



First In Service

City of Myrtle Beach **SOUTH CAROLINA**

Emergency Order 1A: Amending Temporary Special Operational Rules and Procedures for Restaurants to Allow Outdoor Dining:

Notes:

1. **New language introduced in this amendment is shown as underlined. Deletions are shown as cross throughs.**
2. **For questions please contact the Planning and Zoning Department at 843-918-1050.**
3. Notwithstanding other zoning regulations governing signs, the following temporary signage is allowed:
 - Temporary freestanding signage not to exceed thirty-two (32) square feet total, which may include banners and "A" frame signs
 - May have up to four temporary directional signs not to exceed four (4) square feet each
 - Temporary wall signage not to exceed thirty-two (32) square feet total
 - Balloons are prohibited.
 - Through end of the Day Sunday March 29, the use of restaurant "mascots" (e.g. the Chik Filet Cow) is permitted. This provision may be extended on a week-by-week basis thereafter.
4. Restaurants may have up to three temporary tents, not to exceed 300 square feet in total.
5. Sign/tent placement:
 - Any temporary tents and/or signage may only be placed on the property in which the restaurant is located unless such property has a zero front setback.
 - Signs may not be placed in a public right of way unless the restaurant has a zero lot line. In such cases the restaurant may submit a site plan showing the placement of signage only (no tents) on the adjacent sidewalk. The plan must maintain a minimum of 4 feet clear passage so as not to obstruct pedestrian use of the sidewalk. In such instances signage is limited to eight square feet in the public rights-of-way. Such cases must be specifically approved by the City Manager and shall include an assumption of liability by the restaurant for any claims arising from the placement of signage in the rights-of-way.
 - Signs may not be placed in such a way to cause a sight hazard (subject to the City's sole determination).
6. Public parking spaces may be temporarily designated and/or marked for the following uses:
 - a. Curbside pickup
 - b. Delivery
 - c. Outdoor dining.

7. Effective May 4, 2020 restaurants subject to Governor McMaster's Executive Order 2020-31 may erect outdoor dining facilities provided that such facilities:
 - a. May not occupy more than 25% of the required parking for such business.
 - b. Do not, in the opinion of City law enforcement, fire, and zoning enforcement officials constitute a safety hazard to pedestrians, motor vehicle operators, cyclists, customers, employees, or first responders.
 - c. Are not placed in such a location as to block the view of or access to adjacent or nearby businesses.
 - d. Should incorporate and be in substantial conformance with industry guidelines regarding outdoor seating such as those prepared and published by the South Carolina Restaurant and Lodging Association (see attached), in addition to undertaking and implementing all reasonable steps to comply with any applicable sanitation guidelines promulgated by the CDC, DHEC, or any other state or federal public health officials."
 - e. Adherence to the guidelines included in the attached "Temporary Outdoor Seating Guidelines" as published by the South Carolina Restaurant and Lodging Association.

8. These temporary rules and procedures are subject to modification, in whole or in part, upon public notice thereof.

9. **Enforcement of Executive Order** - A person who fails to comply with this Executive Order shall be guilty of a civil infraction, punishable by a fine of not more than \$100. Each day of a continuing violation of this Executive Order shall be considered a separate and distinct offense. In addition to the fines established by this Section 6, repeated violations of this Executive Order by a person who owns, manages, operates or otherwise controls a business subject to this Executive Order may, subject to all procedural protections set forth in the Myrtle Beach City Code, result in the temporary suspension of any occupancy permit or business license issued to the business where the repeated violations occurred. Repeated violation of this Executive Order may also be abated as allowed by the Myrtle Beach City Code and/or the laws of this State.

The foregoing notwithstanding, law enforcement shall seek voluntary compliance. For the purposes of this Executive Order, "person" shall be defined as any individual associated with the business who has the control or authority and the ability to enforce the hygiene and sanitation requirements of the Executive Order within the business, such as an owner, manager or supervisor. "Person" may also include an employee or other designee that is present at the business but does not have the title "Manager", "Supervisor", etc. but has the control or authority and the ability to ensure that the requirements of the Executive Order are met while the business is open to the public.

Restaurants are required to maintain such records as necessary to document compliance with this Executive Order.

Ordered on this 4th day of May 2020, at 3:00 PM.



John Pedersen, City Manager, City of Myrtle Beach