



BUSINESS LICENSE AFFIDAVIT

**CITY OF MYRTLE BEACH, P O BOX 2468, MYRTLE BEACH, SC 29578
PHONE (843) 918-1200 FAX (843) 918-1210**

This is to certify that I, (printed name) _____, being a responsible agent for (business name) _____, do certify that I have received and read a copy of the City of Myrtle Beach's

- **Mobile Business & Mobile Vendor Identification Information**
- **Solicitation Ordinance**

I understand that it is unlawful to place any form of advertisement or solicitation for business in or on a mailbox receptacle. I agree not to place such solicitation or advertisement on a mailbox receptacle.

PRINTED NAME

DATE

SIGNATURE



January 27, 2023

Interpretation of Mobile Business

The Business License Official has been asked to provide an interpretation of a mobile business, which is the description that is listed on your City of Myrtle Beach Business License. A mobile business is separate and different from a Mobile Food Unit.

My Interpretation of a mobile business is one that meets clients at their location and the said mobile business doesn't have a fixed and permanent place of business within the City limits. You would be allowed to be at one location for the time that you have clients and are actively working. After you have completed your work, you must move along or go to your next appointment. Your business license entitles you to go from location to location within the City limits for the purpose of conducting your business provided that you are conducting your business in a legal and lawful manner.

Your business license does not allow you to "set-up" in one location for the purpose of generating business. If the nature of your business is to "set-up" at various locations to conduct your business, you must apply for a business license at each location you plan to conduct your business. Each application(s) would have to be approved by the Zoning Division of the City of Myrtle Beach and a business license must be issued before commencing this type of business.

A handwritten signature in black ink, appearing to read "J. Roof", is written over a light gray rectangular background.

Jeremy Roof

Business License Official

Sec. 14-68. - Mobile vendor identification.

It shall be unlawful for a mobile vendor to vend from any vehicle without the identification of the vending company prominently displayed on a vehicle uniquely numbered.

(Ord. No. 2010-16, 2-9-10)

Sec. 14-300. - Purposes, findings and declarations.

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

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

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

This core commercial area of pedestrian and vehicular concentration and congestion compels the council to define a protected zone where panhandling, begging, off premise canvassing, solicitation in exchange for money and commercial handbilling of any kind, as defined, is prohibited. Even nonaggressive solicitation impedes the normal flow of pedestrian and vehicular traffic the protected zone, in that solicitation requires reaction and action by those who would respond. The zone also has a concentration of amusements, outdoor seating and cafés, where visitors and citizens are queuing or seated for service or attractions. Moreover, the zone has its highest concentration of national and international visitors, who find themselves in unfamiliar settings, often time facing a language or cultural

barrier, when approached by strangers seeming demanding something from them. Even if the language barrier is overcome, and being faced by a stranger in a strange town is not stressful or creates anxiety, the individual solicited must decide whether or not to contribute (which itself might involve examining the solicitor's goods, or enticements to commerce, or hearing his pitch), and then, having decided to do so, reach for a wallet, search it for money, write a check, or produce a credit card.

Both nonaggressive and aggressive solicitations in these densely peopled areas or in areas do create a besieged atmosphere, and makes people feel uncertain and unsafe as they move about. The council is informed that visitors often act to avoid being solicited, perceiving that they are being constantly set upon by the solicitors asking for money, asking for donations, asking for a contribution, asking for spare change, asking for a dollar in exchange for some form of goods, and the uncertainty of how to respond and the inconvenience of dealing with strangers approaching you in an unfamiliar area in a tourist town diminishes the safety and convenience of the citizens and visitors, thus impacting the public economy. The city has a legitimate interest in promoting the safety and convenience of its tourists and citizens on public streets in these densely peopled areas, and so would create a protected zone, while still allowing such nonaggressive panhandling, solicitations and commercial handbilling elsewhere in the city, and would still allow noncommercial handbilling as set forth herein in as exercise of the First Amendment under reasonable time, place and manner restrictions.

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

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

The Myrtle Beach Boardwalk is declared to be a unique structure of limited recreational use and passage, designed and built not as sidewalk or street, park or traditional public forum, but a tourist and resident amenity, and as public facility stimulus to foster economic development and commercial encroachment use by abutting businesses by extending outdoor dining and seating for its patrons. It extends from its northern terminus at the 15th Avenue North Pier to its southern terminus at 1st Avenue North Street End. The northern section is from 14th Avenue North Pier to the northern border of Plyler Park, characterized entirely by hotel beach frontage. The central section extends from the northern border of Plyler Park the southern border of 8th Avenue North, characterized entirely by retail and entertainment business. The southern section is from the southern 8th Avenue North to the southern terminus at 1st Avenue North, characterized by a mixture of hotel and retail, predominantly hotel frontage. The current boardwalk is likely to be augmented in both the southern and northern directions, and the restrictions set forth herein will apply to any later additions to the boardwalk. The unique

characteristics of changing zoning uses with its mixture of encouraged commercial encroachment use, tourist residential and recreational use compel that it is to be distinguished from quintessential public forums, and its uniqueness requires that it be subject to time, place and manner restrictions as to use, and that sections of the boardwalk may vary as to the use appropriate for the section.

The public beach is a unique asset, and millions of visitors are drawn to the public beaches every year, and year round. The public beaches are used for entertainment and recreational purposes, and commercialization detracts from that use. Visitors do not want to be accosted or approached in effort to sell them something, or persuade them on an issue, while they are lying down with their eyes closed, sunbathing, or attending to their small children. Ample opportunities and places currently exist for citizens to engage in person to person commercial endeavors, nonaggressive begging, handbilling or picketing under this article, and the city council finds that the public beach should not be used as a forum for either nonaggressive or aggressive off premise canvassing, begging, solicitation in exchange for money, handbilling or picketing due to its unique recreational nature.

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

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

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

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

The city council finds that a public safety problem is created by persons sleeping in automobiles which are parked along the public streets within the city. In residential areas, alarm and anxiety result in calls for service. In addition, persons who are parked in developed areas, by the nature of the conduct become unaware of their surrounding, this making themselves vulnerable as targets for criminal activity. As to public sidewalks, the city council further finds and declares:

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

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

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

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

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

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

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

Publicly accessible parking garages lots are characterized by the constant travel of vehicles in restricted spaces and lanes. The use of individual wheeled devices that do not have a mechanical braking system

are incompatible with the travel of vehicles in this context, and such use presents a real danger of personal and property injury.

Now therefore, the city council finds that the inappropriate use of the right-of-way and restricted public places is injurious and inimical to the public economy, health, safety and welfare of the visitors and residents and that such practices are, therefore, declared to unlawful and a public nuisance.

(Ord. No. 2012-51, 8-28-12; Ord. No. 2013-27, 6-11-13; Ord. No. 2013-55, 8-27-13)

Sec. 14-301. - Article definitions.

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

Accosting means:

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

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

Aggressive conduct is demonstrated by:

- (1) Accosting another person;
- (2) Forcing oneself upon the company of another;
- (3) Panhandling, begging, soliciting in exchange for contribution, off-premises canvassing or handbilling within 100 feet of the entrance to any financial institution or any automated teller machine, regardless of whether or not such automated teller machine is located at or near a financial institution;
- (4) Panhandling, begging, soliciting in exchange for contribution, off-premises canvassing or handbilling within 50 feet of any public or private outdoor dining area or public or private outdoor merchandising or city franchising area provided such areas are in active use at the time;
- (5) Panhandling, begging, soliciting in exchange for contribution, off-premises canvassing or handbilling within 50 feet of any public transit stop, taxi stand or public comfort facility;
- (6) Approaching a person standing in line waiting to be admitted to or served by a commercial establishment;
- (7) Touching the person without that person's consent;
- (8) Panhandling, begging, soliciting in exchange for contribution, off-premises canvassing or handbilling after dark by means of verbal communication;
- (9) Panhandling, begging, soliciting in exchange for contribution, off-premises canvassing or handbilling the driver or occupant of a vehicle traveling within any roadway when the person begging is within the right-of-way; or
- (10) Panhandling, begging, soliciting in exchange for contribution, off-premises canvassing or handbilling a pedestrian in the right-of-way, while the person begging is a driver or occupant of a vehicle traveling within any roadway.

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

- (1) By vocal appeal or for music, singing, or other street performance; and
- (2) Where the person being solicited receives an item of little or no monetary value in exchange for a donation, under circumstances where a reasonable person would understand that the transaction is in substance a donation, rather than a solicitation with a commercial purpose.

When the use of the spoken, written, or printed word or body action in a solicitation, request, offer, enticement for immediate contribution on behalf of oneself contains the element of an exchange of goods or handbills of relative value for the contribution sought, then the act is a solicitation in exchange for contribution, or the conduct of off-premises canvassing, as defined herein.

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

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

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

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

- (1) Remaining for prolonged or repeated periods of time not associated with ordinary use of the public place, along with an accumulation of one's personal property or while storing one's personal property on the public place, or apparently lodging in a parked vehicle.
- (2) Use of the area for purposes of maintaining personal hygiene or the provision of personal comforts normally associated with the human functions of food or beverage preparation and elimination of body waste, or sleep beyond that which can be characterized as a nap. The arrangement of the immediate surroundings so as to sleep is shown by the use or arrangement of one's personal property to induce sleep, whether temporary or permanent, or the use or arrangement of available materials to accommodate the environs for sleeping, or the making preparations to sleep, as shown by the use of bedding, coats, blankets, newspapers, or other materials so as to act as a foundation or cover for one to sleep. For the purposes of this section, a nap is brief period of sleep of less than an hour taken during daylight hours.
- (3) Use of the prohibited public place wherein, in plain sight, there is the storage of personal property associated with the provision of household or personal comfort to an individual or group of individuals.

(4) Use of the prohibited public place for heated food preparation, except in areas specifically designated for heated food preparation. Heated preparation of food may be shown by campfires or cooking devices, litter or waste generated by food preparation.

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

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

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

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

Disorderly conduct means conduct that is defined in South Carolina Code 16-17-530 or Myrtle Beach Code of Laws in [14-61](#).

Forcing oneself upon the company of another means:

(1) To confront a person within 3 feet of their person with a request for contribution;

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

(3) To physically block or divert, by way of movement of body or object, the passage of the person solicited; or

(4) Otherwise engaging in obstreperous conduct, or using fighting words, or pejorative language that is intending intimidation so that one will accede to a solicitation just to be left alone.

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

Handbill includes:

(1) Recorded goods generally not available as a consumer product in the form of tapes, DVDs, CDs and the like; and

(2) Printed or written matter, dodger, circular, leaflet, pamphlet, newspaper, paper, booklet or any other kind of printed matter or literature.

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

(1) Advertises for sale, rent, lease, barter or distribution any business, service, merchandise, goods, product, commodity or thing in the stream of commerce;

(2) Directs attention or invites attendance to any business, mercantile or commercial establishment, or other business activity, for the purpose of either directly or indirectly promoting the commercial interest

thereof by the offering of any business, service, merchandise, goods, product, commodity or thing in the stream of commerce for sale, rent, lease, barter or distribution;

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

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

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

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

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

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

Mobile billboard advertising means:

(1) "Backpack billboards," sandwich boards or other signs which are carried, borne, attached or fixed upon the person's body, which are not articles of clothing, or

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

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

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

(1) The placement of persons, or objects, or a person's movement or lack of movement of their body or object; or

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

Obstruction object or instrument means and includes, but is not limited to, a device commonly known as a "lock box" or "sleeping dragon" or any of the components of such a device including but not limited to: pipes, tubes, wire handcuffs, chains, carabineers, or padlocks, or containers either weighted or not. *Off-premises canvassing* is a form of soliciting which is primarily concerned with providing information about the availability, location, characteristics and costs of goods and services and means when a person who acts individually or on behalf of others, and either:

- (1) Makes a verbal or nonverbal solicitation or exhortation intending to entice or engage potential customers on behalf of a business;
- (2) Engages in the free distribution of goods for the purposes of advertising a business, sale, service or goods; or
- (3) Engages in the distribution of goods or services with a contemporaneous request or demand for an immediate contribution of relative value by a person.

Overnight means from sunset to sunrise.

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

Panhandle: See *beg*.

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

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

Protected zone means the core commercial tourist area defined as beginning at the intersection of the southern boundary of the right of 13th Avenue South and the Atlantic Ocean and running in a westerly direction along the southern boundary of 13th Avenue South to the western boundary of the right-of-way of U. S. Highway 17 (Business), then running along the western boundary of U.S. Highway 17 (Business) in a northerly direction to the southern boundary of the right-of-way of 7th Avenue North, then running along the southern boundary of 7th Avenue North and the extension of that boundary line in a westerly direction until it intersects with the western boundary of the right-of-way of Broadway, then running in a northerly direction along the western boundary of the right-of-way of Broadway, then running in a northerly direction along the western boundary of Broadway until it intersects with the northern boundary of the right-of-way of 9th Avenue North, then running in an easterly direction along the northern boundary of 9th Avenue North until it intersects with the western boundary of the right-of-way of U.S. Highway 17 (Business), then running along the western boundary of U.S. Highway 17 (Business) until it intersects with the northern boundary of the right-of-way of 21st Avenue North, then running along the northern boundary of 21st Avenue North and the extension of that boundary line in an easterly direction until it intersects with the Atlantic Ocean, then running in a southerly direction along the Atlantic Ocean Beach until it reaches the point of beginning.

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

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

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

Restricted public places shall include the following:

(1) All publicly owned or managed buildings, grounds and property under deed, dedication, easement or lease, including structures and their premises built for specified uses and functions, owned or operated by political subdivisions or their instrumentalities or agencies, including but not limited to the Myrtle Beach Convention Center, the Myrtle Beach Boardwalk, and beach walkovers and accesses, public parks and public beaches; drainage ditches, swales, swashes, ponds, culverts or basins; and parking spaces, garages and lots.

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

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

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

(5) Publicly accessible parking lots and garages.

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

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

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

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

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

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

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

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

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

Store means to gather together or to put or place one's personal property thereby using the public place as the repository of one's possessions, as exemplified by personal property remaining for prolonged or

repeated periods of time, either attended or unattended, and not associated with ordinary use of the public place, or under any permit pertaining thereto.

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

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

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

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

(Ord. No. 2012-51, 8-28-12; Ord. No. 2013-27, 6-11-13; Ord. No. 2013-55, 8-27-13)

Sec. 14-307. - Restrictions on handbills; noncommercial handbills permitted under certain conditions of distribution.

(a) Except for newspapers, any printed or written commercial or noncommercial handbill which may be passed out, given away, distributed, circulated or delivered in the city pursuant to law set forth herein, shall either be:

- (1) Placed in the hand of the intended recipient; or
- (2) Bound, folded, enclosed or weighted in such a manner so as to prevent the material from being blown or drifted about, scattered or fragmented by the action of the elements and/or normal pedestrian or vehicular traffic; or
- (3) Affixed to the premises for which it is intended by hanging on the door knob, or placed in the newspaper receptacle if provided.

(b) Any distribution by passing out, giving away or delivering of handbills by means other than as specified herein in this section shall be deemed littering and is unlawful.

(c) No person shall, either directly or indirectly, leave, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or on any public right-of-way or restricted public property owned by the city.

(d) No person, either directly or indirectly, shall distribute commercial handbills or in or on any public right-of-way or restricted public property.

(e) No person shall distribute noncommercial handbills on the public beach, the boardwalk and the Myrtle Beach Convention Center, any public beach access or place or leave such handbill on a vehicle in publicly accessible parking lots.

(f) Except for the prohibition in subsections [14-307](#) (c), (d) and (e), the distribution of noncommercial handbills on public streets and in public parks is not prohibited so long as:

- (1) The distribution is accomplished from the hand of one person to the hand of another person willing to accept such noncommercial handbill; and
- (2) The distribution is not accompanied by aggressive conduct, or engaging in **solicitation** in exchange for money.

(Ord. No. 2012-51, 8-28-12; Ord. No. 2013-27, 6-11-13; Ord. No. 2013-55, 8-27-13)

Sec. 14-308. - Distribution of handbills to guest rooms prohibited.

(a) No person or corporation (hereinafter "distributor") shall deposit, place, throw, scatter, cast or otherwise distribute any handbill to any individual guest rooms in any hotel or motel within the city, including but not limited to placing, throwing, leaving or attaching any handbill adjacent to, upon or underneath any guest room door, doorknob or guest room entryway, where either (i) the owner, manager or person in charge or control of said hotel or motel has expressed objection to such handbill distribution, either orally to said distributor or by the posting of a sign or other notice in a conspicuous place within the lobby area of such hotel or motel indicating that handbill distribution to guest rooms is prohibited, or (ii) such distributor has received written notice pursuant as set forth in this article that the owner, manager or person in charge or control of said hotel or motel has expressed objection to the distribution of such handbills to individual guest rooms in said hotel or motel.

(b) No person or corporation (hereinafter contractor) shall cause or direct any other person, firm, business or entity to distribute, or cause the distribution of, any handbill to any individual guest rooms in any hotel or motel within the city in violation of the immediately preceding subsection where either (i) the owner, manager or person in charge or control of said hotel or motel has expressed objection to such handbill distribution, either orally to said contractor or by the posting of a sign or other notice in a conspicuous place within the lobby area of such hotel or motel indicating that handbill distribution to guest rooms is prohibited, or (ii) such contractor has received written notice pursuant as set forth in this article that the owner, manager or person in charge or control of said hotel or motel has expressed objection to the distribution of such handbills to individual guest rooms in said hotel or motel.

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

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

(e) Nothing contained in this section shall be deemed to prohibit the distribution of any handbill:

- (1) To guest rooms in any hotel or motel where such distribution has been requested or approved by the owner, manager or person in charge or control of said hotel or motel;
- (2) To any individual guest room where an occupant thereof has affirmatively requested or approved the distribution of such handbill during the term of such guest's occupancy; or
- (3) By hand delivery to any person willing to receive such handbill, if permission to enter the property for that purpose has been obtained in writing from the owner, manager or person in control.

(f) Any printed or written commercial or noncommercial material which may be passed out, given away, distributed, circulated or delivered pursuant to law set forth herein, shall be in conformance of [14-307\(a\)](#).

(Ord. No. 2012-51, 8-28-12; Ord. No. 2013-27, 6-11-13; Ord. No. 2013-55, 8-27-13)

Sec. 14-309. - Distribution of handbills from the public right-of-way to owner or occupant of private residence.

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

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

- (1) By the posting of a sign or other notice in a conspicuous place indicating that no **solicitation** or handbills are desired; or
- (2) By writing or telephoning the handbill distributor or contracting business to inform that no handbills are desired.

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

- (1) Be delivered personally to the person;
- (2) Bound, folded, enclosed and weighted in such a manner so as to prevent the material from being blown or drifted about, scattered or fragmented by the action of the elements and/or normal pedestrian or vehicular traffic; or
- (3) Affixed to the premises for which it is intended by hanging on the door knob, or placed in the newspaper receptacle if provided.

(d) Any handbill which may be passed out, given away, distributed, circulated or delivered shall be in conformance of subsection [14-307\(a\)](#).

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

(Ord. No. 2012-51, 8-28-12; Ord. No. 2013-55, 8-27-13)

Sec. 14-310. - Off-premises canvassing; restricted in certain areas.

(a) No person, either directly or indirectly shall engage in off-premises canvassing in the protected zone.

(b) No person shall engage in off-premises canvassing on the Myrtle Beach Boardwalk, the public beach, public parks or the Myrtle Beach Convention Center, publicly accessible parking lots and garages, or any public beach access.

(c) No person shall engage in off-premises canvassing with aggressive conduct.

(Ord. No. 2012-51, 8-28-12; Ord. No. 2013-27, 6-11-13; Ord. No. 2013-55, 8-27-13)

Sec. 14-313. - Solicitation in exchange for contribution.

(a) No person shall engage in **solicitation** in exchange for contribution in the protected zone.

(b) No person shall engage in soliciting in exchange for contribution in a public park, on the grounds of the Myrtle Beach Convention Center, the entire Myrtle Beach Boardwalk, public parks, the public beach, publicly accessible parking lots and garages, the boardwalk or any public beach access.

(c) No person shall engage in **solicitation** in exchange for contribution with aggressive conduct on any right-of-way or restricted public area owned by the city.

(Ord. No. 2012-51, 8-28-12; Ord. No. 2013-27, 6-11-13; Ord. No. 2013-55, 8-27-13)

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

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

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

Exceptions. This section shall not apply to:

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

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

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

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

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

(e) *Unlawful to park in unauthorized area.* The parking or placement of any motorized vehicles or other machines of conveyance in places other than those specifically designated for such purpose is prohibited.

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

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

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

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

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

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

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

(Ord. No. 2012-51, 8-28-12; Ord. No. 2013-27, 6-11-13; Ord. No. 2013-55, 8-27-13; Ord. No. 2014-28, § 1, 5-13-14)

Sec. 5-27. - Solicitation and commercial activities prohibited.

(a) *Findings.* The council of the city has made the following findings:

- (1) That the public beach is a public area which is open and accessible to all persons;
- (2) That the public beach is maintained and subjected to reasonable regulation by the city in order to promote the health, safety, welfare and morals of all persons using the beach;
- (3) That the public beach provides a unique area for all persons to pursue peaceful relaxation and quiet enjoyment in a reasonable manner;
- (4) That the public beach has been and continues to be a unique public recreation area, different in respect to all other public areas within the municipality;
- (5) That it is desirable and necessary to preserve the unique nature of the public beaches and to protect all persons who utilize the beaches from undue annoyance, disturbance and inconvenience.

(b) *Certain activities on beaches prohibited.* It shall be unlawful for any person, organization, society, association or corporation, or any agent, member or representative thereof, directly or indirectly, to solicit property, business or financial assistance of any kind, to distribute free product samples, admission passes, or entry tickets, to conduct any sales or rental business, to sell or offer to sell any article, good, publication, subscription or other thing of value, in the area previously defined in this chapter as the public beach.

(c) *Exceptions.* This section shall not apply to the operation of water safety franchises granted by the council for the purpose of ensuring lifeguard services on the beach, or to appropriately permitted activities of a special event.

(d) *Penalties.* Any person violating any of the provisions of this section shall be punished as provided for in [section 1-9](#).
(Ord. No. 2011-27, 5-24-11)