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**2022-51 (1<sup>ST</sup> READING): IN THE CODE OF ORDINANCES FOR THE CITY OF MYRTLE BEACH, AN ORDINANCE TO AMEND SECTION 19-124 AND DIVISIONS 1, 2, 3, 4, 5 AND 7 OF CHAPTER 19, ARTICLE VI ENTITLED SPECIAL EVENTS, PARADES, FACILITY USE, PUBLIC PERFORMANCE AND PICKETING**

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**Applicant/Purpose:** Staff/ to streamline the special event and facility use permit process

**Brief/Issues:**

- Ordinance to streamline the special event and facility use permit process.
- Permit decisions will be made by the Special Event Committee, instead of City Council; appeal to City Manager.
- Clarifying membership and makeup of the Special Event Committee.
- Parade applications will be processed by the Special Event Committee rather than the Police Department.
- Clarifying City's intent to recover costs for the provision of City Services.
- Insurance is required for all facility use permits with alcohol present.
- Gives City Manager, in consultation with the Director of Insurance and Risk Services, discretion to require more or less insurance coverage or, in some circumstances, waive the insurance requirement.

**Public Notification:** Normal meeting notification.

**Alternatives:**

- Deny and continue with existing Ordinance.

**Financial Impact:**

- Will allow the City to recover costs associated with the provision of City Services.

**Manager's Recommendation:**

- I recommend 1<sup>st</sup> reading (11.8.2022).

**Attachment(s):** Ordinance

CITY OF MYRTLE BEACH  
COUNTY OF HORRY  
STATE OF SOUTH CAROLINA

IN THE CODE OF ORDINANCES FOR THE  
CITY OF MYRTLE BEACH, AN ORDINANCE  
TO AMEND SECTION 19-124 AND DIVISIONS  
1, 2, 3, 4, 5 AND 7 OF CHAPTER 19, ARTICLE  
VI ENTITLED SPECIAL EVENTS, PARADES,  
FACILITY USE, PUBLIC PERFORMANCE AND  
PICKETING

WHEREAS, the Myrtle Beach City Council has the authority to adopt and provide for the enactment of such ordinances, not inconsistent with the Constitution and laws of the State of South Carolina, to promote and protect the health, comfort, convenience, general welfare, and safety of its residents and visitors and to preserve the peace and maintain order within its borders;

WHEREAS, the Myrtle Beach City Council recognizes and declares it is in the public interest to regulate events on public streets, public property, and certain events held on private property pursuant to the police powers of the City in order to maintain, protect and promote the public health, safety and welfare of residents and visitors; and

WHEREAS, the Myrtle Beach City Council finds that it is in the best interests of the City to protect the health, comfort, convenience, safety, and welfare of residents and visitors by amending the introductory provisions contained in Section 19-124, as well as Divisions 1, 2, 3, 4, 5 and 7 of Chapter 19, Article VI of the City of Myrtle Beach Code of Ordinances entitled Special Events, Parades, Facility Use, Public Performance and Picketing;

IT IS HEREBY ORDAINED, that the introductory provisions contained in Section 19-124 and Divisions 1, 2, 3 and 5 of Chapter 19, Article VI in the City of Myrtle Beach Code of Ordinances are repealed and replaced as set forth in the attached Exhibit A; and

IT IS HEREBY FURTHER ORDAINED, that Divisions 4 and 7 of Chapter 19, Article VI in the City of Myrtle Beach Code of Ordinances are amended by deleting existing text that is stricken through and by adding text that is underlined as set forth in the attached Exhibit B.

This ordinance is effective January 1, 2023.

BRENDA BETHUNE, MAYOR

ATTEST:

JENNIFER ADKINS, CITY CLERK

1<sup>st</sup> Reading: 11-8-2022

2<sup>nd</sup> Reading:

**ARTICLE VI. SPECIAL EVENTS, PARADES, FACILITY USE, PUBLIC PERFORMANCE  
AND PICKETING**

**~~Sec. 19-124. All permits for all divisions under this article are subject to this section, as well as for unpermitted events as described herein.~~**

~~(a) The city does not provide services free of charge when resources have to be deployment to provide public safety and cover the event. Actual cost recovery may be required deployment of public resources which, in the city's judgment, protect and preserves public health, safety and welfare. The charges for deployment shall be established by city council.~~

~~(b) There will not be a charge when the city determines that routine functions are sufficient, or when additional police or city resources are needed to control opponents of the event. The required deployment of resources will be determined by the city, taking into consideration the type of event, location of event, alcohol being served, the number of participants and the level of street usage, the need for pedestrian control approved for the event. The event organizer will be required to prepay, or reimburse the city deployment associated with the event within 30 days of receiving the invoice for services rendered. The city shall determine if and when the permit requires the closure of the entire street, half the street or no closure of the street. Closure of a street may involve additional personnel and the placement of physical barriers for public safety. The city, in its discretion, may place barricades or other separation devices for the areas identified as the facility to be used, public assembly or parade route to minimize competing or oppositional events.~~

~~(c) Two events will not be allowed to use the same route/assembly location or time, when they cannot be separated by not less than 50 yards, and are staggered in time at least one hour, due to public resource deployment necessary to preserve public health, safety and welfare.~~

~~(d) Sound amplification (for example, with loudspeakers or bullhorns) carried by a person is prohibited that is louder than an average conversational level at a distance of 100 feet. Parades and public assemblies with permits must identify sound amplification devices that are too large to be carried by one person, or that employ marching musicians or groups of performers.~~

~~(e) Any permit can be revoked due to emergency or unforeseen conditions that may arise before or during the course of the event for which it was granted, or to preserve public health, safety or welfare or for violations of any law or regulations by the participants. If the actual number of participants exceeds the estimated maximum number of participants to the point where the Myrtle Beach Police Department feels the assigned police coverage is not adequate to provide for a safe environment for the participants or the public in general, the police department can, at its discretion, delay or cancel the event.~~

~~(f) For public safety reason, the following are prohibited and declared contraband, subject to confiscation, in all permits under article VI, and all protests, demonstrations, picketing and extraordinary events, and due notice shall be included in every application that these restrictions apply.~~

~~1. Open flames, except in stationary cooking devices essential to the event;~~

~~2. Any combustible solids, liquids or gasses, including lighters, torches, etc., except in stationary cooking devices essential to the event;~~

~~3. Sticks, poles, selfie sticks or other similar elongated solid objects capable of inflicting bodily harm as a striking or stabbing object, excluding commercial available corrugated cardboard tubing as the supporting article for signage, flags and the like;~~

~~4. Backpacks, satchels, bags, coolers, or similar personally carried containers, except when said container is completely clear and see through; provided however, when checkpoint entry to the area of assembly is monitored by either private security approved by the City or by law enforcement officers with examination of the contents prior to entry, this prohibition may be waived or modified;~~

## EXHIBIT A

- 1 ~~5. Any firearm or ammunition, concealed or otherwise, except as an essential part of a recognized active~~
- 2 ~~national military observation or governmentally sponsored event;~~
- 3 ~~6. Any mechanical or handmade contrivance that launches any projectile of solid, liquid or gaseous~~
- 4 ~~composition, including Aerosols/pressurized canisters;~~
- 5 ~~7. Any stabbing, cutting, slicing blade, whether of metal or other solid composition;~~
- 6 ~~8. Any striking object, such a bat, stick, brass knuckles, martial arts weapons, implement handles and the~~
- 7 ~~like, which would inflict bodily injury;~~
- 8 ~~9. Any facial mask, headgear, or cloth worn over any portion of the face which prevents facial identification~~
- 9 ~~by a person over 16 years of age (wearing a mask prohibited (16 and older) S. C. Code 16-7-110)~~
- 10 ~~10. Any carried object that resembles or serves the purpose of a shield;~~
- 11 ~~11. Any armor or defensive covering that resembles or serves the purpose of defensive body armor;~~
- 12 ~~12. Animals, other than those trained and certified as guide dogs, also known as service animals or assistance~~
- 13 ~~animals, trained to lead blind and visually impaired people around obstacles;~~
- 14 ~~13. Drones and other unmanned aircraft systems;~~
- 15 ~~14. Glass and/or thermal containers;~~
- 16 ~~15. Individually carried signage exceeding the size restriction of 24 inches by 36 inches by one quarter inch;~~
- 17 ~~provided however, flexible banners with a supporting rigid spine carried by two persons are permitted~~
- 18 ~~in roadway parades and processions, along with ornamental objects such as mock swords, pennants,~~
- 19 ~~flags and rifles in the context of a marching band of school or military organization.~~
- 20 ~~16. Wagons or carts; and~~
- 21 ~~17. Liquids (other than drinking water in factory sealed, clear plastic bottles in parades or demonstrations;~~
- 22 ~~excluding special events and facility use where service of beverages from stationary dispensaries is~~
- 23 ~~essential to the event;~~
- 24 ~~(g) The applicant should carry a copy of this permit on his/her person during the event and will be designated as~~
- 25 ~~the contact person available to police officers for the transmission of messages or directions to all persons~~
- 26 ~~participating or attending the event. If the applicant is not going to be on scene, then another individual must~~
- 27 ~~carry the permit and make his position known to the police officers on scene.~~
- 28 ~~(h) All persons participating in or attending the event shall obey the lawful commands of any police officer and~~
- 29 ~~shall conduct themselves in a lawful manner at all times.~~
- 30 ~~(i) The normal flow of traffic shall not be deterred except in instances where a police officer performs this~~
- 31 ~~disruption.~~
- 32 ~~(j) The manager shall appoint an advisory committee and a chairperson, which shall review the applications~~
- 33 ~~submitted under this article, and provide advice and review to the manager and city council. The committee~~
- 34 ~~shall review all special event permits and parade permit applications, and facility use application which rise to~~
- 35 ~~the level of a special event due to their impact on the public. The committee shall vote to approve or withhold~~
- 36 ~~approval on matters before. When approval is withheld, the reasons for withholding consent shall be detailed~~
- 37 ~~in their report to the manager, which shall be transmitted to the council. The Committee's majority vote to~~
- 38 ~~withhold approval does not prevent the applicant from appearing before council with their request. The city~~
- 39 ~~council reserves the authority to review any decision by the manager or the committee, upon appeal by the~~
- 40 ~~applicant within 30 days of the decision, or upon its own majority motion to review.~~
- 41 ~~(1) *Membership.* The committee shall consist of not more than 11 department heads or their designees, all~~
- 42 ~~of whom shall be full time employees of the city. The manager shall designate the chairperson.~~
- 43 ~~(2) *Terms.* The members shall serve at the pleasure of the manager.~~

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~~(3) Administrative support. The city manager shall designate a city department, office or person to be responsible for providing administrative support, ensuring that all necessary records are maintained, notices provided, and other administrative services performed as necessary to permit the committee to complete the functions assigned by the manager.~~

~~(4) Meetings. Each board, commission, or committee shall meet at the call of the chairman as necessary but at least once each calendar year. Notice of all meetings will be published as required by the South Carolina Freedom of Information Act and minutes will be kept of each meeting.~~

~~(5) Ad hoc or standing subcommittees. Ad hoc or standing subcommittees formed at the discretion of the committee.~~

~~(6) Quorum. A quorum shall consist of a majority of the members currently appointed and serving, on the full committee or any ad hoc or standing subcommittee appointed by the chairperson.~~

### **DIVISION 1. SPECIAL EVENTS**

#### **~~Sec. 19-125. Purpose, scope and intent.~~**

~~(a) Recognizing that special events such festivals, parades and facility use permits enhance the quality of life for residents and visitors alike, and to provide substantial economic benefits related to additional tourism, it is the purpose of the city council to establish a structured process for permitting the use of public facilities and the staging of outdoor special events conducted by the private sector to use city streets, facilities or services, or to conduct events that occupy, impact or consume public resources as a result of the congregation of people. This article is intended to insure that the city and its residents and visitors will have adequate advance notice of a proposed festival and the cooperation of the organizers in order properly to plan the city services, such as security, sanitation and traffic control that are required for such an event. It is the intent of the city to promote and encourage events for the greater good and cultural diversity of the city, recognizing that tax exempt nonprofit organizations benefit the community, and are central to the quality of life.~~

~~(b) Given the close proximity of residential and commercial areas, the city council must balance the quiet enjoyment of one's residence in relationship to the commercial purposes that sustain and promote our tourist economy. By regulating the special events' frequency, duration, intensity, time, place and manner, the city intends to supplement its land use regulations pertaining to same, and provide a predictable and coordinated process for applicants seeking the exercise of legislative discretion in regards to the grant or denial of a special event permit, and to protect the rights and interests of the holder of the permit and the residents of the city, and to abate the cost of thereof, where the abatement shall be provided regardless of content, message or sponsor in accordance with the terms of this article. The costs to be recouped include, but are not limited to: personnel, equipment and supplies, sanitation (litter, debris and human wastes), wastewater, utilities, park maintenance and restoration, including long term degradation, and park monitoring.~~

~~(c) It is the intent of the council to protect the rights of its citizens to engage in protected free speech expressive activities and yet allow for the least restrictive and reasonable, time, place and manner regulation of those activities within the overall context of rationally regulating commercial special events that have an impact upon public facilities and services. Nothing in this article shall be construed to prevent members of the public from assembling in the parks or streets for the purpose of making any speech or conveying any message to the public or to the government without holding a special event permit or facility use permit pursuant to this article. Should any such persons wish to assemble for such purpose and should they not be holding a permit under this article, they shall not be prevented from doing so, provided that they have complied with any other ordinance or law, if there be any, regulating such other event or gathering, and provided they are peaceable and not in violation of any laws concerning the public order. Persons not holding such a permit under this article, however, will not be entitled to the benefits provided by this article, including but not limited to, the right to erect stages, barricades, utility poles, booths, tents, or other temporary structures, or the use of amplified devices, parked vehicles or of permanent structures, or to the assistance of city personnel in carrying out their event, or their exclusive or reserved use of the facility unless otherwise authorized by some other ordinance or law.~~

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### **~~Sec. 19-126. Definitions.~~**

As used in this article:

~~*Building* means any temporary or permanent structure as defined by the zoning code or any structure, including tables, tents, built or erected for support, shelter, or enclosure of persons, animals, chattels, or property of any kind. It includes pushcarts or sidewalk cafés for which the sale of goods, food or beverages has been authorized.~~

~~*City sponsored event* means that the city, solely or in partnership with another entity, produces and/or coordinates the event, after determining that the event either:~~

~~(1) Provides a local commemoration of a national holiday.~~

~~(2) Provides cultural or recreational experiences to city residents that are not otherwise routinely available in the community.~~

~~(3) Significantly enhances tourism or other forms of economic development.~~

~~*Commercial special event* means any special event organized and conducted by any person or organization holding a business license and that does not qualify as a tax exempt nonprofit organization.~~

~~*Demonstration* means any formation, procession or assembly of persons which, for the purpose of expressive activity, is:~~

~~(1) To assemble or travel in unison on any street in a manner that does not comply with normal or usual traffic regulations or controls; or~~

~~(2) To gather at a public park or other public area.~~

~~*District* means a defined area designed and suited for tourist entertainment, either previously or currently subject to tax increment financing agreements, municipal improvement districts or other such public infrastructure financing agreements, or as identified by city council by way of resolution.~~

~~*Event organizer* means any event promoter, person who conducts, manages, promotes or organizes a commercial or noncommercial nonprofit special event.~~

~~*Event promoter* means any person who:~~

~~(1) Is directly or indirectly responsible for the organization of an amusement or event, as evidenced by activities such as contracting with the principals, selecting entertainment, sponsoring, advertising or otherwise holding out an amusement or event to members of the general public, inviting participants to an amusement or event, or renting or controlling the site of an amusement or event; and~~

~~(2) Directly or indirectly receives or shares in any of the following:~~

~~a. Admission or entrance fees paid by participants or spectators at the amusement or event; or~~

~~b. Compensation, consideration or other revenue from sponsors of or private donors to the amusement or event;~~

~~c. Revenues from concessions or other sales at the amusement or event; or~~

~~d. Revenues from the control or vending or concession sites or permits, including nonresident event promoters who do business within the City of Myrtle Beach. The following persons are not event promoters within the meaning of this chapter, or other referencing chapters as applicable:~~

~~1. Any business license holder placing an ad, or any print or broadcast media who is paid for page space or broadcast time to advertise an amusement or event, but exercises no other coordinating financial or operational responsibility in connection with the promotion.~~

~~2. Any business license holder providing a product or service or off-premises ticket seller who sells admission tickets to an amusement or event in advance of such amusement or event~~

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but exercises no other coordinating financial or operational responsibility in connection therewith.

3. Any performer who is paid for his performance at an amusement or event but exercises no other financial or nonperformance related operational responsibility in connection therewith.

4. Any agent of an athlete or performer who is compensated for negotiating his client's contract to perform at an amusement or event but exercises no other financial or operational responsibility in connection therewith.

5. Any city business licensee to the extent that the licensee personally plans, prepares or executes an amusement or event in the course of such licensed business, in conformance with extant regulation and law.

6. Any full time employee of a business license, to the extent that the employee plans, prepares or executes an amusement or event in the course of such employment.

7. The City of Myrtle Beach, and or other participating unit of local government.

8. Any employee of the city, and or other participating unit of local government to the extent that such employee plan, prepare or execute an amusement or event in the course of such employment;

9. Any person who exclusively promotes amusements or events at establishments or venues meeting all of the following requirements: (1) The owner or operator of the establishment or venue at which the promoted amusement or event is presented holds a valid public place of amusement license or valid performing arts venue license issued under chapter 11 of the City Code, and (2) The establishment or venue at which the promoted event is presented: (i) has fixed seating only and all patrons attending any promoted amusement or event at such establishment or venue are seated in such fixed seats; or (ii) has a fixed seating capacity of 500 or more persons; and/or

10. For a specific amusement or event, any person who is hired or otherwise retained by an event promoter licensed under this chapter, as evidenced by a contract, to provide services to the licensed event promoter related to such amusement or event, including, but not limited to, advertising services.

*Expressive activity* includes conduct, the sole or principal object of which is the expression, dissemination or communication by verbal, visual, literary or auditory means of opinion, views or ideas and for which no fee or donation is charged or required as a condition of participation in or attendance at such activity. It includes public oratory and distribution of literature, and picketing.

*Facility use permit* means a permit issued under the authority of the manager for temporary or slight reserved use or occupation of a public facility or an area of public land, for a defined period of time and said use does not impact city resources, due to the anticipated congregation of more than 25 people in such numbers or in such location as identified. The permit is a reservation of use, and conveys certain rights to use.

*Festival* means a thematic, organized, site specific celebration, performance, exhibition or competition occurring upon public or private property, or a combination of private and public property, as a result of a private nongovernmental event organizer, during which commerce may occur, for a defined period of time, advertised and promoted outside the city, that will, in the determination of the city, have an impact on city resources, due to the anticipated congregation of more than 50 people in such numbers or in such location as identified by the sponsor or promoter as the venue. See also "legislative festival".

*Goods* means wares, personal property, merchandise or any other similar item or object than is generally sold.

*Gross revenues* mean the sum of all revenues received by an event organizer for a special event, including, but not limited to, cash receipts, licensing, sponsorship, television, advertising and similar revenues, and concessions.

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1 ~~Internal security~~ means the deployment of privately contracted qualified human resources in sufficient  
2 number, as determined by the police department, to ensure the comfort and safety of movement of participants in  
3 a special event.

4 ~~Legislative festival~~ means any official proclamation, resolution or declaration of city council, in legislative  
5 discretion, of a citywide thematic celebration, recognition, event or time under such permitting conditions, terms  
6 and duration as deemed to be in the best interest of the public.

7 ~~Noise variance~~ means a grant from city council to a petitioner to exceed the legal noise limit, pursuant to  
8 subsection 14-62(h)(11) or as recodified, within a zoning classification for a specific period of time at a specific  
9 location, usually associated with an outdoor performance, not rising to the level of a special event as defined herein,  
10 in that no other variance from the normal application of zoning laws is requested.

11 ~~Noncommercial nonprofit special event~~ means any special event organized and conducted by a person or entity  
12 that qualifies as a tax exempt nonprofit organization.

13 ~~Parade~~ means any march, race, presentation, ceremony, pageant or procession of any persons and  
14 conveyances of any sort moving upon any public street or sidewalk of the city, which does not comply with normal  
15 traffic regulations.

16 ~~Rallies, automobile or motorcycle~~ means an outdoor gathering of riders, drivers and enthusiasts scheduled and  
17 sponsored by specific clubs, associations, event planners and/or organizers, event promoters, vendors, dealers or  
18 vendor permit sellers for the purpose of retail sales to attendees, who expect and are provided a variety of vending  
19 opportunities and entertainment events by those who profit from the gathering. The term special event is not used  
20 to denote the perceived quality of the event, or to imply that one entity is necessarily in charge of organizing or  
21 managing the event but is used to describe these types of activities because of their known shared characteristics of  
22 widespread promotion by event promoters seeking profit, with a location identified as the place of gathering or rally,  
23 with a published or publicly known time of occurrence, either sporadic, cyclical or scheduled. The resulting traffic  
24 congestion and noise can be attributed to event promotion or staging, or lack of planning or control by event  
25 promoters or organizers. Planned or unplanned special events can dramatically impact overall travel safety, vehicular  
26 and pedestrian mobility, and travel time reliability for visitors and residents alike.

27 ~~Sidewalk~~ means that portion of a highway, other than the roadway, set apart by curbs, barriers, markings or  
28 other delineation for pedestrian travel.

29 ~~Signage~~ means any sign, pennant, flag, banner, inflatable display, or other attention seeking device, including  
30 but not limited to:

31 (1) ~~Temporary site specific signage~~. Printed signs and/or banners bearing the name of a specific special event  
32 intended to identify the location of that event.

33 (2) ~~Temporary welcome signage~~. Printed signs and/or banners bearing the name of the specific business or  
34 entity and a welcome statement referencing the event participants and spectators.

35 ~~Special event~~ means an outside or outdoor thematic entertainment, amusement athletic or political event,  
36 that is advertised or promoted inside or outside the city, on private property or in the exclusionary use of public  
37 property, and it is reasonably foreseeable to involve a large assemblage of vehicles and persons, impose traffic  
38 congestions, impact required parking, involve sanitation and security concerns, the erections of structures or  
39 operation of rides, games or machines that may affect the city residents' or invitees' health, safety, or welfare, or  
40 may require excessive public safety cost in responding to and/or managing the event to preserve the public peace.  
41 A special event has a specific start and stop date, and has no intervening dates of event inactivity, except for  
42 legislative or city sponsored events. A series of similar events is not considered a single event, unless conducted on  
43 consecutive days. The outdoor display or sale of merchandise or placement of vending on private property in  
44 connection with the sale of merchandise is not considered a special event. A special event can include, but is not  
45 limited to:



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(1) ~~Any organized formation, parade, procession or assembly consisting of persons, and which may include animals, vehicles or any combination thereof, which is to assemble or travel in unison on any street which does not comply with normal or usual traffic regulations or controls; or,~~

(2) ~~Any organized assemblage, not meeting the criteria for a facilities use permit, of persons at any public beach or public park which is to gather for a common purpose under the direction and control of a person; or,~~

(3) ~~Any other organized activity conducted by a person or group for a common or collective use, purpose or benefit which involves the use of, or has an impact on, other public property or facilities and the provision of city public safety services in response thereto.~~

(4) ~~Examples of special events include filming, concerts, parades, circuses, fairs, festivals, block parties, automobile or motorcycle rallies, community events, mass participation, sporting competition such as, marathons and running events, bicycle races or tours, or spectator sports such as, football, basketball and baseball games, golf tournaments or hydroplane or boat races.~~

~~Significant sports tourism event means a sports or athletic based competition brought to the community primarily because of the expected number of out of town visitors expected to participate.~~

~~Special event permit means a permit issued under this division.~~

~~Special event venue means that defined area identified on a submitted site plan approved by city council for which a special event permit has been issued.~~

~~Street means a public right of way, or way or place of whatever nature, publicly maintained and open to use of the public for purposes of vehicular or pedestrian travel. Street includes highways, alleyways, sidewalks and any other public area that accommodates vehicular or pedestrian traffic.~~

~~Tax exempt nonprofit organization means an organization that is exempted from payment of income taxes by federal or state law and which has been in existence for a minimum of six months preceding the date of application for a special event permit or other permit. This shall include charities, 501(c)(3)s, civic groups, fraternal organizations, and mutual benevolent aid societies. Appropriate official documentary proof may be required.~~

~~Vendor means any person who sells or offers to sell, any goods, food, or beverages within a special event venue, including the event organizer or any person who contracts with the event organizer for space within the special event venue in order to vend goods.~~

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

(a) ~~Whether the event or rally is inside the city limits or adjacent to the city limits, no person or legal entity shall promote, stage, conduct, organize or sponsor a special event or rally that is reasonably foreseeable to affect the city residents' health, safety, or welfare and require excessive public safety cost, unless an application for a special permit has been obtained, based on a complete management plan that protects public safety, health and welfare, and addresses cost recovery for public expenditures arising from the implementation of the plan. A person or legal entity that, without an approved plan and permit, promotes, stages, conducts, organizes or sponsors a special event or rally that results in an excessive public safety cost is guilty of a misdemeanor.~~

(b) ~~The city manager, or his designee is authorized to grant facility use permits and parade permits, and to determine when a proposed facility use rises to the level of a special event permit, based upon an evaluation of public impact or consumption of public resources, location, anticipated attendance, and purpose. Insurance may be required for a facility use permit or parade permit, based upon the risk manager's assessment of potential liability for the city.~~

(c) ~~The city council shall consider all special event permits for events occurring within the city limits of the city pursuant to the procedures established in this division. The council shall determine the special event venue, set reasonable boundaries, balancing the special event requirements and public health, safety, and welfare.~~

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- ~~(1) No special event permit may be granted for land that is inadequate in any respect for the event(s) or activities as shown by the application, under the totality of the facts and circumstances. Persons may enter into agreements to assemble the required acreage. The record owner of the property, as well as lessees or tenants must agree in writing to inclusion in the assemblage. Public right of way may not be included in the required private property acreage, unless specifically approved by city council.~~
- ~~(2) Except for properties within the defined districts and for district wide events as determined in the discretion of City Council, no private property may host, in whole or in part, more than five special events in a calendar year, or exceed a cumulative total of ten days of special events in a calendar year. Otherwise, no special event on private property can exceed more than five consecutive days, and no special event on public property can exceed three consecutive days.~~
- ~~(3) Within a defined district, no district wide event can exceed more than 90 consecutive days, provided however, these frequency and duration restrictions do not apply when the city council proclaims or declares by resolution a legislative festival or city sponsored event. A business license owner within the special event area may participate under the terms and conditions set forth in the resolution for the length of time so identified without such voluntary participation being counted to reduce their cumulative ten days available for a special event on their private property. In consideration of public safety, sanitation, transportation, and parking, participants in the legislative festival shall submit a site plan for approval pursuant to [section] 19-135 as a condition of participation.~~
- ~~(4) A business license holder sponsoring a nonprofit event for charitable purposes is limited to three days.~~
- ~~(5) City council reserves the right to limit the proximity or number of concurrent or overlapping special events when the legislative determination is made that city resources are inadequate to meet the demands of the multiple special events, or that the events will result in a concentration of people, vehicles or activity inimical to the public health, safety and welfare.~~
- ~~(6) In consideration of current demands on public resources made during the month of May, no special event permit, noise variance, or facility use permit with outdoor vending, merchandise, or food or beverage sales, as otherwise permitted by law, may be issued from May 1 through midnight of May 31 of every year, if such permit or variance overlaps or coincides with an unpermitted rally that is held forth as occurring on specified days and is reasonably perceived by the council acting in its discretion as being held in furtherance of or to take advantage of an unpermitted rally, to include either five days before or five days after the time of the rally as set forth.~~
- ~~A parking and emergency access plan is required for each special event to address neighboring businesses or residential areas.~~
- ~~(7) Reserved.~~
- ~~(8) No special event or permitted event may include a dynodrag, or similar machine known to produce excessive noise or a burnout pit.~~
- ~~(9) Without a shuttle or other visitor transportation system shown in a parking plan, no more than 25 percent of any required parking area may be affected by the placement of buildings during a special event, unless the required parking is provided off site within 300 feet of the boundaries of the venue. At the discretion of the city manager or his designee, temporary parking arrangements may be made to accommodate event participants. Such arrangements may include the use of vacant properties (paved or otherwise), required parking for area businesses during periods when those businesses are closed, or parking for businesses while they are open to the degree that spaces made available for such temporary uses are in excess of required parking for that business. Such temporary parking may be made available for this purpose on either a free or a fee basis.~~
- ~~(10) Absent administrative or legislative specific approval, no special event or other permitted event may operate between the hours of 11:00 p.m. and 7:00 a.m.~~

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~~(d) The city shall coordinate the issuance of a special event permit with other public agencies through whose jurisdiction or property the event or portion thereof occurs and to issue a special event permit upon the concurrence of other public agencies involved. The city manager is authorized to establish administrative and operational policies to issue both the special event permit and the facility use permit.~~

~~(e) On an annual basis, or as requested, the manager shall report a listing of facility use permits, parade permits and special event permits to council. All permits involving the occupation of a public street, except for temporary use of a parade or facility use permit, shall be reviewed by council.~~

~~(f) For events not rising to the level of a special event, the city manager or his designee may grant a variance from application of the laws regarding noise for an event upon proper petition, specifying the time, place and manner of the variance sought in accordance with chapter 14, subsection 14-62(h)(11). Such approvals shall be made within guidelines adopted by the city council through resolution.~~

### **~~Sec. 19-128. Exceptions to special event permit requirement.~~**

~~(a) A special event permit is not required for any activity listed in section 19-128.~~

~~(b) Although not required to get a special event permit, an event organizer of an activity exempted pursuant to subsection 19-128(c) is required to comply with general regulations governing public safety or health.~~

~~(c) The following activities are exempt from the special event permit requirement:~~

~~(1) Funeral services and processions;~~

~~(2) Activities solely conducted or co-sponsored by the City of Myrtle Beach in promotion of tourism or acting to advance the welfare of its citizens;~~

~~(3) Lawful picketing on sidewalks;~~

~~(4) Demonstrations that do not involve the use of vehicles, animals, fireworks, pyrotechnics or equipment (other than sound equipment), provided that:~~

~~a. No fee or donation is charged or required as a condition of participation in or attendance at such demonstration; and,~~

~~b. The manager is notified at least 48 hours in advance of the commencement of the demonstration; and,~~

~~(5) Facilities use permit; and~~

~~(6) Reserved;~~

~~(7) Noise variances; and~~

~~(8) Temporary use zoning permit.~~

### **~~Sec. 19-129. Issuance of a special event permit does not obligate city services.~~**

~~(a) Issuance of a special event permit does not obligate or require the manager to provide city services, equipment or personnel in support of an event, unless directed by council.~~

~~(b) Subject to approval of the manager, city services, equipment, or personnel for commercial special events may be provided, based upon consideration of either cost recovery.~~

~~(c) Cost recovery for noncommercial nonprofit events may be waived only if the council finds that a public purpose will be served. A public purpose is served if all four of the factors provided in subsections 19-129(c)(1)-(4) are met:~~

~~(1) The event is organized and conducted by a tax-exempt nonprofit organization which operates from or provides services within the city or County of Horry; and,~~

~~(2) The event provides an identified benefit to the general public; and,~~

## EXHIBIT A

~~(3) The event includes participation by the general public (notwithstanding an admission or participation fee); and,~~

~~(4) Provision of city services will result in improved crowd or event control and general public safety, and does not diminish or detract from the normal level of service for its citizens, based upon the evaluation and advice of the manager.~~

### **~~Sec. 19-130. Priority of special event permit issuance.~~**

~~Except for events sponsored by the city, and wherever possible, priority shall be given for the issuance of a special event permit to local tax-exempt nonprofit organizations operating in and providing services to the citizens of the city or the County of Horry. Except for events sponsored by the city, and whenever possible, priority shall be given for the issuance of a special event permit to larger acreage events over smaller acreage events. Priority shall be given for the issuance of special events that do not abut a residential area.~~

### **~~Sec. 19-131. Use of city seal or name; city sponsorship.~~**

~~Except as authorized in section 19-147 related to city sponsored events, the use of the city seal or the words "The City of Myrtle Beach," "City of Myrtle Beach" or any similar combination or facsimile that would reasonably imply an official endorsement of the event by the city, is prohibited, absent specific authorization from city council. Without such specific legislative action authorizing endorsement, the issuance of a permit shall not be considered an endorsement by the city. It shall be unlawful for any person to represent, hold out, promote or publish to another that the city name or city seal is an endorsement of the event without specific legislative action authorizing such use. Sec. 19-132. Time for filing application for special event permit or facility use permit; time limit for notifying city manager of demonstration.~~

~~(a) There is no fee required for the submittal of a special event application. Applications must be submitted not less than 90 days prior to the event. The application shall be reviewed by the committee as designated by the manager. The manager's comments and the committee's approval or withholding of approval, with reasons, shall be provided to city council, and the completed application shall be placed on the council's agenda for consideration within 60 days, or less than 60 days if adequate review can be completed, after receipt of a completed application, and the committee's vote to give or withhold approval. The applicant and the manager may extend the time for departmental analysis by mutual consent.~~

~~(b) Reserved.~~

~~(c) Any person organizing a demonstration shall notify the manager not less than 48 hours before the time when it is proposed to conduct the demonstration.~~

### **~~Sec. 19-133. When application for special event permit is deemed complete.~~**

~~An application for a special event permit is deemed completed when the applicant has provided all of the information required in section 19-135 including a site plan and any additional information required by the city manager, and the application has been approved by any city departments designated by the city manager. Only completed and reviewed applications may be placed upon council's agenda for the body's consideration. The city council hereby declares an incomplete application as being incapable of being placed upon an agenda for consideration. Sec. 19-134. Date of special event not confirmed until permit issued.~~

~~Notwithstanding the city manager's acceptance of a completed application, no date shall be considered confirmed until a special event permit is issued at the direction of city council. Sec. 19-135. Content of special event permit application.~~

~~The manager shall issue application for special events upon request.~~

~~The application for a special event permit may include, but is not limited to, the following, when applicable to the nature of the event:~~

~~(1) The name, address and telephone number of the applicant;~~

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- ~~(2) A certification that the applicant will be financially responsible for any city fees or costs that may be imposed for the event;~~
- ~~(3) The name, address and telephone number of the event organizer, if any, and the chief officer of the event organizer, if any;~~
- ~~(4) If the special event is designed to be held by, on behalf of, or for any organization other than the applicant, the applicant for the special event permit shall file a written communication from such organization:~~
  - ~~a. Authorizing the applicant to apply for the special event permit on its behalf;~~
  - ~~b. Certifying that the applicant will be financially responsible for any costs or fees that may be imposed for the event;~~
- ~~(5) A copy of the tax exemption letter issued for any applicant claiming to be a tax exempt nonprofit organization;~~
- ~~(6) A statement of the purpose of the special event;~~
- ~~(7) A statement of fees to be charged for the special event;~~
- ~~(8) The proposed signage, boundaries, location, map, dates, times, routes, alternative routes, staging areas, reviewing, parking, or disbanding stands or areas;~~
- ~~(9) The approximate number of persons and kinds and number of animals, structures or vehicles that will constitute the special event, and the parking plan for the vehicle;~~
- ~~(10) Plan for trash removal;~~
- ~~(11) The number of bands or other musical units and the nature of any equipment to be used to produce sounds or noise;~~
- ~~(12) The number and location of portable sanitation facilities;~~
- ~~(13) Other equipment or services necessary to conduct the event with due regard for participant and public health and safety;~~
- ~~(14) The number of persons proposed or required to monitor or facilitate the special event and provide spectator or participant control and direction for events using city streets, sidewalks, or facilities;~~
- ~~(15) Provisions for first aid or emergency medical services, or both, based on event risk factors;~~
- ~~(16) Insurance and surety bond information;~~
- ~~(17) Any special or unusual requirements that may be imposed or created by virtue of the proposed event activity;~~
- ~~(18) Full information on the location, number and names of vendors, and the types of goods or services being intended to be marketed within the boundaries of the special event;~~
- ~~(19) Acknowledgement by event organizer is responsible for costs; and~~
- ~~(20) Any other information required by the city manager.~~

### **~~Sec. 19-136. Conditions affecting the issuance of a special event permit.~~**

- ~~(a) The city council may consider the issuance of special event permit, including but not limited to the conditions enumerated herein and in section 19-124, when applicable to the nature of the event.~~
  - ~~(1) The event will not substantially interrupt the safe and orderly movement of aerial or marine navigation.~~
  - ~~(2) The event will not substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route, including specifically the displacement of vehicular parking into adjacent or neighboring commercial areas not part of the venue, or into adjacent or neighboring residential areas.~~

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- ~~(3) The event will not cause an unmanageable conflict with construction or development in the public right of way or at a public facility.~~
- ~~(4) The event will not unmanageably block traffic lanes or close streets during peak commuter hours on weekdays or weekends, as determined by the manager.~~
- ~~(5) The event will not require the diversion of a great number of police employees from their normal duties, thereby preventing reasonable police protection to the remainder of the city.~~
- ~~(6) The concentration of persons, animals or vehicles will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets.~~
- ~~(7) The event will move from its assembly location to its disbanding location expeditiously and without stopping enroute.~~
- ~~(8) The event will not substantially interfere with any other special event or demonstration for which a permit has already been granted or with the provision of city services in support of other scheduled events or unscheduled governmental functions such as visits of chiefs of state.~~
- ~~(9) The event will not have unmitigatable adverse impact upon residential or business access and traffic circulation in the same general venue.~~
- ~~(10) To make the determination under this section, the city council shall consider pedestrian and traffic circulation and parking, traffic volume and population density, time of year, and neighboring or adjacent zoning uses.~~

**Sec. 19-137. Consideration of approval and reasons for denial of a special event permit.**

- ~~(a) No permit shall be denied nor shall the applicant for a permit be given less favorable treatment as to time, manner, or place on account of any message or viewpoint that may be conveyed at a festival, or on account of the identity or associational relationships of the applicant.~~
- ~~(b) No applicant for, or recipient of, an special event permit shall be required to provide for, or pay for the cost of, public safety personnel necessary to provide for the protection of a festival and its attendees from hostile members of the public or counter demonstrators, or for general law enforcement in the vicinity of the festival because of hostility or counter demonstrators. Notwithstanding the preceding, the event applicant shall be required to provide a plan for internal security, as that term is defined in this article, for the festival assembly area, and, absent a specific finding of City Council to the contrary, shall be required to provide and pay for off duty police officers and private security guards for such internal security purposes.~~
- ~~(c) The city council may deny a special event permit to an applicant who has not:~~
  - ~~(1) Provided a sufficient traffic plan or for sufficient traffic controls by persons appropriately trained, certified or appointed pursuant to state law which enables the control of traffic; or,~~
  - ~~(2) Provided an adequate parking plan; or,~~
  - ~~(3) Provided sufficient monitors and a security plan for crowd control and safety; or,~~
  - ~~(4) Provided sufficient safety, health or sanitation equipment, services or facilities that are reasonably necessary to ensure that the event will be conducted with due regard for public safety and sanitation; or,~~
  - ~~(5) Provided sufficient off-site parking or shuttle service, or both, when required to minimize any substantial adverse impacts on general parking and traffic circulation in the vicinity of the event; or,~~
  - ~~(6) Provided sufficient signage information upon which approval can be granted; or,~~
  - ~~(7) Met all of the requirements for submitting an application for a special event permit; or,~~
  - ~~(8) Demonstrated an ability or willingness to conduct an event pursuant to the terms and conditions of this division; or,~~

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(9) ~~Not conducted a previously authorized or exempted special event in any jurisdiction in accordance with law or the terms of a permit, or both; or,~~

(10) ~~Not obtained approval of any other public agency within whose jurisdiction the special event or portion thereof will occur; or,~~

(11) ~~Provided an adequate internal security, first aid or emergency medical services plan based on event risk factors; or,~~

(12) ~~Not complied with any term of this division, or with any condition of a special event permit previously issued to the applicant.~~

~~(d) The city council may also deny a special event permit when:~~

~~(1) Due to the inadequate internal security or deficient security plan of the event organizer given the projected attendance, or the time, place or manner of conducting the event, the event will create the imminent possibility of violent disorderly conduct likely to endanger public safety or to result in significant property damage; or,~~

~~(2) The event, as proposed, will violate public health or safety laws; or,~~

~~(3) The event fails to conform to the requirements of law; or,~~

~~(4) The city council, in its sole discretion, determines that the number of such events occurring at or near the same date creates an unreasonable demand on city staff and services.~~

### **~~Sec. 19-138. Denial of a special event permit and appeal to a court of competent jurisdiction.~~**

~~To the extent council's exercise of discretion is capable of appeal, any appeal or writ of certiorari permitted by law must be made to court of competent jurisdiction, within 30 days of the council's decision, whether rendered and received orally or in writing.~~

### **~~Sec. 19-139. Display of special event permit or facility use permit is required.~~**

~~A copy of the special event permit or facility use permit shall be displayed on location or in the special event venue in the method prescribed by the city council or the city manager applicable to the particular event and shall be exhibited upon demand of any city official.~~

### **~~Sec. 19-140. Contents of special event permit.~~**

~~Based upon council approval, a permit shall be issued by the manager. A special event permit shall always be accompanied by the site plan approved by council and may contain the following information or conditions:~~

~~(1) The location of the special event venue, which may be identified by a map attached to the special event permit;~~

~~(2) The date, assembly area, time for assembly and starting time of the special event;~~

~~(3) The specific route plan to the special event;~~

~~(4) The minimum and maximum speeds of the special event;~~

~~(5) The number and types of persons, animals and vehicles, the number of bands, other musical units and equipment capable of producing sound, if any, and limitations thereon pertaining to noise abatement;~~

~~(6) The portion of the street and sidewalk that is to be occupied by the event and the location of reviewing or audience stands, if any;~~

~~(7) The number and location of traffic controllers, monitors, other support personnel and equipment and barricades to be furnished by the special event organizer;~~

~~(8) The area and time for disbanding;~~

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(9) ~~Conditions or restrictions on the use, sale or free distribution of alcoholic beverages and authorization for and conditions of the exclusive control or regulation of vendors and related sales activity by the event organizer during the special event;~~

(10) ~~Provisions for any required emergency medical services;~~

(11) ~~Such other information and conditions as are reasonably necessary for the conduct of the special event and the enforcement of this division, including the requirement for the on-site presence of the event organizer or its designated representative for all event coordination and management purposes; and,~~

(12) ~~As a condition of the issuance of a special event permit, the applicant shall be required to make adequate provisions for cleaning up the area or route of the event both during and upon completion of the event and to return the area or route to the same condition of material preservation and cleanliness as existed prior to the event.~~

### **~~Sec. 19-141. City council's action on special event permit application.~~**

(a) ~~Except as provided in subsection 19-141(b), the city council shall take final action upon a completed application for a special event permit as soon as practicable, but no later than 60 days from the item being placed upon the agenda, provided however mutual consent may serve as a ground for continuance.~~

(b) ~~The city council is not required to take final action upon any special event permit application prior to 180 calendar days before the event.~~

(c) ~~The city council is not required to take final action on an incomplete or untimely special event permit application.~~

(d) ~~The city council is not required to process more than one application for a special event permit per applicant during any two-week period.~~

(e) ~~The city council is not required to take final action upon two or more special event permit applications submitted by the same applicant unless two or more weeks shall have elapsed between the respective dates of submission of each.~~

(f) ~~Final action on a completed special event permit application shall consist of one of the following:~~

(1) ~~Issuance of a special event permit in accordance with the terms of application after public hearing and by way of resolution or motion.~~

(2) ~~Issuance of a special event permit in accordance with the terms of the application, as modified by mutual agreement between the city council and the applicant, after public hearing and by way of resolution or motion; or~~

(3) ~~Denial of the special event permit applications by the city council, with the reason(s) for denial stated in the resolution or motion.~~

### **~~Sec. 19-142. Insurance required to conduct special event; hold harmless.~~**

(a) ~~The event organizer of a special event must possess or obtain comprehensive general liability insurance from no less than an A rated company to protect the city against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the event. Such insurance shall name the city, its officer, employees, and agents and, as required, any other public entity involved in the event, as additional insured. Insurance coverage must be maintained for the duration of the event. Notice of cancellation shall be provided immediately to the city. When applicable, the city may require proof of workers compensation and auto liability insurance.~~

(b) ~~Except as provided in subsection 19-142(c), comprehensive general liability insurance coverage required by subsection 19-142(a) shall be in a combined single limit of at least \$1,000,000.00.~~

(c) ~~If the special event is of a demonstrated high or low risk category, according to recognized insurance and risk management standards as determined by the manager, the manager may authorize a greater or lesser amount~~



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1 of coverage than required by subsections 19-142(a) and (b), or may require a particular type of insurance  
2 coverage different from that specified in subsections 19-142(a) and (b).

3 ~~(d) The insurance required by subsection 19-142(a) shall encompass all liability insurance requirements imposed~~  
4 ~~for other permits required under other sections of this Code and is to be provided for the benefit of the city~~  
5 ~~and not as a duty, express or implied, to provide insurance protection for spectators or participants. The event~~  
6 ~~organizer's current effective insurance policy, or copy, along with necessary endorsements, shall be filed with~~  
7 ~~the manager at least 60 calendar days before the event, unless the manager for good cause modifies the filing~~  
8 ~~requirements.~~

9 ~~(e) No permit is valid until the applicant shall accept the classification and conditions imposed in accordance with~~  
10 ~~the resolution of council, as well as the applicant's agreement to hold harmless the city and its officers and~~  
11 ~~employees from any damages to persons or property on claims that arise from the permitted event and by~~  
12 ~~paying the applicable fees and providing adequate insurance.~~

### **~~Sec. 19-143. Waiver of insurance requirements.~~**

14 ~~(a) Except for special events where the sale of alcoholic beverages is authorized or for traffic control issues, the~~  
15 ~~insurance requirements of section 19-142 may be waived by the council. In making the determination of~~  
16 ~~whether to waive insurance, the city council shall consider the factors provided in subsections 19-143(a)(1)–~~  
17 ~~(6).~~

18 ~~(1) Whether the special event is expressive activity protected by the First Amendment;~~

19 ~~(2) Whether the applicant or an officer of the sponsoring organization of a nonathletic event has filed a~~  
20 ~~verified statement that he or she believes the event's purpose is First Amendment expression;~~

21 ~~(3) Whether the applicant or officer of the sponsoring organization has determined that the cost of~~  
22 ~~obtaining insurance is financially burdensome and would constitute an unreasonable burden on the right~~  
23 ~~of First Amendment expression;~~

24 ~~(4) Whether the event will involve the use of equipment (other than sound equipment), vehicles, animals,~~  
25 ~~fireworks or pyrotechnics; or~~

26 ~~(5) Whether a fee or donation is charged or required as a condition of admission or participation in the~~  
27 ~~event.~~

28 ~~(b) The statement required by subsection 19-143(a)(3) shall include the name and address of one insurance broker~~  
29 ~~or other source for insurance coverage contacted to determine premium rates for coverage.~~

30 ~~(c) To claim that it is objectively impossible to obtain insurance coverage pursuant to subsection 19-143(a)(4), the~~  
31 ~~applicant shall submit a statement from at least two independent licensed insurance brokers demonstrating~~  
32 ~~the insurance is unavailable in the market place.~~

33 ~~(d) Even though insurance is waived, no permit may be issued without the organizer of a special event agreeing~~  
34 ~~to defend, indemnify and hold harmless the city from any claim or liability arising from the event.~~

### **~~Sec. 19-144. Revocation of special event permit.~~**

36 ~~(a) Any special event permit issued pursuant to this division is subject to revocation pursuant to this section.~~

37 ~~(b) A special event permit may be revoked if the city manager determines:~~

38 ~~(1) That the event cannot be conducted without violating the standards or conditions for special event~~  
39 ~~permit issuance; or,~~

40 ~~(2) The event is being conducted in violation of any condition of the special event permit; or~~

41 ~~(3) The event poses a threat to health or safety; or~~

42 ~~(4) The event organizer or any person associated with the event has failed to obtain any other permit~~  
43 ~~required pursuant to this Code; or~~

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1       ~~(5) The special event permit was issued in error or contrary to law; or~~

2       ~~(6) The facts or assertions in the application have been falsified or misrepresented.~~

3       ~~(c) Except as provided in subsection 19-144(d), notices of revocation shall be in writing and specifically set forth~~  
4       ~~the reasons for the revocation.~~

5       ~~(d) If there is an emergency requiring immediate revocation of a special event permit, the city manager may notify~~  
6       ~~the permit holder verbally of the revocation.~~

7       ~~(e) An appeal from a revocation shall be handled in the same manner and under the same time requirements as~~  
8       ~~denials of facility use permit pursuant to section 19-138.~~

9       ~~**Sec. 19-145. Cost recovery for commercial special events.**~~

10      ~~(a) Absent a specific finding of city council to the contrary, for any commercial special event requiring expenditure~~  
11      ~~of public resources, the manager shall charge for the actual cost of:~~

12          ~~(1) The salaries of city personnel involved in permit processing, event traffic control, fire safety or other~~  
13          ~~facility or event support; and~~

14          ~~(2) The use of city equipment and other nonpersonnel expense.~~

15      ~~(b) The city shall require the payment of fees required pursuant to subsection 19-145(a), or a reasonable estimate~~  
16      ~~thereof, at the time the completed application is approved, unless the city manager, with the concurrence of~~  
17      ~~council, for good cause extends time for payment.~~

18      ~~(c) If in the sole judgment of the city manager or his designee, the event organizer fails to, adequately and~~  
19      ~~expeditiously clean the event site, the event organizer will be billed for actual city costs for clean up and repair~~  
20      ~~of the area or route occasioned by the event. If the event organizer failed to adequately and expeditiously~~  
21      ~~clean the event site under a previously issued special event permit, the event organizer shall deposit adequate~~  
22      ~~surety in the form of cash or bond.~~

23      ~~**Sec. 19-146. Reserved.**~~

24      ~~**Sec. 19-147. City sponsored events.**~~

25      ~~(a) City council may elect to demonstrate its support of a special event, legislative festival, or significant sports~~  
26      ~~tourism event by designating it as a "city sponsored event". Such designation shall be in the form of a resolution~~  
27      ~~indicating:~~

28          ~~(1) The public purpose of such event.~~

29          ~~(2) The estimated public cost of such event, and the portion thereof that shall be borne by the city.~~

30          ~~(3) The estimated revenue associated with the event, and the portion thereof that shall be retained by the~~  
31          ~~city.~~

32          ~~(4) The estimated economic impact (direct spending) of that event on the entire community.~~

33      ~~(b) Unless specifically limited by city council in the authorizing resolution city sponsorship shall convey:~~

34          ~~(1) The right to use the city seal, and/or the words "The City of Myrtle Beach," and "City of Myrtle Beach" or~~  
35          ~~any similar combination or facsimile to confirm an official endorsement of the event by the city in any~~  
36          ~~promotional literature regarding the event.~~

37          ~~(2) The right to use the city seal, and/or the words "The City of Myrtle Beach," and "City of Myrtle Beach"~~  
38          ~~on any event specific clothing or souvenir items.~~

39          ~~(3) The right to use temporary site specific signage at the event site, and temporary welcome signage at~~  
40          ~~private businesses and on public property, subject to the approval of the city manager or his designee.~~

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**~~Sec. 19-148. Reserved.~~**

**~~Sec. 19-149. Enforcement authority; penalties.~~**

The city manager is authorized to administer and enforce the provisions of this division. The city manager and his or her designated enforcement officials may exercise any enforcement powers as set forth in law. Violations of any section of the Code may result in the imposition of penalties upon conviction pursuant to section 1-9.

**~~Sec. 19-150. Authorized special event vendors.~~**

(a) ~~Subject to the requirements of applicable federal, state, county or city laws or regulations, the issuance of a special event permit confers upon the permit holder or event organizer the right to control and regulate the sale of goods, food and beverages within the special event venue in accordance with the terms and conditions of the special event permit, if permitted by council.~~

(b) ~~Vendors authorized to sell goods, food, or beverages in the special event venue shall display their authorization in the manner required by applicable law. Only vendors displaying the required authorization shall be allowed to sell goods, food, or beverages in the special event venue.~~

(c) ~~The issuance of a special event permit does not relieve any person from the obligation to obtain any other permit or license required pursuant to this Code, or other laws.~~

(d) ~~The issuance of any other permit or license issued pursuant to this Code does not relieve any person from the obligation to obtain a special event permit pursuant to this division.~~

(e) ~~It is unlawful for any person to sell, resell, or offer to sell or resell, any goods, food or beverages within the special event venue, except in the manner as set forth in the application approved by council.~~

**~~Sec. 19-151. Strict liability offenses.~~**

~~Violations of this division shall be treated as strict liability offenses regardless of intent.~~

**~~Sec. 19-152. Unlawful to conduct or promote attendance at special event without permit.~~**

(a) ~~It is unlawful to conduct a special event without a special event permit as required pursuant to this division.~~

(b) ~~It is unlawful for any person to conduct, promote or manage any special event for which a special event permit has not been issued.~~

**~~Sec. 19-153. Unlawful selling of tickets to special event within special event venue.~~**

~~It is unlawful for any person to sell for profit, or offer to sell for profit, any ticket of admission to a special event within a special event venue, except:~~

(1) ~~From any ticket office, booth, or other similar place established and maintained for the purpose of selling tickets; and,~~

(2) ~~With the express authorization of the city manager pursuant to a special event permit.~~

**~~Sec. 19-154. Unlawful to display signs in special event venue except as permitted.~~**

~~It is unlawful for any person to place, post, paint, erect, display, secure, or maintain any sign or banner pertaining to the special event unless pre-approved by the council, based upon the application and permitting process. The number of signs, sign face size, height, location and duration of display shall be addressed in the application. No sign shall obstruct a sight triangle or be placed within ten feet of the boundary line of the property serving as the venue.~~

**~~Sec. 19-155. Unlawful to interfere with a permitted facility use, special event or demonstration.~~**

~~It shall be unlawful for any person to obstruct, impede or interfere with any authorized assembly, person, vehicle or animal participating in a demonstration or an event for which a special event permit has been issued.~~

**~~Sec. 19-156. Excessive public safety cost; responsible parties.~~**

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

(b) ~~Responsible parties.~~ Responsible parties shall include any event that knows or should have known that their promoting, staging, conducting, organizing or sponsoring of a permitted or an unpermitted event or rally could result in public resource deployment for public safety, health or welfare. Responsible parties shall be jointly and severally liable for additional expenditure of public resources or excessive public safety response costs associated with a special event. Responsible parties shall include but not be limited to:

(1) ~~The holder of a special event permit issued pursuant to this division;~~

(2) ~~Any event promoter that staged, conducted, organized, promoted or sponsored the event;~~

(3) ~~The owner of the property where the event was held.)~~

**~~Secs. 19-157—19-159. Reserved.~~**

### **~~DIVISION 2. PARADES~~**

**~~Sec. 19-160. Parade permitting.~~**

(a) ~~Authority; enforcement; generally.~~

(1) ~~The committee is authorized to issue parade permits and to close streets for approved parades. A person seeking issuance of a parade permit shall file application with the police chief on forms provided by the department of police. An application for a parade permit shall be filed with the police chief or the chief's designee not less than 90 days or more than 180 calendar days before the date of the proposed parade. No fee shall be required for a parade permit application. Parade permits shall be subject to review for public health, safety and welfare by the committee.~~

(2) ~~The committee, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five days after notice of the action of the police chief, file a written notice of acceptance with the manager or designee. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this article. The manager shall have the authority to revoke a parade permit issued under this division upon application of the standards of issuance as set forth in this division.~~

(3) ~~No person shall unreasonably hamper, obstruct or impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade. No driver of a vehicle shall drive between the vehicles or persons comprising a parade when these vehicles or persons are in motion and are conspicuously designated as a parade, unless directed by a law enforcement officer. A permittee under this article shall comply with all permit directions and conditions and with all applicable~~

## EXHIBIT A

laws and sections of this Code and other ordinances. The parade chair or other person heading or leading such activity shall carry the parade permit personally during the conduct of the parade. The applicant shall pay reasonable fees as are determined to be necessary to cover the cost of public services and equipment provided by the city for the event. The applicant or sponsor shall be responsible for cleanup after an event. A bond may be required. A parade permit is not sponsorship by the city.

~~(4) Parades/processions will proceed at a constant pace and shall not be stopped (unless agreed to in advance, with the police) except upon direction of the police. At the conclusion of the parade, participants may be required to board buses and vacate the area.~~

~~(5) All sections/groups in a parade/procession shall remain in close proximity to each other, and shall not leave the parade route.~~

~~(b) Application.~~ The application for a parade permit shall set forth the following information:

~~(1) The name, address and telephone number of the person seeking to conduct the parade;~~

~~(2) If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of this organization;~~

~~(3) The name, address and telephone number of the person who will be the parade chair and who will be responsible for its conduct;~~

~~(4) The date when the parade is to be conducted;~~

~~(5) The route to be traveled, the starting point and the termination point;~~

~~(6) The approximate number of persons who and animals and vehicles which will constitute the parade, and the type of animals and description of the vehicles;~~

~~(7) The hours when the parade will start and terminate;~~

~~(8) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;~~

~~(9) The location by streets of any assembly areas for the parade;~~

~~(10) The time at which units of the parade will begin to assemble at the assembly area;~~

~~(11) The interval of space to be maintained between units of the parade;~~

~~(12) If the parade is designed to be held by and on behalf of or for any person other than the applicant, a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on such person's behalf;~~

~~(13) Any additional information that the manager or designee shall find reasonably necessary to a fair determination as to whether a permit should issue.~~

~~(c) Insurance; issuance; conduct; costs.~~ Insurance from no less than an A-Rated company naming the city as an additional insured may be required in the form acceptable to the manager consisting of comprehensive general liability insurance coverage in a combined single limit of at least \$1,000,000.00.

~~(1) The manager or designee shall issue a parade permit if no reason for denial exists, and after due consideration of the following factors in light of the application and from such other information as may otherwise be obtained.~~

~~a. The conduct of the parade should not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;~~

~~b. The conduct of the parade should not require the diversion of so great a number of police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;~~

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- 1           e. ~~The conduct of the parade should not require the diversion of so great a number of ambulances as~~  
2           ~~to prevent normal ambulance service to portions of the city other than that to be occupied by the~~  
3           ~~proposed line of march and areas contiguous thereto;~~
- 4           d. ~~The concentration of persons, animals and vehicles at assembly points of the parade should not~~  
5           ~~unduly interfere with proper fire and police protection of or ambulance service to areas contiguous~~  
6           ~~to the assembly areas;~~
- 7           e. ~~The conduct of the parade should not interfere with the movement of firefighting equipment en~~  
8           ~~route to a fire;~~
- 9           f. ~~The conduct of the parade is not reasonably likely to cause injury to persons or property, to~~  
10           ~~provoke disorderly conduct or to create a disturbance;~~
- 11           g. ~~The parade is scheduled to move from its point of origin to its point of termination expeditiously~~  
12           ~~and without unreasonable delays en route within a period of four hours; and~~
- 13           h. ~~The applicant for a permit has not violated the terms of any previous parade permit granted to the~~  
14           ~~applicant and has not caused undue traffic congestion and police problems under any previous~~  
15           ~~parade permit.~~
- 16   (d) ~~Grounds of denial; notice of denial; appeal.~~ The manager or designee shall deny the application for a parade  
17   permit:
- 18           (1) ~~The person applying for the permit has failed to complete the application, or provide the required~~  
19           ~~insurance protection;~~
- 20           (2) ~~The information contained in the application is found to be false in any material respect;~~
- 21           (3) ~~An application for another event to be held on the same date as that requested has been previously filed~~  
22           ~~or approved, and the other event is so close in time and location to the event proposed as to cause~~  
23           ~~undue traffic congestion or to place the city in a position of being unable to meet the needs for police,~~  
24           ~~fire, ambulance and public work services for both events;~~
- 25           (4) ~~The time, route, or size of the event will substantially interrupt the safe and orderly movement of traffic~~  
26           ~~contiguous to the site or route of the event, or disrupt the use of a street at its peak traffic time, or~~  
27           ~~impede operation of emergency vehicles;~~
- 28           (5) ~~The concentration of persons, animals or vehicles at the site of the event or at the site of an assembly or~~  
29           ~~disbanding area around the event will prevent proper police, fire or ambulance services reaching areas~~  
30           ~~contiguous to the event;~~
- 31           (6) ~~The size of the event will require the diversion of so many city police officers that police protection to~~  
32           ~~the rest of the city will be seriously jeopardized. However, the permit may not be denied because of the~~  
33           ~~need to protect participants from the conduct of others if reasonable permit conditions can be imposed;~~
- 34           (7) ~~Given the size and nature of the event, the reasonably available number of city police officers and other~~  
35           ~~personnel is not sufficient to ensure the safety of participants or the attending public;~~
- 36           (8) ~~The event consists of a parade that will not move from its point of origin to its point of termination in~~  
37           ~~four hours or less;~~
- 38           (9) ~~The location of the event will substantially interfere with construction or maintenance work previously~~  
39           ~~scheduled to take place on or along the public right of way to be occupied by the event;~~
- 40           (10) ~~The event will occur at a time when a school is in session and along a route or at a location adjacent to~~  
41           ~~the school or a class thereof, and the noise created by the activities of the event will substantially disrupt~~  
42           ~~the educational activity of the school or class;~~
- 43           (11) ~~The application is not timely submitted and there is insufficient time to investigate and process the~~  
44           ~~application.~~

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(12) ~~The manager or designee shall act upon the application for a parade permit within 30 days after filing thereof. If the application is not approved, notice of denial shall be mailed to the applicant as soon as practicable, but no later than 40 days after the date upon which the application was filed. Such notice will state the reasons for denial of the permit. Any person aggrieved shall have the right to appeal the denial of a parade permit to the city council. The appeal shall be filed no later than 50 calendar days after the date the application was filed. The appeal shall be heard at the next regularly scheduled meeting of city council. The decision of the city council to grant or deny that appeal shall constitute the exhaustion of the applicant's administrative remedy. To the extent that council's action is capable of appeal, any further appeal permitted by law shall be to a court of competent jurisdiction within 30 days of the council's decision, whether rendered and received orally or in writing.~~

### **DIVISION 3. FACILITY USE**

#### **~~Sec. 19-161. Facility use permits.~~**

~~(a) **Authority.** A request for a reserved use of a public facility, or portion of a public facility for a group function not rising to the level of a special event shall be made to the cultural and leisure department in charge of such facility and in the case of beach use to the police department on a form prescribed and in the manner prescribed by the manager. When the use of the facility rises to the possible status of a special event under the findings of section 19-125, the matter shall be referred to the committee. The fees for the use of facilities shall be established by city council. The facility use permit accomplishes a reservation for a planned function. No person is required to make reservations for use, but no person can exercise event or territorial exclusion as to the general public without a facility use permit. Vendors are permitted. All uses are subject to applicable laws and administrative rules regarding park use. Not all facilities are subject to reservation, and all permits are at the discretion of the city, in consideration of the impact on public property in terms of use frequency, intensity, duration, time and manner, and impact on the general public and neighboring properties on the issue of security, peace and quiet, vehicular movement and parking, and concentration of persons. Beachfront permits are of particular sensitivity. In the Downtown Redevelopment District, upon confirming that no previously issued facility use permit is in conflict from Labor Day weekend to Easter weekend and after providing notice to law enforcement, the Downtown Redevelopment Corporation is permitted to engage in facility use not exceeding four hours for specified areas of Shade Sail Street ends, boardwalk overlooks and lawn areas within the district.~~

~~(b) **Insurance; waiver.** A legal entity known as a sole proprietorship, any corporation form, limited liability company, lawfully formed association, or partnership shall provide insurance for its reserved use of the facility. Insurance is required in a form acceptable to the manager from no less than a A-Rated company naming the city as an additional insured under comprehensive general liability insurance coverage be in a combined single limit of at least \$1,000,000.00. If the use may constitute a potentially hazardous activity or condition, or if uninsured structures are to be erected, or when some one other than the parent or guardian is providing oversight or supervision of minors, then insurance shall be required regardless of the requesting entity's status. No permit may be issued without the organizer of a special event agreeing to defend, indemnify and hold harmless the city from any claim or liability arising from the event.~~

~~(c) **Application; process.** In order to allow equal access and appropriate departmental review, an application for a facility use permit shall be filed not less than 15 calendar days, nor more than one year before the time when it is proposed to use the facility. Applications submitted outside these times shall not be considered.~~

~~(d) **Denial; appeal.** A facility use permit may be denied upon any of the following grounds:~~

~~(1) The person applying for the permit has failed to complete the application;~~

~~(2) The information contained in the application is found to be false in any material respect;~~

~~(3) An application for another facility use to be held on the same date as that requested has been previously filed or approved;~~

~~(4) The proposed facility use will interfere with a programmed governmental use of the facility;~~

## EXHIBIT A

~~(5) The location of the proposed use will substantially interfere with construction or maintenance work previously scheduled to take place on or along the public right of way adjacent to the facility.~~

~~(6) The application is not timely submitted and there is insufficient time to investigate and process the application.~~

~~The manager or designee shall act upon the application for a facility use permit within 30 days after filing thereof. If the application is not approved, notice of denial shall be mailed to the applicant as soon as practicable, but no later than 40 days after the date upon which the application was filed. Such notice will state the reasons for denial of the permit. Any person aggrieved shall have the right to appeal the denial of a facility use permit to the city council. The appeal shall be filed no later than 50 calendar days after the date upon which the application was filed. The appeal shall be heard at the next regularly scheduled meeting of city council. The decision of the city council to grant or deny that appeal shall constitute the exhaustion of the applicant's administrative remedy. To the extent that council's action is capable of appeal, any further appeal permitted by law shall be to a court of competent jurisdiction within 30 days of the council's decision, whether rendered and received orally or in writing.~~

~~Secs. 19-162—19-169. Reserved~~

### **DIVISION 5. FILMING AS A SPECIAL EVENT PERMIT**

#### **~~Sec. 19-180. Purpose.~~**

~~The city council recognizes that certain filming activities may impact public health, safety and welfare, and should be considered as a category of special event as regulated in this chapter, but shall be most efficiently regulated with flexibility in administrative processes, with each event considered in light of its unique impact. This division establishes special regulations and flexibility for filming in the city and provides that all administrative permits issued for filming shall have the same force and effect as those issued in division 1, mutatis mutandi.~~

#### **~~Sec. 19-181. Prohibitions.~~**

~~(a) It shall be unlawful for any person to engage in the defined filming activities without the approval and maintenance of a valid filming permit granted by the city manager in form of a special event permit, in compliance with this section.~~

~~(b) It shall be unlawful for any person to fail to perform any condition imposed in an approved permit.~~

#### **~~Sec. 19-182. Filming activities requiring a permit.~~**

~~The following filming activities may be allowed, subject to the issuance of a filming permit.~~

~~(1) Public or private property in any zoning district, unless otherwise specified in the zoning code, may be used as a filming location for filming, including the filming of motion pictures, professional photography, or videotaping.~~

~~(2) Reserved.~~

#### **~~Sec. 19-183. Exemptions.~~**

~~A filming permit shall not be required for:~~

~~(1) Filming activities for personal use or entertainment.~~

~~(2) Filming for use in news gathering, investigative reporting, or for public and municipal access stations.~~

~~(3) Unless there is a public health, safety or welfare impact resulting therefrom, a business license holder engaging in commercial production relating to its business purpose is exempt from this permitting requirement.~~

#### **~~Sec. 19-184. Application filing, processing procedures, and action.~~**

~~An application for a filming permit shall be filed with the city manager, and processed and approved administratively.~~



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### **~~Sec. 19-185. General conditions of approval.~~**

~~In approving a filming conditional use permit, the manager may incorporate administrative policies and impose conditions (e.g., hours of operation, lighting, parking, performance guarantees, property maintenance, signs, time limits, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with the general filming conditions referenced herein, as supplemented by the administrative policies and conditions imposed by the manager, in order to preserve the public health, safety, and general welfare, and said policies and conditions shall be and have the force of adopted law, subject to the exercise of police power to preserve public health, safety and welfare.~~

### **~~Sec. 19-186. General filming considerations.~~**

~~(a) Filming, including setup and dismantling of film activity, shall not be done before 7:00 a.m. or after 7:00 p.m. The manager may extend these hours upon a showing of necessity and upon showing the exception would not disturb the public.~~

~~(b) Bull horns, explosions, gunfire, public address systems, sirens, or other noise creating devices shall not be used in violation of the city's noise ordinance. Requests for noise creating devices shall be reviewed by the city's police and fire departments.~~

~~(c) Filming permits shall not be issued for sites where outstanding uncorrected violations of the zoning code or the city's adopted uniform fire code exist.~~

~~(d) Minimum insurance requirements, including the city as additional insured, with proof of insurance, and provisions forbidding cancellation of insurance in the forms and amounts deemed necessary by the manager.~~

~~(e) A parking/use plan for vehicles used in the filming session.~~

~~(f) Attendance during setup and the filming session by uniformed police officers or firefighters at the applicant's sole cost and expense (if required).~~

~~(g) Each site occupied by a temporary filming activity shall be cleaned of debris, litter, or any other evidence of the filming activity upon completion or removal of the activity, and shall thereafter be used in compliance with the provisions of this zoning code.~~

~~(h) The manager may require appropriate security before initiation of the filming activity to ensure proper cleanup after the use is finished.~~

### **~~Sec. 19-187. Revocations.~~**

~~A filming conditional use permit may be revoked by the manager effective immediately for violation of the terms of the permit.~~

### **~~Sec. 19-188. Modifications.~~**

~~The manager may require changes in the terms or conditions of an approved filming conditional use permit at any time while it is in effect if needed to ensure that the activity may continue to operate consistent with the required preservation of public health, safety and welfare.~~

### **~~Sec. 19-189. Reserved.~~**

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**ARTICLE VI. SPECIAL EVENTS, PARADES, FACILITY USE, PUBLIC PERFORMANCE  
AND PICKETING**

**Sec. 19-124. Purpose.**

The City Council recognizes and declares it is in the public interest to regulate events on public streets, public property and certain events held on private property pursuant to the police powers of the City in order to maintain, protect and promote the public health, safety and welfare of the residents and visitors of the City of Myrtle Beach.

**Sec. 19-125. Enforcement of other laws.**

Nothing contained in this article shall prohibit the authority of any law enforcement officer to arrest a person engaged in any act or activity granted in this article if the conduct of such person violates the laws of the state, provisions of this Code or other ordinances of the City, or unreasonably obstructs the public use of public streets or sidewalks, or if such person engages in acts that cause a breach of peace, undue disturbance, interference or molestation of other persons making lawful use of the space in a peaceful manner.

**Sec. 19-126. Definitions.**

As used in this article:

Amusement means the provision of entertainment, including but not limited to games, rides, musical or non-musical live entertainment, movies, DJs or recorded musical entertainment, vendors, exhibits or exhibitions, food trucks, food vendors or food competitions, athletic or non- athletic competitions.

Building means any temporary or permanent structure as defined by the zoning code or any structure, including tables, tents, built or erected for support, shelter, or enclosure of persons, animals, chattels or property of any kind. It includes pushcarts or sidewalk cafés for which the sale of goods, food or beverages have been authorized.

Event means any special event or the use of a public facility pursuant to a facility use permit.

Event organizer means any person who conducts, manages, promotes or organizes an event.

Event promoter means any person who:

(1) Is directly or indirectly responsible for the organization of an event, as evidenced by activities such as contracting with the principals, selecting entertainment, sponsoring, advertising or otherwise holding out an event to members of the general public, inviting participants, or renting or controlling the site of an event; and

(2) Directly or indirectly receives or shares in the following:

- a. Admission or entrance fees paid by participants or spectators;
- b. Compensation, consideration or other revenue from sponsors of or private donors to the event;
- c. Revenues from concessions or other sales; or
- d. Revenues from the control of vending or concession sites or permits, including nonresident event promoters who do business within the City.

(3) The following persons are not event promoters within the meaning of this article or other referencing articles as applicable:

## EXHIBIT A

- a. Any business license holder placing an advertisement or any print or broadcast media who is paid for page space or broadcast time to advertise an event, but exercises no other coordinating financial or operational responsibility in connection with the promotion.
- b. Any business license holder providing a product or service or off-premises ticket seller who sells admission tickets to an event in advance, but exercises no other coordinating financial or operational responsibility in connection therewith.
- c. Any performer who is compensated for his/her performance at an event, but exercises no other financial or nonperformance-related operational responsibility in connection therewith.
- d. Any agent of an athlete or performer who is compensated for negotiating his/her client's contract to perform at an event, but exercises no other financial or operational responsibility in connection therewith.
- e. Any City business licensee to the extent that the licensee personally plans, prepares or executes an event in the course of such licensed business, in conformance with existing regulation and law.
- f. Any full-time employee of a City business licensee, to the extent that the employee plans, prepares or executes an event in the course of such employment.
- g. The City of Myrtle Beach and/or other participating unit of local government, as well as any employee thereof to the extent that such employee plans, prepares or executes an event in the course of such employment.
- h. Any person who exclusively promotes events at establishments or venues meeting all of the following requirements:
  - (1) The owner or operator of the establishment or venue at which the promoted event is presented holds a valid public place of amusement license or valid performing arts venue license issued under Chapter 11 of the City Code; and
  - (2) The establishment or venue at which the promoted event is presented has fixed seating only, and all patrons attending any promoted special event at such establishment or venue are seated in such fixed seats or such establishment or venue has a fixed seating capacity of 500 or more persons.
- i. For a specific event, any person who is hired or otherwise retained by an event promoter licensed under this chapter, as evidenced by a contract, to provide services to the licensed event promoter related to such event, including but not limited to, advertising services.

*Expressive activity* includes conduct, the sole or principal object of which is the expression, dissemination or communication by verbal, visual, literary or auditory means of opinion, views or ideas and for which no fee or donation is charged or required as a condition of participation in or attendance at such activity. It includes public oratory, distribution of literature, demonstrations and picketing.

*Facility use permit* means a permit issued for temporary, reserved use or occupation of a public facility for a defined period of time that does not impact City resources.

*Festival* means a thematic, organized, site-specific celebration, performance, exhibition or competition occurring upon public or private property, or a combination of private and public property, as a result of a private nongovernmental event organizer, during which commerce may occur, for a defined period of time that will, in the determination of the City, have an impact on City resources due to the anticipated congregation of more than fifty (50) people in such numbers or in such location as identified by the sponsor or event promoter. See also "legislative festival."

*Goods* means wares, personal property, merchandise or any other similar item or object that is generally sold.

*Gross revenue* means the sum of all revenues received by an event organizer or event promoter for an event,

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1 including but not limited to, cash receipts, licensing, sponsorship, television, advertising and similar revenues and  
2 concessions.

3  
4 Internal security means the deployment of privately contracted qualified human resources in sufficient numbers as  
5 determined by the police department to provide for the comfort and safety of movement of participants in an event.

6  
7 Legislative festival means any official proclamation, resolution or declaration of City Council, in legislative discretion  
8 of a citywide thematic celebration, recognition, event or time under such permitting conditions, terms and duration  
9 as deemed to be in the best interest of the public.

10  
11 Noise variance means a grant from the City Manager or designee to a petitioner to exceed the legal noise limit,  
12 pursuant to subsection 14-62(h)(11) or as re-codified, within a zoning classification for a specific period of time at a  
13 specific location, usually associated with an outdoor performance, not rising to the level of a special event as defined  
14 herein, in that no other variance from the normal application of zoning laws is requested.

15  
16 Parade means any march, foot race, bicycle race/ride, other wheeled ride or race, presentation, ceremony, pageant,  
17 demonstration or procession of persons and conveyances of any sort moving upon any public street or sidewalk  
18 which does not comply with normal traffic regulations.

19  
20 Perform includes, but is not limited to, the following activities suitable for listening, viewing or participation by an  
21 unaccompanied minor: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading,  
22 puppetry, sidewalk art (working with nonpermanent, water soluble media, i.e. chalk, pastels or watercolors directly  
23 on the pavement) and reciting. Perform shall not include the manufacture, assemblage, production display or  
24 offering of items for sale, or the solicitation for money in exchange for performance. The performance is done for  
25 free with no expectation of donation.

26  
27 Performer means a person who has obtained a permit pursuant to this division to perform.

28  
29 Picketing and demonstration mean any formation, procession or assembly of persons which, for the purpose of  
30 expressive activity, involves:

- 31  
32 (1) In any number of persons, to assemble or travel in unison on any street in a manner that does not comply  
33 with the normal or usual traffic regulations or controls; or  
34 (2) In number greater than twenty-five (25) persons, to gather at a public park or other public area.  
35

36 Public areas means public sidewalks, parks, playgrounds and other pedestrian areas, as limited by City Council  
37 resolution.

38  
39 Rally, automobile or motorcycle, means a gathering of riders, drivers or enthusiasts scheduled and sponsored by  
40 specific clubs, associations, event planners and/or organizers, event promoters, vendors, dealers or vendor permit  
41 sellers for the purpose of retail sales to attendees, who expect and are provided a variety of vending opportunities  
42 and entertainment events by those who profit from the gathering.

43  
44 Sidewalk means that portion of a highway other than the roadway, set apart by curbs, barriers, markings or other  
45 delineation for pedestrian travel.

46  
47 Signage means any sign, pennant, flag, banner, inflatable display or other attention-seeking device, including but  
48 not limited to:

- 49 (1) Temporary site-specific signage. Printed signs and/or banners bearing the name of a specific event

## **EXHIBIT A**

1 intended to identify the location of that event.

- 2 (2) Temporary welcome signage. Printed signs and/or banners bearing the name of a specific business or entity  
3 and a welcome statement referencing the event participants and spectators.

4  
5 Special event means an entertainment, amusement, athletic, political or other event held on private property or in  
6 the exclusionary use of public property, which is reasonably foreseeable to involve a large assemblage of vehicles  
7 and/or persons, impose traffic congestion, impact required parking, involve sanitation and security concerns, or the  
8 erection of structures or operation of rides, games or machines, that may affect City residents' or visitors' health,  
9 safety, or welfare or may require excessive public safety cost in responding to and/or managing the event to preserve  
10 the public peace. A special event has a specific start and stop date, except for legislative or City sponsored events.  
11 A series of similar events may be considered a single special event. A special event can include but is not limited to:  
12 filming; concerts; parades; circuses; fairs; festivals; block parties; automobile or motorcycle rallies; community  
13 events; mass participation sporting competitions such as marathons and running events; bicycle and other wheeled  
14 racers or tours; spectator sports such as football, basketball and baseball games; golf tournaments or hydroplane or  
15 boat races.

16  
17 Special event permit means a permit issued for a special event.

18  
19 Special event venue means that defined area identified on a submitted site plan approved by the Special Event  
20 Committee for which a special event permit has been issued.

21  
22 Street means a public right-of-way or place of whatever nature, publicly maintained and open to use of the public  
23 for purposes of vehicular or pedestrian travel. Street includes highways, alleyways, sidewalks and any other public  
24 area that accommodates vehicular or pedestrian travel.

25  
26 Tax-exempt nonprofit organization means an organization that is exempt from payment of income taxes by federal  
27 or state law and which has been in existence for a minimum of six (6) months preceding the date of application for  
28 a special event permit or other permit. This shall include charities, 501(c)(3) organizations, civic groups, fraternal  
29 organizations and mutual benevolent aid societies. Appropriate official documentary proof may be required.

30  
31 Vendor means any person who sells or offers to sell any goods, food or beverages within a special event venue or  
32 public facility during a facility use, including the event organizer or any person who contracts with the event  
33 organizer for space within the special event venue or public facility in order to vend goods.

### **Sec. 19-127. Compliance with other laws.**

34  
35  
36  
37 The granting of any permit under this article shall not eliminate:

- 38 (a) Requirements for any business license or any other permits or licenses which may be prescribed by any  
39 other federal, state or local statutes, ordinances, rules and regulations;  
40 (b) Compliance with any other applicable federal, state, or local statutes, ordinances, rules or regulations; or  
41 (c) Compliance with regulations regarding the concentration of persons, animals, equipment or vehicles at  
42 access points or other areas which substantially damages planting or landscaping on public or private  
43 property.

### **Sec. 19-128. Enforcement authority and penalties.**

44  
45  
46  
47 The City Manager or enforcement officials designated by the City Manager are authorized to enforce the provisions  
48 of this article. Violations of any section of the Myrtle Beach City Code may result in the imposition of penalties upon  
49 conviction pursuant to Section 1-9. Violations of division 6 are subject to penalties set forth in Section 19-195.

## EXHIBIT A

### Sec. 19-129. Recovery of excessive public safety costs.

- (a) In addition to all other civil and criminal penalties provided by law, the City shall be entitled to recover from the responsible party the cost of an excessive public safety response associated with an event, whether permitted or unpermitted, whether occurring inside or outside the city limits, that directly impacts City residents or City resources. Excessive public safety costs may be recovered in any manner prescribed by law. Event promoters and event organizers that promote, stage, conduct, organize or sponsor permitted or unpermitted events shall be held accountable and shall be responsible for the cost of the City's additional expenditure of public resources as a result of the event. For purposes of this section, "excessive public safety response" means the deployment or dispatch of law enforcement officers, the need for public safety personnel or emergency vehicles, or code enforcement or public works equipment or personnel due to an observation or report of public disturbances, public health or safety or code violations as a result of an event when compared to the usual frequency or intensity of law or regulation enforcement. Excessive public safety response costs also include the cost of any public safety response caused by the failure of the permittee to adequately plan for the event or abide by the terms and conditions of the event permit. Excessive public safety response costs do not include protection of the attendees of a free speech event from hostile members of the public or counter-demonstrations.
- (b) Responsible parties for excessive public safety costs shall include any permittee, event organizer, event promoter, event sponsor, property owner or other individual or entity that knows or should have known that the event, whether permitted or unpermitted, could result in the deployment of public resources to protect or preserve the public health, safety or welfare. Responsible parties shall be jointly and severally liable for the additional expenditure of public resources or excessive public safety response costs.

### Sec. 19-130. Miscellaneous provisions applicable to this article, as well as unpermitted events.

- (a) The City shall determine when or if an event requires the closure of the entire street, a portion of the street or no street closure. Closure of a street may involve additional personnel and the placement of physical barriers for public safety.
- (b) Sound amplification carried by a person (ex., loudspeakers or bullhorns) is prohibited when the sound is louder than an average conversational level at a distance of one hundred (100) feet. Parades and public assemblies with permits must identify sound amplification devices that are too large to be carried by one person or that employ marching musicians or groups of performers.
- (c) Any special event permit is subject to revocation by the City Manager or designee, Special Events Supervisor or designee, Police Chief or designee or Fire Chief or designee and any facility use permit is subject to revocation by the City Manager or designee, Parks, Recreation and Sports Tourism Director or designee, Police Chief or designee or Fire Chief or designee on the following grounds:
1. Due to emergency or unforeseen conditions that may arise before or during the course of the event for which it is granted;
  2. To preserve public health, safety and welfare;
  3. For violation of any law or regulation by the participants, applicant or event organizer;
  4. If the event cannot be conducted without violating any condition of the permit or is being conducted in violation of any condition of the permit;
  5. If the event organizer or any person associated with the event organizer or facility use fails to obtain any other permit or license required by the City Code or ordinance, state law or federal law;
  6. If the permit was issued in error or contrary to law; or
  7. If the information provided in the application has been falsified or misrepresented.
- (d) The City Manager or designee, Police Chief or designee or Fire Chief or designee may modify or amend any permit in keeping with the nature of the approved event and as circumstances dictate. In addition, the Special Events Supervisor or designee may modify or amend any special event permit and the Parks,

## EXHIBIT A

Recreation and Sports Tourism may amend any facility use permit in keeping with the nature of the approved event and as circumstances dictate.

- (e) For public safety reasons the following are prohibited at all events, including but not limited to protests, demonstrations, pickets and extraordinary events, and declared contraband and subject to confiscation. These prohibitions may be modified or waived by the City Manager or designee based upon the nature of the event:

- (1) Open flames except in stationary cooking devices essential to the event.
  - (2) Any combustible or flammable solids, liquid or gasses, including lighters, torches, etc., except in stationary cooking devices essential to the event.
  - (3) Sticks, poles, selfie sticks or other similar elongated solid objects capable of inflicting bodily harm as a striking or stabbing object, excluding commercially available corrugated cardboard tubing as the supporting article for signage, flags and the like.
  - (4) Backpacks, satchels, bags, coolers or similar personally carried containers, except when said container is completely clear and see-through. This prohibition is not applicable to facility use permits and may be waived or modified when checkpoint entry to the area of assembly is monitored by either private internal security approved by the City or by law enforcement officers with examination of the contents prior to entry.
  - (5) Any firearm or ammunition, concealed or otherwise, except as an essential part of a recognized active national military observation of governmentally sponsored event.
  - (6) Any mechanical or handmade contrivance that launches any projectile of solid, liquid or gaseous composition, including aerosols/pressurized canisters.
  - (7) Any stabbing, cutting or slicing blade, whether of metal or other solid composition.
  - (8) Any striking object such as a bat, stick, brass knuckles, martial arts weapons, implement handles and the like, which could inflict bodily injury.
  - (9) Any facial mask, headgear or cloth worn over any portion of the face which prevents facial identification of a person over sixteen (16) years of age (see S.C. Code 16-7-110).
  - (10) Any carried object that resembles or serves the purpose of a shield.
  - (11) Any armor or defensive covering that resembles or serves the purpose of defensive body armor.
  - (12) Animals other than those trained and certified as service animals.
  - (13) Drones and other unmanned aircraft systems.
  - (14) Glass and/or thermal containers.
  - (15) Individually carried signage exceeding the size restriction of twenty-four (24) inches by thirty-six (36) inches by one quarter (1/4) inch; provided however, flexible banners with a supporting rigid spine carried by two (2) persons are permitted in roadway parades and processions along with ornamental objects such as mock swords, pennants, flags and rifles in the context of a marching band of a school or military organization.
  - (16) Wagons or carts.
- (i) The permittee shall carry a copy of the permit on his/her person during the event and will be designated as the contact person available to law enforcement for the transmission of messages or directions to all persons participating or attending the event. If the permittee is not present on site, another individual must carry the permit and make his/her position known to law enforcement on site.
- (k) All persons participating in or attending the event shall obey the lawful commands of any law enforcement officer and shall conduct themselves in a lawful manner at all times.
- (l) The normal flow of traffic shall not be disrupted except in instances where a law enforcement officer or City employee under a law enforcement officer's direction performs this disruption.

### DIVISION 1. SPECIAL EVENTS

#### Sec. 19-131. Special Events Committee.

## **EXHIBIT A**

### **Creation and Membership.**

- (a) A Special Events Committee shall be formed with membership consisting of eleven (11) members as follows: the Special Events Supervisor or equivalent successor position, who will serve as the Chairperson; the Police Chief or designee; the Parks, Recreation and Sports Tourism Director or designee; the Fire Chief or designee; the Emergency Manager or designee; the Parks Superintendent or designee; the Business License Supervisor or designee; the Public Works Director or designee; the Planning and Zoning Director or designee; the Sports Tourism Manager or designee; and the Insurance and Risk Services Director or designee.
- (b) The City Manager shall have the authority, in his sole discretion, to change the total number of members and the departments represented on the Special Events Committee.
- (c) All members will be voting members except the Chairperson, who will vote only in the event of a tie.
- (d) A Vice Chairperson shall be elected by the committee.
- (e) Other departments shall attend as nonvoting advisory members if needed.
- (g) A quorum shall consist of a majority of the members currently appointed and serving on the full committee.
- (h) The City Manager shall designate a City department, office or person to be responsible for providing administrative support.
- (i) The Special Events Committee shall meet at the call of the Chairperson as necessary, but at least once each calendar year. Notice of all meetings will be published in accordance with the South Carolina Freedom of Information Act and minutes will be kept of each meeting.

### **Powers.**

The Special Events Committee shall have the authority to approve, not approve or continue special event applications and issue special event permits through its Chairperson upon the terms and conditions as set forth in this division, coordinate with City departments and other governmental agencies for the provision of governmental services as needed to support special events, collect special event permit fees and/or deposits and discharge such other such duties as may be assigned by the City Manager.

### **Sec. 19-132. Special event permit required; exceptions.**

No person shall conduct, promote, manage or engage in any special event unless a special event permit is obtained pursuant to this division.

This section shall not apply to the following:

- (a) Funeral processions supervised by a licensed mortuary;
- (b) Picketing as permitted by City ordinance;
- (c) Students going to and from school classes or participating in educational activities, providing such conduct is under immediate direction and supervision of the proper school authorities; or
- (d) A parade, event or performance that is under the control of the City's Parks, Recreation and Sports Tourism Department or Police Department and is conducted on City streets, rights-of-way or any other City owned or managed property.

### **Sec. 19-133. Special event applications; contents; review process.**

- (a) An applicant shall submit an application to the Special Events Supervisor, accompanied by the applicable special events permit processing fee or non-refundable deposit set forth on the City's special events fee schedule, as approved by City Council, a copy of which may be obtained from the Special Events Committee.
- (b) No action will be taken on incomplete applications. The Special Events Supervisor will advise the applicant if the application is incomplete or additional information is required.



## EXHIBIT A

- 1 (c) If necessary, the Special Events Committee shall meet with the applicant to review and evaluate the  
2 application for compliance with the requirements herein and to determine if the proposed special event  
3 meets approval status. Prior to the meeting, the applicant shall be required to provide the Committee with  
4 a completed application.
- 5 (d) The Special Events Committee can vote to approve the event, vote to not approve the event, or vote to  
6 continue the event application.
- 7 (e) Any appeal of the Special Events Committee's decision shall be to the City Manager and received no later  
8 than fifteen (15) calendar days after the Special Events Committee's decision is rendered, whether orally or  
9 in writing. Appeals shall be in writing, state the specific grounds on which the decision is appealed, include  
10 an address at which the applicant can receive the City Manager's decision and be provided in person to the  
11 City Clerk or City Manager or via certified mail addressed as follows: City of Myrtle Beach, ATTN: City  
12 Manager, 937 Broadway Street, Myrtle Beach, SC 29577. The City Manager shall render a decision on the  
13 appeal within fifteen calendar (15) days of receipt of the appeal.
- 14 (f) The advance-filing period for each type of special event shall be stated on each application. Failure to  
15 submit an application within the specified time will result in the application being deemed incomplete.
- 16 (g) In consideration of the high demand on public services, the Special Events Committee or City Manager may  
17 limit acceptance of special event applications during the period of May 1<sup>st</sup> through Labor Day.
- 18 (h) The application for each type of special event shall contain all pertinent information for the type of event,  
19 including but not limited to:
- 20 (1) The name, address and telephone number of the applicant.
- 21 (2) The dates and times of the special event.
- 22 (3) A certification that the applicant will be financially responsible for any City fees or costs that may  
23 be imposed for the event.
- 24 (4) The name, address and telephone number of the event organizer, if any, and the chief officer of  
25 the event organizer, if any.
- 26 (5) If the special event is designed to be held by, on behalf of or for any organization other than the  
27 applicant, the applicant shall provide documentation from such organization:
- 28 a. Authorizing the applicant to apply for the special event permit on its behalf; and
- 29 b. Certifying that the applicant will be financially responsible for any costs or fees that  
30 may be imposed for the event.
- 31 (6) A copy of the tax exemption letter issued to any applicant claiming to be a tax-exempt nonprofit  
32 organization.
- 33 (7) A statement of the purpose of the special event.
- 34 (8) A statement of fees to be charged to attendees or participants for the special event.
- 35 (9) The proposed signage, boundaries, location, map, dates, times, routes, alternate routes, staging  
36 areas, parking or disbanding stands or areas.
- 37 (10) The approximate number of persons and types and number of animals, structures or vehicles  
38 involved in the special event and the parking plan for vehicles.
- 39 (11) The plan for trash removal and special event breakdown and clean-up.
- 40 (12) The number of bands or other musical units and the nature of any equipment to be used to  
41 produce sounds or noise.
- 42 (13) The number and location of portable sanitation facilities.
- 43 (14) Other equipment or services necessary to conduct the special event with due regard for participant  
44 and public health and safety.
- 45 (15) The number of persons proposed or required to monitor or facilitate the special event and provide  
46 spectator or participant control and direction using City streets, sidewalks or facilities.
- 47 (16) Provisions for first aid and/or emergency medical services.
- 48 (17) Insurance and surety bond information.
- 49 (18) Any special or unusual requirements that may be imposed or created by virtue of the proposed

## EXHIBIT A

special event.

(19) Full information on the location, number and names of vendors, and the types of goods or services intended to be marketed within the boundaries of the special event.

(20) Whether alcohol will be sold or provided.

(21) Any other information required by the Special Events Committee.

### Sec. 19-134. Criteria for issuance of special event permit.

(a) In reviewing an application for a special event permit, the Special Events Committee shall consider the following:

(1) Whether the special event will substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(2) Whether the special event will require the diversion of a number of law enforcement officers to properly provide adequate protection to the remainder of the City;

(3) Whether the concentration of persons, animals, equipment or vehicles at assembly points or other areas will substantially interfere with adequate fire and police protection of, or ambulance service to, areas or near such areas or will hinder the movement of firefighting equipment;

(4) Whether the special event is reasonably likely to result in violence to persons or property causing serious harm to the public;

(5) Whether the special event is to be held for the primary purpose of advertising a product, goods or services and is designed to be primarily for profit, provided however, this subsection shall not apply with respect to:

a. Public space improved as part of an economic development project where the applicant or its successor in interest made a significant capital improvement in furtherance of said improvements; or

b. Public safety immediately adjacent to an economic development project which directly promoted tourism, where the applicant or its successor in interest made a substantial capital investment in said project. The exception provided for this subsection is at all times subject to the requirements that the use of eligible public space for special events is not of such a frequency that the public space loses its public character and the terms and conditions of the development agreement between the applicant, or its successor in interest, and the City governs said use.

(6) Whether the route has been requested recurrently in prior years and is too disruptive to residents or businesses;

(7) Whether the proposed use of public property, right-of-way or facility will unduly interfere with the normal use of the public property, right-of-way or facility by the City or the general public. Consideration will be given to the number of people expected to be in attendance, the primary purpose of the space, other previously permitted events occurring nearby or in the same space and close in time to the proposed event. The appropriateness of the size of space requested for the type of activity proposed will be assessed so that limited space will not be expected to hold a greater number of people or large space is not set aside for a limited number of people.

(8) Whether the concentration of persons within the special event presents a public health hazard based upon guidance from public health authorities.

(9) Whether the special event is proposed on the same date or in close proximity to another special event such that the proposed special event may compromise public safety or the ability to provide public services.

(10) Any other factor(s) the Special Events Committee deems relevant.

(b) The permittee shall provide proof of comprehensive general liability insurance with combined single limits of \$1 million from an A-rated insurer authorized to do business in South Carolina. Based on the nature of

## EXHIBIT A

the special event, the City Manager or designee, in consultation with the Director of Insurance and Risk Services or designee, may require increased or decreased coverage amounts and/or additional coverage types. Such insurance shall 1) name the City of Myrtle Beach, its officers, employees and agents as additional insureds; 2) designate that such insurance is primary without right of contribution from any other insurance carried by the additional insureds; 3) contain a waiver of subrogation in favor of the additional insureds; 4) provide that the insurer will give the City written notice at least thirty (30) days in advance of any cancellation or material change to the insurance; and 5) contain no exclusion or endorsement that negates coverage for the additional insureds relating to the negligence of the additional insureds or defects in the maintenance, construction or operation of the facility. The applicant also shall be required to execute an agreement to defend, hold harmless and indemnify the City, its officers, employees and agents from and against all claims, liability and damages arising from the facility use.

(c) Except for special events involving the sale, provision or consumption of alcoholic beverages or traffic control issues, the foregoing insurance requirements may be waived by the City Manager or designee, in consultation with the Director of Insurance and Risk Services or designee, based on consideration of the following factors:

- (1) Whether the special event is expressive activity expressive activity protected by the First Amendment;
- (2) Whether the cost of obtaining insurance imposes an unreasonable financial burden or objectively impossible. Applicant must submit a statement from at least two (2) licensed insurance brokers supporting the claim that it is objectively impossible to obtain the required insurance coverage.
- (3) Whether a fee or donation is charged for the special event;
- (4) Whether the special event will involve the use of equipment (other than sound equipment), vehicles, animals, fireworks or pyrotechnics;
- (5) The expected attendance of the special event; and
- (6) Any other relevant factor(s).

### **Sec. 19-135. Issuance of a special event permit does not obligate City services or constitute co-sponsorship.**

Issuance of a special event permit does not obligate or require the City to provide City services, equipment or personnel. City services, equipment or personnel may be provided for special events based upon consideration of availability and cost recovery. Issuance of a permit, provision of City services, equipment or personnel and/or waiving of any fee does not imply or constitute City co-sponsorship or endorsement or allow the use of the City seal.

The use of the City seal or the words "The City of Myrtle Beach," "City of Myrtle Beach" or any similar combination or facsimile thereof that would reasonably imply an official endorsement or sponsorship of the event by the City is prohibited absent express written authorization from the City Manager.

### **Sec. 19-136. Cost recovery.**

- (a) For any special event requiring the provision of City services, the City shall charge for the actual cost of the salaries of City personnel involved in event support, traffic control, fire safety, security and public safety, the use of City equipment, rental equipment, the materials involved in support of an event and other City-incurred costs due to an event. The City Manager or designee, in his sole discretion, may waive all or a portion of the City-incurred costs. There will not be a charge for the provision of City services when the City determines that routine functions are sufficient for the special event or when additional police or City resources are needed to control opponents of the event.
- (b) The required deployment of City services will be determined by the City taking into consideration the type of event, location of the event, whether alcohol is being served, the number of participants, the level of street or right-of-way usage and the need for pedestrian and traffic control.
- (c) Fees and costs shall be stated in the special events fee schedule and/or other departmental fee schedules as approved by City Council.

## **EXHIBIT A**

1       (d) The applicant may be required to pay a deposit toward fees and costs and is required to pay all fees and  
2       costs in a timely manner, but no later than thirty-five (35) days after the date of the invoice. The City  
3       Manager or designee may agree to extend the time for payment not to exceed ninety (90) days after the  
4       date of the invoice. Interest will accrue at a rate of 5% per month on all balances not paid within the  
5       requisite timeframe.

6       (e) Failure to pay an invoice in a timely manner or the existence of an unpaid invoice shall disqualify the event  
7       promoter, applicant, event organizer or special event from having any subsequent applications considered  
8       by the Special Events Committee until the outstanding invoice plus accrued interest has been paid. In  
9       addition, the Special Events Committee has the discretion to require a larger deposit for future special  
10       events by an event promoter, applicant, event organizer or special event who has failed to timely pay an  
11       invoice.

### **Sec. 19-137. Legislative festival.**

15       (a) City Council may declare a legislative festival. Declaration of a legislative festival allows for a City-wide  
16       special event for the duration stated in the proclamation.

17       (b) A legislative festival allows the Special Events Committee to permit multiple special events at multiple sites  
18       pursuant to the declared legislative festival, as long as they meet all requirements set forth in the special  
19       event rules and regulations.

### **Secs. 19-138—19-159. Reserved.**

## **DIVISION 2. PARADES**

### **Sec. 19-160. Parade Permitting.**

27       (a) Unless otherwise indicated, in addition to this division, the provisions of division 1 regarding special events  
28       are applicable to parade permits.

29       (b) The Special Events Committee is authorized to issue parade permits and close streets for approved parades.  
30       A person seeking a parade permit shall submit an application no less than ninety (90) days and no more  
31       than one hundred eighty (180) calendar days before the date of the proposed parade.

32       (c) No person shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly  
33       or with any person, vehicle or animal participating or used in a parade. No driver of a vehicle shall drive  
34       between the vehicles or persons comprising a parade when these vehicles or persons are in motion and are  
35       conspicuously designated as a parade, unless directed by a law enforcement officer. The parade chair or  
36       other person heading or leading such activity shall carry the parade permit personally during the conduct  
37       of the parade.

38       (d) Parades/processions will proceed at a constant pace and shall not be stopped, unless agreed to in advance  
39       by the police, except upon direction of the police. At the conclusion of the parade, participants may be  
40       required to vacate the area.

41       (e) There shall be a time limit for any parade, race, ride, march or procession, after which time participants  
42       must clear the route to allow for the resumption of regular traffic patterns and/or right-of-way usage.

43       (f) All sections/groups in a parade/procession shall remain in close proximity to each other and shall not leave  
44       the parade route.

## **DIVISION 3. FACILITY USE**

### **Sec. 19-161. Facility use permits.**

## EXHIBIT A

- 1 (a) Authority. A request for a reserved use of a public facility or portion of a public facility for a group function not  
2 rising to the level of a special event shall be submitted to the Parks, Recreation and Sports Tourism Department  
3 representative in charge of such facility. The determination whether to grant or deny a facility use permit shall  
4 be made by the Parks, Recreation and Sports Tourism Director. When the use of the facility rises to the possible  
5 status of a special event, the matter shall be referred to the Special Events Committee. The fees for the use of  
6 facilities shall be established by City Council. The facility use permit accomplishes a reservation for a planned  
7 function. Vendors are permitted. All uses are subject to applicable laws and administrative rules regarding park  
8 or facility use. Not all facilities are subject to reservation and all facility use permits are at the discretion of the  
9 City, in consideration of the impact on public property in terms of use frequency, intensity, duration, time,  
10 manner and impact on the general public and neighboring properties as pertains to the issues of security, peace  
11 and quiet, vehicular movement and parking, and concentration of persons. Beachfront permits are of particular  
12 sensitivity.
- 13 (b) Application; process. In order to allow equal access and appropriate departmental review, a completed  
14 application for a facility use permit must be submitted no less than fifteen (15) calendar days before the date of  
15 the proposed use.
- 16 (c) Criteria for issuance. In reviewing an application for a facility use permit, the following shall be considered:  
17 (1) Whether the application is complete;  
18 (2) Whether the information contained in the application is found to be false or misrepresented in any  
19 material respect;  
20 (3) Whether an application for another facility use to be held on the same date as that requested has  
21 been previously submitted or approved;  
22 (4) Whether the nature and anticipated attendance of the proposed facility use exceeds the capacity of  
23 the facility or the portion of the facility proposed to be used;  
24 (5) Whether the proposed facility use will interfere with a programmed governmental use of the facility;  
25 (5) Whether the proposed facility use will substantially interfere with construction or maintenance work  
26 previously scheduled to take place at the facility or along the public right-of-way adjacent to the  
27 facility; and  
28 (6) Whether the application is timely submitted and there is sufficient time to evaluate and process the  
29 application;  
30 (7) Any relevant criteria specified in the Myrtle Beach City Code pertaining to issuance of a special event  
31 permit; and  
32 (8) Any other factor(s) relevant to the Parks, Recreation and Sports Tourism Director's decision.
- 33 (d) Denial. If the application is not approved, notice of denial shall be communicated to the applicant orally or in  
34 writing as soon as practicable, but no later than forty (40) days after the date upon which the application was  
35 filed. Such notice will provide the reasons for denial of the permit.
- 36 (e) Appeal. Any appeal of the Parks, Recreation and Sports Tourism Director's decision shall be to the City Manager  
37 and must be received no later than fifteen (15) calendar days after the Parks, Recreation and Sports Tourism  
38 Director's decision is rendered, whether orally or in writing. Appeals shall be in writing, state the specific  
39 grounds on which the decision is appealed, include an address at which the applicant can receive the City  
40 Manager's decision and be provided in person to the City Clerk or City Manager or via certified mail addressed  
41 as follows: City of Myrtle Beach, ATTN: City Manager, 937 Broadway Street, Myrtle Beach, SC 29577. The City  
42 Manager shall render a decision on the appeal within fifteen (15) calendar days of receipt of the appeal.
- 43 (f) Insurance. Proof of comprehensive general liability insurance and/or other coverages shall be required for all  
44 facility uses where alcohol is on the premises, uses that may constitute a potentially hazardous activity or  
45 condition, if uninsured structures are to be erected, or if someone other than the parent or guardian is providing  
46 oversight or supervision of minors. Such insurance shall be from an A-rated insurer authorized to do business  
47 in South Carolina with combined single limits of at least \$1,000,000.00. Based on the nature of the facility use,  
48 the City Manager or designee, in consultation with the Director of Insurance and Risk Services or designee, may  
49 require increased or decreased coverage amounts and/or additional coverage types. Such insurance shall 1)

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1 name the City of Myrtle Beach, its officers, employees and agents as additional insureds; 2) designate that such  
2 insurance is primary without right of contribution from any other insurance that is carried by the additional  
3 insureds; 3) contain a waiver of subrogation in favor of the additional insureds; 4) provide that the insurer will  
4 give the City written notice at least thirty (30) days in advance of any cancellation or material change to the  
5 insurance; and 5) contain no exclusion or endorsement that negates coverage for the additional insureds  
6 relating to the negligence of the additional insureds or defects in the maintenance, construction or operation  
7 of the facility. The applicant also shall be required to execute an agreement to defend, hold harmless and  
8 indemnify the City, its officers, employees and agents from and against all claims, liability and damages arising  
9 from the event.

10 (g) **Waiver of insurance.** Except for events involving the sale, provision or consumption of alcoholic beverages or  
11 traffic control issues, the foregoing insurance requirements may be waived by the City Manager or designee in  
12 consultation with the Director of Insurance and Risk Services or designee based on consideration of the following  
13 factors:

- 14 (1) Whether the facility use involves expressive activity expressive activity protected by the First  
15 Amendment;
- 16 (2) Whether the cost of obtaining insurance imposes an unreasonable financial burden or objectively  
17 impossible. Applicant must submit a statement from at least two (2) licensed insurance brokers  
18 supporting the claim that it is objectively impossible to obtain the required insurance coverage.
- 19 (3) Whether a fee or donation is charged for the event constituting the facility use;
- 20 (4) Whether the event will involve the use of equipment (other than sound equipment), vehicles, animals,  
21 fireworks or pyrotechnics;
- 22 (5) The expected attendance of the event; and
- 23 (6) Any other relevant factor(s).

24  
25 **Secs. 19-162—19-169. Reserved.**

### **DIVISION 5. FILMING AS A SPECIAL EVENT**

#### **Sec. 19-180. Purpose.**

31 The City Council recognizes that certain filming activities may affect public health, safety and welfare and should be  
32 considered as a category of special event as regulated in this article, but shall be most efficiently regulated with  
33 flexibility in administrative processes, with each event considered in light of its unique impact. This section  
34 establishes special regulations and flexibility for filming in the City and provides that all permits issued for filming  
35 shall have the same force and effect as any other special event permit.

#### **Sec. 19-181. Prohibitions.**

- 39 (a) It shall be unlawful for any person to engage in the filming activities defined in Section 19-182 without the  
40 approval and maintenance of a valid filming permit granted by the Special Events Committee in form of a  
41 special event permit, in compliance with this division.
- 42 (b) It shall be unlawful for any person to fail to comply with any condition imposed in an approved filming  
43 permit.

#### **Sec. 19-182. Filming activities requiring a permit.**

- 47 (a) Public or private property in any zoning district, unless otherwise specified in the zoning code, may be used  
48 as a filming location including the filming of motion pictures, professional photography or videotaping.
- 49 (b) The application fee or non-refundable deposit for filing permits shall be set forth on the City's special events  
50 fee schedule, as approved by City Council, a copy of which may be obtained from the Special Events

**EXHIBIT A**

1        Committee.

2        (c) The conditions, policies and requirements for filming shall be stated on the filming application. Special  
3        policies and conditions may be added to the permit by the Special Events Committee, City Manager or City  
4        departments. Said policies and conditions shall be and have the force of adopted law, subject to the  
5        exercise of police power to preserve public health, safety and welfare.

6        (d) A filming permit shall not be required for:

7        (1) Filming activities for personal use or entertainment;

8        (2) Filming for use in news gathering, investigative reporting, for public and municipal access stations or  
9        by public safety personnel; or

10       (3) A business license holder engaging in commercial production relating to its business purpose, unless  
11       there is a public health, safety or welfare impact resulting therefrom.

12  
13       **Secs. 19-183—19-189. Reserved.**

**ARTICLE VI. SPECIAL EVENTS, PARADES, FACILITY USE, PUBLIC PERFORMANCE  
AND PICKETING**

**DIVISION 4. PUBLIC PERFORMANCE**

**Sec. 19-170. Purposes.**

The Ccity Council finds that the existence in the Ccity of street or public performers provides a public amenity that enhances the character of the Ccity and seeks to encourage such performances to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes, the safe and orderly movement of vehicular or pedestrian traffic, or the ability of businesses to conduct their businesses without impediment or interruption. This section seeks to balance the interests of the performers with those of the residents and businesses of the Ccity. A street or public performance occurring under this section is not the act of solicitation as defined in {the} Ccity Code.

**~~Sec. 19-171. Definitions~~**

~~Specifically pertaining to this division:~~

~~*Perform* includes, but is not limited to, the following activities suitable for listening, viewing or participation by an unaccompanied minor: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading, puppetry, sidewalk art (working with nonpermanent, water soluble media, i.e. chalk, pastels or watercolors directly on the pavement) and reciting. *Perform* shall not include the manufacture, assemblage, production display or offering of items for sale, or the solicitation for money in exchange for performance. The performance is done for free with no expectation of donation.~~

~~*Performer* means a person who has obtained a permit pursuant to this section.~~

~~*Public areas* means public sidewalk, parks, playgrounds and other pedestrian areas, as limited by City Council resolution.~~

**~~Sec. 19-171—19-172. Reserved.~~**

**Sec. 19-173. Time, place and manner of permitted performances.**

Performances may take place only as part of a special event or facility use permit in public areas, except within one hundred (100) feet of an elementary and/or secondary school, library, ~~or~~ church while in session (during regularly scheduled worship services, funerals or weddings), a hospital at any time, and except in public areas excluded by the Ccity Council by resolution.

All performers shall be approved by the City and shall abide by the rules and regulations set forth in the public performance application.

**~~Secs. 19-174—19-179. Reserved.~~**

**DIVISION 7. PICKETING AND DEMONSTRATION EVENTS**

**~~Sec. 19-196. Definitions~~**



## EXHIBIT B

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Picketing and demonstration mean any formation, procession or assembly of persons which, for the purpose of expressive activity, involves:~~

- ~~(1) In any number of persons, to assemble or travel in unison on any street in a manner that does not comply with normal or usual traffic regulations or controls; or~~
- ~~(2) In number greater than twenty-five (25) persons, to gather at a public park or other public area.~~

### **Sec. 19-196. Reserved.**

### **Sec. 19-197. Picketing on rights-of-ways; restrictions.**

- (a) Picketing is prohibited on the grounds of the Myrtle Beach Convention Center and the public beach.
- (b) No notice is required for picketing of less than twenty-five (25) individuals, but all the regulations in this division subsections ~~[19-198](d) and (e)~~ apply.
- (c) For purposes of police planning for safety, when the organizer knows, or should reasonably know if there will be a group of twenty-five (25) or more individuals, he shall give notice of intent to picket to the chief of police or designee at least forty-eight (48) hours before the beginning of the picket. There is no permit or cost associated with this notice. The notice of intent to picket shall include the following information:
  - (1) The name, address and contact telephone number for the organizer of the picket;
  - (2) The name, address and contact telephone number of the person giving notice of intent to picket if different from the organizer;
  - (3) The name of the organization or group sponsoring the picket; ~~the location where the picket is to take place;~~
  - (4) The location where the picket is to take place;
  - (5) The date and time the picket shall begin and end, the anticipated number of participants, and the basis on which this estimate is made.

### **Sec. 19-198. Regulations.**

- (a) Regardless of the number of participants, picketing may be conducted only upon public sidewalks, on the grounds of any other city-controlled park or other city-owned areas normally used or reserved for pedestrian movement, including easements and rights-of-way, and shall not be conducted on the portion of the public roadway used for vehicular traffic or parking, median strips, pedestrian safety islands, or on the public sidewalk in front of a private residence. Demonstration or picketing involving the roadway must secure a parade permit ~~under division 2 of this article.~~
- (b) It shall be unlawful for demonstrators or picketing to disrupt, block, obstruct or interfere with pedestrian or vehicular traffic or the free passage of pedestrian or vehicular traffic into any driveway, pedestrian entrance, or other access to buildings, which abut the public sidewalks.
- (c) Written or printed placards or signs, flags, or banners carried by individuals engaged in picketing shall not be greater than twenty- four (24) inches by thirty-six (36) inches by one quarter (1/4) inch of non-rigid media, as to allow safe and unobstructed passage of pedestrian or vehicular traffic.
- (d) Upon notice of intent to picket given in accordance with this divisionsubsection (b), the chief of police or

## EXHIBIT B

1        designee shall immediately issue a receipt of notice. The receipt shall contain all information stated in the  
2        notice. The organizer of a picket shall be responsible for maintaining the receipt, and shall present it when  
3        so requested by a law enforcement officer or other city official.

4        (e) If more than one group of picketers desire to picket at the same time at or near the same location, law  
5        enforcement officers may, without regard to the purpose or content of the message, assign each group a  
6        place to picket in order to preserve the public peace, and said assignment may involve the use of physical  
7        barriers for separation. Members of a group shall not enter an area assigned to another group. Priority of  
8        location shall be based upon which group of picketers arrived first.

9        (f) Spectators of pickets shall not physically interfere with individuals engaged in picketing. Picketers and  
10       spectators of picketers shall not speak fighting words or threats that would tend to provoke a reasonable  
11       person to a breach of the peace, or engage in disorderly conduct.

12       (g) Picketers and picketing shall be subject to all applicable local, state and federal laws.

13       (h) Nothing in this section prohibits a law enforcement officer from issuing a command to disperse in the event  
14       of a riot, breach of the peace or disorderly conduct by an assemblage of three or more persons.

15       **Sec. 19-199. Reserved.**