

February 11, 2020 – Presented for 1<sup>st</sup> Reading

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

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

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11 **Brief:**

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

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22 **Issues:**

- 23 • This amendment allows the City Manager to set separate rules & hours of operation  
24 for “Special Purpose Parks”.
- 25 • Although not a part of the proposed ordinance, the rules & hours of operation for  
26 Nance Plaza, Chapin Park, Grand Park, Plyler Park, & Valor Memorial Gardens are  
27 attached for Council’s review. These rules would be effective upon Council’s  
28 approval of the proposed parks ordinance amendment.
- 29 • Where the “Special Purpose Park Rules” are silent, the underlying rules of the Parks  
30 Ordinance continue to apply.

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

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34 **Alternatives:**

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

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38 **Financial Impact:** None.

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40 **Manager’s Recommendation:** I recommend 1<sup>st</sup> reading (2/11/2020).

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

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

**DIVISION 7. - PUBLIC PARKS**

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

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

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

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

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

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

- 20 (1) Persons whose presence is authorized by city by contract, agreement,  
21 lease or otherwise or by the manager or his designee, in compliance with  
22 all other city ordinances, rules or regulations;
- 23 (2) Persons remaining in the recreational facility after the time for closing who  
24 are participating in or attending events, activities or programs previously  
25 scheduled or authorized by the department because the event, activity or  
26 program has not concluded;
- 27 (3) Persons making use of any public way located through a recreational  
28 facility; however, such persons must confine themselves to the limits of the  
29 public way and be actively walking;
- 30 (4) Persons who are actually engaged at such time in the official business of  
31 any city, county, state or the United States or any agency or department  
32 thereof.
- 33 (d) *Unlawful to possess or ignite fireworks.* The possession or ignition or any kind of  
34 firework is prohibited, unless specifically permitted by permit.
- 35 (e) *Unlawful to allow dogs off leash.* Except for areas specifically identified as "dog  
36 parks" all dogs in public parks shall be under the control of their owner and on a  
37 leash. No vicious or threatening dogs may be brought into a public park, even if  
38 such animals are under the control of their owner.
- 39 (f) *Unlawful to park in unauthorized area.* The parking or placement of any motorized  
40 vehicles or other machines of conveyance in places other than those specifically  
41 designated for such purpose is prohibited.
- 42 (g) *Unlawful to conduct large group feeding without a facility use permit and*  
43 *compliance with health regulations.* For purposes of this section, large group  
44 feeding is defined as an event in which the provider prepares meals off-site for  
45 distribution to persons unrelated or unaffiliated, in such an amount that service of  
46 same can only be accomplished by more than one server or the event is attended  
47 by more than ten members of the general public, either with or without  
48 remuneration, in a park or park facility owned or controlled by the city, including  
49 adjacent sidewalks and rights-of-way in the City of Myrtle Beach. A large group  
50 feeding does not include any person or group named in South Carolina  
51 Regulations 61-25, Chapter 1, 26(c), or family reunions or gatherings, excluded

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

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

50 This ordinance shall take effect immediately upon adoption.  
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ATTEST:

BRENDA BETHUNE, MAYOR

JENNIFER STANFORD, CITY CLERK

First reading: 2-11-2020

Second reading:



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

- 29 a. Purpose – Plyler Park is intended to complement and enhance the  
30 Oceanfront areas in the heart of downtown between Ocean Boulevard  
31 and the Boardwalk. Plyler Park is a premier location for fun and exciting  
32 City Festivals and Events to enhance the downtown experience and to  
33 promote and encourage residents and guests to enjoy the adjacent area.  
34 As it is focal point of downtown events and activity, the appearance of  
35 Plyler Park is of paramount importance.  
36 b. Specific permitted uses:  
37 • Festivals and events pursuant to a Facility Use or Special Event  
38 Permit. Such events may include activities listed as “Prohibited”  
39 below provided that such activities are specifically approved in the  
40 Facility Use or Special Event Permit.  
41 • Passive park uses and quiet contemplation.  
42 • Formal and informal social congregation.  
43 • Live or recorded music that does not interfere with, or impede others’  
44 enjoyment of the Plaza.  
45 • Other activities in keeping with the purpose and intent of the  
46 Downtown Masterplan.  
47 c. Specific prohibited uses (absent a facility use, or special event permit):  
48 • Amplified or loud music that interferes with or impedes others’  
49 enjoyment of the park.  
50 • Active athletic activities.

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- d. Special Park Hours –
  - Unless otherwise reserved by virtue of a Facility Use or Special Event Permit, or temporarily closed for maintenance, or through an Emergency Declaration approved by the City Manager, Grand Park will be open daily between 6:00 AM and 11:00 PM.
  - Notwithstanding the hours listed above, the biking, running, and walking trails around and through the park may be used for these purposes at any time of the day or night, unless otherwise reserved by virtue of a Facility Use or Special Event Permit, or temporarily closed for maintenance, or through an Emergency Declaration approved by the City Manager.

4. Valor Memorial Gardens -

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

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

- c. Specific prohibited uses (absent a facility use, or special event permit):
  - Amplified or loud music that does not interfere with or impede others' enjoyment of the Plaza.
  - Active athletic activities.

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



1 Permit, or temporarily closed for maintenance, or through an  
2 Emergency Declaration approved by the City Manager.  
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4 5. Grand Park –

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