

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: June 20, 2022

Agenda Item: 7A	Prepared by: Chris Noury, City Attorney
Agenda Section: New Business: Ordinance. First Reading.	Date: June 17, 2022
Subject: An ordinance to rescind the existing language of Section 5-2 titled Motor Vehicles on the Beach and replace with the language in the attached ordinance.	Division: Legal

Background:

The attached ordinance rescinds the existing language of Section 5-2 titled Motor Vehicles on the Beach and replaces the old language as indicated on the attached ordinance. The new language places time parameters (between the hours of 9:00 a.m. and 5:00 p.m. from May 15 through September 15 of each year) regarding when battery-assisted, motorized bicycles (ebikes as well as other battery-assisted, motorized devices) and traditional, manually powered bicycles **cannot** be operated on the beach.

While the ordinance allows traditional bicycles and ebikes as well as other battery-assisted, motorized devices to be operated on the beach outside of the proscribed timeframes; the intent of the ordinance is to protect the health, safety and welfare of the City’s tourists, residents, and visitors from being hit or struck by a bicycle, ebike or other battery-assisted, motorized devices during the times of year when the City’s beaches are the most congested with pedestrian traffic.

Recommended Action:

Approve the proposed ordinance on first reading

Reviewed by City Manager		Reviewed by City Attorney
--------------------------	--	---------------------------

Council Action:

Motion By _____ 2nd By _____ To _____

AN ORDINANCE

**AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH TO RESCIND THE LANGUAGE OF SECTION 5-2
MOTOR VEHICLES ON THE BEACH OF THE CODE OF ORDINANCES FOR THE CITY OF NORTH MYRTLE
BEACH AND TO REPLACE THE RESCINDED LANGUAGE OF SECTION 5-2 WITH THE FOLLOWING:**

WHEREAS, the City of North Myrtle Beach has approximately nine miles of beach; and

WHEREAS, every year from approximately May 15 through September 15 the City's beaches are used by hundreds of thousands of tourists and locals; and

WHEREAS, the majority of beachgoers walk to move from various locations on the beach or to walk the shoreline as part of the beach experience and some beachgoers use a wheelchair for the same purposes; and

WHEREAS, families with small children are routinely on the beaches in large numbers from May 15 through September 15 and often not paying attention to other beachgoers, including persons operating bicycles and battery-assisted, motorized bicycles (ebikes) as they run or quickly move from one point to the other on the beach; and

WHEREAS, a nine year old child was walking on the beach and was struck by a battery-assisted, motorized bicycle causing injury to the child; and

WHEREAS, bicycles (including traditionally powered manual bicycles and battery-assisted, motorized bicycles, commonly known as ebikes) can be operated at speeds much greater than the speed of pedestrian traffic and persons using wheelchairs on the City's beaches; and

WHEREAS, it is unsafe to allow the operation of traditional, manually powered bicycles, or battery-assisted, motorized bicycles (ebikes) as well as other battery assisted devices, including but not limited to, battery-assisted, motorized skateboards and battery-assisted, motorized mono-wheel skateboards, in close proximity to pedestrians and persons utilizing wheelchairs on the beach from May 15 through September 15 of each year.

Now, therefore, for the health, safety and welfare of the City's residents, tourists and visitors:

Section 1: It shall be unlawful to operate a manually powered bicycle, a battery-assisted, motorized bicycle (ebike) or any other battery assisted devices, including but not limited to, battery assisted motorized skateboards and battery assisted motorized mono-wheel skateboards between the hours of 9:00 a.m. through 5:00 p.m. from May 15 through September 15.

Section 2: Except as authorized above, it shall be unlawful to drive a motor vehicle of any nature or description, upon the public beach within the City. This prohibition shall not apply to governmental, emergency or other authorized vehicles.

Section 3: This ordinance in no way prohibits rights conferred upon the handicapped in accordance with South Carolina Code Annotated, Section 43-33-25 (1976 as amended).

Section 4: Violations of this ordinance are punishable as provided in section 1-6 of the Code of Ordinances for the City of North Myrtle Beach.

DONE, RATIFIED AND PASSED THIS _____ DAY OF _____, 2022.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: 6.20.2022

SECOND READING: _____

REVIEWED:

City Manager

ORDINANCE: _____