

1 **ARTICLE VI.**
2 **SPECIAL EVENTS, PARADES, FACILITY USE, PUBLIC PERFORMANCE AND**
3 **PICKETING**
4

5 **Sec. 19-124. Purpose.**
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7 The City Council recognizes and declares it is in the public interest to regulate events on public streets, public
8 property and certain events held on private property pursuant to the police powers of the City in order to maintain,
9 protect and promote the public health, safety and welfare of the residents and visitors of the City of Myrtle Beach.
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11 **Sec. 19-125. Enforcement of other laws.**
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13 Nothing contained in this article shall prohibit the authority of any law enforcement officer to arrest a person
14 engaged in any act or activity granted in this article if the conduct of such person violates the laws of the state,
15 provisions of this Code or other ordinances of the City, or unreasonably obstructs the public use of public streets or
16 sidewalks, or if such person engages in acts that cause a breach of peace, undue disturbance, interference or
17 molestation of other persons making lawful use of the space in a peaceful manner.
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19 **Sec. 19-126. Definitions.**
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21 As used in this article:
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23 *Amusement* means the provision of entertainment, including but not limited to games, rides, musical or non-musical
24 live entertainment, movies, DJs or recorded musical entertainment, vendors, exhibits or exhibitions, food trucks,
25 food vendors or food competitions, athletic or non- athletic competitions.
26

27 *Building* means any temporary or permanent structure as defined by the zoning code or any structure, including
28 tables, tents, built or erected for support, shelter, or enclosure of persons, animals, chattels or property of any kind.
29 It includes pushcarts or sidewalk cafés for which the sale of goods, food or beverages have been authorized.
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31 *Event* means any special event or the use of a public facility pursuant to a facility use permit.
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33 *Event organizer* means any person who conducts, manages, promotes or organizes an event.
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35 *Event promoter* means any person who:
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37 (1) Is directly or indirectly responsible for the organization of an event, as evidenced by activities such as
38 contracting with the principals, selecting entertainment, sponsoring, advertising or otherwise holding out
39 an event to members of the general public, inviting participants, or renting or controlling the site of an
40 event; and
41

42 (2) Directly or indirectly receives or shares in the following:
43

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

49 (3) The following persons are not event promoters within the meaning of this article or other referencing articles
50 as applicable:
51

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

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

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

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

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

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48 *Gross revenue* means the sum of all revenues received by an event organizer or event promoter for an event,
49 including but not limited to, cash receipts, licensing, sponsorship, television, advertising and similar revenues and
50 concessions.

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

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2 *Legislative festival* means any official proclamation, resolution or declaration of City Council, in legislative discretion
3 of a citywide thematic celebration, recognition, event or time under such permitting conditions, terms and duration
4 as deemed to be in the best interest of the public.
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6 *Noise variance* means a grant from the City Manager or designee to a petitioner to exceed the legal noise limit,
7 pursuant to subsection 14-62(h)(11) or as re-codified, within a zoning classification for a specific period of time at a
8 specific location, usually associated with an outdoor performance, not rising to the level of a special event as defined
9 herein, in that no other variance from the normal application of zoning laws is requested.
10

11 *Parade* means any march, foot race, bicycle race/ride, other wheeled ride or race, presentation, ceremony, pageant,
12 demonstration or procession of persons and conveyances of any sort moving upon any public street or sidewalk
13 which does not comply with normal traffic regulations.
14

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

22 *Performer* means a person who has obtained a permit pursuant to this division to perform.
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24 *Picketing and demonstration* mean any formation, procession or assembly of persons which, for the purpose of
25 expressive activity, involves:
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- 27 (1) In any number of persons, to assemble or travel in unison on any street in a manner that does not comply
28 with the normal or usual traffic regulations or controls; or
- 29 (2) In number greater than twenty-five (25) persons, to gather at a public park or other public area.
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31 *Public areas* means public sidewalks, parks, playgrounds and other pedestrian areas, as limited by City Council
32 resolution.
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34 *Rally, automobile or motorcycle*, means a gathering of riders, drivers or enthusiasts scheduled and sponsored by
35 specific clubs, associations, event planners and/or organizers, event promoters, vendors, dealers or vendor permit
36 sellers for the purpose of retail sales to attendees, who expect and are provided a variety of vending opportunities
37 and entertainment events by those who profit from the gathering.
38

39 *Sidewalk* means that portion of a highway other than the roadway, set apart by curbs, barriers, markings or other
40 delineation for pedestrian travel.
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42 *Signage* means any sign, pennant, flag, banner, inflatable display or other attention-seeking device, including but
43 not limited to:

- 44 (1) Temporary site-specific signage. Printed signs and/or banners bearing the name of a specific event
45 intended to identify the location of that event.
- 46 (2) Temporary welcome signage. Printed signs and/or banners bearing the name of a specific business or entity
47 and a welcome statement referencing the event participants and spectators.
48

49 *Special event* means an entertainment, amusement, athletic, political or other event held on private property or in
50 the exclusionary use of public property, which is reasonably foreseeable to involve a large assemblage of vehicles
51 and/or persons, impose traffic congestion, impact required parking, involve sanitation and security concerns, or the
52 erection of structures or operation of rides, games or machines, that may affect City residents' or visitors' health,
53 safety, or welfare or may require excessive public safety cost in responding to and/or managing the event to preserve

1 the public peace. A special event has a specific start and stop date, except for legislative or City sponsored events.
2 A series of similar events may be considered a single special event. A special event can include but is not limited to:
3 filming; concerts; parades; circuses; fairs; festivals; block parties; automobile or motorcycle rallies; community
4 events; mass participation sporting competitions such as marathons and running events; bicycle and other wheeled
5 races or tours; spectator sports such as football, basketball and baseball games; golf tournaments or hydroplane or
6 boat races.

7
8 *Special event permit* means a permit issued for a special event.

9
10 *Special event venue* means that defined area identified on a submitted site plan approved by the Special Event
11 Committee for which a special event permit has been issued.

12
13 *Street* means a public right-of-way or place of whatever nature, publicly maintained and open to use of the public
14 for purposes of vehicular or pedestrian travel. Street includes highways, alleyways, sidewalks and any other public
15 area that accommodates vehicular or pedestrian travel.

16
17 *Tax-exempt nonprofit organization* means an organization that is exempt from payment of income taxes by federal
18 or state law and which has been in existence for a minimum of six (6) months preceding the date of application for
19 a special event permit or other permit. This shall include charities, 501(c)(3) organizations, civic groups, fraternal
20 organizations and mutual benevolent aid societies. Appropriate official documentary proof may be required.

21
22 *Vendor* means any person who sells or offers to sell any goods, food or beverages within a special event venue or
23 public facility during a facility use, including the event organizer or any person who contracts with the event
24 organizer for space within the special event venue or public facility in order to vend goods.

25
26 **Sec. 19-127. Compliance with other laws.**

27
28 The granting of any permit under this article shall not eliminate:

- 29 (a) Requirements for any business license or any other permits or licenses which may be prescribed by any
30 other federal, state or local statutes, ordinances, rules and regulations;
31 (b) Compliance with any other applicable federal, state, or local statutes, ordinances, rules or regulations; or
32 (c) Compliance with regulations regarding the concentration of persons, animals, equipment or vehicles at
33 access points or other areas which substantially damages planting or landscaping on public or private
34 property.
35

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

37
38 The City Manager or enforcement officials designated by the City Manager are authorized to enforce the provisions
39 of this article. Violations of any section of the Myrtle Beach City Code may result in the imposition of penalties upon
40 conviction pursuant to Section 1-9. Violations of division 6 are subject to penalties set forth in Section 19-195.

41
42 **Sec. 19-129. Recovery of excessive public safety costs.**

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44 (a) In addition to all other civil and criminal penalties provided by law, the City shall be entitled to recover from
45 the responsible party the cost of an excessive public safety response associated with an event, whether
46 permitted or unpermitted, whether occurring inside or outside the city limits, that directly impacts City
47 residents or City resources. Excessive public safety costs may be recovered in any manner prescribed by
48 law. Event promoters and event organizers that promote, stage, conduct, organize or sponsor permitted
49 or unpermitted events shall be held accountable and shall be responsible for the cost of the City's additional
50 expenditure of public resources as a result of the event. For purposes of this section, "excessive public
51 safety response" means the deployment or dispatch of law enforcement officers, the need for public safety
52 personnel or emergency vehicles, or code enforcement or public works equipment or personnel due to an
53 observation or report of public disturbances, public health or safety or code violations as a result of an

1 event when compared to the usual frequency or intensity of law or regulation enforcement. Excessive
2 public safety response costs also include the cost of any public safety response caused by the failure of the
3 permittee to adequately plan for the event or abide by the terms and conditions of the event permit.
4 Excessive public safety response costs do not include protection of the attendees of a free speech event
5 from hostile members of the public or counter-demonstrations.

- 6 (b) Responsible parties for excessive public safety costs shall include any permittee, event organizer, event
7 promoter, event sponsor, property owner or other individual or entity that knows or should have known
8 that the event, whether permitted or unpermitted, could result in the deployment of public resources to
9 protect or preserve the public health, safety or welfare. Responsible parties shall be jointly and severally
10 liable for the additional expenditure of public resources or excessive public safety response costs.

11
12 **Sec. 19-130. Miscellaneous provisions applicable to this article, as well as unpermitted events.**

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14 (a) The City shall determine when or if an event requires the closure of the entire street, a portion of the street
15 or no street closure. Closure of a street may involve additional personnel and the placement of physical
16 barriers for public safety.
- 17 (b) Sound amplification carried by a person (ex., loudspeakers or bullhorns) is prohibited when the sound is
18 louder than an average conversational level at a distance of one hundred (100) feet. Parades and public
19 assemblies with permits must identify sound amplification devices that are too large to be carried by one
20 person or that employ marching musicians or groups of performers.
- 21 (c) Any special event permit is subject to revocation by the City Manager or designee, Special Events Supervisor
22 or designee, Police Chief or designee or Fire Chief or designee and any facility use permit is subject to
23 revocation by the City Manager or designee, Parks, Recreation and Sports Tourism Director or designee,
24 Police Chief or designee or Fire Chief or designee on the following grounds:
- 25 1. Due to emergency or unforeseen conditions that may arise before or during the course of the event
26 for which it is granted;
 - 27 2. To preserve public health, safety and welfare;
 - 28 3. For violation of any law or regulation by the participants, applicant or event organizer;
 - 29 4. If the event cannot be conducted without violating any condition of the permit or is being
30 conducted in violation of any condition of the permit;
 - 31 5. If the event organizer or any person associated with the event organizer or facility use fails to obtain
32 any other permit or license required by the City Code or ordinance, state law or federal law;
 - 33 6. If the permit was issued in error or contrary to law; or
 - 34 7. If the information provided in the application has been falsified or misrepresented.
- 35 (d) The City Manager or designee, Police Chief or designee or Fire Chief or designee may modify or amend any
36 permit in keeping with the nature of the approved event and as circumstances dictate. In addition, the
37 Special Events Supervisor or designee may modify or amend any special event permit and the Parks,
38 Recreation and Sports Tourism may amend any facility use permit in keeping with the nature of the
39 approved event and as circumstances dictate.
- 40 (e) For public safety reasons the following are prohibited at all events, including but not limited to protests,
41 demonstrations, pickets and extraordinary events, and declared contraband and subject to confiscation.
42 These prohibitions may be modified or waived by the City Manager or designee based upon the nature of
43 the event:
- 44 (1) Open flames except in stationary cooking devices essential to the event.
 - 45 (2) Any combustible or flammable solids, liquid or gasses, including lighters, torches, etc., except in
46 stationary cooking devices essential to the event.
 - 47 (3) Sticks, poles, selfie sticks or other similar elongated solid objects capable of inflicting bodily harm
48 as a striking or stabbing object, excluding commercially available corrugated cardboard tubing as
49 the supporting article for signage, flags and the like.
 - 50 (4) Backpacks, satchels, bags, coolers or similar personally carried containers, except when said
51 container is completely clear and see-through. This prohibition is not applicable to facility use
52 permits and may be waived or modified when checkpoint entry to the area of assembly is
53 monitored by either private internal security approved by the City or by law enforcement officers

1 with examination of the contents prior to entry.

2 (5) Any firearm or ammunition, concealed or otherwise, except as an essential part of a recognized
3 active national military observation of governmentally sponsored event.

4 (6) Any mechanical or handmade contrivance that launches any projectile of solid, liquid or gaseous
5 composition, including aerosols/pressurized canisters.

6 (7) Any stabbing, cutting or slicing blade, whether of metal or other solid composition.

7 (8) Any striking object such as a bat, stick, brass knuckles, martial arts weapons, implement handles
8 and the like, which could inflict bodily injury.

9 (9) Any facial mask, headgear or cloth worn over any portion of the face which prevents facial
10 identification of a person over sixteen (16) years of age (see S.C. Code 16-7-110).

11 (10) Any carried object that resembles or serves the purpose of a shield.

12 (11) Any armor or defensive covering that resembles or serves the purpose of defensive body armor.

13 (12) Animals other than those trained and certified as service animals.

14 (13) Drones and other unmanned aircraft systems.

15 (14) Glass and/or thermal containers.

16 (15) Individually carried signage exceeding the size restriction of twenty-four (24) inches by thirty-six
17 (36) inches by one quarter (1/4) inch; provided however, flexible banners with a supporting rigid
18 spine carried by two (2) persons are permitted in roadway parades and processions along with
19 ornamental objects such as mock swords, pennants, flags and rifles in the context of a marching
20 band of a school or military organization.

21 (16) Wagons or carts.

22 (j) The permittee shall carry a copy of the permit on his/her person during the event and will be designated
23 as the contact person available to law enforcement for the transmission of messages or directions to all
24 persons participating or attending the event. If the permittee is not present on site, another individual
25 must carry the permit and make his/her position known to law enforcement on site.

26 (k) All persons participating in or attending the event shall obey the lawful commands of any law enforcement
27 officer and shall conduct themselves in a lawful manner at all times.

28 (l) The normal flow of traffic shall not be disrupted except in instances where a law enforcement officer or
29 City employee under a law enforcement officer's direction performs this disruption.

30 31 **DIVISION 1. SPECIAL EVENTS**

32 33 **Sec. 19-131. Special Events Committee.**

34 35 **Creation and Membership.**

36 (a) A Special Events Committee shall be formed with membership consisting of eleven (11) members as follows:
37 the Special Events Supervisor or equivalent successor position, who will serve as the Chairperson; the Police
38 Chief or designee; the Parks, Recreation and Sports Tourism Director or designee; the Fire Chief or designee;
39 the Emergency Manager or designee; the Parks Superintendent or designee; the Business License
40 Supervisor or designee; the Public Works Director or designee; the Planning and Zoning Director or
41 designee; the Sports Tourism Manager or designee; and the Insurance and Risk Services Director or
42 designee.

43 (b) The City Manager shall have the authority, in his sole discretion, to change the total number of members
44 and the departments represented on the Special Events Committee.

45 (c) All members will be voting members except the Chairperson, who will vote only in the event of a tie.

46 (d) A Vice Chairperson shall be elected by the committee.

47 (e) Other departments shall attend as nonvoting advisory members if needed.

48 (g) A quorum shall consist of a majority of the members currently appointed and serving on the full committee.

49 (h) The City Manager shall designate a City department, office or person to be responsible for providing
50 administrative support.

51 (i) The Special Events Committee shall meet at the call of the Chairperson as necessary, but at least once each
52 calendar year. Notice of all meetings will be published in accordance with the South Carolina Freedom of
53 Information Act and minutes will be kept of each meeting.

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Powers.

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

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

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

This section shall not apply to the following:

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

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

- (a) An applicant shall submit an application to the Special Events Supervisor, accompanied by the applicable special events permit processing fee or non-refundable deposit set forth on the City’s special events fee schedule, as approved by City Council, a copy of which may be obtained from the Special Events Committee.
- (b) No action will be taken on incomplete applications. The Special Events Supervisor will advise the applicant if the application is incomplete or additional information is required.
- (c) If necessary, the Special Events Committee shall meet with the applicant to review and evaluate the application for compliance with the requirements herein and to determine if the proposed special event meets approval status. Prior to the meeting, the applicant shall be required to provide the Committee with a completed application.
- (d) The Special Events Committee can vote to approve the event, vote to not approve the event, or vote to continue the event application.
- (e) Any appeal of the Special Events Committee’s decision shall be to the City Manager and received no later than fifteen (15) calendar days after the Special Events Committee’s decision is rendered, whether orally or in writing. Appeals shall be in writing, state the specific grounds on which the decision is appealed, include an address at which the applicant can receive the City Manager’s decision and be provided in person to the City Clerk or City Manager or via certified mail addressed as follows: City of Myrtle Beach, ATTN: City Manager, 937 Broadway Street, Myrtle Beach, SC 29577. The City Manager shall render a decision on the appeal within fifteen calendar (15) days of receipt of the appeal.
- (f) The advance-filing period for each type of special event shall be stated on each application. Failure to submit an application within the specified time will result in the application being deemed incomplete.
- (g) In consideration of the high demand on public services, the Special Events Committee or City Manager may limit acceptance of special event applications during the period of May 1st through Labor Day.
- (h) The application for each type of special event shall contain all pertinent information for the type of event, including but not limited to:
 - (1) The name, address and telephone number of the applicant.
 - (2) The dates and times of the special event.
 - (3) A certification that the applicant will be financially responsible for any City fees or costs that may be imposed for the event.
 - (4) The name, address and telephone number of the event organizer, if any, and the chief officer of

- 1 the event organizer, if any.
- 2 (5) If the special event is designed to be held by, on behalf of or for any organization other than the
- 3 applicant, the applicant shall provide documentation from such organization:
- 4 a. Authorizing the applicant to apply for the special event permit on its behalf; and
- 5 b. Certifying that the applicant will be financially responsible for any costs or fees that
- 6 may be imposed for the event.
- 7 (6) A copy of the tax exemption letter issued to any applicant claiming to be a tax-exempt nonprofit
- 8 organization.
- 9 (7) A statement of the purpose of the special event.
- 10 (8) A statement of fees to be charged to attendees or participants for the special event.
- 11 (9) The proposed signage, boundaries, location, map, dates, times, routes, alternate routes, staging
- 12 areas, parking or disbanding stands or areas.
- 13 (10) The approximate number of persons and types and number of animals, structures or vehicles
- 14 involved in the special event and the parking plan for vehicles.
- 15 (11) The plan for trash removal and special event breakdown and clean-up.
- 16 (12) The number of bands or other musical units and the nature of any equipment to be used to
- 17 produce sounds or noise.
- 18 (13) The number and location of portable sanitation facilities.
- 19 (14) Other equipment or services necessary to conduct the special event with due regard for participant
- 20 and public health and safety.
- 21 (15) The number of persons proposed or required to monitor or facilitate the special event and provide
- 22 spectator or participant control and direction using City streets, sidewalks or facilities.
- 23 (16) Provisions for first aid and/or emergency medical services.
- 24 (17) Insurance and surety bond information.
- 25 (18) Any special or unusual requirements that may be imposed or created by virtue of the proposed
- 26 special event.
- 27 (19) Full information on the location, number and names of vendors, and the types of goods or services
- 28 intended to be marketed within the boundaries of the special event.
- 29 (20) Whether alcohol will be sold or provided.
- 30 (21) Any other information required by the Special Events Committee.
- 31

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

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- 34 (a) In reviewing an application for a special event permit, the Special Events Committee shall consider the
- 35 following:
- 36 (1) Whether the special event will substantially interrupt the safe and orderly movement of other traffic
- 37 contiguous to its route;
- 38 (2) Whether the special event will require the diversion of a number of law enforcement officers to
- 39 properly provide adequate protection to the remainder of the City;
- 40 (3) Whether the concentration of persons, animals, equipment or vehicles at assembly points or other
- 41 areas will substantially interfere with adequate fire and police protection of, or ambulance service to,
- 42 areas or near such areas or will hinder the movement of firefighting equipment;
- 43 (4) Whether the special event is reasonably likely to result in violence to persons or property causing
- 44 serious harm to the public;
- 45 (5) Whether the special event is to be held for the primary purpose of advertising a product, goods or
- 46 services and is designed to be primarily for profit, provided however, this subsection shall not apply
- 47 with respect to:
- 48 a. Public space improved as part of an economic development project where the applicant or its
- 49 successor in interest made a significant capital improvement in furtherance of said
- 50 improvements; or
- 51 b. Public safety immediately adjacent to an economic development project which directly
- 52 promoted tourism, where the applicant or its successor in interest made a substantial capital
- 53 investment in said project. The exception provided for this subsection is at all times subject

1 to the requirements that the use of eligible public space for special events is not of such a
2 frequency that the public space loses its public character and the terms and conditions of the
3 development agreement between the applicant, or its successor in interest, and the City
4 governs said use.

- 5 (6) Whether the route has been requested recurrently in prior years and is too disruptive to residents or
6 businesses;
- 7 (7) Whether the proposed use of public property, right-of-way or facility will unduly interfere with the
8 normal use of the public property, right-of-way or facility by the City or the general public.
9 Consideration will be given to the number of people expected to be in attendance, the primary purpose
10 of the space, other previously permitted events occurring nearby or in the same space and close in
11 time to the proposed event. The appropriateness of the size of space requested for the type of activity
12 proposed will be assessed so that limited space will not be expected to hold a greater number of people
13 or large space is not set aside for a limited number of people.
- 14 (8) Whether the concentration of persons within the special event presents a public health hazard based
15 upon guidance from public health authorities.
- 16 (9) Whether the special event is proposed on the same date or in close proximity to another special event
17 such that the proposed special event may compromise public safety or the ability to provide public
18 services.
- 19 (10) Any other factor(s) the Special Events Committee deems relevant.

20 (b) The permittee shall provide proof of comprehensive general liability insurance with combined single limits
21 of \$1 million from an A-rated insurer authorized to do business in South Carolina. Based on the nature of
22 the special event, the City Manager or designee, in consultation with the Director of Insurance and Risk
23 Services or designee, may require increased or decreased coverage amounts and/or additional coverage
24 types. Such insurance shall 1) name the City of Myrtle Beach, its officers, employees and agents as
25 additional insureds; 2) designate that such insurance is primary without right of contribution from any other
26 insurance carried by the additional insureds; 3) contain a waiver of subrogation in favor of the additional
27 insureds; 4) provide that the insurer will give the City written notice at least thirty (30) days in advance of
28 any cancellation or material change to the insurance; and 5) contain no exclusion or endorsement that
29 negates coverage for the additional insureds relating to the negligence of the additional insureds or defects
30 in the maintenance, construction or operation of the facility. The applicant also shall be required to execute
31 an agreement to defend, hold harmless and indemnify the City, its officers, employees and agents from and
32 against all claims, liability and damages arising from the facility use.

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

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

46
47 **Sec. 19-135. Issuance of a special event permit does not obligate City services or constitute co-sponsorship.**

48
49 Issuance of a special event permit does not obligate or require the City to provide City services, equipment or
50 personnel. City services, equipment or personnel may be provided for special events based upon consideration of
51 availability and cost recovery. Issuance of a permit, provision of City services, equipment or personnel and/or
52 waiving of any fee does not imply or constitute City co-sponsorship or endorsement or allow the use of the City seal.

1 The use of the City seal or the words "The City of Myrtle Beach," "City of Myrtle Beach" or any similar combination
2 or facsimile thereof that would reasonably imply an official endorsement or sponsorship of the event by the City is
3 prohibited absent express written authorization from the City Manager.
4

5 **Sec. 19-136. Cost recovery.**
6

- 7 (a) For any special event requiring the provision of City services, the City shall charge for the actual cost of the
8 salaries of City personnel involved in event support, traffic control, fire safety, security and public safety,
9 the use of City equipment, rental equipment, the materials involved in support of an event and other City-
10 incurred costs due to an event. The City Manager or designee, in his sole discretion, may waive all or a
11 portion of the City-incurred costs. There will not be a charge for the provision of City services when the City
12 determines that routine functions are sufficient for the special event or when additional police or City
13 resources are needed to control opponents of the event.
- 14 (b) The required deployment of City services will be determined by the City taking into consideration the type
15 of event, location of the event, whether alcohol is being served, the number of participants, the level of
16 street or right-of-way usage and the need for pedestrian and traffic control.
- 17 (c) Fees and costs shall be stated in the special events fee schedule and/or other departmental fee schedules
18 as approved by City Council.
- 19 (d) The applicant may be required to pay a deposit toward fees and costs and is required to pay all fees and
20 costs in a timely manner, but no later than thirty-five (35) days after the date of the invoice. The City
21 Manager or designee may agree to extend the time for payment not to exceed ninety (90) days after the
22 date of the invoice. Interest will accrue at a rate of 5% per month on all balances not paid within the
23 requisite timeframe.
- 24 (e) Failure to pay an invoice in a timely manner or the existence of an unpaid invoice shall disqualify the event
25 promoter, applicant, event organizer or special event from having any subsequent applications considered
26 by the Special Events Committee until the outstanding invoice plus accrued interest has been paid. In
27 addition, the Special Events Committee has the discretion to require a larger deposit for future special
28 events by an event promoter, applicant, event organizer or special event who has failed to timely pay an
29 invoice.
30

31 **Sec. 19-137. Legislative festival.**
32

- 33 (a) City Council may declare a legislative festival. Declaration of a legislative festival allows for a City-wide
34 special event for the duration stated in the proclamation.
- 35 (b) A legislative festival allows the Special Events Committee to permit multiple special events at multiple sites
36 pursuant to the declared legislative festival, as long as they meet all requirements set forth in the special
37 event rules and regulations.
38

39 **Secs. 19-138—19-159. Reserved.**
40

41 **DIVISION 2. PARADES**
42

43 **Sec. 19-160. Parade Permitting.**
44

- 45 (a) Unless otherwise indicated, in addition to this division, the provisions of division 1 regarding special events
46 are applicable to parade permits.
- 47 (b) The Special Events Committee is authorized to issue parade permits and close streets for approved parades.
48 A person seeking a parade permit shall submit an application no less than ninety (90) days and no more
49 than one hundred eighty (180) calendar days before the date of the proposed parade.
- 50 (c) No person shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly
51 or with any person, vehicle or animal participating or used in a parade. No driver of a vehicle shall drive
52 between the vehicles or persons comprising a parade when these vehicles or persons are in motion and are
53 conspicuously designated as a parade, unless directed by a law enforcement officer. The parade chair or

1 other person heading or leading such activity shall carry the parade permit personally during the conduct
2 of the parade.

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

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

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

10
11 **DIVISION 3. FACILITY USE**

12
13 **Sec. 19-161. Facility use permits.**

14
15 (a) *Authority.* A request for a reserved use of a public facility or portion of a public facility for a group function not
16 rising to the level of a special event shall be submitted to the Parks, Recreation and Sports Tourism Department
17 representative in charge of such facility. The determination whether to grant or deny a facility use permit shall
18 be made by the Parks, Recreation and Sports Tourism Director. When the use of the facility rises to the possible
19 status of a special event, the matter shall be referred to the Special Events Committee. The fees for the use of
20 facilities shall be established by City Council. The facility use permit accomplishes a reservation for a planned
21 function. Vendors are permitted. All uses are subject to applicable laws and administrative rules regarding park
22 or facility use. Not all facilities are subject to reservation and all facility use permits are at the discretion of the
23 City, in consideration of the impact on public property in terms of use frequency, intensity, duration, time,
24 manner and impact on the general public and neighboring properties as pertains to the issues of security, peace
25 and quiet, vehicular movement and parking, and concentration of persons. Beachfront permits are of particular
26 sensitivity.

27 (b) *Application; process.* In order to allow equal access and appropriate departmental review, a completed
28 application for a facility use permit must be submitted no less than fifteen (15) calendar days before the date of
29 the proposed use.

30 (c) *Criteria for issuance.* In reviewing an application for a facility use permit, the following shall be considered:

31 (1) Whether the application is complete;

32 (2) Whether the information contained in the application is found to be false or misrepresented in any
33 material respect;

34 (3) Whether an application for another facility use to be held on the same date as that requested has
35 been previously submitted or approved;

36 (4) Whether the nature and anticipated attendance of the proposed facility use exceeds the capacity of
37 the facility or the portion of the facility proposed to be used;

38 (5) Whether the proposed facility use will interfere with a programmed governmental use of the facility;

39 (5) Whether the proposed facility use will substantially interfere with construction or maintenance work
40 previously scheduled to take place at the facility or along the public right-of-way adjacent to the
41 facility; and

42 (6) Whether the application is timely submitted and there is sufficient time to evaluate and process the
43 application;

44 (7) Any relevant criteria specified in the Myrtle Beach City Code pertaining to issuance of a special event
45 permit; and

46 (8) Any other factor(s) relevant to the Parks, Recreation and Sports Tourism Director's decision.

47 (d) *Denial.* If the application is not approved, notice of denial shall be communicated to the applicant orally or in
48 writing as soon as practicable, but no later than forty (40) days after the date upon which the application was
49 filed. Such notice will provide the reasons for denial of the permit.

50 (e) *Appeal.* Any appeal of the Parks, Recreation and Sports Tourism Director's decision shall be to the City Manager
51 and must be received no later than fifteen (15) calendar days after the Parks, Recreation and Sports Tourism
52 Director's decision is rendered, whether orally or in writing. Appeals shall be in writing, state the specific
53 grounds on which the decision is appealed, include an address at which the applicant can receive the City

1 Manager's decision and be provided in person to the City Clerk or City Manager or via certified mail addressed
2 as follows: City of Myrtle Beach, ATTN: City Manager, 937 Broadway Street, Myrtle Beach, SC 29577. The City
3 Manager shall render a decision on the appeal within fifteen (15) calendar days of receipt of the appeal.

4 (f) *Insurance.* Proof of comprehensive general liability insurance and/or other coverages shall be required for all
5 facility uses where alcohol is on the premises, uses that may constitute a potentially hazardous activity or
6 condition, if uninsured structures are to be erected, or if someone other than the parent or guardian is providing
7 oversight or supervision of minors. Such insurance shall be from an A-rated insurer authorized to do business
8 in South Carolina with combined single limits of at least \$1,000,000.00. Based on the nature of the facility use,
9 the City Manager or designee, in consultation with the Director of Insurance and Risk Services or designee, may
10 require increased or decreased coverage amounts and/or additional coverage types. Such insurance shall 1)
11 name the City of Myrtle Beach, its officers, employees and agents as additional insureds; 2) designate that such
12 insurance is primary without right of contribution from any other insurance that is carried by the additional
13 insureds; 3) contain a waiver of subrogation in favor of the additional insureds; 4) provide that the insurer will
14 give the City written notice at least thirty (30) days in advance of any cancellation or material change to the
15 insurance; and 5) contain no exclusion or endorsement that negates coverage for the additional insureds
16 relating to the negligence of the additional insureds or defects in the maintenance, construction or operation
17 of the facility. The applicant also shall be required to execute an agreement to defend, hold harmless and
18 indemnify the City, its officers, employees and agents from and against all claims, liability and damages arising
19 from the event.

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

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

34
35 **Secs. 19-162—19-169. Reserved.**

36 37 **DIVISION 4. PUBLIC PERFORMANCE**

38
39 **Sec. 19-170. Purposes.**

40
41 The City Council finds that the existence in the City of street or public performers provides a public amenity that
42 enhances the character of the City and seeks to encourage such performances to the extent that they do not
43 interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes, the safe
44 and orderly movement of vehicular or pedestrian traffic or the ability of businesses to conduct their businesses
45 without impediment or interruption. This section seeks to balance the interests of the performers with those of the
46 residents and businesses of the City. A street or public performance occurring under this section is not the act of
47 solicitation as defined in the City Code.

48
49 **Sec. 19-171—19-172. Reserved.**

50
51 **Sec. 19-173. Time, place and manner of permitted performances.**

52
53 Performances may take place only as part of a special event or facility use permit in public areas, except within one

1 hundred (100) feet of an elementary and/or secondary school, library, church while in session (during regularly
2 scheduled worship services, funerals or weddings), a hospital at any time and except in public areas excluded by the
3 City Council by resolution.
4

5 All performers shall be approved by the City and shall abide by the rules and regulations set forth in the public
6 performance application.
7

8 **Secs. 19-174—19-179. Reserved.**
9

10 **DIVISION 5. FILMING AS A SPECIAL EVENT**
11

12 **Sec. 19-180. Purpose.**
13

14 The City Council recognizes that certain filming activities may affect public health, safety and welfare and should be
15 considered as a category of special event as regulated in this article, but shall be most efficiently regulated with
16 flexibility in administrative processes, with each event considered in light of its unique impact. This section
17 establishes special regulations and flexibility for filming in the City and provides that all permits issued for filming
18 shall have the same force and effect as any other special event permit.
19

20 **Sec. 19-181. Prohibitions.**
21

- 22 (a) It shall be unlawful for any person to engage in the filming activities defined in Section 19-182 without the
23 approval and maintenance of a valid filming permit granted by the Special Events Committee in form of a
24 special event permit, in compliance with this division.
- 25 (b) It shall be unlawful for any person to fail to comply with any condition imposed in an approved filming
26 permit.
27

28 **Sec. 19-182. Filming activities requiring a permit.**
29

- 30 (a) Public or private property in any zoning district, unless otherwise specified in the zoning code, may be used
31 as a filming location including the filming of motion pictures, professional photography or videotaping.
- 32 (b) The application fee or non-refundable deposit for filing permits shall be set forth on the City's special events
33 fee schedule, as approved by City Council, a copy of which may be obtained from the Special Events
34 Committee.
- 35 (c) The conditions, policies and requirements for filming shall be stated on the filming application. Special
36 policies and conditions may be added to the permit by the Special Events Committee, City Manager or City
37 departments. Said policies and conditions shall be and have the force of adopted law, subject to the
38 exercise of police power to preserve public health, safety and welfare.
- 39 (d) A filming permit shall not be required for:
40 (1) Filming activities for personal use or entertainment;
41 (2) Filming for use in news gathering, investigative reporting, for public and municipal access stations or
42 by public safety personnel; or
43 (3) A business license holder engaging in commercial production relating to its business purpose, unless
44 there is a public health, safety or welfare impact resulting therefrom.
45

46 **Secs. 19-183—19-189. Reserved.**
47

48 **DIVISION 6. - EXTRAORDINARY EVENTS**
49

50 **Sec. 19-190. - Definitions.**
51

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

1 *Cruise or cruising* means to operate a wheeled conveyance so as to pass traffic points more than once in any four-
2 hour period of time within a declared no cruising zone.

3
4 *Extraordinary event* means an organized large-scale rally or special event of national or international significance;
5 or an unpermitted rally or event that would be declared a special event under this chapter due to its impact on
6 public health, safety and welfare, were it to be organized, or an event named or unnamed that has a history of
7 attracting or is expected to attract a significant number of vehicles and people to a certain portion of the city in
8 congregation and congestion, thereby placing the public health, safety and welfare in jeopardy; or a declared
9 state of civil emergency by the County of Horry, which would impact the City of Myrtle Beach, and thus implicate
10 the application of Chapter 8 of the Code of Ordinances of Myrtle Beach.

11
12 *No cruising zone(s)* means those portions of streets and roads declared by the manager as being subject to
13 congestion which interferes with the public health, safety and welfare.

14
15 *Traffic control points* means any points established by law enforcement within a declared no cruising zone, to be
16 conspicuously posted at each intersection entrance to the zone. Signage regarding traffic control points shall be
17 considered traffic control devices.

18
19 **Sec. 19-191. - City council may declare an extraordinary event; certain events are declared.**
20

- 21 (a) In the event of an actual or threatened occurrence of an extraordinary event, which may result or has
22 resulted in the immediate past history in loss of life, personal injury, property damage or destruction and
23 in the major disruption of routine community affairs, business or governmental operations in the city
24 and which is of sufficient severity and magnitude to warrant extraordinary assistance by federal, state
25 and local departments and agencies to supplement the efforts of available public and private resources,
26 the city council may declare an extraordinary event, fix the location or boundaries of the extraordinary
27 event, and establish the period of time of the extraordinary event. The declaration of an extraordinary
28 event shall expire within 96 hours of its issuance, unless it has been shortened or lengthened by
29 resolution of city council.
- 30 (b) Debates for political office may be declared to be an extraordinary event.
- 31 (c) The appearance of a state-wide elected official, national or international political or religious dignitary is
32 declared to be an extraordinary event.
- 33 (d) Events of any description with an anticipated or actual estimated attendance of greater than 10,000
34 attendees are declared to be an extraordinary event.
- 35 (e) Car and/or truck show events with a history of disruptive and unlawful behavior including but not limited
36 to car and/or truck shows known commonly or formerly known commonly as NOPI as well as a car show
37 event commonly known as Mustang Week.
- 38 (f) Memorial Day weekend (Thursday through Monday), July 4 (from July 2nd to July 7th), and Labor Day
39 weekend (Thursday through Monday) are each declared an extraordinary event.
40

41 **Sec. 19-192. - Assistance from federal, state and local authorities and agencies.**
42

43 Consistent with a declaration of an extraordinary event, the manager or the person designated by council may
44 request the assistance from the federal, state and other local governments to provide assistance, provided that
45 the impact of the extraordinary event has been or is anticipated to be beyond the capacity of the city to meet
46 adequately and outside agency assistance is necessary to supplement local efforts to save lives and protect
47 property, public health and safety, or to avert or lessen the negative impact of the extraordinary event on the
48 citizens.
49

50 **Sec. 19-193. - Management of an extraordinary event.**
51

- 1 (a) Upon declaration of an extraordinary event, the city manager, or designee(s), in order to promote public
2 health, safety, welfare and order, to protect lives and property, to minimize criminal activity, and/or to
3 maximize the efficiency of providing municipal services, may:
- 4 (1) Hire, enlist, contract, employ or appoint temporary armed registered private security officers, in
5 addition to law enforcement persons and agencies, and resolve questions of authority and
6 responsibility that may arise among them in deployment as part of a county-wide plan;
 - 7 (2) Require any business within the designated areas to employ registered private security officers, to
8 maintain order and controlled entry on their property;
 - 9 (3) Utilize public property when there is compelling necessity for the protection of lives, health and
10 welfare; and/or the property of citizens where public health, safety and welfare are placed in
11 jeopardy due to the extraordinary event;
 - 12 (4) Contract with and employ such businesses, human resources and lease, or otherwise provide for such
13 properties so that non-consensual towing of vehicles and motorcycles may be efficiently achieved;
 - 14 (5) Establish and enforce the temporary closing, blocking or diversion of pedestrian and vehicular traffic
15 of such sidewalks, streets and roads within the city's police jurisdiction, through deployment of law
16 enforcement and traffic control devices in order to minimize congestion and unlawful congregation;
 - 17 (6) Establish and enforce no cruising zones, and enforce a temporary prohibition of cruising on designated
18 streets and roads; provided however, that first responders, governmental vehicles, public
19 transportation vehicles, licensed vehicles for hire and vehicles used in licensed businesses in the
20 delivery of service shall be exempt;
 - 21 (7) Impose a curfew within the area effected by the extraordinary event.
- 22 (b) Upon declaration of an extraordinary event, the Myrtle Beach Chief of Police, with the concurrence of the
23 city manager, in order to promote public health, safety, welfare and order, to protect lives and property,
24 and/or minimize criminal activity, may temporarily close businesses. Such action is to be taken only upon
25 the failure of at least one previous effort to achieve compliance or to eliminate the threat to public
26 health, safety and welfare. Such closure action is to be effective only from the moment of the order to
27 close until the business normally reopens, but not sooner than four hours. For overnight
28 accommodations businesses such closure actions shall be restricted to the activities deemed to be the
29 underlying threat to public health, safety, welfare and order. Guests in such properties may not be
30 compelled to leave unless they are contributors to the threat, or if circumstances impose a specific threat
31 to their safety and welfare. If action is taken under subsection (a)(7) or (b) above, the city manager or
32 chief of police shall provide a report to city council within 12 hours explaining the circumstances under
33 which the action was taken.
34

35 **Sec. 19-194. - Reserved.**

36
37 **Sec. 19-195. - Penalties.**

- 38
- 39 (a) The violation of any provision of this division, or in any rule, regulation, order or traffic device or
40 restriction promulgated by any officer or agency of the city under authority duly vested in him is declared
41 to be unlawful as a misdemeanor, and shall be punished by a fine not exceeding \$500.00 or by
42 imprisonment for a term not exceeding 30 days, or both, in the discretion of the judge of the municipal
43 court. Each incident of violation, rather than each day of violations, of any provision of this Code or of
44 any such ordinance, resolution, rule, regulation or order shall continue shall constitute a separate
45 offense.
 - 46 (b) While any person who violates any provision of the Code may be issued a warning, citation or notice that
47 the person is in violation of the Code within the discretion of law enforcement, and while any penalty for
48 conviction of a violation lies solely within the discretion of the court, it is the will of city council that the
49 protection and preservation of the public health, safety and welfare of the public and first responders be
50 paramount, and that enforcement of the imposed restrictions herein be made immediately effective so
51 that the violations shall cease, and public peace and order be maintained.
 - 52 (c) Vehicles engaged in cruising in a no cruising zone are declared to be a public nuisance, and are thus
53 subject to towing.

- 1 (d) In absence of a custodial enforcement, any warning, citation or notice shall state the bond set by the City
2 Court for the violation.
- 3 (e) The policy and procedures governing enforcement, the issuance, form and content of warnings, citations
4 and notices of ordinance violations shall be as prescribed by the city manager.
- 5 (f) It is the will of Council that enforcement and the judicial process be immediate and effective, and to that
6 end, the manager shall have the authority to hire and deploy such municipal resources as are necessary
7 and available, including the scheduling of court personnel including clerks of court, ministerial recorders
8 and administrative support staff during the declared event.

9
10 **DIVISION 7. PICKETING AND DEMONSTRATION EVENTS**

11
12 **Sec. 19-196. Reserved.**

13
14 **Sec. 19-197. Picketing on rights-of-ways; restrictions.**

- 15
16 (a) Picketing is prohibited on the grounds of the Myrtle Beach Convention Center and the public beach.
- 17
18 (b) No notice is required for picketing of less than twenty-five (25) individuals, but all the regulations in this
19 division apply.
- 20
21 (c) For purposes of police planning for safety, when the organizer knows, or should reasonably know if there
22 will be a group of twenty-five (25) or more individuals, he shall give notice of intent to picket to the chief of
23 police or designee at least forty-eight (48) hours before the beginning of the picket. There is no permit or
24 cost associated with this notice. The notice of intent to picket shall include the following information:
- 25
26 (1) The name, address and contact telephone number for the organizer of the picket;
27 (2) The name, address and contact telephone number of the person giving notice of intent to picket if
28 different from the organizer;
29 (3) The name of the organization or group sponsoring the picket;
30 (4) The location where the picket is to take place;
31 (5) The date and time the picket shall begin and end, the anticipated number of participants and the basis
32 on which this estimate is made.

33
34 **Sec. 19-198. Regulations.**

- 35
36 (a) Regardless of the number of participants, picketing may be conducted only upon public sidewalks, on the
37 grounds of any other city-controlled park or other city-owned areas normally used or reserved for
38 pedestrian movement, including easements and rights-of-way, and shall not be conducted on the portion
39 of the public roadway used for vehicular traffic or parking, median strips, pedestrian safety islands, or on
40 the public sidewalk in front of a private residence. Demonstration or picketing involving the roadway must
41 secure a parade permit.
- 42 (b) It shall be unlawful for demonstrators or picketing to disrupt, block, obstruct or interfere with pedestrian
43 or vehicular traffic or the free passage of pedestrian or vehicular traffic into any driveway, pedestrian
44 entrance, or other access to buildings, which abut the public sidewalks.
- 45 (c) Written or printed placards or signs, flags, or banners carried by individuals engaged in picketing shall not
46 be greater than twenty- four (24) inches by thirty-six (36) inches by one quarter (1/4) inch of non-rigid
47 media, as to allow safe and unobstructed passage of pedestrian or vehicular traffic.
- 48 (d) Upon notice of intent to picket given in accordance with this division, the chief of police or designee shall
49 immediately issue a receipt of notice. The receipt shall contain all information stated in the notice. The
50 organizer of a picket shall be responsible for maintaining the receipt, and shall present it when so requested
51 by a law enforcement officer or other city official.
- 52 (e) If more than one group of picketers desire to picket at the same time at or near the same location, law
53 enforcement officers may, without regard to the purpose or content of the message, assign each group a

1 place to picket in order to preserve the public peace, and said assignment may involve the use of physical
2 barriers for separation. Members of a group shall not enter an area assigned to another group. Priority of
3 location shall be based upon which group of picketers arrived first.

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

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

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

10

11

Sec. 19-199. Reserved.