

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

ORDINANCE 2008-58

4
5 AN ORDINANCE TO AMEND ARTICLE VI, OF CHAPTER 19, SECTIONS 19-
6 127 TO INCLUDE EVENTS INSIDE OR OUTSIDE THE CITY LIMITS WHICH
7 IMPACT THE PUBLIC; IN SECTION 19-128 TO CORRECT A SCRIVENER'S
8 ERROR; AND IN SECTION 19-156 TO SPECIFY THE RESPONSIBLE PARTIES
9 FOR COST RECOVERY WHEN THEY PROMOTE UNPERMITTED SPECIAL
10 EVENTS THAT IMPACT THE CITY

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

13 ~~(a) Except as provided in this division, no person or persons shall conduct,~~
14 ~~promote, manage, aid, or solicit attendance at a special event, rally, or assemblage~~
15 ~~on public property or on private property, or on a combination of private and~~
16 ~~public property any event of such magnitude as to impacts public safety, traffic,~~
17 ~~or the health, safety and welfare of the residents or the invitees to unless that~~
18 ~~person shall have obtained a special event permit from the city council, based~~
19 ~~upon a complete application detailing the particulars of the event.~~
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21 (a) Whether the event or rally is inside the City limits or adjacent to the City limits, no
22 person or legal entity shall promote, stage, conduct, organize or sponsor a special event
23 or rally that is reasonably foreseeable to affect the City residents' health, safety or
24 welfare and require excessive public safety cost, unless an application for a special permit
25 has been obtained, based on a complete management plan that protects public safety,
26 health and welfare, and addresses cost recovery for public expenditures arising from the
27 implementation of the plan. A person or legal entity that, without an approved plan and
28 permit, promotes, stages, conducts, organizes or sponsors a special event or rally that
29 results in an excessive public safety cost is guilty of a misdemeanor.
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31 **Sec. 19-128. Exceptions to special event permit requirement.**

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

34 g. No ~~permits~~ exceptions issued for May 1 through midnight of May 31 of every year.
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36 **Sec. 19-156. Cost recovery for unlawful special event.**

37 ~~Whenever a commercial or non-commercial special event is conducted without a special~~
38 ~~event permit when one is required, or an event is conducted in violation of the terms of an~~
39 ~~issued special event permit, or an event exceeds the needs identified in the application,~~
40 ~~the event organizer shall be responsible for, and the city manager shall charge the event~~
41 ~~organizer for, all city costs incurred for personnel and equipment for a public safety~~
42 ~~response caused or necessitated by the adverse impacts of the event, or the violation of~~
43 ~~the special event permit, upon public safety.~~

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

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

46 In addition to all other civil and criminal remedies provided by law, the City shall be
47 entitled to recover the cost of excessive public safety response associated with a special
48 event, whether permitted or unpermitted, and occurring within or outside the city limits
49 but directly impacts the city residents or city resources, from the responsible party.
50 Excessive public safety response costs may be collected in any manner prescribed by law.
51 Those responsible parties that promote, stage, conduct, organize or sponsor such
52 permitted or unpermitted events either within or without the city limits shall be held
53 accountable, and shall be responsible for the cost of the City's additional expenditure of
54 public resources made necessary by any excessive public safety response. For purposes
55 of this section, "excessive public safety response" means the deployment or dispatch of
56 five or more law enforcement officers to the scene at any one time, or the need for public
57 safety personnel or emergency vehicles, or code enforcement or public works equipment
58 or personnel due to an observation or report of public disturbances, or public
59 health/safety or code violations at the location of the structure when compared to the
60 frequency or intensity of law or regulation enforcement required at other similarly
61 situated structures. Excessive public safety response costs also include the cost of any
62 public safety response that is caused by the failure of the permittee to adequately plan for
63 or abide by the granted permit conditions. Excessive public safety response costs do not
64 include protection of the attendees of a free speech event from hostile members of the
65 public or counter-demonstrations.

66 (b) **Responsible parties.**

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

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

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79 This ordinance becomes effective upon second reading.
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Mayor John Rhodes

83 ATTEST:

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86 Joan Grove, City Clerk

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88 1st Reading September 9, 2008

89 2nd Reading