

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: May 17, 2021

Agenda Item: 5D	Prepared for: Chris Noury, City Attorney
Agenda Section: Consent: Ordinance. Second Reading	Date: April 23, 2021
Subject: An amendment to Section 21-40 (a) (1) – Annual parking fee exception	Division: Administration

Background:

The current ordinance does not allow for parking decal exemptions to be made. This amendment would allow City Council to authorize decal exemptions by way of a fully executed Developer’s Agreement. The amendment would add the words, “**except those authorized by City Council in a fully executed Developer’s Agreement**” to the last sentence of Section 21-40 (a) (1).

Sec. 21-40. - Annual parking fee exemption.

(a) City council hereby establishes that a North Myrtle Beach resident or a North Myrtle Beach non-resident property owner who owns a personal vehicle(s) which vehicle(s) has been the subject of payment of ad valorem tax to the city, may apply for and receive an annual exemption for up to two (2) personal vehicles per property address located within North Myrtle Beach regarding the parking fees at any city established paid parking lots and or parking zones subject to the following:

The words "property owner" shall mean: any person who holds legal title to lands lying within the City of North Myrtle Beach, any person who owns a unit/apartment within a horizontal property regime; any person who owns a townhouse or other residential living unit sharing and owning in common the surrounding grounds; any person who holds equitable shares in a housing cooperative situated within the North Myrtle Beach; and any person who owns the land or owns the land in common on which their permanently affixed mobile home sits.

(1) Regarding the personal vehicle(s) for which the resident or non-resident property owner is seeking an exemption from the parking fee, the resident or non-resident property owner shall present his or her current South Carolina motor vehicle or golf cart registration and operator's license and the current year's proof of payment for South Carolina vehicle property taxes. A nonresident property owner shall present his or her proof of property ownership, his or her current vehicle or golf cart registration and his or her operator's license. An Horry County resident shall present his or her current vehicle registration and operator's license. No other exemptions shall be granted, **except those authorized by City Council in a fully executed Developer’s Agreement.**

Recommended Action:

Approve the ordinance on second 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 TO AMEND SECTION 21-40 (a) (1) OF THE CODE OF ORDINANCES FOR THE CITY OF NORTH MYRTLE BEACH AS FOLLOWS:

Sec. 21-40. - Annual parking fee exemption.

(a) City council hereby establishes that a North Myrtle Beach resident or a North Myrtle Beach non-resident property owner who owns a personal vehicle(s) which vehicle(s) has been the subject of payment of ad valorem tax to the city, may apply for and receive an annual exemption for up to two (2) personal vehicles per property address located within North Myrtle Beach regarding the parking fees at any city established paid parking lots and or parking zones subject to the following:

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

Section 1: The amendment to the ordinance is hereby approved.

Section 2: The ordinance shall be effective upon the date of passage.

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2021.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: 5-3-2021

SECOND READING: 5-17-2021

REVIEWED:

City Manager

ORDINANCE: 21-18

Sec. 21-40. - Annual parking fee exemption.

- (a) City council hereby establishes that a North Myrtle Beach resident or a North Myrtle Beach non-resident property owner who owns a personal vehicle(s) which vehicle(s) has been the subject of payment of ad valorem tax to the city, may apply for and receive an annual exemption for up to two (2) personal vehicles per property address located within North Myrtle Beach regarding the parking fees at any city established paid parking lots and or parking zones subject to the following:

The words "property owner" shall mean: any person who holds legal title to lands lying within the City of North Myrtle Beach, any person who owns a unit/apartment within a horizontal property regime; any person who owns a townhouse or other residential living unit sharing and owning in common the surrounding grounds; any person who holds equitable shares in a housing cooperative situated within the North Myrtle Beach; and any person who owns the land or owns the land in common on which their permanently affixed mobile home sits.

- (1) Regarding the personal vehicle(s) for which the resident or non-resident property owner is seeking an exemption from the parking fee, the resident or non-resident property owner shall present his or her current South Carolina motor vehicle or golf cart registration and operator's license and the current year's proof of payment for South Carolina vehicle property taxes. A nonresident property owner shall present his or her proof of property ownership, his or her current vehicle or golf cart registration and his or her operator's license. An Horry County resident shall present his or her current vehicle registration and operator's license. No other exemptions shall be granted, **except those authorized by City Council in a fully executed Developer's Agreement.**
- (2) All golf carts must be registered with the SCDMV to either the fulltime resident's North Myrtle Beach address or the nonresident property owner's North Myrtle Beach address, to be eligible to receive a decal.
- (3) Residents may receive two (2) parking decals and may elect to receive the parking decals in any combination (i.e., two (2) automobile decals, or two (2) golf cart decals or one (1) automobile decal and one (1) golf cart decal). Residents are eligible to purchase one (1) additional decal for two hundred dollars (\$200.00) per parking season (March 1 through October 31).
- (4) Nonresident property owners, who have paid no vehicle ad valorem tax to the city, may receive one (1) complimentary vehicle or golf cart decal. His or her personal vehicle need not be registered within the state with the exception of a golf cart (i.e., all golf carts must be registered with the SCDMV to the property owners North Myrtle Beach address). Nonresident property owners are eligible to purchase one (1) additional vehicle or golf cart decal for two hundred dollars (\$200.00) per parking season (March 1 through October 31).
- (5) Resident property owners (i.e., four (4) percent property tax category) with a personal vehicle provided by, and/or registered to, the employer or business of the resident, may receive up to two (2) parking decals upon payment of fifty dollars (\$50.00) per decal per parking season (March 1 through October 31).
- (6) Horry County residents are eligible to purchase a vehicle parking decal for two hundred dollars (\$200.00) (one per household) per parking season (March 1 through October 31). Horry County residents shall not be eligible for golf cart decals. A maximum of two hundred (200) decals will be set aside for issuance to county residents on a first come, first served basis.
- (7) Decals for all personal vehicles shall be placed and adhered, adhesive side to designated surface and area, as follows:

- i. Regular vehicles to the inside of the windshield, on the driver's side, in the bottom part of the window
 - ii. Motorcycles with windshields to the outside of the windshield, in the bottom left corner
 - iii. Motorcycles without windshields to the fork
 - iv. Golf carts with windshields to the outside of the front windshield, on the driver's side, in the bottom part of the window.
 - v. Golf carts without windshields in the front next to the state decal.
- (b) A personal vehicle is defined as an automobile; motorcycle; pickup truck; golf cart or low speed vehicle that is subject to registration, licensing and or permit under South Carolina State law and excludes rental vehicles and vehicles for hire. Any vehicle receiving a parking decal must completely fit into one standard parking space.

Upon successful registration for the annual parking fee exemption, the license tags or permit number for the personal vehicle registered for the exemption will be used for enforcement purposes.

It shall be unlawful to park with an expired exemption in any public parking space, which requires payment. A violation of this provision is punishable pursuant to section 21-32, Issuance of parking citations.

It shall be unlawful for any person to provide false, incomplete or misleading information regarding residency to acquire an exemption from public parking fees. A violation of this provision is punishable pursuant the general penalty, Code Section 1-6.

- (c) Decals may not be traded, sold or given away, and shall be removed upon expiration or sale of the vehicle. If a vehicle is sold or otherwise disposed of, the decal shall be removed and returned to the city to receive a replacement decal. A replacement decal shall not be issued, if the decal is not returned.

(Ord. No. 17-16, 6-19-17; Ord. No. 19-29, § 1, 5-20-19; Ord. No. 20-06, 2-17-20; Ord. No. 19-49, § 1, 11-4-2019; Ord. No. 20-19, §§ 1, 2, 8-17-20)