

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
TOWN OF ATLANTIC BEACH)

**AMENDMENT TO ORDINANCE NO. 8-2021
AN ORDINANCE ESTABLISHING AND ADOPTING THE OPERATIONAL PROCEDURES FOR THE
2023 ATLANTIC BEACH MEMORIAL DAY BLACK PEARL CULTURAL HERITAGE AND BIKE FESTIVAL**

WHEREAS, the Town of Atlantic Beach is sponsoring a festival from Friday to Monday, Memorial Day weekend.

WHEREAS, the town wishes to grant permission to vendors to operate sales booths as a part of the celebration; and

WHEREAS, it has been determined that such an event would be in the public interest.

NOW, THEREFORE, BY THE POWER AND AUTHORITY granted to the Atlantic Beach Town Council by the Constitution of the State of South Carolina and the powers granted to the Town by the General Assembly of the State, it is ordained and enacted that:

SECTION 1. Amendment to Town Code: The Code of Ordinances for the Town of Atlantic Beach is hereby amended by the deletion of Title 7, Chapter 14, Sections 7.14.1 through 7.14.10, and by the substitution of the following language therefore:

Section 7.14.1 Terms and Conditions

The Atlantic Beach Memorial Day Bike Festival shall operate on the terms as set forth herein.

Section 7.14.2 Locations

The Atlantic Beach Bike Festival vendors are authorized to operate exhibit booths, sales booths and to sell parking spaces within the boundaries of the Town defined by 32nd Avenue South on the south side of town to 29th Avenue South on the north side of town and the west side beyond Highway 17 on the west side of Town to Ocean Boulevard on the east side of Town subject to the permit requirement as outlined below.

Section 7.14.3 Hours of Bike Fest Operation

The Atlantic Beach Bike Festival shall operate between the hours of:

- 3:00 p.m. to 3:00 a.m. on Friday, May 26, 2023;
- 9:00 a.m. to 3:00 a.m. on Saturday, May 27, 2023;
- 9:00 a.m. to 3:00 a.m. on Sunday, May 28, 2023;
- 9:00 a.m. to 3:00 p.m. on Monday, May 29, 2023;

All vendors will be allowed to operate until 3:00 p.m. on Monday, May 29, 2023.

Section 7.14.4 Validity of License

Licenses to exhibit, sell merchandise and/or park vehicles are valid from Friday, May 26, 2023 at 3:00 p.m. to Monday, May 29, 2023 at 3:00 p.m. The sale of arts, crafts, food, beverage and alcohol and other merchandise, along with game booths are permitted, and the town is authorized to determine and allocate available space to vendors and to charge a fee to cover its costs of operating Atlantic Beach Memorial Day Black Pearl Cultural Heritage and Bike Festival. The Town may limit the number and type of vendors.

Section 7.14.5 Vendor Permit Fees

Vendor permit fees will be based upon location and are described as follows.

| <u>Permit Type</u> | <u>30th Ave S</u> | <u>2nd Ave</u> | <u>31st Ave S</u> |
|---|------------------------------|--------------------------------------|------------------------------|
| Food | \$675 | \$675 | \$350 |
| Alcohol | \$2,000 | \$2,000 | \$2,000 |
| Beer & Wine | \$750 | \$750 | \$750 |
| Retail | \$650 | \$650 | \$325 |
| Exhibitor (No Sales) | \$300 | | |
| Vendor Late Registration Fee | \$100 | <i>(After March 31, 2023)</i> | |
| Vendor Registration After March 31, 2023 | | | |
| Food | \$775 | <i>(After March 31, 2023)</i> | |
| Retail | \$750 | <i>(After March 31, 2023)</i> | |

- The Town will accept vendor license fees in the form of money order or cashier's check. Credit card payments will only be processed online through the Town's website. **(No Cash Allowed – No Exceptions)**
- All fees are for a 10 ft. x 10 ft. area. A 50% discount is available for a vendor who desires a connecting 10 ft. x 10 ft. area.

Section 7.14.6 Property Owner Registration

Property Owner/Businesses which have open obligations with the town, including, but not limited to, debts for accommodation taxes and business license fees, will be denied a registration permit.

Property Owners must provide vendors with a written receipt showing the name and address of the property rented and the space measurements rented. **This receipt must be presented to the Town Hall office when the vendor purchases a vending permit.**

Section 7.14.7 Restriction to Stationary Positions

All vendors shall be restricted to a stationary position, and the Town's Public Safety Official shall approve or disapprove all entertainment activity involving sound amplification. This includes stages, platforms, etc. used for entertainment purposes. All stages must be approved by and inspected by Town Management and entertainment must cease operation and broadcast by midnight each night.

Section 7.14.8

Alcoholic beverages will be sold only with the appropriate license and permit displayed in areas designated by the Town's Public safety Official within the designated festival area. The prohibition against such sale and consumption shall not apply in those areas designated by the Public Safety Official. Possession and consumption of alcoholic beverages shall be permitted only in containers provided by the licensed vendor or its representative within the designated area. Coolers, glass bottles, breakable glass or cups, are prohibited

Section 7.14.9 Vendor Management

The Town of Atlantic Beach will accept vendor license fees in the form of a money order or cashier's check, Credit Card will only be processed online through the Town's website. There are no refunds of vendor license fees. **Vendors are prohibited from selling counterfeit goods. If found in violation the vendor is fined, the vendor's permit is revoked, the vendor must shut down and vacate the operation immediately. There will be no refund for such violation and the vendor is subject to criminal prosecution to the fullest extent of the law.**

Section 7.14.10 Traffic Plan

A traffic plan shall be developed which will restrict vehicular, bicycle, golf cart and pedestrian traffic to certain parts of the Town.

Section 7.14.11 Golf Carts

Golf carts will be used by law enforcement and event personnel (Town Council and Town Administration) to operate the event and to protect all persons within the Town.

Section 7.14.12 Use of Bike Fest Logo

The use of the Atlantic Beach Bike Fest logo or name is prohibited without the express written permission of the Town of Atlantic Beach.

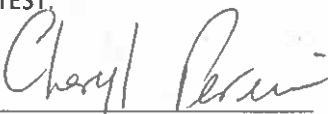
SECTION 2. Severability: If a section, subsection, or part of the proposal shall be deemed or found to conflict with a provision of South Carolina law, or other pre-emptive legal principle, then that section, subsection, or part of the proposal shall be deemed ineffective, but the remaining parts of the proposal shall remain in full force.

SECTION 3. Conflict with Preceding Ordinance: If a section, subsection or provision of the current Ordinance shall conflict with the provisions of a section, or part of a preceding Ordinance of the Town of Atlantic Beach, South Carolina then the preceding section, subsection, or part shall be deemed repealed and no longer in effect.

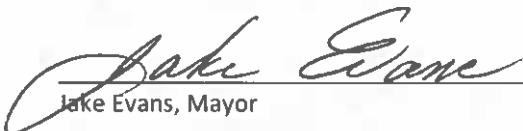
SECTION 4. Effective Date: The current ordinance shall become effective on the Second reading.

AND IT IS SO ORDAINED, ENACTED AND ORDERED.

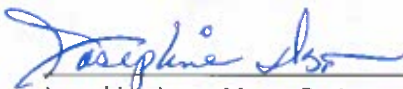
ATTEST:



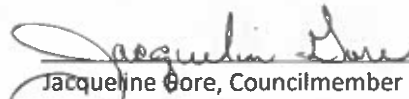
Town Clerk



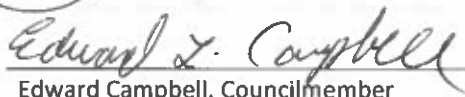
Jake Evans, Mayor



Josephine Isom, Mayor Protem



Jacqueline Gore, Councilmember



Edward Campbell, Councilmember



Town Manager

First Reading: December 5, 2022

Second Reading: January 9, 2023