
1 **2021-21 (2ND READING): TO AMEND CHAPTER 5 OF THE CODE OF ORDINANCES OF THE**
2 **CITY OF MYRTLE BEACH, BEACH AND BOATING REGULATIONS, TO MAKE MINOR**
3 **UPDATES TO SECTIONS OF THIS CHAPTER.**

4 **Applicant/Purpose:** Staff / to amend Chapter 5 and update some sections of the Chapter to meet the
5 current environment.

6
7 **Brief:**

- 8 • As time goes on it is prudent to review current ordinances and make adjustments to meet the
9 current environment.
- 10 • Due to the increase of activity on the beach & based on feedback from beach goers & staff this
11 ordinance makes some modifications to meet the current environment.
- 12 • The Beach Advisory Committee, MBFD, MBPD, and Parks staff have vetted this ordinance.
- 13 • Staff does NOT recommend including the commercial activity section at this time for the
14 following reasons:
 - 15 ○ Beach weddings - there are a lot of moving parts/issues with weddings that staff is still
16 working through (i.e., locations, time of year, what is permitted, parking, wedding
17 party size, # of guests, etc...).
 - 18 ○ Surf camps - can be vetted through the Special Event process now
 - 19 ○ Commercial Beach Volleyball events - already goes through the Special Event process
- 20 • If/when we are able to work out the beach wedding issues/concerns we can come back and
21 amend the ordinance.
- 22 • Based on discussion at 1st reading, the following amendment was added to Sec. 5-14, "To help
23 prevent personal injury and to allow public safety, emergency and beach cleaning vehicles to
24 conduct necessary activities on the beach while minimizing the risk of damage to equipment, it
25 shall be unlawful for any person to dig a hole or trench on the beach and then depart the area
26 of digging without having first filled such hole or trench. No hole or trench on the beach shall
27 be deeper than two feet."

28 **Issues:**

- 29 • Ordinance makes the following changes:
 - 30 ○ Adds Fire Department Ocean Rescue as an appropriate authority
 - 31 ○ Amends shading devices & permits devices designed for infants/children
 - 32 ○ Amends the fishing allowances & requires a 50' buffer b/w fishing & people swimming
 - 33 ○ States that people swimming have the right-of-way over fishing. Note: this only applies
34 if there is a conflict b/w fishing & swimming
 - 35 ○ Does not permit fishing in front of any franchisee's umbrella line
 - 36 ○ Removes the provision allowing jet-skis to be launched from or returned to the beach
37 (exception for businesses operating pursuant to a franchise and emergency personnel)
 - 38 ○ Requires no holes be dug on the beach deeper than 12" w/o refilling the hole before
39 departing the site
 - 40 ○ Adds to the list of items of display that do not meet the requirement of adequate body
41 covering when it comes to appropriate swimming attire on the beach.

42 **Public Notification:**

- 43 • Beach Advisory Committee. Normal meeting notification

44
45 **Alternatives:**

- 46 • Do not pass ordinance. Amend ordinance.

47 **Financial Impact:**

- 48 • None

49 **Manager's Recommendation:**

- 50 • I recommend 1st reading (4.27.21). I recommend 2nd and final reading (5.11.21).

51
52 **Attachment(s):** Proposed ordinance

ORDINANCE 2021-21

CITY OF MYRTLE BEACH
COUNTY OF Horry
STATE OF SOUTH CAROLINA

TO AMEND CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF MYRTLE BEACH, BEACH AND BOATING REGULATIONS, ~~IN SECTION 5-27, SOLICITATION AND COMMERCIAL ACTIVITIES PROHIBITED, TO ALLOW LIMITED COMMERCIAL ACTIVITIES ON THE BEACH TO IMPROVE THE BEACH-GOING EXPERIENCE, AND TO OTHERWISE MAKE MINOR UPDATES TO OTHER SECTIONS OF THIS CHAPTER.~~

Chapter 5 - BEACH AND BOATING REGULATIONS

Sec 5-1. - Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section:

Animal means any living non-human creature, not to include guide dogs or service animals.

Appropriate authority(ies) shall mean Myrtle Beach Fire Department Ocean Rescue staff, as well as lifeguards and other employees of companies holding water safety franchises granted by the City of Myrtle Beach as well as officers of the Myrtle Beach Police Department and their authorized agents ~~those persons who shall be duly appointed as deputies or constables, and police officers of a municipality, county, or state, and their authorized agents, who shall have the police power and authority to supervise and regulate physical activities and swimming on the beaches, strand and the Atlantic Ocean within the jurisdiction of the municipality, county, or state and in those areas in order to establish and preserve public health, safety, peace and order.~~

Aquatic activity means any activity occurring in or on the ocean including, but not limited to, swimming, surfing, kite-boarding, wind-surfing, operation of wind-propelled vessels, operation of motor-propelled vessels, and surf-fishing. This shall not include any activities taking place on the platform of the pier.

Essential vehicles and vessels means those vehicles and vessels whose use on public beaches and on the Atlantic Ocean are deemed essential by the local, state, and federal agencies. Essential vehicles and vessels shall include the following: law enforcement and emergency vehicles and vessels; municipal, county, state and other government vehicles and vessels; beach service vehicles and vessels, and any other vehicles or vessels deemed essential by the local, state, or federal agency.

Operator shall mean the owner or manager of ~~the~~ a business offering watersport activities including parasailing and/or banana boat rides, and while acting through his agents or employees.

1 *Parasailing* shall mean those activities designed to enable a person or persons, outfitted
2 with a wing, sail, chute, or other apparatus, when pulled behind a boat, to sail, glide, or
3 float up into the air for an indeterminate period of time.

4
5 *Public access* means the area of land extending from the public street to the public
6 beach which has been dedicated for the purpose of providing public and emergency
7 access to the beach.

8
9 *Public beach*, when used in this chapter, shall mean that area lying between the Atlantic
10 Ocean and the easternmost property line of the property owned by private individuals or
11 corporations, lying closest in proximity to the Atlantic Ocean; except that where there is
12 a street leading east from Ocean Boulevard toward the Atlantic Ocean, and also "public
13 beach" at these points shall mean the area lying between the easternmost edge of the
14 public street and the Atlantic Ocean; and includes any area lying between the mean low
15 water mark of the Atlantic Ocean and the primary dune line, bulkhead or seawall, as well
16 as those lands subject to periodic inundation by tidal and wave actions so that no non-
17 littoral vegetation is established.

18
19 *Specified anatomical areas* means human male or female genitals, pubic area, pubic
20 hair, buttocks, anus, vulva, or any portion of the female breast at or below the areola
21 thereof.

22
23 *Specified sexual activities* means and includes any of the following: (1) the fondling or
24 other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
25 (2) sex acts, normal or perverted, including intercourse, oral copulation, or sodomy; (3)
26 masturbation.

27
28 **Sec. 5-2. - Beach Advisory Committee.**

29 (a) The Committee shall adopt its own rules of procedure and by-laws subject to
30 approval by City Council, and shall meet as often as it shall deem necessary to
31 study issues of particular significance to the preservation and development of the
32 beach as both a physical and economic asset. The Beach Advisory Committee shall
33 submit a report to City Council in March of each year which shall advise Council on
34 the activities of the Committee for the preceding year, and submit the Committee's
35 recommendations, if any, for action to be taken by City Council.

36 (b) The Committee shall be encouraged to coordinate its studies and activities with
37 existing city boards and commissions to eliminate duplication of effort and take
38 maximum advantage of the resources and information which may be available.
39

40 **Sec. 5-3. - Authority of appropriate authorities. ~~beach patrol officers, and their~~**
41 **~~agents as to swimmers, and persons on the beach.~~**

42 (a) Appropriate authorities shall have the power and authority to recall from the ocean
43 waters and the surf adjoining the waters any person who shall be in the ocean
44 waters a distance of more than 50 yards from the point where the ocean adjoins
45 the public beach, or who shall be more than chest deep when standing flat-footed
46 at any time, or who shall be engaging in any aquatic activity whatsoever within 75
47 yards of any pier; or when the person shall be in danger of drowning or becoming
48 imperiled, or may imperil the safety of others, all of which shall be determined in
49 the discretion of the appropriate authorities.

50 (b) Appropriate authorities shall have authority to recall from the ocean waters and the
51 surf adjoining the water any person who shall be in the ocean waters at any distance

1 at any time when the condition of the wind, water, weather or a hazard, including
2 the physical or mental condition of the person in the ocean waters, shall be such,
3 in the discretion of the personnel as hereinabove described, as to constitute a
4 danger to the health, life or safety of that person or to other persons within the
5 ocean waters or the public beach.

6 (c) Appropriate authorities may restrict beach use, object, structure placement or
7 aquatic activities, when in their discretion, the use, object or structure placement or
8 activity constitute a danger to the health, life or safety of that person or to other
9 persons within the ocean waters or the public beach.

10 (d) Appropriate authorities may create zones that restrict aquatic activities or
11 beachfront activities in areas in exigent circumstances that may pose a danger to
12 the health, life or safety of any person due to a hazardous condition, hazardous
13 operation, hazardous weather or hazardous structure whether temporary or
14 permanent. These zones must be marked in such a fashion to be readily identifiable
15 with flags, buoys, signs, or the like. In exercising this authority, beach franchise
16 lifeguards shall immediately notify the appropriate public safety officials of any such
17 closures.

18 (e) Any activity on the public beach which may be deemed a hazard to patrons who are
19 walking, sunbathing or swimming can be controlled by appropriate authorities.

20 (f) No person, object, device, structure or activity shall block the public beach or beach
21 access in a way where an appropriate authority or essential vehicles may not pass.

22 (g) Any person who shall fail to obey the directions and instructions of any appropriate
23 authority as to beach safety, access or use shall be guilty of a misdemeanor.
24

25 **Sec. 5-4. - Lifeguard stands access, egress and line of sight protected.**

26 (a) Through the use of "Beach Franchise Agreements", the city has established the
27 time and placement of lifeguard stands to establish and preserve public safety.

28 (b) Lifeguard stands access, egress and line of sight are to remain unobstructed.
29 Umbrellas, shading devices, or other obstructions shall not impede upon the
30 franchise's line of sight of access or egress for purposes of public safety.

31 (c) Umbrellas and shading devices must be placed must be placed above the high-tide
32 line.

33 (d) *Established umbrella lines.* Any shading devices, or other obstructions that impede
34 upon the franchisee's established umbrella line may be moved landward of the
35 established umbrella line. Any umbrellas, shading devices, or other obstructions
36 cannot obstruct the view of the lifeguard's area of responsibility and may be
37 removed. No shading devices, or other obstructions may be placed within ten feet
38 of any established umbrella line. Shading devices must be placed outside of the
39 established umbrella line and shall remain in-line or landward of the established
40 umbrella line. In the absence of an established umbrella line, umbrellas and
41 shading devices must be placed above the high-tide line.

42 (e) *Shading devices.* Shading devices shall not exceed the maximum size of 12 feet by
43 12 feet or 144 square feet and the maximum height of any shading device shall not
44 exceed nine feet installed. Shading devices, other than circular umbrellas with a
45 diameter of seven and one-half feet or less, shall not be placed within ten feet of
46 any other shading device. All shading devices are prohibited from being tied, bound,
47 joined, or connected in any manner. Excluding umbrellas, all shading devices shall
48 be secured in such fashion to restrict uncontrolled movement of the device and
49 secured with fasteners, stakes, weights, or the like that will not endanger beach
50 patrons. Anchoring lines, tethers, or the like shall not extend beyond the perimeter
51 of the shading device. Shading devices, other than circular umbrellas with a

1 diameter of seven and one-half feet or less, and “children’s tents” with maximum
2 dimensions of 36’ x 36’ x 36’, of four (4’) feet wide, three (3’) feet deep, and three
3 (3’) feet high shall not be allowed on the beach between Memorial Day through
4 Labor Day. The “children’s tents” may be small pop-up or blow up cabanas and may
5 be used only to protect infants and small children from the sun.

- 6 (f) It shall be unlawful for any person to place any shading device or umbrella so as
7 to impede lifeguard line of sight, access or egress from the lifeguard stand.
8 (g) It shall be unlawful for any ocean front business license holder to supplant, or
9 interfere with the water safety franchisee’s primary contractual right for exclusive
10 compensatory vendor services in exchange for the provision of water safety by
11 engaging in competitive beach vendor services in the rental or provision of beach
12 chairs or beach umbrellas. Violation of this prohibition subjects the license to
13 suspension or revocation civil administrative process, in addition to any criminal
14 prosecution.
15

16 **Sec. 5-5. - Regulations on recreational fishing from shore or pier.**

- 17 (a) It shall be unlawful for any person involved in attempting to catch or take, or catch
18 or take any shark or other marine animals that may endanger the public from any
19 fishing pier, or any beach, shore or any coastal waters where one may fish.
20 (b) Any person(s) who baits, fish for, or otherwise attract sharks or other marine
21 animals that may in danger the public within one-mile of the beach or any coastal
22 waters are in violation of this chapter. All fishermen shall release at time of
23 recognition any and all fish or other similar type animals that may pose any danger
24 to any beach goers, sunbathers, swimmers or any other person where the fish or
25 animal is caught. Any person(s) who surf fishes or fishing of any type from a pier
26 or beach, at any time of the year, shall not fish in a manner that presents an unsafe
27 condition to any beach goers, sun bathers, swimmers, or any other person. and
28 shall keep a safe distance from them. It shall be the responsibility of the person
29 fishing to maintain a minimum distance of 50 feet from persons in the water.
30 Persons in the water shall have the right-of-way. Generally, persons fishing are
31 established in a fixed location. Swimmers and other people engaged in aquatic
32 activities often move with the current and as a general means of enjoyment.
33 Because fishing can pose a hazard to others nearby, persons fishing must be
34 aware of their surroundings and adjust their location accordingly. While this may
35 pose a slight inconvenience to the few who fish, this safety factor must be
36 implemented to accommodate the millions of people who visit the beaches each
37 year. Additionally, Fishing shall not be permitted in front of any franchisee’s
38 established umbrella line. These are typically high density locations for
39 beachgoers and swimmers.
40 (c) Any person who surf fishes must obtain a valid South Carolina issued surf fishing
41 license in accordance with South Carolina State Law. Local government
42 jurisdiction extends to one-mile in the Atlantic Ocean and includes all beaches,
43 swashes and piers.
44

45 **Sec. 5-6. - Certain flotation devices restricted.**

- 46 (a) All flotation devices must be fabric-covered and have a 360 degree rope (three-
47 eighths-inch minimum diameter) with a ten percent slack or must be U.S. Coast
48 Guard approved as a flotation device. Those devices not meeting these
49 requirements will not be permitted on the surf or in the water. This section does not
50 apply to surfboards, paddleboards, and skim boards.

1 (b) All retail outlet stores licensed by the municipality ~~or county~~ and which sell beach
2 equipment such as chairs, umbrellas, floats and other personal flotation devices
3 must display prominently a copy of subsection (a) of this section relating to flotation
4 devices in that place of business.
5

6 **Sec. 5-7. - Use of bicycles restricted.**

7 The use of bicycles, tricycles or similar human, gas, or electric powered wheeled
8 vehicles is prohibited from the hours of 10:00 a.m. to 5:00 p.m. from May 1 up to and
9 including Labor Day on the public beach, except as where otherwise lawfully permitted.
10

11 **Sec. 5-8. - Sailboat storage regulations.**

12 (a) It shall be unlawful to leave any sailboat on the public beach after sunset and before
13 sunrise each day except as provided herein:

14 (1) Sailboats may be left overnight on the public beach provided the sailboat
15 mast is lowered or all rigging is secured so that it will not make noise when
16 blown by the wind.

17 (2) Any sailboat on the public beach shall be positioned so that it does not
18 restrict access by the public to the beach from any dune walkover or street
19 end or obstruct passage by individuals or emergency vehicles moving along
20 the beach.

21 (3) When positioning or moving a sailboat, care must be taken to avoid any
22 damage to the dune system. It shall be unlawful to place a sailboat on a
23 dune or move a sailboat over a dune under any circumstances.

24 (4) Sailboats left on the beach overnight must display on the starboard stern a
25 beach permit decal issued by the city police department. Decals will be valid
26 for the calendar year in which they are issued and shall be issued at no cost
27 to the registrant. They may be obtained from any member of the Myrtle
28 Beach Police Department Beach Patrol. To obtain a decal the applicant
29 must provide the following information on a form provided by the police
30 department:

31 a. Name and address of the owner.

32 b. Name and address of the applicant if not the owner.

33 c. Day and evening telephone numbers where owner may be contacted.

34 d. Description of the sailboat to include registration or title information.

35 e. If not a resident of Horry County, the local address and telephone
36 number at which the applicant may be reached and the date on which
37 the applicant will be leaving the local area.

38 (b) It shall be unlawful to store a sailboat on private property unless the rigging is
39 secured to prevent the load and annoying noises which frequently occur when the
40 wind blows through the rigging from being heard on any other private property.

41 (c) Sailboats which are left on the beach in violation of the provisions of subsection (a)
42 above for a period in excess of seven consecutive days may be removed by order
43 of the chief of police. After being removed such sailboat shall be kept in storage for
44 no less than 90 days during which time every reasonable effort will be made by the
45 chief of police to identify the owner of the sailboat and provide notice to the owner
46 that the sailboat has been removed and impounded. Such notice shall include the
47 fact that the owner may reclaim the sailboat by satisfying any fine which may be
48 due for violating the provisions of this section and by paying the cost of removal
49 and storage, if the sailboat's owner has not been identified by other means within
50 30 days of impoundment, the chief of police shall cause a notice to be published in
51 a newspaper of general circulation in Horry County that the sailboat has been

1 impounded and may be reclaimed as provided above. An impounded sailboat which
2 has not been claimed by the rightful owner after 90 days may be sold and any
3 proceeds of the sale remaining after the expenses of the sale, the costs of removal,
4 storage and publication of notice have been paid shall be transferred to the general
5 fund of the city.
6

7 **Sec. 5-9. - Watercraft operational restrictions.**

8 (a) *Motorboats.* Except as described in Section 5-12 below, it shall be unlawful for any
9 person to operate or pilot a motor-driven boat, except for vessels commonly known
10 as jet-skis or similar type vessels, in the waters of the Atlantic Ocean within 400
11 yards of the point where the Atlantic Ocean adjoins the public beach or elsewhere
12 along the public beach in any manner as to create a hazard to the public within the
13 waters of the Atlantic Ocean. Emergency vessels operating under official guidelines
14 are exempt from this chapter.

15 (b) *Jet-skis.* Except as described in Section 5-12 below, it shall be unlawful to operate
16 any jet-ski in the waters of the Atlantic Ocean within 100 yards of the point where
17 the Atlantic Ocean adjoins the public beach. ~~during the period from May 1 up to and
18 including Labor Day of any year, except that jet skis may be launched from and
19 returned to the beach on a course approximately perpendicular to the beach. When
20 launching or returning as described above, the jet ski shall be operated as slowly
21 as surf conditions shall permit and in such a manner as to avoid all swimmers or
22 other persons in the water. For the purposes of this chapter, the term jet ski shall
23 include wave riders and any other similar vehicles by whatever name. Emergency
24 vessels operating under official guidelines are exempt from this chapter.~~

25 (c) *Sailboats, sail boards, kite surfing boards, and like devices.* It shall be unlawful to
26 operate any sailboat, sail board, kite surfing boards and like devices in the waters
27 of the Atlantic Ocean within 100 yards of the point where the Atlantic Ocean adjoins
28 the public beach during the period from May 1 up to and including Labor Day of any
29 year, except that such devices listed above may be launched from and returned to
30 the beach on a course approximately perpendicular to the beach. When launching
31 or returning as described above, such devices listed above shall be operated as
32 slowly as surf conditions shall permit and in such a manner as to avoid all swimmers
33 or other persons in the water.
34

35 **Sec. 5-10. - Use of kayaks and surfboards restricted.**

36 (a) *Use of kayaks and surfboards restricted.* Except as specifically permitted in Section
37 5-27 of this Chapter, ~~Within the city and during the period May 1 through Labor~~
38 ~~Day each year, no person shall use in any manner or assist anyone in any manner~~
39 ~~in the use of any apparatus or device commonly known as a "kayak," "surfboard,"~~
40 ~~or other apparatus or device of a hard or solid nature similar to a "kayak" or~~
41 ~~"surfboard" and used for the general purposes for which a "kayak" or "surfboard"~~
42 ~~is generally used, between the hours of 10:00 a.m. and 5:00 p.m. in any area other~~
43 ~~than the following:~~

- 44 (1) From 710 feet of the center line of 29th Avenue South street-end to the south
45 city limits.
- 46 (2) From 34th Avenue North to 47th Avenue North.
- 47 (3) From 78th Avenue North to 81st Avenue North
- 48 (4) From 87th Avenue North to the north city limits.
- 49 (5) From 62nd Avenue North to 68th Avenue North.

50 (b) Except as specifically permitted in Section 5-27 of this Chapter, it is the intent and
51 the purpose of this section that no such apparatus or device shall be used in the

1 city in that area commonly known as "strand" or "beach" and the water area of the
2 Atlantic Ocean lying within one-half mile of such "strand" or "beach," except in the
3 areas noted above; provided further, that no kayak, surfboard or other apparatus
4 designated in this section shall be used at any time within a distance of 75 yards of
5 any fishing pier as now exists or hereafter established. During the months from the
6 day after Labor Day through April 30 of each succeeding year, there will be no
7 restrictions as to area.

8 (c) All surfers shall be required to wear a surfing leash with a maximum length of seven
9 feet at all times. Surfers must navigate the surfboard, paddleboard, kayak, or like
10 device in such a way that it does not become a hazard to others in the ocean or on
11 the beach. The individual will be responsible for his or her actions while navigating
12 such devices.

13 (d) Soft sided boogie boards or other like padded small devices shall not be considered
14 a surfboard, but the padded device must be secured to the person in control of the
15 device and operated in such a way that it does not become a hazard to others in
16 the ocean or on the beach. The individual will be responsible for his or her actions
17 while navigating such devices.
18

19 **Sec. 5-11. - Launching jet skis and motor boats restricted.**

20 ~~(a) Except for emergency personnel engaged in life-saving operations and training, and~~
21 ~~the staff of businesses operating pursuant to Section-12, it shall be unlawful to~~
22 ~~launch jet skis and motor boats from the beach or return them to the beach. from~~
23 ~~May 1 through Labor Day of any year at any point along the oceanfront in the areas~~
24 ~~of the TA-180 zone south of 29th Avenue South to 31st Avenue North and from~~
25 ~~69th Avenue North to 77th Avenue North. Provided, however, this prohibition shall~~
26 ~~not apply to licensed operators, as of the effective date of this section, which~~
27 ~~operate banana boats parasailing rides, or other forms of watersport activities. Said~~
28 ~~operators may continue such water sport activities south of 29th Avenue south, at~~
29 ~~the Swash at 3rd Avenue South, and/or, with the review of the Beach Advisory~~
30 ~~Committee and the approval of City Council, the beach between 8th and 9th Avenue~~
31 ~~North. Provided, however, said operators shall, in consultation with the Beach~~
32 ~~Patrol, mark off a "safe zone" channel in the surf zone, 50 to 100 feet wide for jet~~
33 ~~skis to enter and exit the water. Further, the operator shall provide at least two~~
34 ~~personnel on the beach. One in the water to help keep people out of the safe zone~~
35 ~~and to assist in the launching and beaching of the jets skis, and one on the beach~~
36 ~~to assist the customers and to keep people from going into the safe zone. Operators~~
37 ~~shall follow all applicable federal and state boating and safety regulations.~~

38 ~~(b) No ticket sales or advertising shall be allowed on the publicly owned beach.~~

39 ~~(c) Jet skis may be refueled at water's edge, so long as it is done in a safe and~~
40 ~~prudent manner. In the event of spillage, the operator shall contain the spill and~~
41 ~~shall immediately notify the beach patrol.~~
42

43 **Sec. 5-12. - Operation of parasailing and jet-ski activities regulated.**

44 (a) Except for the operations of businesses operating pursuant to this section, and
45 emergency personal engaged in life-saving or training operations, it shall be
46 unlawful to operate any jet-ski in the waters of the Atlantic Ocean within 100 yards
47 of the point where the Atlantic Ocean adjoins the public beach. Provided, however,
48 this prohibition shall not apply to licensed operators, as of the effective date of this
49 section, which operate banana boats, parasailing rides, or other forms of watersport
50 activities. Said operators may continue such water-sport activities south of 29th
51 Avenue south, at the Swash at 3rd Avenue South, and/or, with the review of the

1 Beach Advisory Committee and the approval of City Council, the beach between
2 8th and 9th Avenue North. Provided, however, said operators shall, in consultation
3 with the Myrtle Beach Fire Department Ocean Rescue staff, mark off a "safe zone"
4 channel in the surf zone, 50 to 100 feet wide for jet skis to enter and exit the water.
5 Further, the operator shall provide at least two personnel on the beach. One in the
6 water to help keep people out of the safe zone and to assist in the launching and
7 beaching of the jets skis, and one on the beach to assist the customers and to keep
8 people from going into the safe zone. Operators shall follow all applicable federal
9 and state boating and safety regulations.

10 (b) *Authority of Myrtle Beach Police Department and beach patrol Myrtle Beach Fire*
11 *Department Ocean Rescue.* The City of Myrtle Beach Police Department Beach
12 Patrol, and Myrtle Beach Fire Department Ocean Rescue Unit Staff may close
13 parasail operations at any time upon a judgment that the prevailing weather
14 conditions are deteriorating in such a manner or that operation is being conducted
15 in such a reckless or negligent manner as to endanger the life, limb or property of
16 any person. Incident reports. Operators must file an official incident report with the
17 City of Myrtle Beach Police Department immediately upon any known, or
18 passenger-implied injury or rescue that requires medical attention.

19 (c) *Pre-operational requirements—Pre-flight weather evaluation.* The operator shall
20 evaluate and determine if weather conditions are favorable for parasailing, using all
21 means available to make such a determination. Prior to the commencement of the
22 first flight each day a designee from the parasail business will access the NWS
23 website and print the weather forecast for the day. The printout will be maintained
24 in a log book and will be readily available to law enforcement in the "rental booth"
25 for their operation.

26 (d) *Pre-operational requirements—Weather, wind and sea conditions.* No operator
27 shall engage in parasailing activities in rain, heavy fog or during an audible thunder
28 storm or a visible lightning storm. No operator shall engage in parasailing activities
29 in sustained winds of 18 miles per hour or when waves are at six feet or above. In
30 addition to the requirements of the "rental booth" each boat/captain will be required
31 to have a hand held wind speed measuring device on board at all times. Weather
32 conditions (weather, wind, and sea conditions) will be monitored and updated by
33 using the NOAA website for Springmaid Beach Pier as provided by the beach
34 patrol.

35 (e) *Distance from surf zone, shoreline, and fixed objects.* Parasail operators must
36 maintain a minimum operating distance of at least 600 yards from any surf zone,
37 shoreline, or pier or similar object so that the vessel, towline, parachute or rider
38 does not come within 600 yards of the shoreline or pier. This restriction applies to
39 the entire commercial parasailing apparatus, including the vessel, towline, and
40 rider. Parasail boats underway may not operate within 600 yards of another parasail
41 boat at any time.

42 (f) *Flight location limitations.* Passenger flights shall at all times be limited to the ocean;
43 furthermore, the provisions of [section 5-19](#) shall apply to limit the location of
44 parasailing activities within the ocean.

45 (g) *Altitude limitations.* Passenger flights shall be limited to an above ground or water
46 level (AGL) altitude of 500 feet, or as required by Federal Aviation Administration
47 regulations.

48 (h) *Right-of-way rules.* Parasail vessels shall follow all United States Coast Guard
49 Rules of the Road. Vessels engaged in parasailing should not assume themselves
50 to be considered RAM vessels (restricted in their ability to maneuver) and should
51 be prepared to give way to other vessels.

- 1 (i) No ticket sales or advertising shall be allowed on the publicly owned beach.
2 (j) *In-flight floatation devices.* All passengers shall wear a properly fitted, United States
3 Coast Guard-approved Type I, II, or III life jacket while in flight.
4 (k) Jet skis operated pursuant to this section may be refueled at water's edge, so long
5 as it is done in a safe and prudent manner. In the event of spillage, the operator shall
6 contain the spill and shall immediately notify the beach patrol.

7
8 **Sec. 5-13. - Animals on the beaches restricted.**

9 Any animal that is permitted to be on the beach must be on a hand-held leash not to
10 exceed seven feet in length and under the direct control of the person having custody of
11 the animal. Persons in control of the animal are responsible for the clean-up of any
12 animal refuse. Animals are not allowed on the beach between the hours of 10:00 a.m.
13 and 5:00 p.m., from May 1 up to and including Labor Day. No reptiles, exotic animals,
14 wild or feral animals are allowed on any public beach, public beach access, street end
15 adjacent to the beach, or any government land immediately adjacent to the beach,
16 except as otherwise lawfully permitted.
17

18 **Sec. 5-14. - Personal use of public beach structures prohibited; obstruction on the**
19 **beach prohibited; items left are considered abandoned.**

- 20 (a) *Sand fencing, dune walkovers, public beach access structures, etc.* It is prohibited
21 to place, put, lean, chain to, lock to, or connect to, in any fashion, any item to a
22 sand fence, dune walkover or public beach access structure on any public beach,
23 public beach access, street end adjacent to the beach, or any government land
24 immediately adjacent to the beach, or in the waters adjacent to the public beach.
25 (b) *Other obstructions.* It shall be unlawful to build, erect, place, bury, or create any
26 fence or other obstruction on the public beach, public beach access, or dune
27 walkover so as to obstruct or impede the free use of the public beach or to interfere
28 with or obstruct any maintenance operation of the beach.
29 (c) *Removal or disposal.* Except as specifically permitted in Section 5-27 of this
30 Chapter, it shall be unlawful between the hours of 7:00 p.m. and 8:00 a.m. for any
31 person to leave upon, put, place, or set any equipment on the beach including, but
32 not limited to, shading devices, umbrellas, surfboards, floats, life rafts, volleyball
33 nets, etc. Any umbrellas, shading devices, obstructions, equipment, or other
34 structures remaining on the beach between the hours of 7:00 p.m. and 8:00 a.m.
35 may be removed from the beach by the governing agency.
36 (d) Except for City issued Special Permitted events, metal shovels shall not be used
37 for recreational digging on the beach. City personnel working in their official
38 capacity are exempt from this section. ~~for beach services and other city personnel~~
39 ~~are permissible when used for their general duties or maintaining their equipment.~~
40 ~~Exceptions may be granted if there is a city permitted activity such as a sand-~~
41 ~~building contest or other activity or special event.~~
42 (e) ~~In order to prevent persons from walking into a hole, trench, or depression and~~
43 ~~risking personal injury, to protect persons from hazards associated with collapsing~~
44 ~~sand, to allow public safety, emergency and beach cleaning vehicles to conduct~~
45 ~~necessary activities on the beach while minimizing the risk of personal injury or~~
46 ~~damage to equipment, and to help preserve and protect sea turtle habitat, It shall~~
47 ~~be unlawful for any person to dig a hole, trench or depression on the beach deeper~~
48 ~~than twelve (12) inches and then depart from the area of digging without having first~~
49 ~~completely filled such hole, trench, or depression. To help prevent personal injury~~
50 ~~and to allow public safety, emergency and beach cleaning vehicles to conduct~~
51 ~~necessary activities on the beach while minimizing the risk of damage to equipment,~~

1 it shall be unlawful for any person to dig a hole or trench on the beach and then
2 depart the area of digging without having first filled such hole or trench. No hole
3 or trench on the beach shall be deeper than two feet

4
5 **Sec. 5-15. - Possession or consumption of alcoholic liquors, beer or wine on the**
6 **beach or beach accesses prohibited.**

7 It shall be unlawful for any person to possess or consume any alcoholic liquors, beer,
8 ale, porter, wine or any other similar malt or fermented beverage on any public beach,
9 public beach access, street end adjacent to the beach, or any government land
10 immediately adjacent to the beach, except as otherwise lawfully permitted.

11
12 **Sec. 5-16. - Fires prohibited.**

13 It shall be unlawful for any person to build, start, ignite, or maintain any fire or open
14 flame, including sky lanterns, or use any propane fired grill, cooker, or heating device
15 heated by fire on any public beach, public beach access, street end adjacent to the
16 beach, or any government land immediately adjacent to the beach, except as otherwise
17 lawfully permitted.

18
19 **Sec. 5-17. - Carrying glass containers on beaches prohibited.**

20 It shall be unlawful for any person to carry or possess any glass, bottle or glassware on
21 the public beaches or public beach accesses.

22
23 **Sec. 5-18. - Discharge, use, ignition, etc., of fireworks prohibited.**

24 It shall be unlawful for any person to use, fire, shoot, discharge, or ignite any fireworks
25 within the city limits of Myrtle Beach on any public beach, public beach access, street
26 end adjacent to the beach, or any government land immediately adjacent to the beach,
27 except as otherwise lawfully permitted.

28
29 **Sec. 5-19. - Sleeping on public beach or public access after 9:00 p.m. prohibited.**

30 It shall be unlawful for any person to sleep on the public beach or public access between
31 the hours of 9:00 p.m. and 8:00 a.m.

32
33 **Sec. 5-20. - Diving or jumping from piers prohibited.**

34 It shall be unlawful for any person or persons to dive or jump from any portion of a pier;
35 or to push, shove, or cause any person to fall, dive or jump from any portion of a pier; or
36 climb or be on the outside of the railing or any area not designed for public entry of any
37 pier.

38
39 **Sec. 5-21. - Aquatic activity within 75 yards of pier prohibited.**

40 Except for fishing, no aquatic activity of any kind may occur within 75 yards of any pier.
41 Emergency personnel, maintenance operations and other authorized persons are
42 exempt from this section.

43
44 **Sec. 5-22. - Destruction of sea oats, beach grass, beach vegetation and sand**
45 **fencing prohibited.**

46 It shall be unlawful for any person to destroy, mutilate, break, move, tear up, carry away
47 or alter in any manner the sea oats, beach grass, other beach vegetation, sand fencing,
48 public access structures, public beach structures, or fixtures occurring naturally or
49 planted or erected by the government or its agents as part of any beach re-nourishment
50 or preservation.

1 **Sec. 5-23. - Depositing litter on beach or in water prohibited.**

2 It shall be unlawful for any person to throw or deposit, or cause or permit to be thrown
3 or deposited, any glass, bottle, glassware, can or pieces thereof, cigarette or cigar butts,
4 or any garbage, waste, litter, trash, debris, or refuse of any kind, on any public beach,
5 public beach access, street end adjacent to the beach, or any government land
6 immediately adjacent to the beach, or in the waters adjacent to the public beach.
7

8 **Sec. 5-24. - Commercial fishing on public beaches prohibited.**

9 It shall be unlawful for any person to engage in commercial fishing on any public
10 beaches.
11

12 **Sec. 5-25. - Negligent, reckless or intoxicated operation of devices or beach**
13 **activities prohibited.**

14 (a) No person shall operate any motorboat, jet-ski or other vessel or manipulate any
15 skis, surfboard or similar device in a reckless or negligent manner so as to endanger
16 the life, limb or property of any person.

17 (b) No person shall operate any motorboat, jet-ski or other vessel or manipulate any
18 skis, surfboard or similar device while under the influence of intoxicants or any
19 narcotic, barbiturate or marijuana, or prescription medications that affect one's
20 mental or physical faculties.

21 (c) No person shall engage in any aquatic activity or activities on the beach or public
22 access while intoxicated or under the influence of any narcotic drug, barbiturate or
23 marijuana, or prescription drug, nor shall any person engage in reckless behavior
24 or negligent manner so as to endanger the life, limb or property of any person while
25 in the water, on the beach or on a public access.
26

27 **Sec. 5-26. - Horses prohibited.**

28 Except for such events as may be approved by action of the City Council, it shall be
29 unlawful for any person to ride, bring or have a horse, or any other animal that can be
30 ridden, on any public beach, public beach access, street end adjacent to the beach, or
31 any government land immediately adjacent to the beach, except as otherwise lawfully
32 permitted.
33

34 **Sec. 5-27. - Solicitation and commercial activities prohibited.**

35 (a) *Findings.* The council of the city has made the following findings:

36 (1) That the public beach is a public area which is open and accessible to all
37 persons;

38 (2) That the public beach is maintained and subjected to reasonable regulation by
39 the city in order to promote the health, safety, welfare and morals of all persons
40 using the beach;

41 (3) That the public beach provides a unique area for all persons to pursue peaceful
42 relaxation and quiet enjoyment in a reasonable manner;

43 (4) That the public beach has been and continues to be a unique public recreation
44 area, different in respect to all other public areas within the municipality;

45 (5) That it is desirable and necessary to preserve the unique nature of the public
46 beaches and to protect all persons who utilize the beaches from undue
47 annoyance, disturbance and inconvenience.

48 (b) *Certain activities on beaches prohibited.* Except as specifically permitted in this
49 Chapter, it shall be unlawful for any person, organization, society, association or
50 corporation, or any agent, member or representative thereof, directly or indirectly,
51 to solicit property, business or financial assistance of any kind, to distribute free

1 product samples, admission passes, or entry tickets, to conduct any sales or rental
2 business, to sell or offer to sell any article, good, publication, subscription or other
3 thing of value, in the area previously defined in this chapter as the public beach.

4 (c) *Exceptions.* This section shall not apply to:

5 1. The operation of water safety franchises granted by the council for the
6 purpose of ensuring lifeguard services on the beach, or to appropriately
7 permitted activities of a special event.

8 ~~2. The following commercial are activities designed to enhance the beach-~~
9 ~~going experience. These activities are subject to restrictions as~~
10 ~~recommended by the Beach Advisory Committee and subsequently~~
11 ~~enacted by City Council through resolution:~~

12 i. ~~Beach Weddings~~

13 ii. ~~Surf camps~~

14 iii. ~~Commercial Beach Volleyball Events~~

15
16 (d) *Penalties.* Any person violating any of the provisions of this section shall be
17 punished as provided for in [section 1-9](#).
18

19 **Sec. 5-28. - Changing clothes in public, or private restroom facilities prohibited.**

20 It shall be unlawful for any person to undress or to put on a bathing suit, change from a
21 bathing suit to normal clothes or change from normal clothes to a bathing suit on any
22 public beach, public beach access, street end adjacent to the beach, or any government
23 land immediately adjacent to the beach, or in the waters adjacent to the public beach,
24 or in any public lavatory or toilet room in the city without obtaining permission or consent
25 from the owner or proprietor.
26

27 **Sec. 5-29. - Vehicles prohibited; access lanes**

28 (a) Except for essential vehicles, it shall be unlawful for any person to drive or operate
29 any motorized vehicle of any kind or nature upon the public beach or within public
30 marsh areas within the county limits.

31 (b) Except for essential vehicles, it shall be unlawful for any person to park any wheeled
32 conveyance, including but not limited to any motor vehicles, motor cycles, golf carts,
33 or similar type vehicles on the beach or beach access.

34 (c) Emergency and authorized vehicle access lanes. The city, from time to time, may
35 establish zones, where needed, for the creation of a predetermined emergency and
36 authorized vehicle access lane to extend from the primary dune line seaward.
37 Emergency vehicle access lanes may also be created as needed by governing
38 councils or law enforcement personnel from the lifeguard stand for a width of ten
39 feet to extend landward to the primary dune line. These areas may be increased or
40 decreased by public safety officials based upon circumstances such as geography,
41 weather, emergency operations and the like. All emergency access lanes will be
42 marked by the placement of pylons, signs, flags, cones, trash cans, or similar
43 devices. No umbrellas, shading devices, or other obstructions shall be placed in the
44 area designated as an emergency or authorized vehicle access lane. It shall be
45 unlawful to move or remove any object so placed under this section.
46

47 **Sec. 5-30. - Nudity, display of specified anatomical areas and specified sexual**
48 **activities prohibited.**

49 (a) It shall be unlawful for any person to appear in the nude on any public beach, beach
50 access, in the public waters, any other public property, or in view of the public.

1 (b) It shall be unlawful for any person to intentionally appear on any public beach, beach
2 access, in the public waters, any other public property, or in view of the public in
3 such a state of dress or undress so as to expose to the view of others specified
4 anatomical areas.

5 (c) It shall be unlawful to simulate or engage in specified sexual activities on any public
6 beach, public beach access, street end adjacent to the beach, or any government land
7 immediately adjacent to the beach.

8 (d) G-strings, T-Backs, 'dental floss' style, and thongs are prohibited in public. Body
9 paint, body dyes, tattoos, and liquid latex or similar materials are not considered
10 adequate coverage pertaining to the specified anatomical areas.

11
12 This ordinance shall become effective upon adoption.
13
14
15
16

17
18 ATTEST:

BRENDA BETHUNE, MAYOR

19
20
21
22
23 _____
JENNIFER ADKINS, CITY CLERK

24
25 1st Reading: 4-27-2021

26 2nd Reading: 5-11-2021