

STATE OF SOUTH CAROLINA)
)
TOWN OF ATLANTIC BEACH) **ORDINANCE NO. 1-2011**
) **Second Reading**

AN ORDINANCE ESTABLISHING AND ADOPTING THE OPERATIONAL PROCEDURES FOR THE ATLANTIC BEACH MEMORIAL DAY BIKE FESTIVAL.

WHEREAS, the Town of Atlantic Beach is sponsoring a four-day festival from Friday, May 27, 2011, to Monday, May 30, 2011; and

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 therefor:

Section 7.14.1

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

Section 7.14.2. Location.

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, subject to the permit requirement as outlined below.

Section 7.14.3. Hours of Operation.

The Atlantic Beach Bike Festival shall operate between the hours of:
3:00 p.m. to 2:00 a.m. on Friday, May 27, 2011;
9:00 a.m. to 2:00 a.m. on Saturday, May 28, 2011;
9:00 a.m. to 2:00 a.m. on Sunday, May 29, 2011;
9:00 a.m. to 3:00 p.m. on Monday, May 30, 2011;
Food vendors will be allowed to operate until 12:00 noon on Monday, May 30, 2011;
Retail vendors and exhibit booths will be allowed to operate until 3:00 p.m. on Monday May 30, 2011.

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Section 7.14.4

The sale of arts, crafts, food beverages, clothing, 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 Bike Fest. The Town may limit the number and type of vendors.

Section 7.14.5

The vendor permit fees are as follows:

| Permit Type | Paid by 4/1/2011 | Paid by 5/1/2011 | Paid by 5/15/2011 | Paid after 5/15/2011 |
|------------------------|-----------------------------|-----------------------------|------------------------------|---------------------------------|
| Liquor | \$2,400 | \$2,600 | \$2,800 | \$3,000 |
| Beer/Wine | \$1,250 | \$1,375 | \$1,500 | \$1,650 |
| Food | \$ 950 | \$,1050 | \$1,150 | \$1,250 |
| Retail | \$ 700 | \$ 775 | \$ 850 | \$ 950 |
| Agent | \$ 400 | \$ 450 | \$ 500 | \$ 550 |
| Super Permit | \$3,500 | \$3,750 | \$4,000 | \$4,250 |
| (All of above permits) | | | | |

- After 5/25/2011, a \$100 administrative fee will be charged for any permit.
- A 25% discount will be applied when purchasing a second permit if purchased by May 15, 2011. The Discount will be applied to the lowest cost permit. The second permit is only valid for the same location as the first permit.
- All fees are for a 10' x 10' area. A 50% discount is available for each additional, connecting 10' x 10' area.
- A property owner's permit fee is \$200.00. Vendor permits will not be issued until a property owner has paid the permit fee.

Property owners who are under code enforcement actions and who have not complied will be denied a permit. 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 vending permit and/or a property owner's permit fee.

Section 7.14.6

Alcoholic beverages will be sold only with the appropriate license and permit displayed in designated areas defined by the Town's Chief of Police. The areas of the Town of Atlantic Beach defined by 32nd Avenue South on the south side of town to 29th Avenue South on the north side of town and the east side of US Highway 17 on the west side of town and the dunes separating the Town from the Atlantic Ocean on the east side of town shall be deemed the site of a public festival at which alcoholic beverages may be sold and consumed in designated drinking areas as defined by the Chief of Police. The prohibition against such sale and consumption shall not apply only in those areas designated by the Chief of Police. Possession and consumption of alcoholic beverages shall be permitted only in containers provided by the licensed vendor or its representative within the

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designated areas. Coolers, glass bottles, breakable glass or cups, backpacks, or large shoulder bags are prohibited.

Section 7.14.7

All vendors shall be restricted to a stationary position, and the Police Chief shall approve or disapprove all entertainment activity involving sound amplification.

Section 7.14.8

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

Section 7.14.9

Golf carts will be used by law enforcement and Bike Fest personnel to operate the festival and to protect all persons within the Town.

Section 7.14.10. Hours of Operation.

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 this Ordinance 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 this Ordinance shall be deemed ineffective, but the remaining parts of this Ordinance shall remain in full force and effect.

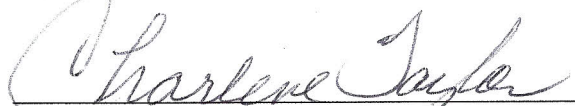
SECTION 3. Conflict with Preceding Ordinances: If a section, subsection or provision of this Ordinance shall conflict with the provisions of a section, subsection or part of a preceding Ordinance of Town of Atlantic Beach, then the preceding section, subsection, or part shall be deemed repealed and no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

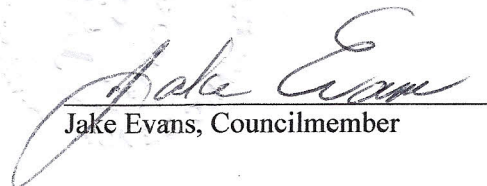
SECTION 4. Effective Date: This Ordinance shall become effective on second reading.

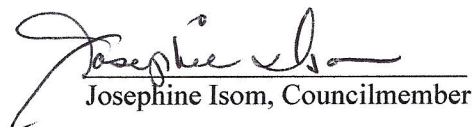
AND IT IS SO ORDAINED, ENACTED AND ORDERED.

Dated this 31st day of JANUARY, 2011.

ATLANTIC BEACH TOWN COUNCIL


Charlene Taylor, Acting Mayor



Jake Evans, Councilmember


Josephine Isom, Councilmember

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L. Donnell Thompson, Councilmember

Attest:



Town Clerk

Date of First Reading: 1-13-2011

Date of Second Reading: 1-31-2011