

June 23, 2020 – 1<sup>st</sup> Reading  
July 14, 2020 – Presented for 2<sup>nd</sup> Reading

1 **2020-32 (2<sup>nd</sup> READING): TO AMEND CHAPTER 1, SECTION 1-9 OF THE CODE**  
2 **OF LAWS OF THE CITY OF MYRTLE BEACH ENTITLED GENERAL PENALTY;**  
3 **CONTINUING VIOLATIONS; ABATEMENT OF PROHIBITED CONDITIONS, BY**  
4 **ADDING PROVISIONS FOR ABATEMENT AND RESTITUTION IN SECTION 1-9 (d).**

5 **Applicant/Purpose:** Staff/to add provisions for abatement & restitution for violations of City  
6 Code in addition to the penalties already provided for in the Code of Ordinances.

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8 **Brief:**

- 9 • This proposed ordinance authorizes the City to abate prohibited conditions that are in
- 10 violation of the Code.
- 11 • This ordinance places general penalty provisions provided for in other sections of the
- 12 Code into the appropriate Code section.
- 13 • The ordinance authorizes the municipal judge to order up to \$7,500 (or the limit
- 14 provided for in State Code) in restitution to recover costs to abate such nuisances.

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16 **Issues:**

- 17 • The current ordinance does not specify restitution provisions authorized by State law.
- 18 • Other penalties (liens against real property) are authorized in other Code sections but
- 19 should be incorporated in the general penalty provisions for ordinance violations.
- 20 • The City has historically absorbed the cost to abate nuisances & prohibited conditions
- 21 w/out financial recovery which unfairly burdens city taxpayers.

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23 **Public Notification:** Normal meeting notification.

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25 **Alternatives:**

- 26 • Deny the proposed ordinance changes.
- 27 • Modify the proposed amendment.

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29 **Financial Impact:** None.

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31 **Manager’s Recommendation:**

- 32 • I recommend 1<sup>st</sup> reading (6/23/2020).
- 33 • I recommend approval (7/14/2020).

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35 **Attachment(s):** Proposed ordinance.

CITY OF MYRTLE BEACH  
COUNTY OF HORRY  
STATE OF SOUTH CAROLINA

TO AMEND CHAPTER 1, SECTION 1-9, OF THE  
CODE OF ORDINANCES OF THE CITY OF  
MYRTLE BEACH ENTITLED GENERAL  
PENALTY; CONTINUING VIOLATIONS;  
ABATEMENT OF PROHIBITED CONDITIONS, BY  
ADDING PROVISIONS FOR ABATEMENT AND  
RESTITUTION IN SECTION 1-9 (d)

WHEREAS, the City of Myrtle Beach recently created a Quality of Life Court as part of its municipal court system to address quality of life issues that can have long-term detrimental effects on communities and neighborhoods when left unresolved; and

WHEREAS, previously these cases were processed through the regular criminal court system where they oftentimes did not get the attention and consideration needed to resolve these issues in a timely manner; and

WHEREAS, the City of Myrtle Beach desires to provide the Quality of Life Court with the necessary flexibility and tools needed to achieve compliance on quality of life issues.

NOW THEREFORE, BE IT ORDAINED BY MYRTLE BEACH CITY COUNCIL THAT CHAPTER 1, SECTION 1-9 (D) OF THE CODE OF ORDINANCES OF THE CITY OF MYRTLE BEACH BE AMENDED AS FOLLOWS:

Sec. 1-9. - General penalty; continuing violations; abatement of prohibited conditions.

(a) Whenever in this Code or in any ordinance or resolution of the city council or in any rule, regulation or order promulgated by any officer or agency of the city under authority duly vested in him or if any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance, resolution, rule, regulation or order shall be punished by a fine not exceeding \$500.00 or by imprisonment for a term not exceeding 30 days, or both, in the discretion of the judge of the municipal court. Each day any violation of any provision of this Code or of any such ordinance, resolution, rule, regulation or order shall continue shall constitute a separate offense.

(b) Any person who violates any provision of the Code may be issued a warning, citation or notice that the person is in violation of the Code, or notification that certain action is necessary to comply with the Code, in lieu of or in addition to any other penalties provided for a violation of this Code. Any warning, citation or notice shall state the bond set by the city court for the violation. The procedures governing the issuance, form and content of warnings, citations and notices of ordinance violations shall be prescribed by the city manager.

(c) An ordinance summons is hereby adopted which may be used to issue citations for all violations of municipal ordinances except for violations of a municipal ordinance which regulates the use of motor vehicles on public roads. The ordinance summons is adopted pursuant to the provisions of S.C. Code 1976, § 56-7-80, and shall be in the form prescribed in that statute. Procedures for use of the ordinance summons shall be as required by S.C. Code 1976, § 56-7-80, and as may be further established from time to time by the city manager.

(d) In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance, resolution, rule, regulation

51 or order shall be deemed a public nuisance, and may be abated and restitution may be  
52 ordered by the city as provided by law, and each day that the condition continues shall be  
53 regarded as a new and separate offense.

54 (e) In the event that the city, by its agents or employees, enters onto the property to take  
55 corrective action, the cost of correcting the conditions on said property, or of the removal of  
56 any debris, litter, or other unhealthy or unsightly material, or of any other actions reasonably  
57 taken by the City of Myrtle Beach to abate the same or to remove the threat to the public's  
58 health and safety, may be taken as a lien against the real property upon which such cost was  
59 incurred. All costs incurred by the city in preparing, recording, collecting and defending such  
60 lien shall be included therein including, but not limited to, reasonable attorney's fees, costs  
61 and disbursements.

62 (f) A municipal judge may order restitution in an amount not to exceed the civil jurisdictional  
63 amount of magistrate's court as provided in State law. In determining the amount of  
64 restitution, the judge shall determine and itemize the actual amount of damage or loss in the  
65 order. In addition, the judge may set an appropriate payment schedule. A municipal judge  
66 may hold a party in contempt for failure to pay the restitution ordered if the judge finds the  
67 party has the ability to pay. In addition, a municipal judge may convert any unpaid restitution,  
68 fines, costs, fees, surcharges, and assessment to a civil judgement as provided in State law.

69 (g) (e) The penalties and punishments referred to above are the penalties and punishments for  
70 the violation of all provisions contained in this Code and for the violation of all amended  
71 ordinances or any new ordinances which may be legally enacted by the city council, unless  
72 otherwise specifically provided.

73 (h) Nothing herein shall prevent the city from taking such other action as may be necessary and  
74 lawful to protect the public health, safety, or welfare when emergency conditions apply, and  
75 nothing herein shall be construed to prevent the establishment of administrative procedures  
76 concerning the issuance of courtesy notices in an effort to encourage voluntary compliance  
77 with the terms and provisions of this code, or any ordinance, resolution, rule, regulation or  
78 order legally enacted by the city or its authorized representative.

79 (Code 1980, § 1-3-49; Ord. No. 93-01, 1-12-93; Ord. No. 93-37, 7-27-93)

80 [Reference S.C. State Code Section 22-3-10(2) and 17-25-323 (c)]

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82 This ordinance shall become effective upon its adoption.  
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87 BRENDA BETHUNE, MAYOR  
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89 ATTEST:

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93 JENNIFER ADKINS, CITY CLERK  
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95 1<sup>ST</sup> READING: 6-23-2020  
96 2<sup>ND</sup> READING: 7-14-2020