

February 11, 2020 – 1st Reading
 February 25, 2020 – Presented for approval.

1 **2020-18 (2nd READING): AMENDING THE CODE OF ORDINANCES, CHAPTER 14**
 2 **OFFENCES AND MISCELLANEOUS PROVISIONS, ARTICLE 11, PUBLIC PLACE**
 3 **RESTRICTIONS, DIVISION 7 PUBLIC PARKS, SECTION 14-316 SPECIFIC PUBLIC**
 4 **PARK RESTRICTIONS, TO CLARIFY THE RESTRICTIONS REGARDING DOGS IN**
 5 **PUBLIC PARKS, AND TO CLARIFY THE AUTHORITY TO PROMULGATE**
 6 **ADDITIONAL PARKS RULES AND REGULATIONS PERTAINING TO THE USE OF**
 7 **PUBLIC PARKS, AND THE PURPOSES FOR WHICH SUCH RULES MAY BE**
 8 **PROMULGATED.**

9 **Applicant/Purpose:** Staff/to clarify certain provisions of the Parks Ordinance.

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 11 **Brief:**

- 12 • This proposed ordinance codifies a long-standing practice that dogs are allowed in
 13 public parks as long as they are under the control of their owner & on a leash w/in
 14 a park (except for those parks designated as “dog parks”).
- 15 • The proposed ordinance also allows the Manager to promulgate additional rules &
 16 regulations applicable to specific parks. Currently the Parks, Recreation, & Sports
 17 Tourism Director has that authority, subject to the Manager’s review.
- 18 • The amendment also authorizes the Manager to promulgate rules for specific parks
 19 to complement or enhance any specific use for which the park is designated.
- 20 • At 1st reading, City Council amended the ordinance require that permanent (30+
 21 days) be approved by City Council.

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 23 **Issues:**

- 24 • This amendment allows the Manager to set separate rules & hours of operation for
 25 “Special Purpose Parks” for up to 30 days. For rules intended to be permanent,
 26 Council approval is required.
- 27 • In a companion item rules & hours Special Purpose Parks (Nance Plaza, Chapin Park,
 28 Grand Park, Plyler Park, & Valor Memorial Gardens) are included in M2020-36.
- 29 • Where the “Special Purpose Park Rules” are silent, the underlying rules of the Parks
 30 Ordinance continue to apply.

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

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 34 **Alternatives:**

- 35 • Deny the proposed ordinance changes.
- 36 • Modify the proposed amendment.

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 38 **Financial Impact:** None.

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 40 **Manager’s Recommendation:**

- 41 • I recommend 1st reading (2/11/2020).
- 42 • I recommend 2nd reading & adoption (2/25/20).

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

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CITY OF MYRTLE BEACH) AMENDING THE CODE OF ORDINANCES,
COUNTY OF HORRY) CHAPTER 14 OFFENCES AND
STATE OF SOUTH CAROLINA) MISCELLANEOUS PROVISIONS,
ARTICLE 11, PUBLIC PLACE
RESTRICTIONS, DIVISION 7 PUBLIC
PARKS, SECTION 14-316 SPECIFIC
PUBLIC PARK RESTRICTIONS, TO
CLARIFY THE RESTRICTIONS
REGARDING DOGS IN PUBLIC PARKS,
AND TO CLARIFY THE AUTHORITY TO
PROMULGATE ADDITIONAL PARKS
RULES AND REGULATIONS PERTAINING
TO THE USE OF PUBLIC PARKS, AND
THE PURPOSES FOR WHICH SUCH
RULES MAY BE PROMULGATED.

DIVISION 7. - PUBLIC PARKS

Sec. 14-316. - Specific public park restrictions.

- (a) *Prohibited acts in parks and other public facilities.* No person shall use the public parks in violation of the prohibitions of this chapter. Any person who violates this section or a posted rule or regulation herein may be given notice by the facility manager, authorized recreational department personnel or law enforcement to immediately leave the public property.
- (b) *Unlawful to interfere with the park use by others.* Interference with others means engaging in conduct, including but not limited to the conduct enumerated herein, that endangers the safety or comfort of others, or which denies the enjoyment of the facility by others; or which disturbs public order by any disorderly conduct or breach of the peace; or the existence of such behavior which creates unreasonable noise, apprehension or fear for personal safety as reported by a citizen to a law enforcement officer or as observed and investigated by a city employee or law enforcement officer.
 - (1) Because of the interference of the park use by others is inherent in the conduct of sleeping or reclining in a horizontal position in inappropriate places, no person shall sleep or recline, except in medically exigent circumstances, behind, on or in as the circumstances apply to park buildings, pavilions, shelters, rest rooms, trash receptacles, benches, picnic tables, as well as recreational activity areas (such as athletic courts and playing fields, dug outs, and playgrounds), pedestrian or vehicular traffic ways (such as roads, sidewalks, bike paths, and jogging paths), and landscaped areas (such as mulched flower gardens, hedge planting areas, and cultivated planters). Sleeping upright on benches and horizontally on a single ground covering is permitted.
 - (2) Because of the interference of the park use by others is inherent in the conduct of using a picnic tables and eating surfaces for other than picnic purposes, no person shall use a picnic table, or other structure or surface

1 intended for eating as a place for reclining, either on the eating surface of
2 the table or the seating surface of the bench; and neither shall any person
3 sit upon the eating surface of a picnic table at any time.

- 4 (3) Because of the interference of the park use by others is inherent in the
5 conduct of begging, panhandling, off-premises canvassing, and
6 commercial handbilling or solicitation in exchange for contribution, no
7 person shall engage in begging, panhandling, off-premises canvassing,
8 commercial handbilling or solicitation in exchange for contribution in
9 any park.

- 10 (c) *Unlawful to use the parks after hours.* Unless otherwise posted, recreational
11 facilities shall not be used for any purpose between official sunset and sunrise.
12 Parks with special hours other than the default closings between official sunset
13 and sunrise will be posted. No person shall enter upon the premises of any
14 recreational facility during the hours that such are closed to the public. No person
15 shall use of, occupy or congregate in the parks at times other than the approved
16 hours of access. No person shall remain upon the premises of any recreational
17 facility during the hours that such are closed to the public.

18 *Exceptions.* This section shall not apply to:

- 19 (1) Persons whose presence is authorized by city by contract, agreement,
20 lease or otherwise or by the manager or his designee, in compliance with
21 all other city ordinances, rules or regulations;
22 (2) Persons remaining in the recreational facility after the time for closing who
23 are participating in or attending events, activities or programs previously
24 scheduled or authorized by the department because the event, activity or
25 program has not concluded;
26 (3) Persons making use of any public way located through a recreational
27 facility; however, such persons must confine themselves to the limits of the
28 public way and be actively walking;
29 (4) Persons who are actually engaged at such time in the official business of
30 any city, county, state or the United States or any agency or department
31 thereof.
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- 33 (d) *Unlawful to possess or ignite fireworks.* The possession or ignition or any kind of
34 firework is prohibited, unless specifically permitted by permit.

- 35 (e) *Unlawful to allow dogs off leash. Except for areas specifically identified as "dog*
36 *parks" all dogs in public parks shall be under the control of their owner and on a*
37 *leash. No vicious or threatening dogs may be brought into a public park, even if*
38 *such animals are under the control of their owner.*

- 39 (f) *Unlawful to park in unauthorized area.* The parking or placement of any motorized
40 vehicles or other machines of conveyance in places other than those specifically
41 designated for such purpose is prohibited.

- 42 (g) *Unlawful to conduct large group feeding without a facility use permit and*
43 *compliance with health regulations.* For purposes of this section, large group
44 feeding is defined as an event in which the provider prepares meals off-site for
45 distribution to persons unrelated or unaffiliated, in such an amount that service of
46 same can only be accomplished by more than one server or the event is attended
47 by more than ten members of the general public, either with or without
48 remuneration, in a park or park facility owned or controlled by the city, including
49 adjacent sidewalks and rights-of-way in the City of Myrtle Beach. A large group
50 feeding does not include any person or group named in South Carolina
51 Regulations 61-25, Chapter 1, 26(c), or family reunions or gatherings, excluded

1 from the need for a special event permit or facility use permit are activities of city
2 licensed or contracted concessionaires, lessees, or licensees.

- 3 (1) No person shall knowingly sponsor, conduct, or participate in the
4 distribution or service of food at a large group feeding at a park or public
5 facility owned or controlled by the City of Myrtle Beach without a facility
6 use permit properly issued by the city and without proof of compliance with
7 South Carolina Department of Health and Environmental Control
8 Regulation 61-25 for the preparation and service of food.
- 9 (2) No person shall, in the public park, engage in organizing, serving or
10 distributing food to the public in a large group feeding event fail to produce
11 and display any required department of health and environmental control
12 permit for such open air food distribution, or the required special event or
13 facility use permit during a large group feeding event to a law enforcement
14 officer upon demand.
- 15 (3) Not more than one large group feeding facility use permits may be issued
16 to a person, or persons acting in cooperation through joint purpose
17 however loosely associated within a 12-month period. Not more than four
18 large group feeding permits shall be issued to a legally recognized entity,
19 such as an eleemosynary endeavor properly registered with the Secretary
20 of State, association, charity or organization for large group feedings in
21 any 12 consecutive month period.
- 22 (4) Proof of insurance and insurance in appropriate amounts naming the city
23 as an additional insured is required for food service to the public, and may
24 not be waived.
- 25 (h) *Public expectation of use; additional rules and regulations.* All persons shall
26 comply with the directions of park officials pertaining to proper occupancy and
27 public use in order to ensure public tranquility, safeguard park property and to
28 ensure the maximum use for the comfort and convenience of all. ~~The director of
29 the department having administrative oversight of the parks of the city~~ For a
30 period not to exceed 30 days. City Manager shall have the discretion to classify or
31 designate parks as to size, intended use, intensity of use or other factors, and
32 promulgate rules and regulations to control, limit or prohibit any activity in a park,
33 or any area therein, which would prevent the fullest use and enjoyment of
34 a park by the general public consistent with public health, welfare, safety and
35 recreation and the protection of public property, or which may complement or
36 enhance any specific use for which that park is designated. Any rule or regulation
37 that is intended to be permanent in nature for a (period exceeding 30 day) shall
38 be approved per City Council before such rule or regulation subject to the review
39 and approval of the city manager. Such rule or regulation shall be posted. It shall
40 be unlawful for any person to violate any posted rule or regulation. As determined
41 by the appropriate authority and so posted, certain parks may have a time of use
42 limitation or number of persons limitation in the occupancy or use of the shelter or
43 tables therein, so that use can be enjoyed by a greater number of people. As
44 determined by the appropriate authority and so posted, in areas and parks, the
45 feeding of wild animals may be prohibited.
- 46 (i) *Restrictions on public use of recreational facilities.* All city parks, playgrounds,
47 recreation centers, ball diamonds, tennis courts, athletic or recreation facilities,
48 greenbelts or any other areas, real property or other premises designated for
49 public recreational use by the city (recreational facilities) are only open to public
50 from sunrise to sunset, except when posted for different hours of operation by the
51 director or when occupied by lawful permit, contract or reservation.

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This ordinance shall take effect immediately upon adoption.

BRENDA BETHUNE, MAYOR

ATTEST:

JENNIFER STANFORD, CITY CLERK

First reading: 2-11-2020
Second reading: 2-25-2020

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2. Chapin Park -

- a. Purpose – Chapin Park is intended to complement and enhance the Chapin Memorial Library Building and surrounding area. As it is located along a major corridor of the City, the appearance of Chapin Park is of paramount importance. The Park will continue to function as a place of quiet reflection, relaxation, social encounters, festivals, events, and small musical events and dramatic productions. Active use is allowed and encouraged within the playground area.
- b. Specific permitted uses:
 - Festivals and events pursuant to a Facility Use or Special Event Permit. Such events may include activities listed as “Prohibited” below provided that such activities are specifically approved in the Facility Use or Special Event Permit.
 - Passive park uses and quiet contemplation.
 - Formal and informal social congregation.
 - Live or recorded music that does not interfere with, or impede others’ enjoyment of the Park.
 - Other activities in keeping with the purpose and intent of the Arts and Innovation District.
- c. Specific prohibited uses (absent a facility use, or special event permit):
 - Amplified or loud music that does not interfere with or impede others’ enjoyment of the park.
 - Active athletic activities.
- d. Special Park Hours – unless otherwise reserved by virtue of a Facility Use or Special Event Permit, or temporarily closed for maintenance, or through an Emergency Declaration approved by the City Manager, Chapin Park will be open daily between official sunrise and sunset.

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3. Plyler Park –

- a. Purpose – Plyler Park is intended to complement and enhance the Oceanfront areas in the heart of downtown between Ocean Boulevard and the Boardwalk. Plyler Park is a premier location for fun and exciting City Festivals and Events to enhance the downtown experience and to promote and encourage residents and guests to enjoy the adjacent area. As it is focal point of downtown events and activity, the appearance of Plyler Park is of paramount importance.
- b. Specific permitted uses:
 - Festivals and events pursuant to a Facility Use or Special Event Permit. Such events may include activities listed as “Prohibited” below provided that such activities are specifically approved in the Facility Use or Special Event Permit.
 - Passive park uses and quiet contemplation.
 - Formal and informal social congregation.
 - Live or recorded music that does not interfere with, or impede others’ enjoyment of the Park.
 - Other activities in keeping with the purpose and intent of the Downtown Masterplan.
- c. Specific prohibited uses (absent a facility use, or special event permit):
 - Amplified or loud music that interferes with or impedes others’ enjoyment of the park.
 - Active athletic activities.
- d. Special Park Hours –
 - Unless otherwise reserved by virtue of a Facility Use or Special Event Permit, or temporarily closed for maintenance, or through an Emergency Declaration approved by the City Manager, Plyler Park will be open daily between 6:00 AM and 11:00 PM.
 - Notwithstanding the hours listed above, the biking, running, and walking trails around and through the park may be used for these purposes at any time of the day or night, unless otherwise reserved by virtue of a Facility Use or Special Event Permit, or temporarily closed for maintenance, or through an Emergency Declaration approved by the City Manager.

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4. Valor Memorial Gardens -

a. Purpose – Valor Memorial Gardens is intended to complement and enhance the Market Common and surrounding areas, and to pay tribute to the men and women of our armed services, and first responders who have fallen in the line of duties. As such it will function at times as a place of quiet reflection, relaxation, formal and informal social encounters. Valor Memorial Gardens will also be used for festivals, and events, with special emphasis on those which honor active and retired veterans of our armed services, and first responders, and cultural events. As it is located along a major corridor of the City, the appearance of Valor Memorial Gardens is of paramount importance.

b. Specific permitted uses:

- Festivals and events pursuant to a Facility Use or Special Event Permit. Such events may include activities listed as “Prohibited” below provided that such activities are specifically approved in the Facility Use or Special Event Permit.
- Passive games not involving strenuous activity such as bocce, cornhole, etc....
- Formal and informal social congregation.
- Passive park uses and quiet contemplation.
- Live or recorded music that does not interfere with, or impede others’ enjoyment of the Park.
- Other activities in keeping with the purpose and intent of the Market Common and/or which honor the community’s military heritage.

c. Specific prohibited uses (absent a facility use, or special event permit):

- Amplified or loud music that does not interfere with or impede others’ enjoyment of the Park.
- Active athletic activities.

d. Special Park Hours –

- Unless otherwise reserved by virtue of a Facility Use or Special Event Permit, or temporarily closed for maintenance, or through an Emergency Declaration approved by the City Manager, Valor Memorial Garden will be open daily between official sunrise and 11:00 P.M.
- Notwithstanding the hours listed above, the biking, running, and walking trails and sidewalks around and through the park may be used for these purposes at any time of the day or night, unless otherwise reserved by virtue of a Facility Use or Special Event Permit, or temporarily closed for maintenance, or through an Emergency Declaration approved by the City Manager.

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5. Grand Park –

- a. Purpose – Grand Park is intended to complement and enhance the Market Common and surrounding areas. Grand Park is also a premier location for City Festivals and Events, and a primary area for recreational activities and sports tourism facilities. As it is located along a major corridor of the City, the appearance of Grand Park and the sports facilities in the Park are of paramount importance. The Park will continue to function to serve the active and passive park needs of the entire community, and to host City Recreation League events, and major sports tourism competitions.
- b. Specific permitted uses (Passive park use areas only, excludes ballfields and active recreational areas):
 - Festivals and events pursuant to a Facility Use or Special Event Permit. Such events may include activities listed as “Prohibited” below provided that such activities are specifically approved in the Facility Use or Special Event Permit.
 - Passive park uses and quiet contemplation.
 - Formal and informal social congregation.
 - Live or recorded music that does not interfere with, or impede others’ enjoyment of the Park.
 - Other activities in keeping with the purpose and intent of the Market Common, nearby residential neighborhoods, and the greater community.
- c. Specific prohibited uses (absent a facility use, or special event permit):
 - Amplified or loud music that interferes with or impede others’ enjoyment of the park.
 - Active athletic activities.
- d. Special Park Hours –
 - Unless otherwise reserved by virtue of a Facility Use or Special Event Permit, or temporarily closed for maintenance, or through an Emergency Declaration approved by the City Manager, Grand Park will be open daily between official sunset and sunrise.
 - Notwithstanding the hours listed above, the biking, running, and walking trails around and through the park may be used for these purposes at any time of the day or night, unless otherwise reserved by virtue of a Facility Use or Special Event Permit, or temporarily closed for maintenance, or through an Emergency Declaration approved by the City Manager.