

**REQUEST FOR CITY COUNCIL CONSIDERATION**

Meeting Date: February 20, 2023

Agenda Item: 7B	Prepared by: Chris Noury, City Attorney
Agenda Section: New Business: Ordinance. First Reading.	Date: February 6, 2023
Subject: Amendment to Chapter 5, Beaches and Waterways, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding rescinding the existing language of Section 5-2, 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, 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 10:00 AM and 4:00 PM from May 15 through Labor Day 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 prescribed 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 or deny the proposed ordinance on first reading

Reviewed by City Manager		Reviewed by City Attorney
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Council Action:  
Motion By \_\_\_\_\_ 2<sup>nd</sup> 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5-2, MOTOR VEHICLES ON THE BEACH, OF THE CODE OF ORDINANCES FOR THE CITY OF NORTH MYRTLE BEACH AND TO REPLACE THE RESCINDED LANGUAGE OF SECTION 5-2 WITH THE FOLLOWING: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 Labor Day 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 Labor Day 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 Labor Day of each year.

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

#### **Sec. 5-2. Motor vehicles on beach.**

**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 10:00 AM through 4:00 PM from May 15 through Labor Day.

**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:** It shall be unlawful for any person to operate bicycles, tricycles or similar human, gas, or electric powered wheeled vehicles, of any type, on any dune or in any dune area located within the city limits of North Myrtle Beach.

**Section 4:** 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 5:** 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 \_\_\_\_\_, 2023.**

ATTEST:

\_\_\_\_\_  
Mayor Marilyn Hatley

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

FIRST READING: 2-20-2023

SECOND READING: \_\_\_\_\_

REVIEWED:

\_\_\_\_\_  
City Manager

ORDINANCE: \_\_\_\_\_