

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: March 16, 2026

Agenda Item: 7C	Prepared by: Chris Noury, City Attorney
Agenda Section: New Business: Ordinance. First Reading	Date: March 10, 2026
Subject: Amendments to Chapter 21, Stopping, Standing, and Parking, of the Code of Ordinances of North Myrtle Beach, South Carolina, regarding parking	Division: Legal

Background:

Attached for Council’s consideration is the ordinance to amend several sections from Chapter 21, titled Stopping, Standing and Parking. The additions to the ordinance are depicted in blue and the sections of the ordinance that will be deleted are depicted in red.

WHEREAS, the City finds that its contractual agreement with a private contractor for parking administration is in the best interests of public health, safety, welfare, convenience, and necessity, and thus for a public purpose.

WHEREAS, the City finds that a contract with a private contractor for parking administration, with the use of duly authorized parking code enforcement officers, allows it to allocate resources more efficiently and permits law enforcement personnel to focus on priority public safety responsibilities.

WHEREAS, the City is solely responsible for establishing parking rules, regulations, violations, and the rates for its paid parking program, including parking fees, permit fees, and fines for violations, and has determined that a contract with a parking contractor to perform administrative functions is the most effective means to carry the City's parking ordinances into effect while maintaining sufficient supervision and control over the contractor's operations;

WHEREAS, it is well established that a governmental entity may delegate ministerial and administrative functions to a private contractor, so long as the government retains oversight and control, and that South Carolina law recognizes that while governmental bodies may not delegate quasi-judicial functions, they may properly delegate ministerial, administrative and enforcement duties through a contractual agreement.

Recommended Action:

Approve or deny the ordinance on first reading

Reviewed by Department Head	Reviewed by City Manager	Reviewed by City Attorney
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Council Action:
Motion By _____ 2nd By _____ To _____

AN ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH TO AMEND SECTIONS, 21-20, 21-32, 21-33, 21-37, 21-41, 21-42, AND 21-43 AND TO REPEAL SECTIONS 21-38 AND 21-51 OF CHAPTER 21, ARTICLE II (STOPPING, STANDING AND PARKING), AS FOLLOWS:

WHEREAS, the City finds that its contractual agreement with a private contractor for parking administration is in the best interests of public health, safety, welfare, convenience and necessity, and thus for a public purpose;

WHEREAS, the City finds that a contract with a private contractor for parking administration, with the use of duly authorized parking code enforcement officers, allows it to allocate resources more efficiently and permits law enforcement personnel to focus on priority public safety responsibilities;

WHEREAS, the City is solely responsible for establishing parking rules, regulations, violations, and the rates for its paid parking program, including parking fees, permit fees, and fines for violations, and has determined that a contract with a parking contractor to perform administrative functions is the most effective means to carry the City's parking ordinances into effect while maintaining sufficient supervision and control over the contractor's operations;

WHEREAS, it is well established that a governmental entity may delegate ministerial and administrative functions to a private contractor, so long as the government retains oversight and control, and that South Carolina law recognizes that while governmental bodies may not delegate quasi-judicial functions, they may properly delegate ministerial, administrative, and enforcement duties through a contractual agreement;

NOW THEREFORE, the following amendments to the Ordinances of the City of North Myrtle Beach are hereby enacted and shall become effective on May 1, 2026:

CHAPTER 21 TRAFFIC

ARTICLE II. STOPPING, STANDING AND PARKING

Sec. 21-20. Owner responsible for illegal parking.

No person shall allow, ~~or~~ permit ~~or suffer~~ any vehicle registered in ~~such person's name~~ his/her name, or which he/she has leased or rented from another person, to stand or park in any street in this City in violation of any of the ~~provisions of this Code or other ordinances or regulations of the city~~ ordinances of this City or this State regulating the standing or parking of vehicles.
(Code 1970, § 16-69)

Sec. 21-32. Issuance of citations and exception.

~~Whenever a police officer, parking enforcement officer, or personnel, employed by a parking management services contractor retained by the city to provide parking management services, observes a vehicle parked in violation of a city ordinance or state law, he or she is authorized, in addition to other methods of enforcement, to issue a parking citation on a form approved by the director of public safety, and affix such citation to the parked vehicle. The citation or form so issued shall, as a minimum, contain on its face the license plate number or vehicle identification number (VIN) of the parked vehicle, the date and time of issuance, the nature of the offense, the standard bond approved by the municipal judge, as provided for in section 21-42 for the cited violation, the manner in which payment may be made, and the identification of the issuing official.~~

- (a) Pursuant to S.C. Code § 56-7-80(G), a notice of violation of this article may be issued in the form of a parking citation by any police officer or other person appointed as a parking code enforcement officer. The parking citation shall be issued by placing it on the windshield of an illegally parked vehicle in a prominent place thereon.

(Ord. No. 95-34, 6-5-95; Ord. No. 19-29, § 1, 5-20-19; Ord. No. 20-06, 2-17-20)

Editor's note(s)—Ord. No. 20-06, adopted February 17, 2020, amended the title of § 21-32 to read as set out herein. Formerly, § 21-32 was entitled "Issuance of citations".

- (b) The parking citation must cite only one violation and must contain at least the following information:

- (1) The state, license plate number, and make of the vehicle in violation of this article;
- (2) The name and title of the person issuing the citation;
- (3) The date and time when the citation was issued;
- (4) The nature and description of the parking violation;
- (5) The manner by which an administrative review of the citation may be requested to determine any error of issuance; and
- (6) Information advising the owner/operator of the vehicle that they may admit the violation and pay the penalty or must, within thirty (30) days from the date of the citation, deny the violation and request to appear at a hearing in Municipal Court and advising that failure to do so may result in increased fines or impoundment or immobilization of the vehicle.

Sec. 21-33. Consequences of failure to comply with parking citation.

- (a) Any vehicle parked on any street or other public property, whether in an authorized or unauthorized zone, which is found to be the subject of ~~seventy-five~~one hundred dollars (\$~~75.00~~100.00) or more past due on a previous traffic or parking ~~citation~~citations is hereby declared to be a public nuisance. Any vehicle identified as a public nuisance may be impounded by the ~~city~~City by giving authorization to a commercial towing or wrecker service to tow the vehicle away and store it in a safe place until claimed by the owner or by immobilizing the vehicle in such a manner as to prevent its operation.

- (1) Immobilization shall be at the direction of a ~~city~~City police officer, ~~personnel employed by a parking management services contractor retained by the city to provide parking management services~~

~~or city parking code enforcement officer, or City~~ employee(s) charged with such responsibility.

- (2) Upon immobilization, the police officer, ~~employee of the parking management services contractor or city~~ code enforcement officer or authorized City employee shall place upon the vehicle a notice sufficient to warn the owner or driver that the vehicle has been immobilized and that any attempt to move or drive it may result in damage. Such notice shall also inform the owner or driver of the reason for the immobilization.
- (3) It shall be unlawful for any person to tamper with, damage, remove, destroy, or take the immobilization device except as authorized pursuant to this ordinance.
- (4) Immobilization shall remain in place for forty-eight (48) hours unless sooner released in accordance with subsection (b) of this section. If compliance with subsection (d) of this section has not occurred within forty-eight (48) hours, the vehicle shall be towed and impounded. The city assumes no liability for loss or damage to the impounded vehicle or its contents while immobilized or impounded.
- (5) The owner of an immobilized vehicle shall be subject to a fee of fifty dollars (\$50.00) for the immobilization, which fee shall be exclusive of any bonds posted, fines imposed, or storage costs assessed.
- (6) The parking restrictions and regulations otherwise applicable to the vehicle in accordance with the provisions of the City Code shall not apply to any vehicle immobilized pursuant to this division during its period of immobilization.

(b) *Release of vehicle to owner.*

- (1) No vehicle shall be released to the owner until all outstanding traffic citation and or parking citation charges, bonds and fees, as well as towing and storage charges, are paid and until satisfactory proof of ownership and liability coverage has been demonstrated.
- (2) Towing and storage charges of a commercial towing or wrecker service shall be the responsibility of the owner of the vehicle.

~~(Ord. No. 95-34, 6-5-95; Ord. No. 16-46, 12-19-16; Ord. No. 19-29, § 1, 5-20-19)~~

Sec. 21-37. Compliance with signs and designations.

~~When signs prohibiting, limiting or restricting stopping, standing or parking are erected on streets, no~~ No person shall stop, stand or park a vehicle in violation of any ~~such sign~~ or designation that prohibits, restricts, or limits stopping, standing, or parking.

Sec. 21-38. – Repealed.

~~(Ord. No. 95-34, 6-5-95)~~

~~Sec. 21-38. Owner responsible for illegal parking.~~

~~No person shall allow, permit or suffer any vehicle registered in his/her name, or which he/she has leased or rented from another person, to stand or park in any street in this city in violation of any of the ordinances of this city or this state regulating the standing or parking of vehicles.~~

~~(Ord. No. 95-34, 6-5-95; Ord. No. 21-02, § 2, 3-1-21)~~

Sec. 21-41. Authorization.

- (a) The City may contract with a private entity (hereinafter referred to as a "parking contractor") to assist the City with administering and enforcing the City's parking ordinances and programs. The City, through use of a contract, shall maintain sufficient supervision and control of the parking contractor to ensure that the parking contractor only performs administrative functions to carry the City's parking ordinances into effect.
- (b) The parking contractor shall administer the City' s parking program at the direction of the City and in accordance with the City's parking ordinances. The City shall be solely responsible for establishing parking rules, regulations, violations, and the rates for its paid parking program, including parking fees, permit fees, and fines for violations.
- (c) The parking contractor shall not be entitled to any revenues generated by way of parking fines, parking citations, or fees related to immobilization or towing.
- (d) ~~The city manager may contract for parking management services and enforcement of any provision or requirement of Article II, including but not limited to any paid parking, timed parking, prohibited parking, resident and non-resident property owner exemption parking, golf cart parking decals, guest parking placard, hangtag parking and any other parking plan or restriction in Article II. However, nothing~~ Pursuant to S.C. Code 1976 , § 5-7-32, City Council authorizes the City Manager (or his/her designee) to approve and appoint employees of the parking contractor as parking code enforcement officers to administer and enforce the City's parking ordinances and programs. Parking code enforcement officers employed by the parking contractor may issue parking citations, collect payments, and perform other administrative duties as approved by City Council and in accordance with South Carolina law. Any employees of the parking contractor appointed as parking code enforcement officers shall not have the power of custodial arrest, and the City shall maintain sufficient supervision and control over any parking code enforcement officers by virtue of the contract with the parking contractor. Approval to engage in activities as a parking code enforcement officer may be withdrawn by the City Manager at any time.
- (e) Any employees of the parking contractor appointed as parking code enforcement officers whose duties include parking enforcement activities, including the issuance of parking citations or collection or handling of money, shall:
 - (1) undergo criminal background checks and drug testing to be conducted by the parking contractor. The results of the background checks and drug tests shall be provided to the City Manager;
 - (2) satisfactorily complete a training program approved by the City Manager before they undertake any enforcement activities; and
 - (3) take an oath of office to uphold the laws of the City and the State of

South Carolina.

(f) Nothing herein shall limit the police ~~power~~powers of law enforcement by the City.
(Ord. No. 19-29, § 1, 5-20-19; Ord. No. 22-06, § 1, 2-21-22)

Sec. 21-42. Violations.

Except for violations of state law or of City Code section 21-31.1, all municipal parking violations established under this article shall be subject to a civil fine in the amount of ~~twenty-five~~thirty-five dollars (~~\$25.00~~\$35.00) and not subject to criminal penalties, except as otherwise provided herein or as mandated by the general laws of the state. ~~In the event a violator fails to pay the fine within thirty (30) days of the issuance of the citation, the city may invoke any remedy permitted by law for debt collection.~~ Each day of a continuing violation of this article shall be considered a separate and distinct offense and may result in cumulative fines. When the owner of a vehicle, or his/her agent, makes proper payment of a parking violation within thirty (30) days of issuance of the citation, there will be no increase in the ~~twenty-five~~thirty-five dollar (~~\$25.00~~\$35.00) fine assessed. ~~On~~If the fine for a parking citation remains unpaid on the thirtieth day after issuance ~~of the citation for a parking violation and the fine remains unpaid~~, the fine shall increase to ~~seventy-five~~eighty-five dollars (~~\$75.00~~\$85.00). In addition, the vehicle may be subject to impoundment or immobilization as authorized in section 21-33.

Any parking citation which remains unpaid after the 90th day may be turned over to an outside agency, approved by the City Council, which shall be authorized to collect all payments due and levy additional charges as allowed by South Carolina state law.

~~Violations of section 21-31.1 shall be adjudicated only through the municipal court system.~~
(Ord. No. 19-29, § 1, 5-20-19; Ord. No. 20-06, 2-17-20; Ord. No. 21-02, § 2, 3-1-21)

Sec. 21-43. ~~Adjudication~~Administrative Review and Appeal.

- (a) ~~Technical level adjudication.~~ When citations issued for violations of Municipal Code involve technical issues (e.g., broken kiosk, etc.), persons issued parking citations shall have the right to appeal to the parking management firm within seven (7) days of the issuance of the citation or by the next business day. If the kiosk, pay station or mobile payment service is found to be defective or malfunctioning, the person receiving the citation shall be notified by email or regular mail of such fact by the parking management firm. The person cited shall then email, mail or personally deliver a copy of the citation along with the written confirmation from the parking management firm that the kiosk, pay station or mobile payment service was defective when the citation was issued. When the citation is received by the parking management firm along with the written confirmation from the parking management firm regarding the defective kiosk, pay station or mobile payment service, the citation shall be voided. If the kiosk, pay station or mobile payment service is found to have been functioning properly, the person issued the citation shall be notified by the parking management firm as provided above and the person issued the citation shall remit payment for the violation within five (5) business days of the determination that the kiosk, pay station or mobile payment service was found to have been functioning properly. This does not apply to violations of section 21-31.1.
- (b) ~~Administrative appeal for any other parking violation.~~ If the person who received a parking citation believes the citation was issued in error, in fact or law, such person shall notify the parking management firm, stating the objections to the citation, within seven (7) business days of issuance. The parking management firm will

~~make a decision as to the validity of the citation within ten (10) business days after receipt of a timely objection. If a decision is made that the citation is valid, the person issued the citation will be notified and shall remit payment for the violation within five (5) business days of receipt of the decision that the citation was valid. This does not apply to violations of section 21-31.1.~~

~~(c) *Action when the person issued the citation does not concur with the decision; request and right to trial/criminal adjudication.* Persons who receive a parking citation and have exhausted the technical and/or administrative appeal process may elect to invoke the right of trial. To accomplish this, he or she shall contact the municipal court within ten (10) days of receiving the citation. A court date will be set at that time. If convicted, the person shall be punished for each violation in accordance with the general penalty provision, section 1-6.~~

(a) Administrative Review – if properly requested within seven (7) days of issuance of a parking citation, the parking contractor, with the input of the parking code enforcement officer and/or City parking official, may void the parking citation only for the following reasons:

1. technical malfunction of the parking citation issuance device;
2. technical malfunction or error in parking payment process;
3. license plate does not match vehicle description or error in license plate recognition or entry process;
4. citation issued outside the specified date or time of restriction;
5. valid proof of proper and timely parking payment exists; or
6. other similar objective and non-discretionary technical reason for voidance as may be specified by the City.

If the parking citation is not voided by administrative review, the owner or operator receiving the citation must, within (30) days of the date of the citation, either pay the fine amount or appeal the citation to Municipal Court.

(b) Appeal – Any appeal of a parking citation, with or without administrative review, must be made to Municipal Court within thirty (30) days of the parking citation date by following the procedure provided on the citation, or referenced in links thereon, to properly request a hearing in Municipal Court.

(c) Persons receiving a ~~parking ticket or~~ citation for ~~violations of~~ violation of City Code section 21-31.1 for unlawfully parking in a handicap space, near a fire hydrant, or other proscribed areas must contact the ~~municipal court~~ Municipal Court within ten (10) days of receiving the citation, if they wish to contest it. A court date will be set at that time. If convicted, the person shall be punished for each violation in accordance with the general penalty ~~provision,~~ provisions in section 1-6.

~~(Ord. No. 19-29, § 1, 5-20-19; Ord. No. 20-06, 2-17-20)~~

(d) It shall be unlawful for any person to alter or destroy any parking citation issued under this article except in a manner consistent with this article and State law.

Sec. 21-51, ~~Penalties.~~ – Repealed.

~~All violations of this section, other than a transient parking violation, shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with chapter 1, general provisions, section 1-6. Each day of any violation of this article shall constitute a separate offense.~~

~~(Ord. No. 21-17, 5-21-21)~~

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA, THAT:

Section 1. This ordinance is hereby approved.

Section 2. This Ordinance shall take effect upon the date of passage.

DONE, ORDAINED, AND PASSED this the _____ day of _____, 2026.

ATTEST:

Mayor J.O. Baldwin, III

City Clerk

APPROVED AS TO FORM:

FIRST READING: 3.16.2026

City Attorney

SECOND READING: _____

REVIEWED:

ORDINANCE: _____

City Manager