

City of Myrtle Beach
Commercial Establishment Exemption
Hours of Sale Restriction
Sec. 14-1 Subsection (e) (1)

Please review the below listed sections.

- The applicant understands that the business shall not allow any drinking contests or games, and that contests involving disrobing, or “wet t-shirt,” “Girls Gone Wild”™ or similar contests will not be held or advertised at the business, unless the business is licensed to operate as a sexually oriented business.
- The applicant understands that no agent, employee or independent contractor for the business will encourage or permit this prohibited behavior by the patrons, unless the business is licensed to operate as a sexually oriented business.
- The applicant understands that the business shall establish a policy that conforms with the South Carolina Department of Revenue’s approved training programs on age sensitive sales (SCDOR Information Letter 06-05, see attached).
- The applicant understands that the business shall ensure that all security, floor managers, bartenders and wait staff will be trained so as to determine when a customer is underage or apparently intoxicated, and the business, its agents and employees will enforce the company policy of refusing further alcohol service to customers at that point.
- The applicant understands that if the business employs personnel that primarily exercise security functions, all security personnel shall be licensed by the State of South Carolina.
- The applicant understands that no alcohol will be permitted in the parking lots under the control of the business.
- The applicant understands that no alcohol will be permitted outside of any roofed, decked or café-style areas, nor shall any glass or metal containers of any kind be permitted to leave the roofed, decked or café-style areas of the business. The business will establish policies and security resources to assure compliance and provide documentation of such policies.
- The applicant understands that upon the City of Myrtle Beach request, the business will consult with the Myrtle Beach Police Department and provide such security as is recommended by that Department that recognizes individual circumstances of the business.
- The applicant understands that denial of an application shall be subject to an appeal process and that within 5 days of written notice of being denied, the business may fax, mail or email its appeal of the action to the City Manager. The City Manager shall convene the Nuisance Hearing Board within 5 days of receipt of the appeal notice. The appeal shall be heard and decided under the procedures of the Board as set forth in Section 10-28, as applicable.

- The applicant understands that the business that does not employ security personnel, if the business is not the victim of the incident, but shall have within any six month period on the premises under its control, two (2) attempted or accomplished robberies or larcenies, breaches of the peace, drug offences, assaults, public nuisances, or violations related to unlawful service of alcohol, then the business shall employ security personnel on a ratio of 1 per 100 occupancy.
- Failure to provide the required security within 30 days of notice shall result in the immediate revocation of the exemption, and the business shall comply with Section (e) (1) for a period of twelve (12) months before applying for another exemption.
- The applicant understands that if the business is not the victim of the incident, but shall have within any three (3) month period on the premises under its control, three (3) robberies, larcenies, breaches of the peace, drug offences, assaults, public nuisances, or violations related to unlawful service of alcohol or violations of this ordinance, then the granted exemption shall be immediately revoked, and the business shall thereafter comply with Section (e) (1).
- In compliance with question 13, the applicant understands that the business must be free from incident for a twelve (12) month period before it can apply for another exemption.
- The applicant understands that if the business shall have within any six (6) month period on the premises under its control, two (2) violations related to unlawful service of alcohol to minors or to already intoxicated persons, then the business shall be required to show that, within three (3) months of notice of deficiency by the Police Department, that all security, floor managers, bartenders and wait staff have completed training that conforms with Department of Revenue approved training program on age sensitive sales as listed in the DOR SC Information Letter 06-05, and that addresses how staff can determine when a customer is apparently intoxicated.
- The applicant understands that for Sections 3, 4 and 5 of the ordinance, the issue of business accountability for incident occurrence shall be subject to an appeal process and within 5 days of written notice of being required to provide security (3), loss of exemption (4) or requirement of retraining (5), the business may fax, mail or email its appeal of the action to the City Manager. The City Manager shall convene the Nuisance Hearing Board within 5 days of receipt of the appeal notice. The appeal shall be heard and decided under the procedures of the Board as set forth in Section 10-28, as applicable.