

CHAPTER 5: BEACHES AND WATERWAYS

§5-27 COMMERCIAL RECREATIONAL ACTIVITY ON THE PUBLIC BEACH.

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§5-27.01 PURPOSE, APPLICABILITY, AND DEFINITIONS.

- A. Purpose. The purpose of this chapter is to regulate and control commercial recreational activity occurring on, or originating from, the public beach so as to preserve the unique nature of the public beaches and to protect all persons who utilize the beaches from harm, undue annoyance, disturbance and inconvenience. Specifically, the purpose is to standardize a formal approval process for:
 - 1. commercial recreational activity occurring on, or originating from, the public beach for the enjoyment of residents and visitors, and
 - 2. professional photography, weddings, filming and special events occurring on the public beach.
- B. Definition. For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.
 - 1. **COMMERCIAL RECREATIONAL ACTIVITIES.** A recreational activity occurring on, or originating from, the public beach for the payment or charge of a fee for participation including but not limited to surfing, paddleboarding, yoga or other fitness-related activities.
 - 2. **SPECIAL EVENT.** A planned outdoor event occurring on the public beach which involves:
 - a. the organized gathering of persons for a common purpose, design, or goal, not to include casual beach use, or
 - b. a participatory activity by an individual or group on the public beach, which is related, directly or indirectly, to a business or commercial purpose.

§5-27.02 COMMERCIAL RECREATIONAL ACTIVITY ON THE PUBLIC BEACH, GENERALLY.

- A. No commercial recreational activity or special event shall occur on, or originate from, the public beach or interfere with the public's use of the same unless the business or individual has one of the following:
 - 1. a franchise agreement granted by City Council

2. an annual permit granted by the Department of Parks and Recreation and approved by the City Manager
 3. a wedding or filming permit granted by the Department of Parks and Recreation and approved by the City Manager
 4. a special event permit granted by the City Council
- B. All commercial recreational activities shall occur only on, or originate from, the public beach in such areas, on such dates and at such times as approved by the City Manager.

§5-27.03 FRANCHISE AGREEMENTS ON THE PUBLIC BEACH FOR COMMERCIAL RECREATIONAL ACTIVITIES.

- A. City Council is authorized to enter into franchise agreements with vendors on the public beach pursuant to state law which allows municipalities to franchise public property to private concerns.
- B. City Council may enter into franchise agreements for commercial recreational activities occurring on, or originating from, the public beach when they determine it is in the best interest of the public.
- C. For all franchise agreements for commercial recreational activities occurring on, or originating from, the public beach:
1. A City of North Myrtle Beach business license is not required.
 2. All franchise agreement offerings will follow standard procurement protocol.
 3. All franchise agreements will include the exact specifications of the individual offering.
 4. All franchise agreements shall be for a maximum of five (5) years with a possible five (5) year extension if approved by City Council. Any said extension shall include an escalation fee set forth in the individual franchise documents.
 5. All franchise agreements shall clearly state or define the fee the franchisee will pay to the City.
 6. Each approved franchisee shall carry worker's compensation insurance at the level specified in the individual franchise agreement.
 7. Each approved franchisee shall carry specific liability insurance specified in the individual franchise agreement and with the City of North Myrtle Beach named as an additional insured.
- D. Franchise agreements shall under no circumstances be sold or assigned to another vendor.

§5-27.04 FRANCHISE AGREEMENTS ON THE PUBLIC BEACH FOR SURF AND/OR PADDLEBOARD CAMPS.

- A. Effective as of January 1, 2024, surf and paddleboard instruction exceeding two (2) students, or more than one (1) instructor is a camp and falls into the franchise agreement category. Franchisees shall adhere to all tenets in Section 5-27.03 and in the individual franchise agreement executed between the franchisee and the City.
- B. Effective upon enactment hereof and for the remainder of calendar year 2023, and notwithstanding other provisions hereof which do not take effect until January 1, 2024, each provider must carry liability insurance of at least \$1,000,000 which names the City of North Myrtle Beach as an additional insured.

- C. Franchises for surf and paddleboard camps shall be granted within the city limits on such terms as approved by the City.
- D. Surf and paddleboard camps shall adhere to the following safety standards:
 - 1. Shall have at least one instructor for every ten (10) participants.
 - 2. All instructors must be lifeguard, CPR, AED, and first aid certified through the American Red Cross with current certifications on file with the city.
 - 3. The vendor shall have a first aid kit onsite at all times.
 - 4. Franchisees shall conduct all business activities in a passive manner. No initial direct contact with beach patrons for a sale shall be allowed.

§5-27.05 ANNUALLY APPROVED PERMITS ON THE PUBLIC BEACH.

- A. Commercial recreational activities shall not be held on, or originate from, the public beach between 10 AM and 4 PM during the period from May 15 through Labor Day.
- B. Fitness-related instructional activities that have thirty (30) or less participants are eligible for consideration of an annual permit.
 - 1. Following adoption of this ordinance and for calendar year 2023, vendor must submit an application for approval, prior to May 1, 2023, to be eligible for review and consideration. Beginning in calendar year 2024 and each year thereafter, a vendor must submit an application for approval, prior to February 1 of each year, to be eligible for review and consideration.
 - 2. A permit fee is required.
 - 3. Vendor must have a City of North Myrtle Beach business license.
 - 4. Each vendor must carry liability insurance of at least \$1,000,000 which names the City of North Myrtle Beach as an additional insured.
 - 5. Depending on the nature of the activity, worker's compensation insurance may be required.
 - 6. Prior to the commencement of the activity, personally signed hold harmless and indemnification agreements in favor of the city from all employees and participants in such activity is required.
- C. Fitness-related instructional activities that fall into the annual approval category as described herein shall adhere to the following safety standards:
 - 1. Shall have at least one instructor with a minimum ratio of one (1) instructor per fifteen (15) participants.
 - 2. Shall not exceed thirty (30) participants per class.
 - 3. All instructors must be CPR, AED, and first aid certified through the American Red Cross with current certifications on file with the city.
 - 4. The vendor shall have a first aid kit onsite at all times.
 - 5. The placement of special equipment or other obstructions of any kind on the public beach is prohibited.

6. Instructors may not advertise or engage in financial transactions on the beach.
- D. Effective as of January 1, 2024, surf and/or paddleboard instruction with two (2) or less participants and a maximum of one (1) instructor is a lesson and therefore eligible for consideration of an annual permit.
1. Vendor must submit an application for approval, prior to February 1 of each year, to be eligible for review and consideration.
 2. A permit fee is required.
 3. Vendor must have a City of North Myrtle Beach business license.
 4. Effective upon enactment hereof and for the remainder of calendar year 2023, and notwithstanding other provisions hereof which do not take effect until January 1, 2024, each provider must carry liability insurance of at least \$1,000,000 which names the City of North Myrtle Beach as an additional insured.
 5. Depending on the nature of the activity, worker's compensation insurance may be required.
 6. Prior to the commencement of the activity, personally signed hold harmless and indemnification agreements in favor of the city from all employees and participants in such activity is required.
- E. Surf and/or paddleboard lessons that fall into the annual approval category as described herein shall adhere to the following safety standards:
1. All instructors must be CPR, AED, and first aid certified through the American Red Cross with current certifications on file with the city.
 2. The vendor shall have a first aid kit onsite at all times.
 3. Instructors may not advertise or engage in financial transactions on the beach.
- F. Professional photographic or videography sessions or sittings of individuals, families or groups.
1. A photography permit is required.
 2. A permit fee is required.
 3. The photographer or business owner must have a City of North Myrtle Beach business license.
 4. Photographic activities that occur on the public beach shall not interfere with the public's use of the same.
 5. No activity shall take place in the dune area.
 6. Staging or erection of equipment or other obstacles is not permitted.
 7. Photographers may not advertise or engage in financial transactions on the beach.
- G. Failure to adhere to any of the standards set forth in this section will result in the immediate revocation of the annual permit to conduct commercial recreational activities on the public beach for the remainder of the calendar year as well as such penalties as set forth in §5-27.08.

§5-27.06 WEDDING AND FILMING PERMITS ON THE PUBLIC BEACH.

- A. Weddings shall not be held on the public beach between 10 AM and 4 PM during the period from May 15 through Labor Day.
1. A wedding permit is required.
 2. A permit fee is required.
 3. If a wedding planner, officiant, photographer, or any other paid vendor is hired, City of North Myrtle Beach business licenses are required for such vendors.
 4. Wedding activities that occur on the public beach shall occur at least twenty-five (25) feet away from any public beach access or walkover and may not block the beach in front of an access walkover.
 5. All wedding activities including photography shall take place seaward of the dune and sand fence line.
 6. Set-up regulations (no more than):
 - a. One (1) portable arch.
 - b. Two (2) small tables.
 - c. Twenty-Five (25) folding chairs.
 - d. One (1) battery operated portable sound device/speaker.
 7. Tiki torches, sky lanterns, floating lanterns and similar devices are prohibited.
 8. All wedding activities, including photography, shall not interfere with the use of the public beach.
 - a. A specific place on the beach shall not be reserved.
 - b. The public is not required to accommodate any request(s) to move, even those temporary in nature.
 9. Wedding receptions and catering of any kind is prohibited.
 10. There shall be no throwing of materials of any type (e.g., rice, bird seed, confetti, silk flower petals, etc.).
 11. Vendors may not advertise or engage in financial transactions on the beach.
- B. Any production company undertaking filming activities occurring on or originating from the public beach shall comply with the following:
1. A filming permit is required.
 2. A permit fee is required.
 3. The filmmaker and/or business owner must have a City of North Myrtle Beach business license.
 4. Each vendor must carry liability insurance of at least \$1,000,000 which names the City of North Myrtle Beach as an additional insured.

5. Photographic and/or filming activities shall not interfere with the public's use of the same.
6. No activity shall take place in the dune area.
7. Staging or erection of equipment or other obstacles is not permitted.
8. Filmmakers and/or business owners may not advertise or engage in financial transactions on the beach.

§5-27.07 SPECIAL EVENT PERMITS ON THE PUBLIC BEACH.

- A. All special events occurring on or originating from the public beach, with the exception of small service group activities authorized by the City Manager, shall be considered by the City Council on an individual basis by submission of an electronic special event permit application.
- B. A special event permit is required.
- C. A permit fee may be required.
- D. No activity shall take place in the dune area.
- E. Each vendor must carry liability insurance of at least \$1,000,000 which names the City of North Myrtle Beach as an additional insured.
- F. The placement of special equipment or other obstructions of any kind on the public beach is prohibited, with the exception of City approved beach games.
- G. Special events may not interfere with the general public's use of the beach or activities of approved franchises.
- H. There shall be no advertising or financial transactions occurring on the beach.

§5-27.08 PENALTY.

Any person violating any provision of this code (i.e., §5-27) shall be subject to all the following that apply:

- A. §1-6 entitled "General Penalty" of the Code of Ordinances for the City of North Myrtle Beach.
- B. Revocation of business license pursuant to §7-15.
- C. Revocation of franchise agreement as provided therein.
- D. Revocation of annual permits provided therein.
- E. Revocation of special event permit as provided therein.