

1 STATE OF SOUTH CAROLINA  
2 COUNTY OF HORRY  
3 CITY OF MYRTLE BEACH  
4

ORDINANCE NO. 2008-59  
ALTERNATE

5 AN ORDINANCE TO ENACT CHAPTER 14, ARTICLE I, SECTION 14-1 (e),  
6 HOURS OF SALE RESTRICTED FOR COMMERCIAL ESTABLISHMENTS  
7 WHICH ALLOW FOR ON-PREMISES CONSUMPTION OF BEER, ALE,  
8 PORTER AND/OR WINE; WITH EXEMPTION; LOSS OF EXEMPTION AND  
9 APPEAL IN THE CODE OF ORDINANCES OF THE CITY OF MYRTLE  
10 BEACH

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12 IT IS HEREBY ORDAINED THAT SECTION 14-1 (E) OF THE CODE OF  
13 ORDINANCES OF THE CITY OF MYRTLE BEACH IS ENACTED AS  
14 FOLLOWS:  
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16 **Sec. 14-1 (e)** Hours of sale restricted for commercial establishments which allow for on-  
17 premises consumption of beer, ale, porter and/or wine.  
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19 (1) Beer, ale, porter and wine shall be defined for purposes of this section as stated in  
20 Section 61-4-10 of the Code of Laws of South Carolina 1976, as amended from time to  
21 time. Commercial establishments that allow for the on-premises consumption of beer, ale,  
22 porter and/or wine shall be prohibited from operating between the hours 2:00 a.m. and  
23 6:00 a.m. on Mondays through Saturdays.  
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25 (2) Under a program established by the Manager, commercial establishments that allow  
26 for the on-premises consumption of beer, ale, porter and/or wine may seek exemption to  
27 the Subsection (e) (1), upon application and proof of business policies or practices that  
28 comply with the following:  
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- 30 A) The business shall not allow any drinking contests or games, or contests involving  
31 disrobing, or “wet t-shirt”, “Girls Gone Wild”™ or similar contests will be held  
32 or advertised at the business, unless the business is licensed to operate as a  
33 sexually oriented business. No agent, employee or independent contractor for the  
34 business will encourage or permit this prohibited behavior by the patrons, unless  
35 the business is licensed to operate as a sexually oriented business.
- 36 B) The business shall establish a policy that conforms with Department of Revenue  
37 approved training program on age sensitive sales as listed in the DOR SC  
38 Information Letter 06-05, and that addresses that all security, floor managers,  
39 bartenders and wait staff will be trained so as to determine when a customer is  
40 underage or apparently intoxicated, and the business, its agents and employees  
41 will enforce the company policy of refusing further alcohol service to customers at  
42 that point.
- 43 C) For those business that employ personnel that primarily exercise security  
44 functions, all security personnel shall be licensed by the State of South Carolina.
- 45 D) No alcohol consumption will be permitted in the parking lots under the control of  
46 the business. No alcohol consumption will be permitted outside of any roofed,

47           decked or café-style areas, nor shall any glass or metal containers of any kind shall  
48           be permitted to leave the roofed, decked or café-style areas of the business. The  
49           business will establish policies and security resources to assure compliance.

50           E) Upon City request, the business will consult with the Myrtle Beach Police  
51           Department and provide such security as is recommended by that Department that  
52           recognizes individual circumstances of the business.

53           F) The denial of an application shall be subject to an appeal process. Within 5 days of  
54           written notice of being denied, the business may fax, mail or email its appeal of  
55           the action to the Manager. The Manager shall convene the Nuisance Hearing  
56           Board within 5 days of receipt of the appeal notice. The appeal shall be heard and  
57           decided under the procedures of the Board as set forth in Section 10-28, as  
58           applicable.

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60           (3) For the business that does not employ security personnel, if the business is not the  
61           victim of the incident, but shall have within any six month period on the premises under  
62           its control, two (2) attempted or accomplished robberies or larcenies, breaches of the  
63           peace, drug offences, assaults, public nuisances, or violations related to unlawful service  
64           of alcohol, then the business shall employ security personnel on a ratio of 1 per 100  
65           occupancy. Failure to provide the required security within 30 days of notice shall result in  
66           the immediate revocation of the exemption, and the business shall comply with Section  
67           (e) (1) for a period of twelve (12) months before applying for another exemption.

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69           (4) For all subject businesses, if the business is not the victim of the incident, but shall  
70           have within any three (3) month period on the premises under its control, three (3)  
71           robberies, larcenies, breaches of the peace, drug offences, assaults, public nuisances, or  
72           violations related to unlawful service of alcohol or violations of this ordinance, then the  
73           granted exemption shall be immediately revoked, and the business shall thereafter comply  
74           with Section (e) (1). The business must be free from incident for a twelve (12) month  
75           period before it can apply for another exemption.

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77           (5) For all subject businesses, if the business shall have within any six (6) month period  
78           on the premises under its control, two (2) violations related to unlawful service of alcohol  
79           to minors or to already intoxicated persons, then the business shall be required to show  
80           that, within three (3) months of notice of deficiency by the Police Department, that all  
81           security, floor managers, bartenders and wait staff have completed training that conforms  
82           with Department of Revenue approved training program on age sensitive sales as listed in  
83           the DOR SC Information Letter 06-05, and that addresses how staff can determine when a  
84           customer is apparently intoxicated.

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86           (6) For Sections 3, 4 and 5, the issue of business accountability for incident occurrence  
87           shall be subject to an appeal process. Within 5 days of written notice of being required to  
88           provide security (3), loss of exemption (4) or requirement of retraining (5), the business  
89           may fax, mail or email its appeal of the action to the Manager. The Manager shall  
90           convene the Nuisance Hearing Board within 5 days of receipt of the appeal notice. The  
91           appeal shall be heard and decided under the procedures of the Board as set forth in  
92           Section 10-28, as applicable.

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This ordinance shall take effect 90 DAYS from second reading to allow business to come into compliance.

S/John Rhodes  
JOHN RHODES  
MAYOR

ATTEST:

S/Joan Grove  
JOAN GROVE, CITY CLERK

1<sup>st</sup> Reading: September 9, 2008  
2<sup>nd</sup> Reading: September 23, 2008