



CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
North Myrtle Beach City Hall
Special Called City Council Meeting Agenda
Friday, May 21, 2021 - 1:30 P.M.

1. CALL TO ORDER
Roll Call
2. BUSINESS
 - A. ORDINANCE/SECOND READING: Transient parking in residential neighborhoods
 - B. RESOLUTION: To ratify and retroactively consent to certain Horry County ordinances
 - C. ORDINANCE/SECOND READING: Reinstate 1% Hospitality Fee and 1 1/2% Accommodations Fee

Documents:

[2A TRANSIENT PARKING IN RESIDENTIAL NEIGHBORHOODS.PDF](#)
[2B A RESOLUTION TO RATIFY AND RETROACTIVELY CONSENT TO CERTAIN HORRY COUNTY ORDINANCES.PDF](#)
[2C REINSTATE HOSPITALITY FEE AND ACCOMMODATIONS FEE.PDF](#)

Meeting Attendees

- For those not fully vaccinated social distancing protocol of 6 feet shall be observed at all times in City Hall and Council Chambers.
- For those not fully vaccinated masks shall be required at all times in Council Chambers.

Public Comment Period

- Duration of the Public Comment Period shall not exceed 30 minutes.
- Each speaker is limited to 3 minutes. Each speaker is timed and a 30-second warning light appears.
- Please observe the rules.

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: May 21, 2021

Agenda Item: 2A	Prepared for: Mike Mahaney, City Manager
Agenda Section: Business: Ordinance. Second Reading	Date: May 21, 2021
Subject: Transient parking in residential neighborhoods	Division: Administration

Background:

Attached for Council's consideration is an ordinance to address parking concerns related to short-term rentals in residential neighborhoods.

Recommended Action:

Approve the ordinance on second reading

Reviewed by Department Head

Reviewed by City Manager

Reviewed by City Attorney

Council Action:

Motion By _____ 2nd By _____ To _____

AN ORDINANCE

**AN ORDINANCE TO AMEND CHAPTER 21, ARTICLE II, SECTION 21
TO ADD SUBSECTION (d) AND (e) IN SECTION 21-31.1 AND
TO ADD SECTION 21-44 THROUGH 21-51 TO THE CODE OF ORDINANCES
FOR THE CITY OF NORTH MYRTLE BEACH AS FOLLOWS:**

Whereas, in approximately 2008, Airbnb began operating an online marketplace for lodging, primarily for vacation rentals, which connects property owners (hosts) with persons (guests) seeking short-term rental accommodations; and

Whereas, the Airbnb platform allows a host to list his or her property as a short-term rental wherever the property exists including in neighborhoods that rarely, if ever, had short-term rentals prior to the creation of Airbnb; and

Whereas, other companies such as VRBO and Homeaway have created online short-term rental platforms similar to Airbnb; and

Whereas, the City of North Myrtle Beach currently has approximately 4,097 housing units that are offered as short-term rentals through online platforms such as Airbnb and Homeaway; and

Whereas, guests who have rented properties within North Myrtle Beach through the various short-term rental online platforms often bring and/or allow multiple automobiles to be parked on the grounds of the short-term rental property and/or within the right-of-way adjacent to or near the short-term rental property; and

Whereas, numerous vehicles parked on-site of a short-term rental or within the ROW adjacent to or near the short-term rental property can create safety issues as well as disturb the quiet enjoyment of persons located next to or near the short-term rental property; and

Whereas, the City has an interest in protecting the safety of its residents and visitors from parking practices that cause unsafe conditions and interfere with the quiet enjoyment of a person or persons located next to or near a short-term rental site; and

Whereas, the City recognizes that short-term rentals are a vital part of the City's economy and are an integral part of the City's tourist industry; and

Whereas, for the health, safety and welfare of the City's residents and visitors and to foster a symbiotic environment between the short-term rental industry and the City's residents and visitors;

Chapter 21, Article II, Section 21-31.1(d) – Parking Standards the existing (d) shall become (e) and (d) shall be added to read as follows:

(d) Parking spaces on corner lots shall not encroach into a sight distance triangle measuring fifteen (15) feet along each street front as measured from the property corner.

Chapter 21, Article II, Section 21-44 through 21-51. - Transient parking in residential neighborhoods shall be added to read as follows:

Sec. 21-44. – Transient parking in residential neighborhoods.

When engaging in transient parking in residential neighborhoods owners and guests shall maintain compliance with safety regulations determined by City and State codes, and the sections of this article.

Sec. 21-45. – Definitions.

The following words, terms, and phrases, when used in this section, shall have the meaning ascribed herein:

Transient parking means any parking of a motor vehicle, camper, trailer, or recreational vehicle on a short-term basis, typically a week or less.

Parking space means a location that is designated for parking on private residential property, not within a City right-of-way or encroaching upon a sidewalk.

Short-term Rental means a dwelling unit offered for overnight accommodations that is rented for a period of less than ninety (90) days, for financial or any other consideration.

Sec. 21-46. – Parking standards.

In addition to all other parking regulations set forth in this Chapter, transient parking shall also be subject to the following rules and requirements.

- A. Where the City allows shoulder parking within street rights-of-way, no car shall be parked within thirty (30) feet from the edge of the roadway pavement on the approach leg to any intersection.
- B. Where the City allows shoulder parking within street rights-of-way, no part of any vehicle shall extend across or overhang the edge of roadway pavement.
- C. “Stacked” parking (i.e., vehicles parked end-to-end) is permissible. However, in no event shall any part of the vehicle overhang onto the sidewalk, right-of-way, or extend beyond the property line.
- D. Under no circumstance shall a property owner, managing party or any guest attempt to reserve, inhibit, prevent or discourage parking within the street right-of-way where allowed by the City.
- E. No parking shall be permitted in landscape beds in such a manner as to in any way obstruct a sidewalk, or in a manner which overhangs adjoining private or public property.

Sec. 21-47. – Designation of parking spaces on-site.

At the time of application for, or renewal of, a short-term rental business license:

- A. Short-term rental property owners shall report to the City the total number of parking spaces on-site that comply with the regulations of this section. The total number of parking spaces on-site that comply with this section is also the maximum number of vehicles permitted to park on-site. In the event the short term rental is subject to a homeowners association, a property owners association and or recorded deed restrictions that limit the number of parking spaces for each residential unit, the owner of the short term rental shall certify on the application that the reported number of parking spaces is consistent with the number of parking spaces authorized by the homeowners association, property owners association and or the recorded deed restrictions.
- B. Parking spaces reported to the City must be located within the owner’s private property, are not shared with an adjacent property and are not located within a right-of-way.

Sec. 21-48. – Advertisements, contracts and posting the number of spaces.

Property owners shall designate a maximum number of vehicles permitted to park on-site. Such information and instructions shall be prominent in all advertisements and agreements and shall be conspicuously posted inside the dwelling unit.

Sec. 21-49. – Transient parking; violations.

It shall be a violation of this ordinance to advertise a short-term rental online, or in any written materials, electronic communications or on rental platforms in a manner inconsistent with this ordinance.

Sec. 21-50. – Transient parking; penalties.

Section 21-42 and Section 21-43 of the City of North Myrtle Beach Code of Ordinances shall apply in their entirety.

Sec. 21-51. – Penalties.

All violations of this ordinance, other than a transient parking violation, shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with Chapter 1, General Provisions, Section 1-6. Each day of any violation of this article shall constitute a separate offense.

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: 5-14-2021

SECOND READING: 5-21-2021

REVIEWED:

City Manager

ORDINANCE: 21-17

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: May 21, 2021

Agenda Item: 2B	Prepared by: Chris Noury, City Attorney
Agenda Section: Business: Resolution	Date: May 17, 2021
Subject: A resolution to ratify and retroactively consent to certain Horry County ordinances	Division: Legal

Background:

Attached for City Council's consideration is a resolution to ratify and retroactively consent to certain Horry County ordinances.

Recommended Action:

Adoption of the Resolution

Reviewed by Department Head	Reviewed by City Manager	Reviewed by City Attorney
Council Action: Motion By _____ 2 nd By _____ To _____		

**CITY OF NORTH MYRTLE BEACH
COUNTY OF HORRY
STATE OF SOUTH CAROLINA**

RESOLUTION TO RATIFY AND RETROACTIVELY CONSENT TO CERTAIN HORRY COUNTY ORDINANCES

WHEREAS, the City of North Myrtle Beach is a member of a proposed class of plaintiffs in that certain civil action styled "City of Myrtle Beach, For Itself and a Class of Similarly Situated Plaintiffs, vs. Horry County," brought in the Court of Common Pleas for Horry County in Civil Action Number 2019-CP-26-01732 ("Class Action"); and

WHEREAS, the City of North Myrtle Beach is a signatory to that certain Class Action Settlement Agreement dated February 12, 2021, resolving the Class Action, which has been approved by order of the Court of Common Pleas for Horry County dated April 20, 2021 ("Settlement Agreement"); and

WHEREAS, the effectiveness of the Settlement Agreement is conditioned upon, among others, the ratification and retroactive consent of the City of North Myrtle Beach to Horry County Ordinance Numbers 105-96, 11-04, 93-16, 32-17, 7-97, 76-97, 80-01, 111-01, and 50-04 ("County Ordinances"); and

WHEREAS, the City of North Myrtle Beach is willing to give its ratification and retroactive consent to the County Ordinances provided that the City and County have executed same and the required written consents of other municipalities to same have been given,

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City of North Myrtle Beach City Council hereby ratifies and gives retroactive consent to the County Ordinances as required by Section 6.2.1 of the Settlement Agreement.
2. This resolution is made pursuant to S.C. Code Ann. §5-7-260.

Resolved this the 21st of May, 2021.

Mayor Hatley

ATTEST:

City Clerk

Resolution: 21-07

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: May 21, 2021

Agenda Item: 2C	Prepared by: Randy J Wright, Finance Director
Agenda Section: Business: Ordinance. Second Reading	Date: May 17, 2021
Subject: Reinstate 1% Hospitality Fee and 1½% Accommodations Fee	Division: Finance

Background:

This ordinance amends Chapter 7, Article VIII of the Code of Ordinances of the City of North Myrtle Beach to reinstate provisions thereof for a 1% Hospitality Fee and a 1½% Accommodations Fee, from Sections 7-120 to 7-155, and repeals other provisions of that Article and Chapter 7, Article XII, which pertain solely to the imposition of Hospitality and Accommodations taxes. These actions are required to comply with a court order approving the settlement, and authorizing related procedures, in pending litigation, case # 2019-CP-26-01732.

The proposed ordinance has been attached for Council’s review, which was approved by Council on first reading on December 7, 2020. The effective date, in §7-155 of the Ordinance, was corrected to July 1, 2021 to comply with court-approved procedure established since the first reading.

Recommended Action:

Approve the proposed ordinance on second reading

Reviewed by Division Head	Reviewed by City Manager	Reviewed by City Attorney

Council Action:

Motion By _____ 2nd By _____ To _____

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH AMENDING CHAPTER 7, ARTICLE VIII TO REINSTATE HOSPITALITY AND LOCAL ACCOMMODATIONS FEES, TO REPLACE AND REPEAL THE HOSPITALITY TAX PROVISIONS THEREOF, AND TO REPEAL CHAPTER 7, ARTICLE XII – ACCOMMODATIONS TAX, AS AUTHORIZED BY COURT ORDER AND STATE LAW:

IT IS HEREBY ORDAINED THAT Chapter 7, Article VIII of the Code of Ordinance of the City of North Myrtle Beach is hereby amended and replaced with the following Sections 120-155 and that Chapter 7, Article XII, at Sections 206-217 is repealed.

ARTICLE VIII. HOSPITALITY FEE AND LOCAL ACCOMMODATIONS FEE

Sec. 7-120. Authority.

This chapter is enacted pursuant to the authority of Title 5, Code of the State of South Carolina (1976), including, without limitation, S.C. Code Ann. Section 5-7-10 (Supp. 1992), and S.C. Code Ann. Section 5-7-30 (Supp. 1992), which provide, in relevant part, that municipalities may adopt all ordinances which appear necessary and proper for the security, general welfare and convenience of the municipality and for the preservation of the general health, peace and order in the municipality and further that municipalities may establish uniform service charges. This chapter is further enacted pursuant to specific authority, approval and order of the Court in Case Number 2019-CP-26-01732.

(Ord. No. 94-13, 5-2-94)

Sec. 7-121. Reserved.

Sec. 7-122. Declaration of purpose and intent.

This article is enacted to preserve the general health, safety and welfare of the general public within the City of North Myrtle Beach, South Carolina, by creating a uniform fee for the purpose of creating a fund to pay in whole or in part for the current and future preservation, maintenance, nourishment, renourishment, and improvement of the beaches of North Myrtle Beach, and those public facilities related to the use of the beach; public transportation improvements, including street construction, storm drainage, right-of-way acquisitions, median and right-of-way enhancements and landscaping, walkways and bikeways; public park facilities, public parking, and capital facilities and expenditures necessary for the provision of police, fire and other public safety activities.

(Ord. No. 94-13, 5-2-94)

Secs. 7-123, 7-124. Reserved.

Sec. 7-125. Hospitality fee.

A uniform fee equal to one (1) percent is hereby imposed on gross proceeds derived from:

- (a) The sale of all food and beverages, served by a restaurant, hotel, motel, or other food service facility within the City of North Myrtle Beach. In addition, the fee shall be imposed for all food and beverages prepared or modified by convenience stores or grocery stores within the City of North Myrtle Beach, South Carolina- be modified to include language that imposes the fee upon any food or beverage that is sold for immediate consumption by any entity doing business within the city limits.
- (b) Paid admissions to places of amusement within the City of North Myrtle Beach. Provided, however, that those places of admission which are specifically exempted from payment of the state license tax on admissions established in South Carolina Code Section 12-21-2420 shall also be exempt from this hospitality fee.

(Ord. No. 94-13, 5-2-94; Ord. No. 96-13, 3-18-96; Ord. No. 12-11, § 1, 6-18-12)

Sec. 7-126. Local accommodations fee.

A uniform fee equal to one and one-half (1^{1/2}) percent is hereby imposed on gross proceeds derived from:

The rental or charges for any rooms (excluding meeting and conference rooms), campground spaces, lodgings, or sleeping accommodations furnished to transients by any hotel, inn, tourist court, tourist camp, motel, campground, residence, or any place in which rooms, lodgings, or sleeping accommodations are furnished to transients for a consideration. The gross proceeds derived from the lease or rental of sleeping accommodations supplied to the same person for a period of ninety (90) continuous days are not considered proceeds from transients. This fee imposed shall not apply to additional guest charges as that term is defined in South Carolina Code Section 12-36-920(B).

(Ord. No. 12-11, § 1, 6-18-12)

Secs. 7-127-7-129. Reserved.

Sec. 7-130. Payment of fee.

- (a) Payment of the fees established herein shall be the liability of the consumer of the services for items described in Section 7-125. The fees shall be paid at the time of delivery of the services or items to which the fees apply and shall be collected by the provider or seller of the service, services or items.
- (b) The fees collected by the seller or provider of the services or items as required under Section 7-125 shall be remitted to the City of North Myrtle Beach on a monthly basis along with such return or form as may be established by the City of North Myrtle Beach for such purpose. In the event that the monthly fee should calculate to less than ten dollars (\$10.00) per month, that seller will be permitted to remit the amount due on a semi-annual basis. For any month in which the fees due exceed ten dollars (\$10.00), that month's fee and all previous month's fees will be due and payable to the City of North Myrtle Beach under the terms set out in Section 7-130(c) below.
- (c) Fees and required reports shall be submitted to the City of North Myrtle Beach by the twentieth day of the month and shall cover sales of the previous month. When a hospitality fee return is filed and the fees due on it are paid in full on or before the final due date, the filer is allowed a discount on the fees shown to be due by the return of two percent (2%). Any fees not timely

remitted shall be subject to a penalty of five percent (5%) of the unpaid fee for each month or portion thereof after the due date until paid. The failure to collect from patrons the fees imposed by this article shall not relieve any establishment subject to this article from making the required remittance.

- (d) Any person violating any provision of this article shall be deemed guilty of an offense and shall be subject to punishment under Section 1-6 upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent fees, penalties, and costs provided for herein.

(Ord. No. 94-13, 5-2-94; Ord. No. 94-19, §§ 1, 2, 6-20-94; Ord. No. 96-03, § 2, 2-5-96; Ord. No. 96-13, 3-18-96)

Secs. 7-131-7-134. Reserved.

Sec. 7-135. Hospitality Fee and Local Accommodations Fee accounts.

The revenue accounts, to be known as the City of North Myrtle Beach Hospitality Fee and Local Accommodations Fee, shall be established and all revenues received from the hospitality fee and local accommodations fee shall be deposited into these accounts. The principal and any accrued interest from these accounts shall be expended only as permitted in Section 7-140 below.

(Ord. No. 94-13, 5-2-94)

Secs. 7-136-7-139. Reserved.

Sec. 7-140. Permitted uses of funds.

The City Council of the City of North Myrtle Beach, South Carolina is hereby authorized to utilize the funds collected from the imposition of the hospitality fee and local accommodations fee for the following purposes:

- (1) Nourishment, renourishment, and maintenance of the beaches; dune restoration, including sand fencing, the planting of sea grass or other vegetation useful in preserving the dune system within the territorial limits of the City of North Myrtle Beach, South Carolina.
- (2) Acquisition and maintenance of public beach access.
- (3) Capital improvements to the beaches and beach-related facilities which include but are not limited to public beach parks, public parking, public access, dune walkovers, public bathhouses, showers, and restrooms.
- (4) Transportation improvements including construction and resurfacing of streets, storm water drainage, sidewalks, bikeways, landscaping, and all associated costs including right-of-way acquisition and engineering design.

- (5) The acquisition of land and the construction of passive and active parks and facilities associated with parks including playground equipment, sports facilities, and community recreation buildings.
- (6) Acquisition of property and the construction of facilities required for the provision of police and fire service; the acquisition of capital equipment for the provision of public, fire and other public safety services as well as any operational expenditures for police, fire and other public safety services.
- (7) For any other purpose authorized by statutory law, including S.C. Code Ann. 6-1-530 and 6-1-730, by Court Order, or other governing law.
- (8) The payment of bonded indebtedness required to provide the above referenced uses.

(Ord. No. 94-13, 5-2-94)

Secs. 7-141-7-144. Reserved.

Sec. 7-145. Authorization for use.

Authorization to utilize revenues from the Hospitality Fee and Local Accommodations Fee accounts shall be by the annual budget ordinance duly adopted by the City Council of the City of North Myrtle Beach, South Carolina.

(Ord. No. 94-13, 5-2-94)

Secs. 7-146-7-149. Reserved.

Sec. 7-150. Severability.

If any section, phrase, sentence or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, phrase, sentence or portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining sections, phrases, sentences or portions thereof.

(Ord. No. 94-13, 5-2-94)

Secs. 7-151-7-154. Reserved.

Sec. 7-155. Effective date.

This article originally became effective on July 1, 1994, and was amended and replaced on July 1, 2019, and is now being amended and reinstated to become effective on July 1, 2021 at 12:00 a.m., which is the date Horry County resumes its collection of hospitality fees inside the municipal limits.

(Ord. No. 94-13, 5-2-94)

Secs. 7-156-7-164. Reserved.

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2020.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: 12-7-2020

SECOND READING: 5-21-2021

REVIEWED:

City Manager

ORDINANCE: 20-36