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1 **2023-XX (1<sup>ST</sup> READING): AN ORDINANCE TO AMEND CHAPTER 11,**  
2 **LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS, TO ADD**  
3 **ARTICLE XIII, COMMERCIAL PAID PARKING LOTS, SECTIONS 11-256**  
4 **TO 11-263, AND TO AMEND CHAPTER 23, VEHICLES FOR HIRE, TO ADD**  
5 **ARTICLE VIII, VEHICLE IMMOBILIZATION SERVICES, SECTIONS 23-160**  
6 **TO 23-168.**

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7 **Applicant/Purpose:** Staff/ to address parking confusion and predatory booting practices.

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9 **Brief/Issues:**

- 10 • Proposed ordinance addresses parking confusion and abusive booting practices:
- 11 ○ Commercial paid parking lots must install signage giving notice to public
  - 12 that payment is required and that failure to pay may result in booting or
  - 13 towing.
  - 14 ○ Signage will also identify parking lot address as well as name and
  - 15 telephone number of parking lot operator.
  - 16 ○ Signs shall be located at each lot entrance and if the lot does not have a
  - 17 designated entrance, signage is required to be posted so as to be clearly
  - 18 visible from every parking space.
  - 19 ○ No booting on commercial paid parking lots without proper signage.
  - 20 ○ Maximum daily booting fee is \$80.00.
  - 21 ○ Boot operator shall have 24-hour telephone and boot removal service.
  - 22 ○ Boot operator must respond to a request for boot removal within one hour;
  - 23 no booting fee for late removal.
  - 24 ○ For self-release immobilization devices, boot operator may charge \$25.00
  - 25 per day late fee for failure to return device to a designated location within
  - 26 the parking lot which must be clearly marked. \$250.00 maximum late fee.
  - 27 ○ If vehicle owner or operator attempts to retrieve vehicle before an
  - 28 immobilization device is completely installed, no booting fee is allowed and
  - 29 vehicle owner/operator shall be allowed to remove vehicle without delay or
  - 30 charge of any kind.

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32 **Issues:** Proposed ordinance should balance the interests of private property owners and  
33 the interests of the public as well as the City's interests in protecting the City's hospitality-  
34 driven economy.

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

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38 **Alternatives:**

- 39 • Add, delete, or modify certain provisions.
- 40 • Deny proposed ordinance.

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42 **Financial Impact:**

- 43 • No direct impact.

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45 **Manager's Recommendation:**

- 46 • I recommend 1<sup>st</sup> reading (5.23.2023).

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

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

**AN ORDINANCE TO AMEND CHAPTER 11,  
LICENSES AND MISCELLANEOUS BUSINESS  
REGULATIONS, TO ADD ARTICLE XII,  
COMMERCIAL PAID PARKING LOTS, SECTIONS  
11-256 TO 11-263, AND TO AMEND CHAPTER  
23, VEHICLES FOR HIRE, TO ADD ARTICLE VIII,  
VEHICLE IMMOBILIZATION SERVICES, SECTIONS  
23-160 TO 23-168.**

WHEREAS, booting and other vehicle immobilization practices have become an increasingly popular tool used by owners and operators of commercial paid parking lots. With the increased use of booting and other immobilization services, there has been a rise in complaints concerning the conduct of booting operators; and

WHEREAS, predatory booting and immobilization practices can have a detrimental impact on the business climate of surrounding commercial establishments whose patrons sometimes park in lots with either no signage or inadequate signage; and

WHEREAS, predatory booting and immobilization practices create ill will and negatively impact the City’s hospitality driven economy as a whole; and

WHEREAS, in many instances, vehicles are being booted in commercial paid parking lots without sufficient notice being given that payment is required and without being warned of the consequences of failing to pay; and

WHEREAS, poorly marked parking lots cause confusion and lead to confrontations between motorists and operators of commercial paid parking lots as well as booting operators and lead to calls for a police response. These confrontations disturb the peace and threaten public order; and

WHEREAS, establishing reasonable rules of conduct is a good means of balancing the bona fide interests of parking lot owners and booting operators with the interests of the parking public and surrounding businesses; and

WHEREAS, the city can balance the rights of real property owners with the public interest by requiring uniform signs to be posted at commercial paid parking lots and by establishing reasonable measures to regulate booting operators; and

1 WHEREAS, the city finds that public comfort, convenience, safety, and  
2 welfare is best served by enacting uniform sign requirements and by  
3 establishing reasonable regulations for booting and immobilization services;  
4

5 IT IS HEREBY ORDAINED, that Chapter 11 of the City of Myrtle Beach Code of  
6 Ordinances be amended by adding Article XII, Sections 11-256 through 11-263  
7 as set forth in the attached Exhibit A; and  
8

9 IT IS HEREBY FURTHER ORDAINED, that Chapter 23 of the City of Myrtle Beach  
10 Code of Ordinances be amended by adding Article VIII, Sections 23-160  
11 through 23-168 as set forth in the attached Exhibit B.  
12

13 The provisions of Article XII of Chapter 11 setting a maximum booting fee and  
14 late fee (Sec. 23-165) and establishing response times for boot removal (Sec.  
15 23-164 (g) and (h)) shall be effective ten (10) days after second reading. In  
16 recognition of the additional time needed for a full transition including time to  
17 install uniform signs, the remainder of Article XII, Chapter 11 as well as Article  
18 VIII of Chapter 23 shall be effective August 1, 2023, such that no booting on  
19 commercial paid parking lots shall occur without full compliance with all  
20 provisions of this ordinance.  
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24 BRENDA BETHUNE, MAYOR  
25

26 ATTEST:  
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30 JENNIFER ADKINS, CITY CLERK  
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32 1<sup>st</sup> Reading: 5-23-2023

33 2<sup>nd</sup> Reading:  
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1 **Chapter 11 - LICENSES AND MISCELLANEOUS**  
2 **BUSINESS REGULATIONS**

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4 **ARTICLE XII. – Commercial Paid Parking Lots**

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6 **Sec. 11-256. – Findings of Council.**

7  
8 City Council finds as follows:

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- 10 a) Due to the unique parking arrangements in some downtown parking lots where  
11 the City offers metered parking on the streets and in the street ends bordering  
12 parking lots situated on private property, citizens and visitors are frequently  
13 confused whether parking spaces are private or public.
  - 14 b) Increasingly, there are instances of vehicles being booted on private property  
15 without sufficient notice being given that parking on the premises is not  
16 authorized or that payment is required for parking and without being warned of  
17 the consequences of failing to pay.
  - 18 c) There are no clear and objective standards under state statutes for what  
19 constitutes a conspicuously posted notice.
  - 20 d) Poorly marked parking lots cause confusion and lead to confrontations between  
21 motorists and operators of commercial paid parking lots as well as booting  
22 operators and lead to calls for a police response. These confrontations disturb  
23 the peace and threaten public order.
  - 24 e) Requiring uniform signs to be posted at commercial paid parking lots is a good  
25 means of balancing the bona fide interests of parking lot owners and operators  
26 with the interests of the public parking and surrounding businesses.
- 27

28 **Sec. 11-257. – Definitions.**

29 The following words or phrases, as used in this article, shall have the respective  
30 meanings as set out in this section, unless a different meaning clearly appears from the  
31 context:

32 *Commercial paid parking lot or parking lot or lot* means any portion of privately  
33 owned property which is used for parking motor vehicles while leaving them unattended  
34 and makes per use charges or requires lease payments from users.

35 *Motor vehicle or vehicle* means any car, truck, van, motorcycle, or similar  
36 apparatus which has wheels and is propelled by an engine or motor and which is capable  
37 of moving on the public ways of the city and includes trailers pulled by a motor vehicle.

38 *Parking lot operator or operator* means any person or business entity, including  
39 employees or agents of either, operating a parking lot. The operator may also be the  
40 property owner in some instances.

1 *Private property or property* means real property owned by a person or business  
2 entity, not including governmental entities.

3 *Property owner or owner* means the person or business entity which owns or  
4 leases private property which is used, in whole or in part, as a commercial paid parking  
5 lot.

6 *Uniform sign* means a standardized sign conforming with the following template  
7 provided by the City and measuring 24 inches by 36 inches and constructed of 0.08-inch  
8 thick (.80 gauge) rust-free aluminum or a comparable material that is enduring in nature:



9  
10 **Sec. 11-258. – Uniform signage requirements for commercial paid parking**  
11 **lots.**

12 It shall be unlawful for any owner or operator of private property to operate as a  
13 commercial paid parking lot within the municipal limits of the City unless the owner and/or  
14 operator of the property has complied with the following requirements:

- 15 a) Provide a completed uniform sign application to the City of Myrtle Beach  
16 Downtown Development Office along with a site plan identifying the point(s) of  
17 ingress to the parking lot and location(s) where uniform signs will be posted in  
18 accordance with subsection (c) below;
- 19 b) Within thirty (30) days of the application approval date, property owner or operator  
20 must have all uniform signs conforming with the City's template installed stating:

- 21
- 22 1. Address of parking lot; and
  - 23 2. Name of parking lot operator; and
  - 24 3. Telephone number of parking lot operator
- 25

- 26 c) Uniform signs shall be located at each designated entrance to a parking lot. Each  
27 sign shall be clearly visible to any driver of a motor vehicle approaching any point  
28 of ingress to the property. Where there is no designated entrance, uniform signs  
29 shall be erected so as to be clearly visible from each and every parking space.  
30 Uniform signs shall not be situated in a way that interferes with critical sight lines

1 or otherwise compromises the safety of motorists and the City reserves the right  
2 to require repositioning of signs in the interest of public safety and welfare.

3 d) Uniform signs shall be positioned no less than four (4) feet and no more than six  
4 (6) feet above the site grade.

5 e) If at any time the information provided on the applicant's previously approved  
6 application changes, parking lot owner or operator must submit, within seventy two  
7 (72) hours of the change, a new application with the correct information. Within  
8 thirty (30) days of the application approval date, owner or operator must replace  
9 all uniform signs with new uniform signs displaying the correct information. If the  
10 City of Myrtle Beach makes any changes to the maximum booting or  
11 immobilization fee or towing fees, the City will provide a durable vinyl sticker to  
12 update each uniform sign.

13 f) The property owner and/or operator shall verify that uniform signage required  
14 under this section is in place prior to allowing vehicles to be booted or immobilized  
15 in the parking lot.

16 Upon approval of the uniform sign application, the applicant will be provided with  
17 an image file of the uniform sign displaying the information supplied on the application.  
18 The applicant may purchase the required uniform signs from the City or from a third party.  
19 It is the responsibility of the applicant to verify that all information is correct before ordering  
20 uniform signs from a third party or from the City.

21 The uniform signs installed pursuant to this article do not count against the  
22 maximum allowed signage permitted by ordinance.

23 This section shall not be construed as exempting a property owner or parking lot  
24 operator from complying with business license regulations and other applicable federal,  
25 state and local laws, regulations and ordinances.

26 **Sec. 11-259 – Reserved**

27 **Sec. 11-260 – Reserved**

28 **Sec. 11-261 – Penalties.**

29 A property owner or parking lot operator who violates the provisions of this article  
30 shall be fined not less than fifty dollars (\$50.00) and not more than two hundred and fifty  
31 dollars (\$250.00). Each day a violation persists shall constitute a separate violation and  
32 result in separate fines.

33 **Sec. 11-262 – Severability.**

34 If any section, subsection, clause, phrase, word or any other part of this Article shall be  
35 declared unconstitutional or invalid by a court of competent authority, the remainder of  
36 this ordinance shall not be affected and shall remain in full force and effect.

37 **Sec. 11-263 – Reserved**

1 **Chapter 23 - VEHICLES FOR HIRE**

2  
3 **ARTICLE VIII. VEHICLE IMMOBILIZATION SERVICES**

4  
5 **Sec. 23-160. – Findings of Council.**

6  
7 City Council finds as follows:

- 8 a) When a property owner consents to parking by the public but requires  
9 payment in all or some instances, state statutes do not fully address the  
10 balance between property owners or operators and motorists.
- 11 b) Increasingly, there are instances of vehicles being booted while the vehicles  
12 are on private property, without the vehicle owners having been given  
13 sufficient notice that parking on the premises is not authorized or that payment  
14 is required for parking and without vehicle owners having been warned of the  
15 specific consequences of failing to pay.
- 16 c) Restricting the use of spaces in parking lots to other users to make payment  
17 on a basis of payment per occasion of use is not a predatory practice.  
18 However, the willful inducement to use a parking lot with an expectation to  
19 levy additional charges beyond normal parking fees as a precondition of  
20 exiting the parking lot is a predatory practice.
- 21 d) Excessive charges for booting constitute predatory practices, as do efforts to  
22 patrol and wait for offenders to park their vehicles in insufficiently posted  
23 parking lots.
- 24 e) Predatory practices of businesses offering booting and immobilization  
25 services can have a detrimental impact on the business climate of  
26 surrounding commercial establishments whose patrons sometimes park in  
27 lots with either no notices or inadequate notices posted. Predatory booting  
28 and immobilization practices negatively impact the City’s hospitality-driven  
29 economy as a whole.
- 30 f) Predatory booting and immobilization practices can impose excessive  
31 hardships on drivers who have not intentionally acted in bad faith in parking  
32 vehicles in commercial paid parking lots in many circumstances.
- 33 g) Poorly marked parking lots cause confusion and lead to confrontations  
34 between motorists and operators of commercial paid parking lots as well as  
35 booting operators and lead to calls for a police response. These  
36 confrontations disturb the peace and threaten public order.
- 37 h) Establishing reasonable rules of conduct is a good means of balancing the  
38 bona fide interests of parking lot owners and boot operators with the interests  
39 of the parking public and surrounding businesses.
- 40 i) The City can reconcile the rights of real property owners with the interest of  
41 the public by requiring uniform signs to be posted at lots and by establishing  
42 reasonable measures to regulate boot operators.
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1 **Sec. 23 - 161. – Definitions.**

2 The following words or phrases, as used in this article, shall have the respective  
3 meanings as set out in this section, unless a different meaning clearly appears from the  
4 context:

5 *Booting* means the placement of a mechanical wheel locking clamp or any other  
6 immobilization device of any type or description on a motor vehicle.

7 *Boot operator* means any person or business entity, including employees or agents  
8 of either, that immobilizes vehicles through the use of a boot or any other immobilization  
9 device. The boot operator may also be the parking lot operator or owner in some  
10 instances.

11 *Booting fee* means the fee charged as a result of the placement of a boot or  
12 immobilization device and includes the release of such boot or immobilization device.

13 *Commercial paid parking lot or parking lot or lot* means any portion of privately  
14 owned property which is used for parking motor vehicles while leaving them unattended  
15 and makes per use charges or require lease payments from users.

16 *Immobilization device or boot* means any device that immobilizes a parked motor  
17 vehicle or otherwise prohibits the motor vehicle's usual manner of movement or operation.  
18 The term includes without limitation any device, mechanism or contraption that attaches  
19 to:

- 20
- 21 1. The tire, wheel or any other exterior part of a vehicle so as to make the vehicle  
22 inoperable; or
  - 23 2. The front windshield or a window of a vehicle so as to obstruct the driver's view  
24 but does not include the warning decal required by Section 23-164.
- 25

26 Unless otherwise specified, the terms immobilization device or boot shall include  
27 a self-release vehicle immobilization device that immobilizes a parked motor vehicle or  
28 otherwise prohibits the motor vehicle's usual manner of movement or operation, and  
29 which may be released upon payment of the fee without assistance of an operator.

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31 *Motor vehicle or vehicle* means any car, truck, van, motorcycle, or similar  
32 apparatus which has wheels and is propelled by an engine or motor and which is capable  
33 of moving on the public ways of the city and includes trailers pulled by a motor vehicle.

34 *Parking lot operator or operator* means any person or business entity, including  
35 employees and agents of either, operating a parking lot. The operator may also be the  
36 property owner or boot operator in some instances.

37 *Private property or property* means real property owned by a person or business  
38 entity, not including governmental entities.



1            *Property owner or owner* means the person or business entity which owns or leases  
2 private property which is used, in whole or in part, as a commercial paid parking lot.

3 **Sec. 23-162. – Reserved**

4 **Sec. 23-163. – Reserved**

5 **Sec. 23-164. Immobilization and boot requirements and restrictions;**  
6 **duties and obligations.**

- 7            a) No booting or immobilization shall occur unless uniform signage, in accordance  
8 with Section 11-258 of the City of Myrtle Beach Code of Ordinances, is in place.
- 9            b) Only one boot or immobilization device may be placed on a vehicle.
- 10           c) Immediately upon installing a boot or immobilization device, the boot operator shall  
11 affix a warning decal at least forty-seven (47) square inches in size prominently in  
12 the center of the driver’s side window or on the front windshield directly in front of  
13 the vehicle steering wheel. The warning decal shall be affixed in such a manner  
14 as to withstand the elements but not in such a manner as to leave permanent  
15 marks or residue on the vehicle. The warning decal shall clearly and legibly inform  
16 the operator of the vehicle that an immobilization device has been installed on the  
17 vehicle and that attempting to move the vehicle will cause serious damage to the  
18 vehicle. This decal shall display the name and address of the boot operator as well  
19 as the telephone number at which the boot operator will be available twenty-four  
20 (24) hours a day for the purpose of accepting payment and removal of the boot  
21 and/or warning decal. Upon payment of the booting fee, the boot operator shall  
22 remove the decal and shall have in its possession the appropriate materials  
23 needed to remove all parts of the decal, adhesive material, and any residue.
- 24           d) A boot operator shall maintain twenty-four (24) hour telephones as well as boot  
25 and warning decal removal services.
- 26           e) A boot operator may only impose a booting fee if all requirements of this article as  
27 well as Article XII of Chapter 11 of the City of Myrtle Beach Code of Ordinances  
28 have been met.
- 29           f) For self-release immobilization devices, the drop-off location must be clearly  
30 marked and located at a conspicuous location within the parking lot where the  
31 booting or immobilization occurred. Booting operator shall not be entitled to assess  
32 a late fee if the drop-off location is not clearly marked in a conspicuous location  
33 within the parking lot or is broken, full, or otherwise inaccessible.
- 34           g) If the boot or immobilization device is self-releasing, the boot operator shall release  
35 the boot or provide release instructions within one hour of receiving a call, text or  
36 other electronic communication requesting release. If boot operator fails to release  
37 the boot or to provide release instructions within one hour of receiving a call, text  
38 or other electronic communication requesting release, there shall be no booting  
39 fee or any other charge.

- 1 h) If the boot or immobilization device is not self-releasing, the boot operator must  
2 take payment in person and must arrive at the parking lot within one hour of  
3 receiving a call, text or other electronic communication requesting release. Upon  
4 payment, boot operator must immediately release the boot or immobilization  
5 device and remove the warning decal, adhesive material and any residue. If boot  
6 operator fails to arrive within one hour of the telephone call, text or other electronic  
7 communication requesting release, there shall be no booting fee or any other  
8 charge and the immobilization device shall be removed immediately.
- 9 i) If the vehicle owner or vehicle operator of a motor vehicle parked without  
10 authorization in a commercial paid parking lot attempts to retrieve the vehicle  
11 before a boot or other immobilization device is completely installed, there shall be  
12 no booting fee and the vehicle owner or vehicle operator shall be allowed to  
13 remove the vehicle without further delay and without being assessed a fee or  
14 charge of any kind.

15 **Sec. 23-165. – Maximum fee for release of boot or other immobilization**  
16 **device; late fee.**

- 17 a) The maximum fee that may be charged to release a boot or other immobilization  
18 device placed on a vehicle in a commercial paid parking lot shall be eighty dollars  
19 (\$80.00) inclusive of any and all fees, charges, and assessments. If a booted  
20 vehicle is not removed from the parking lot within twenty-four hours after booting  
21 or immobilization, the boot operator may charge an additional eighty dollars  
22 (\$80.00) every twenty-four hours thereafter, not to exceed a total of \$400.00. If  
23 booted vehicle is towed within five (5) days of boot installation, no booting fee may  
24 be charged. If booted vehicle is towed more than five (5) days after boot  
25 installation, a booting fee may be charged.
- 26 b) For self-release immobilization devices, the boot operator shall be authorized to  
27 charge a twenty-five dollar (\$25.00) per day late fee for the failure to properly return  
28 a self-release immobilization device to a designated drop-off location provided the  
29 requirements of Sec. 23-164(f) of the City of Myrtle Beach Code of Ordinances are  
30 satisfied. Late fees shall not exceed \$250.00 per boot or immobilization device.
- 31 c) Every boot operator doing business in the municipal limits of the city shall accept  
32 major credit cards in addition to cash. There shall be no additional fee charged for  
33 the use of credit cards.

34 **Sec 23 - 166. - Reserved**

35 **Sec 23 - 167. - Penalties.**

- 36 a) A boot operator or provider of immobilization services who violates provisions of  
37 this article shall be fined not less than fifty dollars (\$50.00) and not more than  
38 two hundred and fifty dollars (\$250.00) and may, in the discretion of the  
39 municipal judge as provided in S.C. Code § 14-25-65, be subject to reimburse

1 the person or entity who paid the booting fee. Each instance of a violation shall  
2 be a separate violation subject to separate penalties.

3 b) In addition to other penalties, any person violating this article shall be subject  
4 to suspension or revocation of business license by the business license official  
5 who shall also have all authority granted under Section 11-35 of the City of Myrtle  
6 Beach Code of Ordinances.

7 **Sec 23 – 168. Severability.**

8 If any section, subsection, clause, phrase, word or any other part of this article shall be  
9 declared unconstitutional or invalid by a court of competent authority, the remainder of  
10 this ordinance shall not be affected and shall remain in full force and effect.

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