

CITY OF MYRTLE BEACH
COUNTY OF HORRY
STATE OF SOUTH CAROLINA

AN ORDINANCE TO AMEND CHAPTER 14, ARTICLE XI, RIGHTS OF WAY AND PUBLIC PLACES IN SECTION 14-307 TO PROVIDE THAT COMMERCIAL HANDBILLING IS PROHIBITED THROUGHOUT THE CITY AND NONCOMMERCIAL HANDBILLING IS PERMITTED ON THE STREETS AND STREETENDS OF THE CITY, WHILE PROHIBITING SAID ACTS ON THE MYRTLE BEACH BOARDWALK, THE PUBLIC BEACH, PUBLIC BEACH ACCESSES, THE MYRTLE BEACH CONVENTION CENTER AND PUBLICLY ACCESSIBLE PARKING LOTS AND GARAGES; AND IN SECTION 14- 310 OFF-PREMISE CANVASSING, AND IN 14-312 PANHANDLING, AND SECTION 14-313 SOLICITATION IN EXCHANGE FOR CONTRIBUTION TO PERMITS SAID ACTS ON THE STREETS AND STREET ENDS OF MYRTLE BEACH, WHILE PROHIBITING SAID ACTS IN THE PROTECTED ZONE, THE MYRTLE BEACH BOARDWALK, THE PUBLIC BEACH, PUBLIC PARKS, THE MYRTLE BEACH CONVENTION CENTER, PUBLICLY ACCESSIBLE PARKING LOTS AND GARAGES OR ANY PUBLIC BEACH ACCESS.

NOW THEREFORE, IT IS HEREBY ORDAINED THAT CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF MYRTLE BEACH IS AMENDED BY SHOWING REPEALED LANGUAGE AS BEING STRICKEN THROUGH, ENACTED LANGUAGE AS BEING UNDERLINED, AND UNCHANGED LANGUAGE AS SHOWN IN CONTEXT.

CHAPTER 14
OFFENCES AND MISCELLANEOUS PROVISIONS
ARTICLE XI. RIGHTS OF WAY AND PUBLIC PLACE RESTRICTIONS

DIVISION ONE. FINDINGS; DEFINITIONS

Sec. 14-300. PURPOSES, FINDINGS AND DECLARATIONS:

The city council finds that the rights of way and public places are expected to be used for the purposes for which they were designed and constructed, to perform the function of public access, business advancement, and safe vehicular and pedestrian travel, while simultaneously allowing the constitutionally protected right of free speech in those portions of public property that have historically and traditionally been forums of free speech. These reasonable public expectations should be balanced with reasonable time, place and manner restrictions so that all citizens and visitors

1 may safely enjoy the full function of these public facilities, and the purposes for which
2 they are intended.

3
4 There are other places to which the public is invited that are on private property. As
5 part of a pleasing aesthetic environment that enhances our tourist trade, businesses
6 are required by zoning to set aside and maintain privately owned landscaped areas or
7 open space areas that abut the public right of way or that are accessible by the public
8 right of way. This private property is readily accessible to the general public, or is
9 otherwise open to common or general use or view such as parking lots, landscaped
10 areas or private alleys. There exist vacant or undeveloped land and lots through which
11 the public has passed without obstruction. All of these private properties are impacted
12 by the public right of way, and impact the right of way when obstructions are allowed
13 to exist.

14
15 In some areas, sidewalks are only 5 feet in width, and whose uses are further
16 restricted by necessary utility structures, street trees and refuse collection containers.
17 In some areas, streets are 40 to 60 feet wide, and are heavily traveled access routes
18 for the beach. Even nonaggressive monetary solicitation impedes the normal flow of
19 traffic, both pedestrian and vehicular, disrupts passage and is inherently more
20 intrusive and complicated activity than the mere distributing literature. Certain
21 streets and sidewalks of Myrtle Beach are subject to congestion, and the Council finds
22 that restrictions on conduct and all aggressive and nonaggressive solicitation that
23 results in obstruction of passage, inaccessible parking, and congesting vehicle traffic
24 and stressful and anxious pedestrian interactions are appropriate in order to keep the
25 traffic moving.

26
27 This core commercial area of pedestrian and vehicular concentration and congestion
28 compels the Council to define a Protected Zone where panhandling, begging, off
29 premise canvassing, solicitation in exchange for money and commercial handbilling of
30 any kind, as defined, is prohibited. Even nonaggressive solicitation impedes the normal
31 flow of pedestrian and vehicular traffic the Protected Zone, in that solicitation
32 requires reaction and action by those who would respond. The Zone also has a
33 concentration of amusements, outdoor seating and cafés, where visitors and citizens
34 are queuing or seated for service or attractions. Moreover, the Zone has its highest
35 concentration of national and international visitors, who find themselves in unfamiliar
36 settings, often time facing a language or cultural barrier, when approached by
37 strangers seeming demanding something from them. Even if the language barrier is
38 overcome, and being faced by a stranger in a strange town is not stressful or creates
39 anxiety, the individual solicited must decide whether or not to contribute (which itself
40 might involve examining the solicitor's goods, or enticements to commerce, or hearing
41 his pitch), and then, having decided to do so, reach for a wallet, search it for money,
42 write a check, or produce a credit card.

43
44 Both nonaggressive and aggressive solicitations in these densely peopled areas or in
45 areas do create a besieged atmosphere, and makes people feel uncertain and unsafe
46 as they move about. The council is informed that visitors often act to avoid being
47 solicited, perceiving that they are being constantly set upon by the solicitors asking for
48 money, asking for donations, asking for a contribution, asking for spare change, asking
49 for a dollar in exchange for some form of goods, and the uncertainty of how to
50 respond and the inconvenience of dealing with strangers approaching you in an

1 unfamiliar area in a tourist town diminishes the safety and convenience of the
2 citizens and visitors, thus impacting the public economy. The City has a legitimate
3 interest in promoting the safety and convenience of its tourists and citizens on public
4 streets in these densely peopled areas, and so would create a Protected Zone, while
5 still allowing such nonaggressive panhandling, solicitations and commercial handbilling
6 elsewhere in the City, and would still allow non-commercial handbilling as set forth
7 herein in as exercise of the First Amendment under reasonable time, place and
8 manner restrictions.

9
10 The Myrtle Beach Convention Center and its premises are declared to be a unique
11 structure and land use dedicated to the convention center business model as a
12 commercial facility to foster economic development and use by businesses and
13 organizations which reserve and rent the facility and its premises to convey their
14 commercial message. The unique characteristics of this convention center business
15 model compel that it is to be subject to time, place and manner restrictions as to use
16 and speech, and that sections may vary as to the use and speech appropriate for the
17 section.

18
19 There also exist publicly owned facilities such as the oceanfront and the Myrtle Beach
20 Convention Centre that were not designed or built to be in the same categories as the
21 public streets and parks as forums for expressive activities. There also exist publicly
22 owned land which has been legislatively made subject to encroachment to enhance
23 the commercial activity of the abutting private property, such as ocean front and
24 sometimes Boardwalk adjacent hard and soft encroachments.

25
26 The Myrtle Beach Boardwalk is declared to be a unique structure of limited
27 recreational use and passage, designed and built not as sidewalk or street, park or
28 traditional public forum, but a tourist and resident amenity, and as public facility
29 stimulus to foster economic development and commercial encroachment use by a
30 abutting businesses by extending outdoor dining and seating for its patrons. It extends
31 from its northern terminus at the 15th Avenue North Pier to its southern terminus at
32 1st Avenue North Street End. The northern section is from 14th Avenue North Pier to
33 the northern border of Plyler Park, characterized entirely by hotel beach frontage.
34 The central section extends from the northern border of Plyler Park the southern
35 border of 8th Avenue North, characterized entirely by retail and entertainment
36 business. The southern section is from the southern 8th Avenue North to the southern
37 terminus at 1st Avenue North, characterized by a mixture of hotel and retail,
38 predominantly hotel frontage. The current boardwalk is likely to be augmented in both
39 the southern and northern directions, and the restrictions set forth herein will apply to
40 any later additions to the boardwalk. The unique characteristics of changing zoning
41 uses with its mixture of encouraged commercial encroachment use, tourist residential
42 and recreational use compel that it is to be distinguished from quintessential public
43 forums, and its uniqueness requires that it be subject to time, place and manner
44 restrictions as to use, and that sections of the Boardwalk may vary as to the use
45 appropriate for the section.

46
47 The public beach is a unique asset, and millions of visitors are drawn to the public
48 beaches every year, and year round. The public beaches are used for entertainment
49 and recreational purposes, and commercialization detracts from that use. Visitors do
50 not want to be accosted or approached in effort to sell them something, or persuade

1 them on an issue, while they are lying down with their eyes closed, sunbathing, or
2 attending to their small children. Ample opportunities and places currently exist for
3 citizens to engage in person to person commercial endeavors, nonaggressive begging,
4 handbilling or picketing under this Article, and the city council finds that the public
5 beach should not be used as a forum for either nonaggressive or aggressive off premise
6 canvassing, begging, solicitation in exchange for money, handbilling or picketing due
7 to its unique recreational nature.

8
9 The city council finds that public has a reasonable expectation that public parks
10 designed, built and maintained for different purposes may be enjoyed for those
11 purposes, while still maintaining the public park as a forum for expressive activities.
12 Parks are designed for families with children, individuals and group to engage in
13 fellowship, play and relaxation in a pastoral setting. The council is informed that both
14 nonaggressive and aggressive solicitations in these areas does create a besieged and
15 uncertain atmosphere, making people feel unsafe as they move about, or rest in a
16 park, or play with their children. The council finds that persons perceive that they are
17 being constantly set upon by the strangers walking up to them or their children, asking
18 for money, asking for donations, asking for a contribution, asking for spare change,
19 asking for a dollar in exchange for some form of goods, and the mere act of being
20 approached in a demanding way by a stranger creates uncertainty of how to respond
21 and the inconvenience of dealing with strangers approaching you as you engage in
22 your park use with your children or grandchildren, or as you try to relax. The City has
23 a legitimate interest in promoting the safety and convenience of its citizens in the
24 parks. Ample opportunities and places currently exist outside of the parks for citizens
25 to engage in panhandling, person to person commercial endeavors or commercial
26 handbilling under this Article, and the city council finds that the public ~~beach~~ parks
27 should not be used as a forum for panhandling, off premise canvassing, solicitation in
28 exchange for money or commercial handbilling due to its reasonable expectations that
29 public parks are not appropriate for unrestricted commercial activity, and have the
30 same need for public safety and convenience that exists in the Protected Zone.

31
32 The city council finds and declares that uncontrolled commercial and noncommercial
33 speech involved in handbilling, picketing, soliciting and canvassing results in negative
34 impacts on the rights of way, negative impacts on the use of public facilities by
35 visitors and citizens, and often in the throwing, casting and distributing of material
36 upon public and residential property, without consent, thus creating widespread litter
37 that adversely affects the aesthetics of the rights of way in the City.

38
39 Neighborhood litter contributes to a serious police problem in that the accumulation
40 of the material on the right of way and neighbors express that the property of the
41 residence so littered is an open invitation to burglary.

42
43 The city council finds that unregulated camping in prohibited public places creates a
44 health and safety hazard for those who illegally camp, and for those residents and
45 visitors who come into contact with the campsites, and adversely affects the quality of
46 life of a considerable number of citizens.

47
48 The city council finds that a public safety problem is created by persons sleeping in
49 automobiles which are parked along the public streets within the city. In residential
50 areas, alarm and anxiety result in calls for service. In addition, persons who are

1 parked in developed areas, by the nature of the conduct become unaware of their
2 surrounding, this making themselves vulnerable as targets for criminal activity.

3
4 As to public sidewalks, the city council further finds and declares:

5 1. Public sidewalks in business districts are created and maintained for the
6 primary purposes of enabling pedestrians to safely and efficiently move about from
7 place to place, facilitating deliveries of goods and services, and providing potential
8 customers with convenient access to goods and services.

9 2. During business hours, the public sidewalks in downtown and
10 neighborhood commercial areas are prone to congestion and should be kept available
11 to serve these primary purposes.

12 3. Except in places provided herein or where reasonably necessary, sitting
13 or lying on the public sidewalks in downtown and neighborhood commercial interferes
14 with the primary purposes of the public sidewalks, threatens public safety and
15 damages the public welfare.

16 4. Pedestrians, particularly the elderly, disabled or vision-impaired, are
17 put at increased risk when they must see and navigate around individuals sitting or
18 lying upon the public sidewalk.

19 5. The public welfare is promoted by economically healthy downtown
20 neighborhood commercial areas which attract people to shop, work and recreate.
21 These areas provide easily accessible goods and services, employment opportunities,
22 the tax revenues necessary to support essential public services, and the economic
23 productivity necessary to maintain and improve property within these areas.

24 6. In some circumstances and places in the city, obstruction of passage by
25 congregation, or sitting or lying on the sidewalks acts to deter many members of the
26 public from frequenting those areas, which contributes to undermining the essential
27 economic viability of those areas. Business failures and relocations can cause vacant
28 storefronts which contribute to a spiral of deterioration and blight which harms the
29 public health, safety and welfare. An important factor in protecting public safety is
30 attracting people to the streets and sidewalks of the city's business districts, because
31 the presence of many law abiding citizens serves as a deterrent to crime and increases
32 the public's sense of security and the safety of all.

33 7. There are other places within or close to the downtown and
34 neighborhood commercial areas where sitting or lying down can be accommodated
35 without unduly interfering with the safe flow of pedestrian traffic, impairing
36 commercial activity, threatening public safety or harming the public welfare. These
37 other places include city parks, private property with the permission of the property
38 owner, public sidewalks outside the designated business districts and all sidewalks
39 outside the designated hours. Therefore, the limited regulation of sitting or lying down
40 on sidewalks is both reasonably necessary and appropriately balances the public
41 interest and individual rights.

42
43 Publicly accessible parking garages lots are characterized by the constant travel of
44 vehicles in restricted spaces and lanes. The use of individual wheeled devices that do
45 not have a mechanical breaking system are incompatible with the travel of vehicles in
46 this context, and such use presents a real danger of personal and property injury.

47
48 NOW THEREFORE, the city council finds that the inappropriate use of the right of way
49 and restricted public places is injurious and inimical to the public economy, health,

1 safety and welfare of the visitors and residents and that such practices are, therefore,
2 declared to unlawful and a public nuisance.

3
4 SEC. 19-301 ARTICLE DEFINITIONS.

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

8
9 *Accosting* means

- 10 1. to turn aside, approach or speak to a person in such a manner so as to cause
11 apprehension or fear in a reasonable person that their movement is restricted, or
12 2. to approach and engage a person by verbal harassment, aggressive or
13 assaultive language or
14 3. the unwanted touching of that person in an effort to draw attention to one's
15 solicitation for contribution.

16
17 *After dark* means from one half hour after sunset until one half hour before sunrise.
18 The times of sunset and sunrise will be established by the times listed in The Sun News
19 or another newspaper publication of similar distribution.

20
21 Aggressive conduct is demonstrated by:

- 22 1. accosting another person; or
23 2. forcing oneself upon the company of another; or
24 3. panhandling, begging, soliciting in exchange for contribution, off-premise
25 canvassing or handbilling within 100 feet of the entrance to any financial
26 institution or any automated teller machine, regardless of whether or not such
27 automated teller machine is located at or near a financial institution; or
28 4. panhandling, begging, soliciting in exchange for contribution, off-premise
29 canvassing or handbilling within 50 feet of any public or private outdoor dining
30 area or public or private outdoor merchandising or city franchising area
31 provided such areas are in active use at the time; or
32 5. panhandling, begging, soliciting in exchange for contribution, off-premise
33 canvassing or handbilling within 50 feet of any public transit stop, taxi stand or public
34 comfort facility; or
35 6. approaching a person standing in line waiting to be admitted to or served by a
36 commercial establishment; or
37 7. touching the person without that person's consent; or
38 8. panhandling, begging, soliciting in exchange for contribution, off-premise
39 canvassing or handbilling after dark by means of verbal communication
40 9. panhandling, begging, soliciting in exchange for contribution, off-premise
41 canvassing or handbilling the driver or occupant of a vehicle traveling within any
42 roadway when the person begging is within the right of way; or
43 10. panhandling, begging, soliciting in exchange for contribution, off-premise
44 canvassing or handbilling a pedestrian in the right of way, while the person begging is
45 a driver or occupant of a vehicle traveling within any roadway.

46 *Beg or panhandle* is a form of aggressive or nonaggressive solicitation that includes
47 any verbal or nonverbal solicitation made in person upon any street, public place or
48 park in the city, in which a person requests an immediate donation of money or other
49 gratuity from another person, and includes but is not limited to seeking donations:

(1) by vocal appeal or for music, singing, or other street performance; and,

(2) where the person being solicited receives an item of little or no monetary value in exchange for a donation, under circumstances where a reasonable person would understand that the transaction is in substance a donation, rather than a solicitation with a commercial purpose.

When the use of the spoken, written, or printed word or body action in a solicitation, request, offer, enticement for immediate contribution on behalf of oneself ~~without~~ contains the element of an exchange of goods or handbills of relative value for the contribution sought, then the act is a solicitation in exchange for contribution, or the conduct of off-premise canvassing, as defined herein.

Boat means every description of watercraft used or capable of being used as a means of transportation on water.

Breach of the peace means a violation of public order, a disturbance of the public tranquility, by any act or conduct amounting to violence or inciting to or likely to produce violence thought violence is not required, including any violation of any law enacted to preserve peace and good order. Peace, as used in the law in this connection, means the tranquility enjoyed by citizens of a municipality or community where good order reigns among its members, which is the natural right of all persons in political society as they go about their lives and business without fear and in safety.

Business means any commercial activity in which any real property, goods, product samples, or services are sold or offered for rent, lease, sale, barter, or exchange of consideration in the corporate city limits.

Camp means residing in or using any right of way or restricted public property or a vehicle for living accommodation, sleeping purposes or the storage of personal property, as exemplified by:

1. remaining for prolonged or repeated periods of time not associated with ordinary use of the public place, along with an accumulation of one's personal property or while storing one's personal property on the public place, or apparently lodging in a parked vehicle.

2. use of the area for purposes of maintaining personal hygiene or the provision of personal comforts normally associated with the human functions of food or beverage preparation and elimination of body waste, or sleep beyond that which can be characterized as a nap. The arrangement of the immediate surroundings so as to sleep is shown by the use or arrangement of one's personal property to induce sleep, whether temporary or permanent, or the use or arrangement of available materials to accommodate the environs for sleeping, or the making preparations to sleep, as shown by the use of bedding, coats, blankets, newspapers, or other materials so as to act as a foundation or cover for one to sleep. For the purposes of this section, a nap is brief period of sleep of less than an hour taken during daylight hours.

3. use of the prohibited public place wherein, in plain sight, there is the storage of personal property associated with the provision of household or personal comfort to an individual or group of individuals.

4. use of the prohibited public place for heated food preparation, except in areas specifically designated for heated food preparation. Heated preparation of food may

1 be shown by campfires or cooking devices, litter or waste generated by food
2 preparation.

3 5. use of a picnic table, or other structure or surface intended for eating as a
4 place for reclining, either on the seating surface or eating surface, or sitting on an
5 eating surface in contraindication of its intended purpose

6 6. These activities constitute camping when it reasonably appears, in light of all
7 the circumstances, that a person is using the prohibited public place or vehicle as a
8 living, lodging, or sleeping accommodation regardless of his or her intent, or the
9 nature of any other activities in which he or she might also be engaged.

10 *Consideration* means anything goods or services of value, or a fee, cash payment or
11 extension of credit that will be given in anticipation of completion or upon completion
12 of the performance of a service, task or job, or in exchange for or any real property,
13 goods, product samples, or services.

14 *Contribution* means money, credit, funds, personal property or anything of value.
15

16 *Disorderly conduct* means conduct that is defined in South Carolina Code 16-17-530 or
17 Myrtle Beach Code of Laws in 14- 61.
18

19 *Forcing oneself upon the company of another* means:

20 1. to confront a person within 3 feet of their person with a request for
21 contribution; or

22 2. to follow a person who has walked on or away from a request for contribution,
23 or to call after and continue to verbally solicit in close proximity to the person
24 addressed after the person to whom the solicitation is directed has made a negative
25 response, either verbally or nonverbally, by physical sign, or by attempting to avoid or
26 leave the presence of the person soliciting; or by other negative indication; or

27 3. to physically block or divert, by way of movement of body or object, the
28 passage of the person solicited; or

29 4. otherwise engaging in obstreperous conduct, or using fighting words, or
30 pejorative language that is intending intimidation so that one will accede to a
31 solicitation just to be left alone.
32

33 *Goods* mean any tangible or fungible commodity or item of even nominal value,
34 including consumables, product samples, exemplars and the like.
35

36 *Handbill* includes

37 1. recorded goods generally not available as a consumer product in the form of
38 tapes, DVDs, CDs and the like, or

39 2. and printed or written matter, dodger, circular, leaflet, pamphlet, newspaper,
40 paper, booklet or any other kind of printed matter or literature.
41

42 *Handbill, commercial* means any handbill which is primarily concerned with providing
43 information about the availability, location, characteristics and costs of commercially
44 available goods and services, which:

45 1. advertises for sale, rent, lease, barter or distribution any business, service,
46 merchandise, goods, product, commodity or thing in the stream of commerce;

47 2. directs attention or invites attendance to any business, mercantile or
48 commercial establishment, or other business activity, for the purpose of either

1 directly or indirectly promoting the commercial interest thereof by the offering of any
2 business, service, merchandise, goods, product, commodity or thing in the stream of
3 commerce for sale, rent, lease, barter or distribution;

4 3. directs attention to or advertises any meeting, theatrical performance,
5 exhibition or event of any kind, in which any business, service, merchandise, goods,
6 product, commodity or thing is the subject of commercial speech as either for sale,
7 lease, rent, barter or acquisition by a consumer, or for which an admission or other
8 entry fee is charged.

9 4. while containing some reading matter other than advertising matter, is
10 predominantly and essentially an advertisement, or group of advertisements by
11 different business for consumers, and is freely distributed or circulated for advertising
12 purposes, or for the private benefit and gain of any person so engaged as the
13 advertiser or distributor of the material.

14 5. is distributed in conjunction with use of the spoken, written, or printed word,
15 or any request, offer, enticement or conduct made contemporaneously in the
16 distribution which is in furtherance of immediately collecting contributions for the use
17 of oneself or others.

18 6. when as a recorded medium, contains commercially available entertainment
19 musical performances and movies which are intended to be available for purchase in a
20 retail establishment by the distribution entity on the creator of the entertainment
21 data.

22
23 *Handbill, noncommercial* means any handbill which contains no elements identifying
24 the handbill as a commercial handbill as defined herein, and pertains to charitable,
25 religious or political beliefs or activities, and the communication and delivery thereof
26 do not seek an immediate contribution as a result of receipt of the handbill. Verbal or
27 written communication that is political, religious or charitable in nature and which
28 also involves the request for the immediate contribution becomes a solicitation of
29 exchange for money as defined herein, having involved the element of commerce.

30
31 *Litter* means garbage, refuse, waste materials or any other discarded, used or
32 unconsumed substance which is not disposed of as required by law.

33
34 *Mobile billboard advertising* means

35 1. “backpack billboards”, sandwich boards or other signs which are carried,
36 borne, attached or fixed upon the person’s body, which are not articles of clothing, or

37 2. any vehicle or wheeled conveyance which carries, conveys, pulls, or transports
38 any sign or billboard on the rights of way for the purpose of advertising a business,
39 sale, service or goods for any form of consideration.

40
41 *Newspaper* means any newspaper of general circulation as defined by general law, any
42 newspaper duly entered with the United States Postal Service in accordance with
43 federal statute or regulation, and any newspaper filed and recorded with any
44 recording officer as provided by general law.

45
46 *Obstruct* means to block, divert or interfere with pedestrian or vehicular movement on
47 a right of way or restricted public property, entrance or exit to private property, or
48 any other area open to the public by means of

49 1. the placement of persons, or objects, or a person’s movement or lack of
50 movement of their body or object, or

2. the unlawful storage or placement of personal property, or placement of shopping cart, whether acting individually or in concert with others.

Obstruction object or instrument means and includes, but is not limited to, a device commonly known as a "lock box" or "sleeping dragon" or any of the components of such a device including but not limited to: pipes, tubes, wire handcuffs, chains, carabineers, or padlocks, or containers either weighted or not.

Off-premises canvassing is a form of soliciting which is primarily concerned with providing information about the availability, location, characteristics and costs of goods and services and means when a person who acts individually or on behalf of others, and either

1. makes a verbal or nonverbal solicitation or exhortation intending to entice or engage potential customers on behalf of a business;

2. engages in the free distribution of goods for the purposes of advertising a business, sale, service or goods; or

3. engages in the distribution of goods or services with a contemporaneous request or demand for an immediate contribution of relative value by a person.

Overnight means from sunset to sunrise.

Oversize vehicle means any motor vehicle which exceeds 20 feet in length, nine feet in height and/or seven feet in width. Motor homes and recreational vehicles exceeding these measurements are examples of oversized vehicles. Oversized vehicles are designed or used principally for carrying things other than passengers, including a motor vehicle to which has been added a cabinet box, platform, rack or other equipment for the purpose of carrying merchandise other than the person or effects of passengers; also, any unit consisting of a tractor and trailer so constructed as to haul merchandise or loads other than persons. The following are not defined as oversized vehicles subject to application of this division: Governmental vehicles and those private commercial vehicles under contract or franchise with the government used in the course of conducting public business, construction or repair, ambulances, hearses or automobile wreckers owned and used by a garage in connection with its regular business. Individuals who are disabled and require an oversized vehicle to accommodate the individual's daily needs, and pickup or light trucks, under 10,000 pounds GVWR, which are primarily used by the property owner for transportation purposes, organized professional tour buses, worker transportation buses, regional transit authority buses, church and private organizational buses, provided that parking is accomplished in a safe and lawful manner.

Panhandle: see beg

Personal property includes, but is not limited to goods owned by an individual, such as flotation devices, lifejackets, clothes, tents, beach umbrellas, chairs, backpacks, carts, wagons, luggage of any shape, size or configuration that evidences its function is the containment, storage and transportation of personal property, bedrolls, blankets, pillows, sheets, clothing, utensils, cookware, cooking preparation materials, tents or similar structures, sleeping bags, bed rolls, blankets, hammocks, or other sleeping implements.

1 *Picket or picketing* means to make a public display or demonstration of sentiment for
2 or against a person or cause, including protesting which may include the distribution
3 of noncommercial handbills without solicitation, the display of signs and any oral
4 communication or speech, which may involve an effort to persuade or influence,
5 including all expressive and symbolic conduct, whether active or passive.

6
7 *Protected Zone* means the Core Commercial Tourist area defined as beginning at the
8 intersection of the southern boundary of the right of 13th Avenue South and the
9 Atlantic Ocean and running in a westerly direction along the southern boundary of
10 13th Avenue South to the western boundary of the right-of-way of U. S. Highway 17
11 (Business), then running along the western boundary of U.S. Highway 17 (Business) in a
12 northerly direction to the southern boundary of the right-of-way of 7th Avenue North,
13 then running along the southern boundary of 7th Avenue North and the extension of
14 that boundary line in a westerly direction until it intersects with the western boundary
15 of the right-of-way of Broadway, then running in a northerly direction along the
16 western boundary of the right-of-way of Broadway, then running in a northerly
17 direction along the western boundary of Broadway until it intersects with the northern
18 boundary of the right-of-way of 9th Avenue North, then running in an easterly
19 direction along the northern boundary of 9th Avenue North until it intersects with the
20 western boundary of the right-of-way of U.S. Highway 17 (Business), then running
21 along the western boundary of U.S. Highway 17 (Business) until it intersects with the
22 northern boundary of the right-of-way of 21st Avenue North, then running along the
23 northern boundary of 21st Avenue North and the extension of that boundary line in an
24 easterly direction until it intersects with the Atlantic Ocean, then running in a
25 southerly direction along the Atlantic Ocean Beach until it reaches the point of
26 beginning.

27
28 *Public beach* means that area lying between the Atlantic Ocean and the easternmost
29 property line of the property owned by private individuals or corporations, lying
30 closest in proximity to the Atlantic Ocean; except that where there is a street leading
31 east from Ocean Boulevard toward the Atlantic Ocean, and also "public beach" at
32 these points shall mean the area lying between the easternmost edge of the public
33 street and the Atlantic Ocean; and includes any area lying between the mean low
34 water mark of the Atlantic Ocean and the primary dune line, bulkhead or seawall, as
35 well as those lands subject to periodic inundation by tidal and wave actions so that no
36 non-littoral vegetation is established.

37
38 *Publicly accessible parking lots and garages* means those structures and lots in which
39 motorized vehicles are invited to park, either for a fee or as a component of public
40 parking.

41
42 *Recreational vehicle* means any vehicle used for purposes other than the primary
43 source of transportation for a household, including: travel trailers, pick up coaches,
44 campers, motor homes, camping trailers, converted vans and buses, tent trailers, and
45 other similar type vehicles for sleeping, travel, or temporary dwelling as for recreation
46 or vacations.

47
48 *Restricted public places* shall include the following:

49 1. All publicly owned or managed buildings, grounds and property under deed,
50 dedication, easement or lease, including structures and their premises built for

1 specified uses and functions, owned or operated by political subdivisions or their
2 instrumentalities or agencies, including but not limited to the Myrtle Beach Convention
3 Center, the Myrtle Beach Boardwalk, and beach walkovers and accesses, public parks
4 and public beaches; drainage ditches, swales, swashes, ponds, culverts or basins; and
5 parking spaces, garages and lots

6 2. Privately owned landscaped (mulched, bushes, flowers or trees) or open space
7 areas required by zoning laws to be accessible to the public as aesthetically pleasing
8 cultivated open spaces required by law;

9 3. Private property that is readily accessible to the general public, or is
10 otherwise open to common or general use or view, such as unrestricted parking areas
11 lots and private alleys through which the public has historically passed without
12 obstruction.

13 4. Vacant or undeveloped land and lots through which the public has historically
14 passed without obstruction.

15 5. Publicly accessible parking lots and garages

16
17 *Right of way* property means any publicly owned, leased or easement property set
18 aside, platted or dedicated for pedestrian and vehicular travel, including the paved or
19 unpaved portion of public streets and sidewalks up to the private property boundary,
20 and includes any pedestrian safety areas or islands, crosswalks, parking spaces,
21 sidewalks, curbs, planting strips or any part of any public right-of-way devoted to
22 accommodating persons or vehicles in transit.

23
24 *Roller skates or Roller blades* means any device or conveyance with any number of
25 wheels, tracks or gliding surfaces, whether off-set or in-line, worn on the feet or that
26 can be attached to the sole of a shoe, and which are designed to be or can be
27 propelled by human power, and includes "in-line skates" or "rollerblades." , most often
28 propelled by the user in an upright, standing position or kneeling.

29
30 *Sale* means an act involving the exchange of consideration, or any trade or offer of
31 trade for currency, credit, services, or goods.

32
33 *Services* mean any task, job, work, attraction, amenity or act which can be obtained
34 through an exchange of consideration.

35
36 *Semitrailer* means any two-wheeled vehicle coupled to or drawn by or designed to be
37 coupled to or drawn by any motor vehicle.

38
39 *Sidewalk* means that portion of the street right-of-way which is designated for the use
40 of pedestrians and may be paved or unpaved and shall include easements and rights of
41 ways. The Myrtle Beach Boardwalk by definition is not a sidewalk.

42
43 *Skateboard* means any board or any other object or device which has wheels attached
44 to it by any means whatsoever and which is propelled by pushing, pulling, or
45 gravitational forces, and to which there is not affixed any device or mechanism for
46 steering or braking, propelled by the user who sometimes stands, sits, kneels, or lays
47 upon the device while it is in motion. For the purposes of this Ordinance the term
48 "skateboard" shall include the terms "scooter" and "coaster".

1 *Solicitation in exchange for contribution* is a form of soliciting and means conduct in
2 which a who is acting on behalf of oneself or a non-profit or charity, suggests or
3 requests by word, writing or gesture that immediate contribution for one's self or on
4 behalf of others is expected or will be accepted when distributing any type of goods or
5 handbills, thus injecting an element of commerce into the solicitation. When the
6 person acts in furtherance of, or on behalf of a business, the conduct becomes off-
7 premise canvassing.

8
9 *Specified anatomical parts* means human male or female genitals, pubic area, pubic
10 hair, buttocks, anus, vulva or any portion of the female breast at or below the areola
11 thereof.

12
13 *Store* means to gather together or to put or place one's personal property thereby
14 using the public place as the repository of one's possessions, as exemplified by
15 personal property remaining for prolonged or repeated periods of time, either
16 attended or unattended, and not associated with ordinary use of the public place, or
17 under any permit pertaining thereto.

18
19 *Street* means the entire width between property or right-of-way lines of every way or
20 place of whatever nature, when any part thereof is open to the use of the public as a
21 matter or right, for the purposes of vehicular traffic, including that portion that is
22 known as the shoulder of the roadway and the curb. The terms "highway" and "street"
23 and their cognates are synonymous as used herein. The Myrtle Beach Boardwalk by
24 definition is not a street.

25
26 *Tractor* means any motor vehicle having four or more wheels designed or used for
27 drawing other vehicles, but having no provision for carrying loads.

28
29 *Trailer* means a nonmotorized vehicle, with two or more wheels, designed to be
30 coupled to or drawn by another vehicle, and used to transport other forms of
31 recreational vehicles, or other forms of conveyance, materials or goods, including
32 utility trailers.

33
34 *Unpermitted campsite* means a gathering of multiple stored personal properties on
35 private property that is not a public campground pursuant to a permit or license
36 authorized under federal, state or local statute or ordinance. The definition does not
37 include a person camping on their own property. An unpermitted campsite exists when
38 it reasonably appears, in light of all the circumstances that a person is using the
39 property as a living, lodging, or sleeping accommodation regardless of his or her
40 intent, or the nature of any other activities in which he or she might also be engaged.

41
42 DIVISION TWO. GENERAL PROHIBITIONS; CONGESTED AREA RESTRICTIONS; BOATS AND
43 TRAILERS; PERSONAL PROPERTY REMOVAL PROCEDURES

44
45 SEC. 14-302 GENERAL PROHIBITIONS ON RIGHTS OF WAY AND RESTRICTED PUBLIC
46 PLACES

47 A. Certain of the following prohibitions within Article XI do not apply to actions or
48 conduct under lawful permits issued by a governing body under its general police
49 powers, or by ordinance, resolution or motion on such terms and conditions as it may
50 prescribe in the granting of the permit under the encroachment, franchise,

1 excavations under rights of way, special events, facility use, parade, temporary zoning
2 use or other applicable ordinances.

3 B. On any right of way or restricted public place, no person shall:

4 1. mark, deface, disfigure, injure, tamper with, move, displace or remove any
5 sign, notice or placard, cone, stake, post, pole, connecting material, boundary
6 marker, wall, border, marking, building, railing, bench, chair, paving, paving material,
7 object, structure or equipment placed or permitted under authority of the governing
8 body.

9 2. place, affix, install or store any memorial, monument, sign, notice, placard,
10 cone, marking, building, railing, bench, chair, obstruction, paving or paving materials,
11 rope, cord or wire or other similar connecting materials, structure or equipment. This
12 includes public utility structures, poles, wires or equipment under franchise, easement
13 or encroachment from the governing authority.

14 3. damage, dig or remove any sand, soil, rock, stones, trees, shrubs, or plants,
15 down timber or other wood or materials, or make any excavation or alteration of the
16 way or place by tool, equipment, blasting or other means or agency including fire;
17 provided however; the recreational play associated with the digging and movement of
18 public beach sand or public park sand is not included as long as the sand is not
19 removed from the public beach or park.

20 4. construct, place or erect any table, cart, podium, lectern, tent, windbreak,
21 building or structure of any material, size or kind for any purpose, including first
22 amendment activities.

23 5. skate, climb, walk upon, stand, sit or recline upon railings, fences, or retaining
24 walls not designed for such physical activity.

25 6. climb, stand, sit or recline upon any meters, pipes, lines, wires, poles, posts,
26 boxes or structures belonging to a public or private utility.

27 7. scatter, throw, or cause litter as defined herein and in Chapter 17, Solid
28 Waste.

29 8. conduct or cause to be conducted any mobile billboard advertising. The
30 prohibitions of mobile billboard advertising shall not apply to any vehicle which
31 displays an advertisement or business identification of its owner, so long as such
32 vehicle is used or engaged in the usual business or regular work of the owner, and is
33 not used merely, mainly or primarily to display advertisements, and to vehicles of a
34 Regional Transit Authority, or to persons wearing clothing as an advertisement.

35 9. engage in conduct whereby obstruction of passage of any person or vehicle
36 results in the way or place.

37 10. store personal property, camp or set up a campsite; provided however, that
38 nothing herein shall be construed to prohibit camping in public campgrounds pursuant
39 to a permit or license authorized under federal, state or local statute or ordinance or
40 prohibit camping on one's own private property that is a vacant or undeveloped lot, so
41 long as the camping is not conducted as a business enterprise, and only involves
42 friends and family of the property owner. For procedures of removal of personal
43 property, refer to Sec 14-306.

44 11. possess or consume opened containers of alcoholic beverages.

45 12. ignite combustibles, or build or maintain a fire.

46 13. expectorate, urinate or defecate.

47 14. dress or undress in any automobile or other motorized vehicle in such a manner
48 as to reveal specified anatomical parts of their body in so doing.

49 15. sleep in a parked automobile or other motorized vehicle after dark or overnight
50 anywhere in the city.

1 16. engage in aggressive conduct while panhandling, begging, soliciting in exchange
2 for contribution, off-premise canvassing or commercial or noncommercial handbilling.
3

4 SEC. 14-303 SITTING OR LYING DOWN ON PUBLIC SIDEWALKS IN CERTAIN CONGESTED
5 AREA RESTRICTED.

6 A. *Prohibition.* No person shall sit or lie down upon a public sidewalk or upon a
7 blanket, chair, stool or any other object placed upon a public sidewalk on Ocean
8 Boulevard, Broadway Street, Main Street, the Market Common District, the Avenues
9 from 3rd Avenue South to 31st Avenue North, and from 69th Avenue North to 79th Avenue
10 North from Kings Highway to the Ocean.

11 B. *Exceptions.* The prohibition in subsection (A) above, shall not apply to any
12 person:

13 1. sitting or lying down on a public sidewalk due to a medical emergency; or as
14 the result of an injury, condition or disability, utilizes a wheelchair, walker or similar
15 device to move about the public sidewalk;

16 2. participating in or attending a parade, festival, performance, rally,
17 demonstration, meeting or similar event conducted on the public sidewalk pursuant to
18 a valid city permit;

19 3. sitting on a chair or bench located on the public sidewalk which is supplied by
20 the governing authority, or Regional Transit Authority; or

21 4. sitting on a chair or bench located on the public sidewalk which is supplied by
22 the abutting private property owner in accordance with this Code of Ordinances, and
23 by permission of that property owner.

24 C. Nothing in any of these exceptions shall be construed to permit any conduct
25 which obstructs passage as prohibited in this Article.
26

27 SEC. 14-304 RESTRICTION OF ASSEMBLY IN CERAIN CONGESTED AREAS ABUTTING
28 OCEAN BOULEVARD DURING CERTAIN PERIODS.

29 A. Due to the resulting impact of vehicular and pedestrian congestion on the
30 public rights of way, during the period from March 1 through October 31 each year, no
31 person shall establish any outdoor assembly area on private property adjacent to the
32 right-of-way of Ocean Boulevard between 6th Avenue South and 2nd Avenue South and
33 between 7th Avenue North and 14th Avenue North. For the purposes of this section an
34 assembly area is any area on privately owned property on which guests or invitees of
35 the private property owner or other person in control of the property are permitted to
36 stand or sit while drinking alcoholic beverages unless such area is at least ten feet
37 from the public right-of-way or separated from the right-of-way by a permanent fence
38 or wall 42 inches in height.

39 B. During the period from March 1 through October 31 each year, no person shall
40 place, install, or maintain any table, chair or bench outdoors on private property
41 within ten feet of the right-of-way of Ocean Boulevard between 6th Avenue South and
42 2nd Avenue South and between 7th Avenue North and 14th Avenue North unless such
43 tables, chairs or benches are separated from the public right-of-way by a permanent
44 fence or wall 42 inches in height.
45

46 SEC. 14-305. RESTRICTIONS ON BOATS, RECREATIONAL VEHICLES, SEMITRAILERS,
47 TRACTORS, TRAILERS, OR OVERSIZED VEHICLES

48 A. *Boats, recreational vehicles, semitrailers, tractors, trailers, or oversized*
49 *vehicles as herein defined, parking, storage, on streets or public ways prohibited;*
50 *impoundment.* This section does not apply to resident owned vehicles used in business

1 or occupation where parking is not prohibited by sign. Parking of any boat and boat
2 trailer; semitrailer, tractor, trailer, or oversized vehicle as herein defined upon any
3 street or public way in the city other than to provide immediate loading, unloading,
4 delivery or performance of a service shall be deemed a nuisance detrimental to the
5 convenience, comfort and safety of the citizens of the city, and the creation of such a
6 nuisance is hereby declared to be a misdemeanor. Overnight parking is prohibited,
7 provided however that when overnight parking is required, a person seeking parking
8 may make application with the police for permission and appropriate traffic safety
9 actions. When resident owned vehicles used in business or occupation or police
10 permitted vehicles are parked, lines of sight for both vehicles and pedestrians may not
11 be blocked. Law enforcement is hereby authorized to remove and impound vehicles so
12 illegally parked in the manner provided by this article.

13 B. *Boats, recreational vehicles, semitrailers, tractors, trailers, or oversized*
14 *vehicles as herein defined; parking on public streets in residential zones prohibited;*
15 *impoundment.* This section does not apply to resident owned vehicles used in business
16 or occupation where parking is not prohibited by sign. Parking, placing or storage of
17 any boat, recreational vehicle, semitrailer, tractor, trailer, or oversized vehicle as
18 herein defined upon public streets in any residential zone, other than to provide
19 immediate loading, unloading, delivery or performance of a service is prohibited, and
20 shall be deemed a nuisance detrimental to the convenience, comfort and safety of the
21 citizens of the city, and the creation of such a nuisance is hereby declared to be a
22 misdemeanor. Overnight parking is prohibited, provided however that when overnight
23 parking is required, a person seeking parking may make application with the police for
24 permission and appropriate traffic safety actions. When resident owned vehicles used
25 in business or occupation or police permitted vehicles are parked, lines of sight for
26 both vehicles and pedestrians may not be blocked. It shall be a misdemeanor for a
27 parked or stored vehicle in a residential zone to be occupied or used as a permanent
28 or temporary dwelling unit. Law enforcement is hereby authorized to remove and
29 impound vehicles so illegally parked in the manner provided by this article.

30 C. *Restrictions on parking or storage of trailers in all zoning districts;*
31 *impoundment.* Other than that boat, boat trailer, semitrailer, tractor, trailer, or
32 oversized vehicle as herein defined, as parked or stored on that private property by
33 that property owner, or person with interest in the property, and such is used
34 personally or in the normal course of their business, it shall be a misdemeanor for any
35 person or business license holder to park or store, or cause to be parked or stored any
36 truck, tractor, trailer or semitrailer on any private property or lot not properly zoned
37 and licensed as a commercial parking lot, or vehicle storage lot, with required
38 security, fencing and buffering for such use; provided however, that accommodations
39 parking areas may park and store only for the term of the accommodations rental any
40 tour bus, trailer, boat, semitrailer or oversized vehicle in the normal course of
41 business, if such parking will not displace accommodations customers from using the
42 legally required parking areas of the business. Law enforcement is hereby authorized
43 to remove and impound vehicles so illegally parked in the manner provided by this
44 article.

45
46 SEC. 14-306 PROCEDURES FOR REMOVAL OF PERSONAL PROPERTY IN RIGHT OF WAY OR
47 RESTRICTED PUBLIC PLACE.

48 A. Unattended stored possessions on found by a law enforcement officer in rights
49 of way or on restricted public places, other than campsites, are deemed abandoned,
50 and may be removed immediately, and may shall be stored for a period of 48 hours.

1 For safety purposes and possible identification, the possessions may be inventoried. If
2 information can be developed on identification, the police department shall make
3 reasonable effort to contact the person. Any person seeking to reestablish ownership
4 of removed personal possessions shall contact the police department, and upon
5 identification of the personal possessions, they may be returned. After 48 hours, the
6 unclaimed items may be subject to disposal, provided however, identity or health-
7 related documents, family letters or photos, and prescription medications may be
8 retained longer in the discretion of the police chief. Items that have no apparent value
9 or utility or are in an unsanitary or putrescent condition may be immediately
10 discarded. Weapons, drug paraphernalia and items that appear to be either stolen or
11 evidence of a crime shall be retained by the police department. Personal property left
12 on the public beach after dark is not required to be stored or inventoried, and is
13 subject to immediate disposal.

14 B. Stored possessions found by a law enforcement officer in a campsite on private
15 property may be removed according to law. Prior to removing the campsite, the police
16 shall inform the property owner as shown in the Horry County Public Land Records by
17 regular mail, and shall post a notice 24 hours in advance of the removal. A law
18 enforcement officer shall not issue a citation for violation of this section within two
19 hours before or after the notice is posted. At the time that a 24-hour notice is posted,
20 the police shall inform a local agency that delivers social services to homeless
21 individuals where the notice has been posted. The local agency may arrange for
22 outreach workers to visit the campsite where a notice has been posted to assess the
23 need for social service assistance in arranging shelter and other assistance. After the
24 24-hour notice has been provided, the campsite may be abated. For safety purposes
25 and possible identification, the possessions shall be inventoried. If information can be
26 developed on identification, the police department shall make reasonable effort to
27 contact the person. Any person seeking to reestablish ownership of removed personal
28 possessions shall contact the police department, and upon identification of the
29 personal possessions, they shall be returned. The property shall be stored for a
30 minimum of 48 hours during which it will be reasonably available to any individual
31 claiming ownership. After 48 hours, the unclaimed items may be subject to disposal,
32 provided however, identity or health-related documents, family letters or photos, and
33 prescription medications may be retained longer in the discretion of the police chief.
34 Items that have no apparent value or utility or are in an unsanitary or putrescent
35 condition may be immediately discarded. Weapons, drug paraphernalia and items that
36 appear to be either stolen or evidence of a crime shall be retained by the police
37 department.

38 C. The 24-hour notice required under this section shall not apply:

39 1. when there are grounds for law enforcement officials to believe that illegal
40 activities other than camping or trespassing are occurring.

41 2. in the event of an exceptional emergency such as possible site contamination
42 by hazardous materials, natural disaster or when there is immediate emergency
43 danger to human life or safety.

44 3. when in rights of way or in restricted public places, there exists a threat to
45 public economy, health, safety or welfare through obstruction of passage or
46 interference with the public's expected use of the property for its intended purpose.

47 48 DIVISION THREE. HANDBILLING

49 SEC. 14-307 RESTRICTIONS ON HANDBILLS; NONCOMMERCIAL HANDBILLS PERMITTED
50 UNDER CERTAIN CONDITIONS OF DISTRIBUTION

- 1 A. Except for newspapers, any printed or written commercial or noncommercial
2 handbill which may be passed out, given away, distributed, circulated or delivered in
3 the city pursuant to law set forth herein, shall either be
4 1. placed in the hand of the intended recipient; or
5 2. bound, folded, enclosed or weighted in such a manner so as to prevent the
6 material from being blown or drifted about, scattered or fragmented by the action of
7 the elements and/or normal pedestrian or vehicular traffic; or
8 3. affixed to the premises for which it is intended by hanging on the door knob, or
9 placed in the newspaper receptacle if provided.
- 10 B. Any distribution by passing out, giving away or delivering of handbills by means
11 other than as specified herein in this section shall be deemed littering and is unlawful.
- 12 C. No person shall, either directly or indirectly, leave, deposit, place, throw,
13 scatter or cast any commercial or noncommercial handbill in or on any public right of
14 way or restricted public property owned by the City.
- 15 D. No person, either directly or indirectly, shall distribute commercial handbills or
16 in or on any public right of way or restricted public property.
- 17 E. No person shall distribute ~~commercial or noncommercial~~ handbills on the public
18 beach, the Boardwalk and the Myrtle Beach Convention Center, ~~the street ends~~
19 ~~abutting the Atlantic Ocean,~~ or any public beach access or place or leave such handbill
20 on a vehicle in publicly accessible parking lots.
- 21 F. Except for the prohibition in 14-307 (C), (D) and (E), the distribution of
22 noncommercial handbills on public streets and in public parks is not prohibited so long
23 as:
24 1. the distribution is accomplished from the hand of one person to the hand of
25 another person willing to accept such noncommercial handbill, and
26 2. the distribution is not accompanied by aggressive conduct, or engaging in
27 solicitation in exchange for money.

28
29 **SEC. 14-308 DISTRIBUTION OF HANDBILLS TO GUEST ROOMS PROHIBITED.**

- 30 A. No person or corporation (hereinafter "distributor") shall deposit, place, throw,
31 scatter, cast or otherwise distribute any handbill to any individual guest rooms in any
32 hotel or motel within the city, including but not limited to placing, throwing, leaving
33 or attaching any handbill adjacent to, upon or underneath any guest room door,
34 doorknob or guest room entryway, where either (i) the owner, manager or person in
35 charge or control of said hotel or motel has expressed objection to such handbill
36 distribution, either orally to said distributor or by the posting of a sign or other notice
37 in a conspicuous place within the lobby area of such hotel or motel indicating that
38 handbill distribution to guest rooms is prohibited, or (ii) such distributor has received
39 written notice pursuant as set forth in this Article that the owner, manager or person
40 in charge or control of said hotel or motel has expressed objection to the distribution
41 of such handbills to individual guest rooms in said hotel or motel.
- 42 B. No person or corporation (hereinafter contractor) shall cause or direct any
43 other person, firm, business or entity to distribute, or cause the distribution of, any
44 handbill to any individual guest rooms in any hotel or motel within the City in violation
45 of the immediately preceding subsection where either (i) the owner, manager or
46 person in charge or control of said hotel or motel has expressed objection to such
47 handbill distribution, either orally to said contractor or by the posting of a sign or
48 other notice in a conspicuous place within the lobby area of such hotel or motel
49 indicating that handbill distribution to guest rooms is prohibited, or (ii) such
50 contractor has received written notice pursuant as set forth in this Article that the

1 owner, manager or person in charge or control of said hotel or motel has expressed
2 objection to the distribution of such handbills to individual guest rooms in said hotel or
3 motel.

4 C. No contractor which causes or directs any other distributor to distribute, or
5 cause the distribution of, any handbills to any individual guest rooms in any hotel or
6 motel within the City, and which contractor has received written notice from the
7 owner, manager or person in charge or control of any hotel or motel within the City or
8 from any other contractor or intermediary pursuant to this subsection objecting to the
9 distribution of such handbills to individual guest rooms in said hotel or motel
10 (hereinafter "notice"), to fail to (i) provide a written copy of such notice to each of
11 said distributors prior to the commencement of distribution of said handbills by said
12 distributor (or by any person hired or retained by said distributor for such purpose), or
13 within twenty-four hours following the receipt of such notice by the contractor if
14 received after the commencement of distribution, and (ii) instruct and demand any
15 such distributor to not distribute, or to cease the distribution of such handbills to
16 individual guest rooms in any hotel or motel for which such a notice has been
17 received.

18 D. Any written notice given by the owner, manager or person in charge or control
19 of any hotel or motel, or by any other person, firm, business or entity, pursuant to or
20 required by any provision of this section shall be deemed in full force and effect until
21 such time as said notice is revoked in writing.

22 E. Nothing contained in this section shall be deemed to prohibit the distribution of
23 any handbill :

24 1. to guest rooms in any hotel or motel where such distribution has been
25 requested or approved by the owner, manager or person in charge or control of said
26 hotel or motel, or

27 2. to any individual guest room where an occupant thereof has affirmatively
28 requested or approved the distribution of such handbill during the term of such guest's
29 occupancy, or

30 3. by hand delivery to any person willing to receive such handbill, if permission to
31 enter the property for that purpose has been obtained in writing from the owner,
32 manager or person in control.

33 F. Any printed or written commercial or noncommercial material which may be
34 passed out, given away, distributed, circulated or delivered pursuant to law set forth
35 herein, shall be in conformance of 14-307 (A).

36
37 SEC. 14-309. DISTRIBUTION OF HANDBILLS FROM THE PUBLIC RIGHT OF WAY TO
38 OWNER OR OCCUPANT OF PRIVATE RESIDENCE

39 1. No contracting business or distributor shall distribute, deposit, place, throw,
40 scatter or cast any commercial handbill in or upon the yard or grounds or on the
41 doorstep, steps, porch, driveway or vestibule of any residence or dwelling or upon any
42 vacant lot or other private property within the city without first, prior to delivery or
43 distribution, having obtained the permission of the owner, occupant or other person in
44 control thereof.

45 2. No person shall distribute, or contract to cause to be distributed any handbill
46 to the owner or occupant of a private residence who has expressed their objection to
47 such entry or placement of potential litter on their property either by:

48 1. By the posting of a sign or other notice in a conspicuous place indicating that
49 no solicitation or handbills are desired, or

2. By writing or telephoning the handbill distributor or contracting business to inform that no handbills are desired.

3. In making delivery of any handbill to any person or property, including private residences as to which the owner or occupant has not expressed his objection to such distribution, the handbill shall either

1. be delivered personally to the person,

2. bound, folded, enclosed and weighted in such a manner so as to prevent the material from being blown or drifted about, scattered or fragmented by the action of the elements and/or normal pedestrian or vehicular traffic; or

3. affixed to the premises for which it is intended by hanging on the door knob, or placed in the newspaper receptacle if provided.

4. Any handbill which may be passed out, given away, distributed, circulated or delivered shall be in conformance of 14-307 (A).

5. The provisions of this chapter shall not apply to the distribution of the United States Mail, or newspapers, which, if placed on the ground, must be bound, folded, enclosed or weighted in such a manner so as to prevent the material from being blown or drifted about, scattered or fragmented by the action of the elements and/or normal pedestrian or vehicular traffic.

DIVISION FOUR. OFF-PREMISE CANVASSING, PICKETING, BEGGING AND SOLICITATION IN EXCHANGE FOR MONEY.

SEC. 14-310 OFF-PREMISE CANVASSING; RESTRICTED IN CERTAIN AREAS

A. No person, either directly or indirectly shall engage in off-premise canvassing in the Protected Zone.

B. No person shall engage in off-premise canvassing on the Myrtle Beach Boardwalk, the public beach, public parks or the Myrtle Beach Convention Center, publicly accessible parking lots and garages, ~~the street ends abutting the Atlantic Ocean,~~ or any public beach access.

C. No person shall engage in off-premise canvassing with aggressive conduct.

SEC. 14-311 PICKETING ON RIGHTS OF WAY; RESTRICTIONS

A. No person shall picket on the grounds of the Myrtle Beach Convention Center, the entire Myrtle Beach Boardwalk and the public beach.

B. No notice is required for picketing of less than 30 individuals, but the regulations in 14-311 (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 30 or more individuals, he shall give notice of intent to picket to the chief of police or designee at least 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 date and time the picket will begin and end; and the anticipated number of participants, and the basis on which this estimate is made.

1 D. Upon notice of intent to picket given in accordance with subsection (B), the
2 chief of police or designee shall immediately issue a receipt of notice. The receipt
3 shall contain all information stated in the notice. The organizer of a picket shall be
4 responsible for maintaining the receipt, and shall present it when so requested by a
5 law enforcement officer or other city official.

6 E. *Regulations*

7 1. Regardless of the number of participants, picketing may be conducted only
8 upon public sidewalks, on the grounds of any other city-controlled park, or other city-
9 owned areas normally used or reserved for pedestrian movement, including easements
10 and rights-of-way, and shall not be conducted on the portion of the public roadway
11 used for vehicular traffic or parking, median strips, pedestrian safety islands, or on
12 the public sidewalk in front of a private residence.

13 2. Picketing shall not disrupt, block, obstruct or interfere with pedestrian or
14 vehicular traffic or the free passage of pedestrian or vehicular traffic into any
15 driveway, pedestrian entrance, or other access to buildings, which abut the public
16 sidewalks.

17 3. Written or printed placards or signs, flags, or banners carried by individuals
18 engaged in picketing shall be not greater than 16 square feet of non-rigid media, as to
19 allow safe and unobstructed passage of pedestrian or vehicular traffic. The staff or
20 pole on which a sign, flag, or banner may be carried shall be made of corrugated
21 material, plastic, or wood, and shall not exceed 40 inches in length and no part of the
22 sign shall not be made of metal or metal alloy. If made of wood, the staff or pole shall
23 be no greater than three-fourths inch in diameter at any point. A staff or pole must be
24 blunt at both ends.

25 4. If more than one group of picketers desire to picket at the same time at or
26 near the same location, law enforcement officers may, without regard to the purpose
27 or content of the message, assign each group a place to picket in order to preserve the
28 public peace. Members of a group shall not enter an area assigned to another group.
29 Priority of location shall be based upon which group of picketers arrived first.

30 5. Spectators of pickets shall not physically interfere with individuals engaged in
31 picketing. Picketers and spectators of pickets shall not speak fighting words or threats
32 that would tend to provoke a reasonable person to a breach of the peace, or engage in
33 disorderly conduct.

34 6. Picketers and picketing shall be subject to all applicable local, state and
35 federal laws.

36 F. Nothing in this section prohibits a law enforcement officer from issuing a
37 command to disperse in accordance with in the event of a riot, breach of the peace or
38 disorderly conduct by an assemblage of 3 or more persons.

39
40 SEC. 14-312 PUBLIC BEGGING AND PANHANDLING PROHIBITED IN CERTAIN AREAS;
41 AND SPECIFIED PLACES AND TIMES.

42 A. No person shall beg or panhandle at any time or in any manner in the Protected
43 Zone, publicly accessible parking lots and garages, the grounds of the Myrtle Beach
44 Convention Center, the entire Myrtle Beach Boardwalk, public parks, the public beach
45 ~~the street ends abutting the Atlantic Ocean,~~ or any public beach access.

46
47 B. No person shall beg or panhandle on or from a public right of way or restricted
48 public area anywhere in the city with aggressive conduct.

1 SEC. 14-313 SOLICITATION IN EXCHANGE FOR CONTRIBUTION

2 A. No person shall engage in solicitation in exchange for contribution in the
3 Protected Zone.

4 B. No person shall engage in soliciting in exchange for contribution in a public
5 park, on the grounds of the Myrtle Beach Convention Center, the entire Myrtle Beach
6 Boardwalk, public parks, the public beach, publicly accessible parking lots and
7 garages, ~~the street ends abutting the Atlantic Ocean~~, the Boardwalk or any public
8 beach access.

9 C. No person shall engage in solicitation in exchange for contribution with
10 aggressive conduct on any right of way or restricted public area owned by the city.

11
12 DIVISION FIVE. PUBLIC BUILDING

13 SEC. 14-314 TRESPASS IN PUBLIC BUILDINGS; INTERFERENCE WITH PUBLIC BUSINESS.

14 A. No person shall beg, distribute any commercial handbills, engage in off-premise
15 canvassing or solicitation in exchange for money in public buildings.

16 B. *Trespass.* No person shall remain in a public facility or upon its premises after
17 being requested to leave said premises by city personnel lawfully responsible for the
18 control of the facility, when the conduct of that person shall injure or endanger the
19 safety of said buildings or its occupants, or unreasonably interfere with the
20 administration of public business thereof, by disorderly conduct or conduct that is a
21 breach of the peace.

22 C. *Interference with public business.* It shall be unlawful for any person to
23 willfully harass, disrupt, interfere with or obstruct any public or governmental
24 business or function being conducted within or upon the premises or grounds of any
25 public building by disorderly conduct or conduct that is a breach of the peace.

26 D. This law shall not be interpreted to abridge the right of the people to
27 peacefully assemble and address their grievances, or the right to dissent, or the right
28 to freedom of expression.

29
30 DIVISION SIX. MYRTLE BEACH BOARDWALK

31 SEC. 14-315. SPECIFIC BOARDWALK RESTRICTIONS

32 A. Skateboards, roller skates, rollerblades, or similarly wheeled devices propelled
33 by human action with or without a mechanical braking system, are prohibited from
34 being brought onto or used on the boardwalk from terminus to terminus at all times
35 and in all sections.

36 B. Bicycle are permitted on the boardwalk from terminus to terminus at all hours
37 from Labor Day until May 1 ~~September 16th until March 14~~, and prohibited from May 1
38 through Labor Day ~~March 15 through September 15~~ except from 5:00 a.m. until 10:00
39 a.m.

40 C. Segways are permitted on the boardwalk from terminus to terminus at all
41 times.

42 D. Leashed dogs are permitted to be on the boardwalk only from 5:00 a.m. to
43 10:00 a.m. during the period from May 1 through Labor Day of each year. It shall be
44 unlawful for the owner or keeper of dog to take or permit any dog on the boardwalk
45 from 10:00 a.m. to 5:00 a.m. except for the purpose of direct and expeditious crossing
46 of the right-of-way from May 1 through Labor Day of each year. Owners shall be
47 subject to arrest and the dogs may be impounded.

48 E. At all times and in all sections, the feeding of birds and other feral animals is
49 prohibited. This specific law does not affect the application of the general law
50 regulating animals in chapter 4 of this Code.

1 F. Glass bottles and containers are prohibited on the boardwalk at all times and in
2 all sections.

3 G. No person shall possess opened containers of alcoholic beverages or consume
4 any alcoholic beverage at all times and in all sections, except within the confines of a
5 boardwalk or boardwalk adjacent café as permitted in this Code. The term *alcoholic*
6 *beverage* shall be construed to mean any spirituous, malt, vinous, fermented, brewed
7 (whether lager or rice beer) or other liquors, or any compound or mixture thereof, by
8 whatever name it is known, which contains alcohol and is used as a beverage.

9 H. At all times and in all sections, no person on the boardwalk shall amplify sound
10 by any means except under specific café, public performance, facility use or special
11 event permit.

12 I. No person shall sleep or recline on the Boardwalk.

13 J. No person shall sit upon the boardwalk except under the following exceptions.
14 *Exceptions.* This prohibition shall not apply to any person:

15 1. sitting or lying down on a public sidewalk due to a medical emergency; or as
16 the result of an injury, condition or disability, utilizes a wheelchair, walker or similar
17 device to move about the public sidewalk;

18 2. participating in or attending a parade, festival, performance, rally,
19 demonstration, meeting or similar event conducted on the public sidewalk pursuant to
20 a valid city permit;

21 3. sitting on a chair or bench located on the public sidewalk which is supplied by
22 the governing authority, or Regional Transit Authority; or

23 4. sitting on a chair or bench located on the public sidewalk which is supplied by
24 the abutting private property owner in accordance with this Code of Ordinances, and
25 by permission of that property owner.

26 K. No person shall panhandle, beg, picket, distribute any commercial or
27 noncommercial handbills, engage in off-premise canvassing or solicitation in exchange
28 for contribution on the Boardwalk.

30 DIVISION SEVEN. PUBLIC PARKS

31 SEC. 14-316 SPECIFIC PUBLIC PARK RESTRICTIONS

32 A. *Prohibited acts in parks and other public facilities; notice of trespass; appeal.*
33 No person shall use the public parks in violation of the prohibitions of this chapter.
34 Any person who violates this section or a posted rule or regulation herein may be given
35 notice by the facility manager, authorized recreational department personnel or law
36 enforcement to immediately leave the public property, and that continued presence
37 shall constitute a trespass. Any person who fails to leave the facilities, parks or beach
38 at the time requested may be arrested and prosecuted for trespassing or prosecuted
39 under other existing ordinances. Any person determined by the facility manager,
40 authorized recreational department personnel or law enforcement to be a violator of
41 this section or a posted rule or regulation may be ordered in writing to remain out of
42 city parks and beach areas for a period of time, not to exceed six months. Upon being
43 ordered to remain out of a city park or beach area, violators shall be entitled to an
44 administrative hearing before the city manager or designee, in order to appeal the
45 trespass notice. The person appealing the trespass notice may present evidence to the
46 city manager or designee. The request for such hearing must be in writing and
47 directed to the city manager. This request must be made within three days of the
48 order being appealed.

49 B. *Unlawful to interfere with the park use by others.* Interference with others
50 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 intended for eating as a place for reclining, either on the eating surface of the table or the seating surface of the bench; and neither shall any person sit upon the eating surface of a picnic table at any time.

3. Because of the interference of the park use by others is inherent in the conduct of begging, panhandling, off-premise canvassing, and commercial handbilling or solicitation in exchange for contribution, no person shall engage in begging, panhandling, off-premise canvassing, commercial handbilling or solicitation in exchange for contribution in any park.

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

Exceptions. This section shall not apply to:

1. persons whose presence is authorized by city by contract, agreement, lease or otherwise or by the manager or his designee, in compliance with all other city ordinances, rules or regulations;

2. persons remaining in the recreational facility after the time for closing who are participating in or attending events, activities or programs previously scheduled or authorized by the department because the event, activity or program has not concluded;

3. persons making use of any public way located through a recreational facility; however, such persons must confine themselves to the limits of the public way and be actively walking;

4. persons who are actually engaged at such time in the official business of any city, county, state or the United States or any agency or department thereof.

D. *Unlawful to possess or ignite fireworks. The possession or ignition or any kind of firework is prohibited, unless specifically permitted by permit.*

1 E. Unlawful to park in unauthorized area. The parking or placement of any
2 motorized vehicles or other machines of conveyance in places other than those
3 specifically designated for such purpose is prohibited.

4 F. Unlawful to conduct large group feeding without a facility use permit and
5 compliance with health regulations. For purposes of this section, large group feeding is
6 defined as an event in which the provider prepares meals off-site for distribution to
7 persons unrelated or unaffiliated, in such an amount that service of same can only be
8 accomplished by more than 1 server or the event is attended by more than 10
9 members of the general public, either with or without remuneration, in a park or park
10 facility owned or controlled by the city, including adjacent sidewalks and rights-of-
11 way in the City of Myrtle Beach. A large group feeding does not include any person or
12 group named in South Carolina Regulations 61-25, Chapter 1, 26(c), or family reunions
13 or gatherings, excluded from the need for a special event permit or facility use permit
14 are activities of city licensed or contracted concessionaires, lessees, or licensees.

15 1. No person shall knowingly sponsor, conduct, or participate in the
16 distribution or service of food at a large group feeding at a park or public facility
17 owned or controlled by the City of Myrtle Beach without a facility use permit properly
18 issued by the city and without proof of compliance with South Carolina Department of
19 Health and Environmental Control Regulation 61-25 for the preparation and service of
20 food.

21 2. No person shall, in the public park, engage in organizing, serving or
22 distributing food to the public in a large group feeding event ~~to~~ fail to produce and
23 display any required department of health and environmental control permit for such
24 open air food distribution, or the required special event or facility use permit during a
25 large group feeding event to a law enforcement officer upon demand.

26 3. Not more than one large group feeding facility use permits may be
27 issued to a person, or persons acting in cooperation through joint purpose however
28 loosely associated within a 12-month period. Not more than four large group feeding
29 permits shall be issued to a legally recognized entity, such as an eleemosynary
30 endeavor properly registered with the Secretary of State, association, charity or
31 organization for large group feedings in any 12 consecutive month period.

32 4. Proof of insurance and insurance in appropriate amounts naming the
33 city as an additional insured is required for food service to the public, and may not be
34 waived.

35 G. Public expectation of use; additional rules and regulations. All persons shall
36 comply with the directions of park officials pertaining to proper occupancy and public
37 use in order to ensure public tranquility, safeguard park property and to ensure the
38 maximum use for the comfort and convenience of all. The director of the department
39 having administrative oversight of the parks of the city shall have the discretion to
40 classify or designate parks as to size, intended use, intensity of use or other factors,
41 and promulgate rules and regulations to control, limit or prohibit any activity in a
42 park, or any area therein, which would prevent the fullest use and enjoyment of a
43 park by the general public consistent with public health, welfare, safety and
44 recreation and the protection of public property, subject to the review and approval
45 of the city manager. Such rule or regulation shall be posted. It shall be unlawful for
46 any person to violate any posted rule or regulation. As determined by the appropriate
47 authority and so posted, certain parks may have a time of use limitation or number of
48 persons limitation in the occupancy or use of the shelter or tables therein, so that use
49 can be enjoyed by a greater number of people. As determined by the appropriate

1 authority and so posted, in areas and parks, the feeding of wild animals may be
2 prohibited.

3 I. Restrictions on public use of recreational facilities. All city parks, playgrounds,
4 recreation centers, ball diamonds, tennis courts, athletic or recreation facilities,
5 greenbelts or any other areas, real property or other premises designated for public
6 recreational use by the city (recreational facilities) are only open to public from
7 sunrise to sunset, except when posted for different hours of operation by the director
8 or when occupied by lawful permit, contract or reservation.

9
10 DIVISION EIGHT.

11 SPECIFIC RESTRICTIONS ON SKATEBOARDS, ROLLERSKATES AND COASTER
12 BOARDS ON THE PUBLIC RIGHT OF WAYS AND RESTRICTED PUBLIC PLACES

13
14 Sec. 14-317 Restrictions

15 A. No person shall ride or operate skateboards or rollerblades in or on any public
16 right of way or restricted public places in the City designated herein as an area where
17 such activity is prohibited, in restricted public places where notice is provided by
18 appropriate signage or in a negligent or reckless manner.

19 B. Skateboarding and rollerblading shall be prohibited in the City of Myrtle Beach:

- 20 1. On any public right of way for vehicles or pedestrians and any restricted
21 public place anywhere within the Protected Zone;
22 2. On any restricted public place outside the Protected Zone where notice
23 is provided by appropriate signage, or
24 3. On the public rights of way and restricted public places of the Market
25 Common District as bounded on the south and west by Farrow Parkway,
26 on the north by Phyllis Boulevard and on the east by Shine Avenue;
27 provided however this restriction shall not apply to the multi-use
28 pathway on Grand Park side of Farrow Parkway within the District.

29 C. In public rights of way and restricted public places in the City where the
30 conduct is not prohibited, no person shall ride or operate a skateboard or rollerblade

- 31 1. In a negligent or reckless manner that may cause injury to a person,
32 including the rider, and/or damage to another's property; or
33 2. In such a manner or employ any maneuver that threatens such injury or
34 damage to a person or property; or
35 3. Without maintaining direct physical contact and control of the
36 skateboard or rollerblade while in motion; or
37 4. By attaching oneself or clinging to any other vehicle; or
38 5. Without affirmatively yielding the right of way to any pedestrian on the
39 same pathway, sidewalk or crosswalk.

40
41 This ordinance shall become effective upon adoption.

42 S/JOHN RHODES
43 JOHN RHODES, MAYOR

44 ATTEST:

45
46 S/JOAN GROVE
47 JOAN GROVE, CITY CLERK

48
49 1st Reading: 8/13/2013

50 2nd Reading: 8/27/2013