1877 South Carolina with at least three (3) years of active practice experience.
- 1878 b. Powers.

1879 The Administrative Hearing Officer shall have all powers necessary to conduct  
1880 fair and impartial hearings including, but not limited to, the power to:  
1881 1. Hold conferences for the settlement or simplification of the issues;  
1882 2. Administer oaths and affirmations;  
1883 3. Hear testimony;  
1884 4. Issue subpoenas;  
1885 5. Rule upon motions, objections, and the admissibility of evidence;  
1886 6. At the request of any party or on the Administrative Hearing Officer's  
1887 own motion, subpoena the attendance of relevant witnesses and the  
1888 production of relevant books, records, or other information;  
1889 7. Preserve and authenticate the record of the hearing and all exhibits and  
1890 evidence introduced at the hearing;  
1891 8. Regulate the course of the hearing in accordance with this Chapter, or  
1892 other applicable law;  
1893 9. Issue a final order, which includes findings of fact and conclusions of law;  
1894 10. Impose penalties and fines, not to exceed the amount established by  
1895 Resolution of City Council, issue orders that are consistent with applicable  
1896 code provisions; and assess costs upon finding a party liable for the  
1897 charged violation. In no event shall an Administrative Law Officer have  
1898 the authority to impose a penalty of imprisonment.  
1899

1900 **Sec. 14-203 RULES AND REGULATIONS.**

1901 The Manager may institute such rules, regulations and procedures not inconsistent with  
1902 this Article. The rules and regulations promulgated for the conduct of administrative  
1903 adjudication hearings shall be published and kept on file in the office of the City Clerk  
1904 where they shall be available to the public for inspection and copying at nominal rates  
1905 during normal business hours. The rules and regulations shall also be made available  
1906 upon request without charge to any Respondent.  
1907

1908 **Sec. 14-204 INSTITUTING ADMINISTRATIVE HEARINGS.**

1909 All Sworn Police Personnel, all Code Officers, all City Inspectors and Fire Prevention  
1910 Officers are hereby authorized to institute an administrative adjudication hearing by  
1911 issuing a violation notice specifying the date, time and place of the violation, the  
1912 ordinance or ordinances violated, the assessment levied, and the identification and  
1913 signature of the person issuing the violation notice, and the date and location of the  
1914 hearing.

1915 A. Service of Violation Notice.

1916 Service of a notice shall be affected either by affixing the original or a facsimile  
1917 of the notice to an unlawfully parked vehicle or by handing the notice to the  
1918 person if he or she is present. A violation notice issued, signed and served in  
1919 accordance with this Section, or a copy of the notice, shall be prima facie  
1920 evidence of the correctness of the facts shown on the notice. The notice or copy  
1921 shall be admissible in any subsequent administrative or legal proceedings without  
1922 foundation or authentication. Service of violation notices shall be in a matter  
1923 reasonably calculated to give them actual notice, and may include, as appropriate,  
1924 personal service of process upon a party or its employees or agents; service by  
1925 mail at a party's address; or service by posting notice on the property where the  
1926 violation is found. The signed violation notice, or a copy thereof if the original is  
1927 unavailable, shall be admissible without foundation or authentication in any

1928 administrative or legal proceeding, and shall be prima facie evidence of the  
1929 correctness of the facts shown in the Violation Notice.

1930

1931 **Sec. 14-205 SUBPOENAS.**

1932 A. Issuance. An Administrative Law Officer may issue a subpoena only if he or she  
1933 determines that the testimony of the witnesses or the documents or items sought  
1934 by the subpoena are necessary to present evidence that is relevant to the case and  
1935 relates to a contested issue in the case.

1936

1937 B. Content. A subpoena issued under this Chapter shall identify:

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1. The person to whom it is directed;

1939

2. The documents or other items sought by the subpoena, if any;

1940

3. The date for the appearance of the witness and the production of the  
documents or other items described in the subpoena;

1941

1942 4. The time for the appearance of the witness and the production of the  
1943 documents or other items described in the subpoena; and

1943

1944 5. The place for the appearance of the witness and the production of the  
1945 documents or other items described in the subpoena.

1945

1946 C. Appearance. In no event shall the date identified for the appearance of a witness  
1947 or the production of documents or other items be less than seven days after  
1948 service of the subpoena.

1948

1949 D. Contesting the Subpoena. Within three business days of being served with a  
1950 subpoena issued in accordance with this Chapter, the recipient of the subpoena  
1951 may contest the order authorizing the issuance of the subpoena to the  
1952 Administrative Hearing Officer, setting forth in detail the recipient's objections to  
1953 the subpoena. Upon receipt of the contest to the subpoena, the Administrative  
1954 Hearing Officer shall review the objections and, upon review, enter the  
1955 appropriate order.

1955

1956

1957 **Sec. 14-206 REPRESENTATION AT HEARINGS.**

1958 A. City Representation. The case for the City may be presented by the issuing  
1959 officer, or the City Attorney, Assistant City Attorney or an attorney designated by  
1960 the City Attorney.

1960

1961 B. Respondent Representation. The Respondent or an agent or attorney of the  
1962 Respondent may present the case for the Respondent. An agent or attorney shall  
1963 present a written authorization signed by the Respondent giving the agent or  
1964 attorney power to act and to bind the Respondent to any orders entered by the  
1965 Administrative Hearing Officer.

1965

1966

1967 **Sec. 14-207 CONDUCT OF HEARINGS.**

1968 The Administrative Hearing Officer shall conduct the hearings in an orderly manner and  
1969 insist upon proper decorum by all persons present at the hearings. The intent of the  
1970 hearings is to provide the City and the Respondent a full and fair presentation of the  
1971 issues.

1971

1972

1973 **Sec. 14-208 TESTIMONY and EVIDENCE.**

1974 A. Testimony. The Administrative Hearing Officer in making his/her determination  
1975 may admit hearsay testimony. The Administrative Hearing Officer shall  
1976 determine the weight, if any, to be given to the testimony.

1976

- 1977 B. Evidence. The technical rules of evidence shall not apply. Relevant documents  
1978 may be received into evidence without formal proof of authenticity. The  
1979 Administrative Law Officer shall determine the weight, if any, to be afforded  
1980 documents received into evidence.
- 1981 C. Transcript of Proceedings. The Hearing shall be recorded. The City shall  
1982 determine the manner in which the transcript of proceedings shall occur. Either  
1983 party may request that the proceedings be taken and transcribed by a certified  
1984 court reporter. The cost of the court reporter shall be borne by the party requesting  
1985 the court reporter. The City may, at its cost, record the proceedings. If a recording  
1986 is made, a Respondent may obtain a transcript at Respondent's cost.
- 1987 D. Continuances. All administrative law hearings shall be conducted on the date set  
1988 for hearing. For good cause shown, a continuance may be granted at the discretion  
1989 of the Administrative Hearing Officer; however, the City Council's purpose of  
1990 administrative hearings is to provide a prompt resolution of alleged code  
1991 violations, and accordingly, the request for and the grant of continuances shall be  
1992 granted only for good cause shown.

1993

1994 **Sec. 14-209 ORDERS.**

1995 The Administrative Hearing Officer shall issue a written order specifying the ordinance  
1996 violated, and the fine and other relief granted. The order shall also contain the following  
1997 Notice:

1998 The fines and penalties contained in this order are a debt due and owing the City  
1999 of Myrtle Beach and said total of fines and penalties must be paid within 30 days  
2000 of the date the order is issued by the Administrative Hearing Officer.

2001 Failure to pay any fine or penalty due and owing the City within the  
2002 aforementioned time period may result in the City's instituting an action in the  
2003 Circuit Court of Horry County to recover said fines and penalties. In addition, the  
2004 City may pursue other debt collection actions.

2005 A. Final Orders. The Order of the Administrative Hearing Officer becomes final 30  
2006 days following entry of the Order, or 30 days from a denial of a timely filed  
2007 petition to set aside the Hearing Officer's decision, whichever occurs last.

2008 B. Petition to Set Aside Determination. A petition to set aside the Order of the  
2009 Administrative Hearing Officer must be filed within 30 days of entry of the  
2010 Administrative Hearing Officer's order. The petition shall be filed in the City  
2011 Clerk's office and notice shall be given to the City Attorney within 3 days of  
2012 filing. The Administrative Hearing Officer shall set a briefing schedule and  
2013 hearing date. The grounds for the petition are limited to the following: a) lack of  
2014 proper service, b) the person not having been the owner or lessee of the property  
2015 cited on the date the violation notice was issued, c) the Order is against the  
2016 manifest weight of the evidence, or that new evidence unknown to and  
2017 unavailable to a party on the date of the Hearing will materially affect the Order  
2018 of the Hearing Officer, or d) excusable failure to appear at the Hearing or request  
2019 a new date for a hearing. In the event the determination is set aside upon a  
2020 showing of just cause, the Administrator shall set a hearing on the merits for that  
2021 violation at the earliest available date convenient to all parties.

2022 C. Violations of Orders. Any person, having received notice and an opportunity for  
2023 a hearing as provided in this Chapter who knowingly fails to comply with an  
2024 order issued by an Administrative Law Officer under this Chapter, including the  
2025 issuance of a subpoena, shall, if the order is not stayed by a court of competent

jurisdiction prior to its effective date, be guilty of a misdemeanor. Contempt shall be punishable by a fine not to exceed \$500, or thirty (30) days imprisonment. Each day that the misdemeanor violation continues shall be considered a separate and distinct offense. In a prosecution under this section, it shall not be a defense that a person came into compliance with an order, sought judicial review of it, or made efforts to comply with an order, subsequent to its effective date.

- D. Failure to Pay. The failure to pay the civil penalty within the time permitted coupled with a failure to appear at the administrative hearing is declared a misdemeanor punishable by up to five hundred dollars (\$500.00) in fines, and up to thirty (30) days in jail, upon conviction.

**Sec. 14-210 ASSESSMENTS.**

All fines and other monies paid to the City in accordance with this Chapter shall be remitted to the City and deposited in the appropriate City account as designated by the Director of Finance and Administrative Services. If payment is not received on or before the tenth (10<sup>th</sup>) day after the hearing date, then the City of Myrtle Beach, then the civil penalty shall increase by \$100.00 for each thirty (30) day period during which it remains unpaid.

**Sec. 14-211 ADMINISTRATIVE HEARING PROGRAM PROCEDURES NOT EXCLUSIVE.**

Notwithstanding any other provisions of this Chapter, the authority of the Code Hearing Department to conduct administrative hearings in accordance with this Chapter shall not preclude the City from seeking any remedies for code or ordinance violations through the use of any other administrative procedure or court proceeding.

A. Other Provisions Not Limiting.

- 1) Notwithstanding any other provision of the Ordinances of the City or City Code, all provisions of the code or ordinance may be enforced by instituting an administrative adjudication hearing with the Code Hearing Department as provided in this Chapter.
- 2) Nothing in this Chapter shall affect the jurisdiction of any City Board, Commission or Board established by the Code of the City of Myrtle Beach.
- 3) The city, in addition to or in lieu of assessing a civil penalty, may institute a civil action in the circuit court in the county in which the infraction is alleged to have occurred seeking (i) a mandatory injunction requiring compliance with this division, (ii) a declaration that the infraction is a public nuisance and an order requiring abatement of the public nuisance, or (iii) for any other remedy permitted by law.
- 4) If three infractions occur within a six (6) month period, the city, in addition to or in lieu of assessing a civil penalty or instituting a civil action seeking (i) a mandatory injunction requiring compliance with this division, (ii) a declaration that the infraction is a public nuisance and an order requiring abatement of the public nuisance, or (iii) any other remedy permitted by law, or may suspend or revoke the business license.
- 5) Each violation of this division shall be considered a separate and distinct infraction, even if occurring within the same hour or the same day. In the case of motor vehicles, three infractions by an individual within a six (6) month period shall result in impoundment of any offending vehicle, and

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the police hold on the vehicle barring release shall remain in effect until the violator claims the vehicle with an approved safety helmet, or seeks release with the apparent and present ability to remove the vehicle from the city limits without operation in further violation of this ordinance.

- 6) If at the time the licensee seeks to renew the business license, the business license shall not be renewed until any final unpaid civil penalties have been paid in full.

**Sec. 14-212 APPEAL.**

Any party to an Administrative Hearing may appeal the Order of the Administrative Hearing Officer to the Circuit Court of Horry County within 30 days of the entry of the Order. In the event that a party files a timely petition to set aside a Hearing Officer’s ruling, a party may appeal the Order within 30 days of a decision on a petition to set aside a Hearing Officer’s Order. Such appeal shall be limited to a review of the official record of proceedings of the Administrative Hearing. Only evidence found in the official record of proceedings may be considered on appeal. The filing of an appeal in circuit court shall not act as a stay of the city's right to seek (i) a mandatory injunction requiring compliance with this division, (ii) a declaration that the infraction is a public nuisance and an order requiring abatement of the public nuisance, or (iii) any other remedy permitted by law or to suspend or revoke the business license.

Section 14-113 –119 Reserved

This ordinance shall take effect 90 days after adoption.

\_\_\_\_\_  
JOHN RHODES  
MAYOR

ATTEST:

\_\_\_\_\_  
JOAN GROVE, CITY CLERK

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