



CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA  
North Myrtle Beach City Hall  
Special Called City Council Meeting Agenda  
Wednesday, July 6, 2022 - 1:30 PM

1. CALL TO ORDER  
Roll Call

2. BUSINESS

- A. ORDINANCE/SECOND READING: Amendment to Chapter 12, Health and Sanitation, of the Code of Ordinances of North Myrtle Beach, South Carolina revising Article 8, Sale, Use or Distribution of Single-Use Carryout Plastic Bags by Retail Establishments within the City
- B. ORDINANCE/FIRST READING: Amendment to Chapter 5, Beaches and Waterways, of the Code of Ordinances of North Myrtle Beach, South Carolina revising Section 5-24, *Placing Obstructions on the Beach*

Documents:

[2A AMEND CH 12, ART VIII, SEC 12-111\(D\) PLASTIC BAGS.PDF](#)  
[2B AMEND SEC 5-24 PLACING OBSTRUCTIONS ON THE BEACH.PDF](#)

**Rules Regarding Video Recording & Photography**

Except during the ceremonial portion of the Council meeting, all video recording and photography shall be conducted from a stationary position either:

- While seated in the back row of the Council Chambers
- While standing behind the last row of seats in Council Chambers

**Anyone Requiring an Auxiliary Aid or Service for Effective Communication or Participation**

- Should contact (843) 280-5555 as soon as possible
- No later than 24 hours before a meeting

**REQUEST FOR CITY COUNCIL CONSIDERATION**

Meeting Date: July 6, 2022

Agenda Item: 2A	Prepared for: Mike Mahaney, City Manager
Agenda Section: Business: Ordinance. Second Reading	Date: July 1, 2022
Subject: To amend Chapter 12, Article VIII, Section 12-111 (d), Definitions.	Division: Legal

**Background:**

In Chapter 12, Article VIII, Section 12-111 (d), Definitions, a reusable bag is defined as:  
*“Reusable bag means a bag with handles that is specifically designed and manufactured for multiple reuse and made of durable material specifically designed for and provided to consumers with the intention of multiple, long-term use and does not include any film plastic bags.”*

Research indicates that ...

1. Film plastic bags in excess of 2.25 mils thick are washable and may be reused up to 125 times.
2. Film plastic bags with a minimum thickness of 2.25 mils or 50+ microns are less expensive than paper or cloth alternatives and more readily available to merchants.
3. Film plastic bags with a thickness greater than 50 microns will not be mistaken as food by animals.
4. The worldwide standard since 2016 for film plastic bags calls for a minimum thickness of 50 microns.

Subsequently, the proposed amendment to the ordinance would allow film plastic bags with a thickness equal to or greater than 2.25 mils.

At the Special Called City Council meeting on June 29, 2022, the motion was amended to allow film plastic bags with a thickness equal to or greater than 2.25 mils for a period of 24 months, then evaluate the supply and demand.

**Recommended Action:**

Approve the ordinance on second reading

Reviewed by Department Head	Reviewed by City Manager	Reviewed by City Attorney

Council Action:  
 Motion By \_\_\_\_\_ 2<sup>nd</sup> By \_\_\_\_\_ To \_\_\_\_\_

## **ARTICLE VIII. SALE, USE OR DISTRIBUTION OF SINGLE-USE CARRYOUT PLASTIC BAGS BY RETAIL ESTABLISHMENTS WITHIN THE CITY<sup>1</sup>**

### **Sec. 12-111. Definitions.**

- (a) *Customer* means any person purchasing goods from a retail establishment.
- (b) *Single-use carryout plastic bag* means a bag provided by a company or individual to a customer, typically at the point of sale, for the purpose of transporting purchases, which is made predominantly of plastic derived from petroleum or a biologically-based source. This definition includes bags provided to a customer to transport items provided free of charge, including but not limited to, samples and informational materials.
- (c) *Exempt bags* means any bag without handles provided to a customer (1) to protect food or merchandise from being damaged or contaminated by other food or merchandise, when items are placed together in a reusable bag or recyclable bag, including produce bags; (2) to hold prescription medications dispensed from a pharmacy or veterinary office; (3) designed to be placed over articles of clothing on a hanger, including dry cleaning bags; (4) door hanger bags, (5) newspaper bags, (6) garbage bags; (7) pet waste bags; (8) yard waste bags; (9) bags of any type that a customer previously owned and brings to a retail establishment for his or her own use in carrying away store goods.
- (d) *Reusable bag* means a bag with handles that is specifically designed and manufactured for multiple reuse and made of durable material specifically designed for and provided to consumers with the intention of multiple, long-term use ~~and does not include any film plastic bags~~ if a reusable bag is plastic, it shall be 2.25 mils or more in thickness, measured according to the American Society of Testing and Materials (ASTM) Standard D6988-13.
- (e) *Retail establishment* means any entity or individual engaged in the retail sale of goods. Retail establishment includes any supermarket, grocery store, convenience store, shop, service station, restaurant, farmers' market vendor, and any other sales outlet where a customer can directly purchase goods, materials and products.

(Ord. No. 19-22, § 1, 4-15-19, eff. 1-1-21; Ord. No. 20-11, § 1, 5-4-20, eff. 1-1-22; Ord. No. 21-46, § 1, 12-6-21, eff. 7-1-22)

### **Sec. 12-112. Single-use carryout plastic bags prohibited; exceptions.**

- (a) No retail establishment shall provide to any customer a single-use carryout plastic bag, unless noted in exceptions below.
- (b) *Exceptions:* Although the discontinuation of the use of single-use carryout plastic bags is strongly encouraged by the City of North Myrtle Beach this article shall not apply to exempt bags as defined in §Section 12-111(c).

(Ord. No. 19-22, § 1, 4-15-19, eff. 1-1-21; Ord. No. 20-11, § 1, 5-4-20, eff. 1-1-22; Ord. No. 21-46, § 1, 12-6-21, eff. 7-1-22)

### **Sec. 12-113. Penalty.**

A violation of this article shall be prosecuted in the same manner as misdemeanors and upon conviction the violator shall be punished according to the general penalty provisions of this Code in §Section 1-6.

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<sup>1</sup>Editor's note(s)—Ord. No. 21-46, § 1 adopted December 6, 2021, shall become effective July 1, 2022.

(Ord. No. 19-22, § 1, 4-15-19, eff. 1-1-21; Ord. No. 20-11, § 1, 5-4-20, eff. 1-1-22; Ord. No. 21-46, § 1, 12-6-21, eff. 7-1-22)

**Sec. 12-114. Effective date.**

The article shall become effective ~~January 1, 2022~~ October 1, 2022 to allow retail establishments to expend their current stock of single-use plastic bags and transition to acceptable, alternative products. An evaluation of the ordinance will be 24 months from that date (i.e., October 1, 2024).

(Ord. No. 19-22, § 1, 4-15-19, eff. 1-1-21; Ord. No. 20-11, § 1, 5-4-20, eff. 1-1-22; Ord. No. 21-46, § 1, 12-6-21, eff. 7-1-22)

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DONE, RATIFIED AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

ATTEST:

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

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

APPROVED AS TO FORM:

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

REVIEWED:

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

FIRST READING: 6.29.2022

SECOND READING: 7.6.2022

ORDINANCE: 22-26

**REQUEST FOR CITY COUNCIL CONSIDERATION**

Meeting Date: July 6, 2022

Agenda Item: 2B	Prepared by: Chris Noury, City Attorney
Agenda Section: Business: Ordinance. First Reading	Date: July 1, 2022
Subject: To amend Section 5-24(b) to clarify the use/placement of beach wares between the hours of 7:00 p.m. and 8:00 a.m. and to amend Section 5-24(e) regarding the removal and disposed of unattended beach ware items between the hours of 7:00 p.m. and 8:00 a.m.	Division: Legal

**Background:**

The attached ordinance revises subsection (b) of Section 5-24 titled Placing Obstructions on the Beach as follows:

*“Hours. Except for municipal beach service equipment or equipment authorized by franchise agreement, it shall be unlawful between the hours of 7:00 p.m. and 8:00 a.m. for any person to set up and leave unoccupied or unattended any equipment or other items on the public beach, including but not limited to, shading devices, floats, umbrellas, beach chairs, lounge chairs, life rafts, etc. (collectively, Beach Wares), so as to interfere with beach cleaning and/or beach concession operations.*

The above amendment does not prohibit a person from placing beach chairs or other beach wares on the beach between the hours of 7:00 p.m. and 8:00 a.m. as long as the items are not left unattended or unoccupied so as to interfere with beach cleaning or beach concession operations.

Subsection (e) of Section 5-24 contains amended language regarding the removal and disposal of umbrellas, beach chairs, and other Beach Ware items remaining unattended on the beach between the hours of 7:00 p.m. and 8:00 a.m. as follows.

*“Removal, disposal. Umbrellas, beach chairs, or other Beach Ware items/equipment remaining unattended on the beach between the hours of 7:00 p.m. and 8:00 a.m. that interfere with beach cleaning and/or beach concession operations will be removed from the beach and disposed of.”*

**Recommended Action:**

Approve the 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 TO AMEND SECTION 5-24 PLACING OBSTRUCTIONS ON THE BEACH SUBSECTIONS (b) AND (e) OF THE CODE OF ORDINANCES FOR THE CITY OF NORTH MYRTLE BEACH AS FOLLOWS:

#### Sec. 5-24. Placing obstructions on the beach.

- (a) *Findings.* The council of the city has made the following findings:
- (1) That the public beach is a public area, which is open and accessible to all persons;
  - (2) That the public beach is maintained and subjected to reasonable regulation by the city in order to promote the health, safety, welfare and morals of all persons using the beach;
  - (3) That the public beach provides a unique area for all persons to pursue peaceful relaxation and quiet enjoyment in a reasonable manner;
  - (4) That the public beach has been and continues to be a unique public recreation area, different in respect to all other public areas within the municipality;
  - (5) That it is desirable and necessary 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.
- (b) *Hours.* Except for municipal beach service equipment or equipment authorized by franchise agreement, it shall be unlawful between the hours of 7:00 pm and 8:00 am for any person to set up and leave unoccupied or unattended any equipment or other items on the public beach including but not limited to shading devices, floats, umbrellas, beach chairs, lounge chairs, life rafts, etc. (collectively, Beach Wares), so as to interfere with beach cleaning and/or beach concession operations. Regardless of the hours set forth herein and except for municipal beach service equipment or equipment authorized by franchise agreement, no person or company who for a fee or service as part of, or incidental to, its business operations for the sale, rental, lease, use or delivery of Beach Wares shall deliver to, place upon, set upon, or leave upon the public beach any Beach Wares.
- (c) *Placement of shading devices on the beach from May 15 through September 15.* Other than umbrellas with a center pole no greater than seven (7) feet six (6) inches in height and with a circular shade no greater than nine (9) feet in diameter and shading devices no larger than thirty-six (36) inches in height by thirty-six (36) inches in width and thirty-six (36) inches in depth used to provide shade to persons eighteen (18) months of age or younger, all shading devices including but not limited to: tents, tarps, cabanas, pavilions, sports-brellas or devices similar to sports-brellas, or any material mounted on supports are prohibited from being placed on the beach from May 15 through September 15. An umbrella is defined as a collapsible circular shade consisting of a natural or synthetic fabric stretched over hinged ribs radiating from a center pole without grounding lines or ropes.
- (d) No umbrellas or other shading devices may be placed within the emergency vehicle access lane which is the area approximately twenty (20) to twenty-five (25) feet seaward of the dune line and parallel to the shoreline which will be marked by city trash cans, pylons and/or flags. The director of the department of public safety or his/her designee shall have the authority to establish unobstructed emergency access lanes perpendicular to the shoreline for emergency vehicles, personnel and/or other emergency equipment to access the surf or other areas of the beach in the event of an emergency. Emergency access lanes perpendicular to the shoreline

shall remain open and unobstructed until the director of public safety or his designee determines the emergency access lane is no longer necessary.

- (e) *Removal, disposal.* Umbrellas, beach chairs, or other Beach Ware items/equipment remaining unattended on the beach between the hours of 7:00 pm and 8:00 am that interfere with beach cleaning and/or beach concession operations will be removed from the beach and disposed of.
- (f) *Sand fencing and dune walkovers.* Sand fences and dune walkovers have been constructed to rebuild and preserve the sand dunes; sand dunes serve as barriers that aid in protecting life and property during hurricanes and or other tidal events. It is prohibited to move, alter, obstruct, interfere with the sand fencing including but not limited to, chaining items to, locking items to, or connecting items to a sand fence. In addition, no items may be placed, put, chained to, locked to or stored under any dune walkover located on the public beach.
- (g) *Other obstructions.* It shall be unlawful to build or erect any fence or other obstruction on the public beach so as to obstruct or impede the free use of the public beach or to interfere with or obstruct any maintenance operation of the beach.
- (h) *Penalty.* Violations of this section are punishable as provided in Section 1-6.

(Ord. No. 07-32, § 1, 7-9-07; Ord. No. 10-22, 12-12-10; Ord. No. 12-21, 11-5-12; Ord. No. 14-02, 3-17-14; Ord. No. 16-01, 2-1-16; Ord. No. 16-49, § 1, 3-6-17; Ord. No. 21-02, § 2, 3-1-21)

DONE, RATIFIED AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

ATTEST:

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

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

APPROVED AS TO FORM:

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

FIRST READING: 7.6.2022

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

REVIEWED:

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

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