
1 **2021-21 (1ST READING): TO AMEND CHAPTER 5 OF THE CODE OF ORDINANCES OF**
2 **THE CITY OF MYRTLE BEACH, BEACH AND BOATING REGULATIONS, TO MAKE**
3 **MINOR 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 following
14 reasons:
 - 15 ○ Beach weddings – there are a lot of moving parts/issues to consider with this activity that
16 staff still needs to work through (i.e., locations, time of year, what is permitted, parking,
17 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 **Issues:**

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

36
37 **Public Notification:**

- 38 • Beach Advisory Committee
- 39 • Normal meeting notification

40
41 **Alternatives:**

- 42 • Do not pass ordinance.
- 43 • Amend ordinance.

44
45 **Financial Impact:** None

46
47 **Manager's Recommendation:** I recommend 1st reading (4.13.21)

48
49 **Attachment(s):** Proposed ordinance

50
51

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 those persons who shall be duly appointed as deputies or constables, who are police officers or fire department rescue staff of a municipality, county, or state, their authorized agents, or have been granted lifeguard status under beach franchise agreements, 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 vessel deemed essential by the local, state, or federal agency.

Operator shall mean the owner or manager of the parasailing company, and while acting through his agents or employees.

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

1 *Public access* means the area of land extending from the public street to the public
2 beach which has been dedicated for the purpose of providing public and emergency
3 access to the beach.

4
5 *Public beach*, when used in this chapter, shall mean that area lying between the Atlantic
6 Ocean and the easternmost property line of the property owned by private individuals or
7 corporations, lying closest in proximity to the Atlantic Ocean; except that where there is
8 a street leading east from Ocean Boulevard toward the Atlantic Ocean, and also "public
9 beach" at these points shall mean the area lying between the easternmost edge of the
10 public street and the Atlantic Ocean; and includes any area lying between the mean low
11 water mark of the Atlantic Ocean and the primary dune line, bulkhead or seawall, as well
12 as those lands subject to periodic inundation by tidal and wave actions so that no non-
13 littoral vegetation is established.

14
15 *Specified anatomical areas* means human male or female genitals, pubic area, pubic
16 hair, buttocks, anus, vulva, or any portion of the female breast at or below the areola
17 thereof.

18
19 *Specified sexual activities* means and includes any of the following: (1) the fondling or
20 other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
21 (2) sex acts, normal or perverted, including intercourse, oral copulation, or sodomy; (3)
22 masturbation.

23
24 **Sec. 5-2. - Beach Advisory Committee.**

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

32 (b) The Committee shall be encouraged to coordinate its studies and activities with
33 existing city boards and commissions to eliminate duplication of effort and take
34 maximum advantage of the resources and information which may be available.
35

36 **Sec. 5-3. - Authority of beach patrol officers, ocean rescue staff, and their agents as
37 to swimmers, and persons on the beach.**

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

46 (b) These appropriate authorities shall have authority to recall from the ocean waters
47 and the surf adjoining the water any person who shall be in the ocean waters at any
48 distance at any time when the condition of the wind, water, weather or a hazard,
49 including the physical or mental condition of the person in the ocean waters, shall
50 be such, in the discretion of the personnel as hereinabove described, as to

1 constitute a danger to the health, life or safety of that person or to other persons
2 within the ocean waters or the public beach.

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

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

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

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

19 (g) Any person who shall fail to obey the directions and instructions of any appropriate
20 authority as to beach safety, access or use shall be guilty of a misdemeanor.
21

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

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

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

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

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

39 (e) *Shading devices.* Shading devices shall not exceed the maximum size of 12 feet by
40 12 feet or 144 square feet and the maximum height of any shading device shall not
41 exceed nine feet installed. Shading devices, other than circular umbrellas with a
42 diameter of seven and one-half feet or less, shall not be placed within ten feet of
43 any other shading device. All shading devices are prohibited from being tied, bound,
44 joined, or connected in any manner. Excluding umbrellas, all shading devices shall
45 be secured in such fashion to restrict uncontrolled movement of the device and
46 secured with fasteners, stakes, weights, or the like that will not endanger beach
47 patrons. Anchoring lines, tethers, or the like shall not extend beyond the perimeter
48 of the shading device. Shading devices, other than circular umbrellas with a
49 diameter of seven and one-half feet or less, and "children's tents" with maximum
50 dimensions of 36' x 36' x 36', of four (4') feet wide, three (3') feet deep, and three
51 (3') feet high shall not be allowed on the beach between Memorial Day through

1 Labor Day. The “children’s tents” may be small pop-up or blow up cabanas and may
2 be used only to protect infants and small children from the sun.

3 (f) It shall be unlawful for any person to place any shading device or umbrella so as
4 to impede lifeguard line of sight, access or egress from the lifeguard stand.

5 (g) It shall be unlawful for any ocean front business license holder to supplant, or
6 interfere with the water safety franchisee's primary contractual right for exclusive
7 compensatory vendor services in exchange for the provision of water safety by
8 engaging in competitive beach vendor services in the rental or provision of beach
9 chairs or beach umbrellas. Violation of this prohibition subjects the license to
10 suspension or revocation civil administrative process, in addition to any criminal
11 prosecution.
12

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

14 (a) It shall be unlawful for any person involved in attempting to catch or take, or catch
15 or take any shark or other marine animals that may endanger the public from any
16 fishing pier, or any beach, shore or any coastal waters where one may fish.

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

37 (c) Any person who surf fishes must obtain a valid South Carolina issued surf fishing
38 license in accordance with South Carolina State Law. Local government
39 jurisdiction extends to one-mile in the Atlantic Ocean and includes all beaches,
40 swashes and piers.
41

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

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

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

1
2 **Sec. 5-7. - Use of bicycles restricted.**

3 The use of bicycles, tricycles or similar human, gas, or electric powered wheeled
4 vehicles is prohibited from the hours of 10:00 a.m. to 5:00 p.m. from May 1 up to and
5 including Labor Day on the public beach, except as where otherwise lawfully permitted.
6

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

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

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

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

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

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

27 a. Name and address of the owner.

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

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

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

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

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

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

1 storage and publication of notice have been paid shall be transferred to the general
2 fund of the city.
3

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

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

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

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

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

33 (a) *Use of kayaks and surfboards restricted.* Except as specifically permitted in Section
34 5-27 of this Chapter, ~~Within the city and~~ during the period May 1 through Labor
35 Day each year, no person shall use in any manner or assist anyone in any manner
36 in the use of any apparatus or device commonly known as a "kayak," "surfboard,"
37 or other apparatus or device of a hard or solid nature similar to a "kayak" or
38 "surfboard" and used for the general purposes for which a "kayak" or "surfboard"
39 is generally used, between the hours of 10:00 a.m. and 5:00 p.m. in any area other
40 than the following:

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

47 (b) Except as specifically permitted in Section 5-27 of this Chapter, it is the intent and
48 the purpose of this section that no such apparatus or device shall be used in the
49 city in that area commonly known as "strand" or "beach" and the water area of the
50 Atlantic Ocean lying within one-half mile of such "strand" or "beach," except in the
51 areas noted above; provided further, that no kayak, surfboard or other apparatus

1 designated in this section shall be used at any time within a distance of 75 yards of
2 any fishing pier as now exists or hereafter established. During the months from the
3 day after Labor Day through April 30 of each succeeding year, there will be no
4 restrictions as to area.

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

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

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

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

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

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

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

41 (a) Except for the operations of businesses operating pursuant to this section, and
42 emergency personal engaged in life-saving or training operations, it shall be
43 unlawful to operate any jet-ski in the waters of the Atlantic Ocean within 100 yards
44 of the point where the Atlantic Ocean adjoins the public beach. Provided,
45 however, this prohibition shall not apply to licensed operators, as of the effective
46 date of this section, which operate banana boats parasailing rides, or other
47 forms of watersport activities. Said operators may continue such water-sport
48 activities south of 29th Avenue south, at the Swash at 3rd Avenue South,
49 and/or, with the review of the Beach Advisory Committee and the approval of
50 City Council, the beach between 8th and 9th Avenue North. Provided, however,
51 said operators shall, in consultation with the Beach Patrol and/or the Fire

1 Department Ocean Rescue Staff, mark off a "safe zone" channel in the surf
2 zone, 50 to 100 feet wide for jet skis to enter and exit the water. Further, the
3 operator shall provide at least two personnel on the beach. One in the water to
4 help keep people out of the safe zone and to assist in the launching and
5 beaching of the jets skis, and one on the beach to assist the customers and to
6 keep people from going into the safe zone. Operators shall follow all applicable
7 federal and state boating and safety regulations.

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

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

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

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

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

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

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

50 (h) No ticket sales or advertising shall be allowed on the publicly owned beach.

1 (i) *In-flight floatation devices.* All passengers shall wear a properly fitted, United States
2 Coast Guard-approved Type I, II, or III life jacket while in flight.

3 (k) Jet skis operated pursuant to this section may be refueled at water's edge, so long
4 as it is done in a safe and prudent manner. In the event of spillage, the operator shall
5 contain the spill and shall immediately notify the beach patrol.

6
7 **Sec. 5-13. - Animals on the beaches restricted.**

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

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

19 (a) *Sand fencing, dune walkovers, public beach access structures, etc.* It is prohibited
20 to place, put, lean, chain to, lock to, or connect to, in any fashion, any item to a
21 sand fence, dune walkover or public beach access structure on any public beach,
22 public beach access, street end adjacent to the beach, or any government land
23 immediately adjacent to the beach, or in the waters adjacent to the public beach.

24 (b) *Other obstructions.* It shall be unlawful to build, erect, place, bury, or create any
25 fence or other obstruction on the public beach, public beach access, or dune
26 walkover so as to obstruct or impede the free use of the public beach or to interfere
27 with or obstruct any maintenance operation of the beach.

28 (c) *Removal or disposal.* Except as specifically permitted in Section 5-27 of this
29 Chapter, it shall be unlawful between the hours of 7:00 p.m. and 8:00 a.m. for any
30 person to leave upon, put, place, or set any equipment on the beach including, but
31 not limited to, shading devices, umbrellas, surfboards, floats, life rafts, volleyball
32 nets, etc. Any umbrellas, shading devices, obstructions, equipment, or other
33 structures remaining on the beach between the hours of 7:00 p.m. and 8:00 a.m.
34 may be removed from the beach by the governing agency.

35 (d) Except for City issued Special Permitted events, metal shovels shall not be used
36 for recreational digging on the beach. City personnel working in their official
37 capacity are exempt from this section. for beach services and other city personnel
38 are permissible when used for their general duties or maintaining their equipment.
39 Exceptions may be granted if there is a city permitted activity such as a sand-
40 building contest or other activity or special event.

41 (e) ~~In order to prevent persons from walking into a hole, trench, or depression and risking~~
42 ~~personal injury, to protect persons from hazards associated with collapsing sand, to~~
43 ~~allow public safety, emergency and beach cleaning vehicles to conduct necessary~~
44 ~~activities on the beach while minimizing the risk of personal injury or damage to~~
45 ~~equipment, and to help preserve and protect sea turtle habitat, It shall be unlawful for~~
46 any person to dig a hole, trench or depression on the beach deeper than twelve (12)
47 inches and then depart from the area of digging without having first completely filled
48 such hole, trench, or depression.

49
50 **Sec. 5-15. - Possession or consumption of alcoholic liquors, beer or wine on the**
51 **beach or beach accesses prohibited.**

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

5
6 **Sec. 5-16. - Fires prohibited.**

7 It shall be unlawful for any person to build, start, ignite, or maintain any fire or open
8 flame, including sky lanterns, or use any propane fired grill, cooker, or heating device
9 heated by fire on any public beach, public beach access, street end adjacent to the
10 beach, or any government land immediately adjacent to the beach, except as otherwise
11 lawfully permitted.
12

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

14 It shall be unlawful for any person to carry or possess any glass, bottle or glassware on
15 the public beaches or public beach accesses.
16

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

18 It shall be unlawful for any person to use, fire, shoot, discharge, or ignite any fireworks
19 within the city limits of Myrtle Beach on any public beach, public beach access, street
20 end adjacent to the beach, or any government land immediately adjacent to the beach,
21 except as otherwise lawfully permitted.
22

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

24 It shall be unlawful for any person to sleep on the public beach or public access between
25 the hours of 9:00 p.m. and 8:00 a.m.
26

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

28 It shall be unlawful for any person or persons to dive or jump from any portion of a pier;
29 or to push, shove, or cause any person to fall, dive or jump from any portion of a pier; or
30 climb or be on the outside of the railing or any area not designed for public entry of any
31 pier.
32

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

34 Except for fishing, no aquatic activity of any kind may occur within 75 yards of any pier.
35 Emergency personnel, maintenance operations and other authorized persons are
36 exempt from this section.
37

38 **Sec. 5-22. - Destruction of sea oats, beach grass, beach vegetation and sand**
39 **fencing prohibited.**

40 It shall be unlawful for any person to destroy, mutilate, break, move, tear up, carry away
41 or alter in any manner the sea oats, beach grass, other beach vegetation, sand fencing,
42 public access structures, public beach structures, or fixtures occurring naturally or
43 planted or erected by the government or its agents as part of any beach re-nourishment
44 or preservation.
45

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

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

1
2 **Sec. 5-24. - Commercial fishing on public beaches prohibited.**

3 It shall be unlawful for any person to engage in commercial fishing on any public
4 beaches.
5

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

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

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

15 (c) No person shall engage in any aquatic activity or activities on the beach or public
16 access while intoxicated or under the influence of any narcotic drug, barbiturate or
17 marijuana, or prescription drug, nor shall any person engage in reckless behavior
18 or negligent manner so as to endanger the life, limb or property of any person while
19 in the water, on the beach or on a public access.
20

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

22 Except for such events as may be approved by action of the City Council, it shall be
23 unlawful for any person to ride, bring or have a horse, or any other animal that can be
24 ridden, on any public beach, public beach access, street end adjacent to the beach, or
25 any government land immediately adjacent to the beach, except as otherwise lawfully
26 permitted.
27

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

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

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

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

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

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

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

42 (b) *Certain activities on beaches prohibited.* Except as specifically permitted in this
43 Chapter, it shall be unlawful for any person, organization, society, association or
44 corporation, or any agent, member or representative thereof, directly or indirectly,
45 to solicit property, business or financial assistance of any kind, to distribute free
46 product samples, admission passes, or entry tickets, to conduct any sales or rental
47 business, to sell or offer to sell any article, good, publication, subscription or other
48 thing of value, in the area previously defined in this chapter as the public beach.

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

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

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

8 i. ~~Beach Weddings~~

9 ii. ~~Surf camps~~

10 iii. ~~Commercial Beach Volleyball Events~~

11
12 (d) *Penalties.* Any person violating any of the provisions of this section shall be
13 punished as provided for in [section 1-9](#).
14

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

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

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

- 24 (a) Except for essential vehicles, it shall be unlawful for any person to drive or operate
25 any motorized vehicle of any kind or nature upon the public beach or within public
26 marsh areas within the county limits.
- 27 (b) Except for essential vehicles, it shall be unlawful for any person to park any wheeled
28 conveyance, including but not limited to any motor vehicles, motor cycles, golf carts,
29 or similar type vehicles on the beach or beach access.
- 30 (c) Emergency and authorized vehicle access lanes. The city, from time to time, may
31 establish zones, where needed, for the creation of a predetermined emergency and
32 authorized vehicle access lane to extend from the primary dune line seaward.
33 Emergency vehicle access lanes may also be created as needed by governing
34 councils or law enforcement personnel from the lifeguard stand for a width of ten
35 feet to extend landward to the primary dune line. These areas may be increased or
36 decreased by public safety officials based upon circumstances such as geography,
37 weather, emergency operations and the like. All emergency access lanes will be
38 marked by the placement of pylons, signs, flags, cones, trash cans, or similar
39 devices. No umbrellas, shading devices, or other obstructions shall be placed in the
40 area designated as an emergency or authorized vehicle access lane. It shall be
41 unlawful to move or remove any object so placed under this section.
42

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

- 45 (a) It shall be unlawful for any person to appear in the nude on any public beach, beach
46 access, in the public waters, any other public property, or in view of the public.
- 47 (b) It shall be unlawful for any person to intentionally appear on any public beach, beach
48 access, in the public waters, any other public property, or in view of the public in
49 such a state of dress or undress so as to expose to the view of others specified
50 anatomical areas.

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

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

7
8 This ordinance shall become effective upon adoption.

9
10
11
12
13 ATTEST:

BRENDA BETHUNE, MAYOR

14
15
16
17
18 _____
JENNIFER ADKINS, CITY CLERK

19
20 1st Reading: 4-13-2021

21 2nd Reading: