CITY OF MARION, NORTH CAROLINA

RULES AND REGULATIONS
FOR THE
HISTORIC MARION TAILGATE MARKET SHADE SHELTER

ADOPTED MAY 5, 2009

STATEMENT OF PURPOSE/ALLOWED USES

The Historic Marion Tailgate Market Shade Shelter (hereinafter called "Shelter"), located at the intersection of West Henderson and Logan Streets, is owned and operated by the City of Marion for the primary purpose of use by the Historic Marion Tailgate Market (hereinafter called "Tailgate Market"). This building is available to units of government, non-profit organizations and civic groups in accordance with these rules and regulations, as long as such use does not conflict with use by the Tailgate Market.

By adoption of these Rules and Regulations, the City Council of the City of Marion resolves that the Tailgate Market growers shall be given first priority use of the Shelter in perpetuity for as long as they wish to use the Shelter, subject to rules established by the Tailgate Market Committee. With permission from the City of Marion, units of government, non-profit organizations located in McDowell County or civic clubs located in McDowell County may request use of the Shelter for dates and times that do not conflict with the Tailgate Market. The Shelter may only be used for organized events sponsored by units of government, non-profit organizations located in McDowell County or civic clubs located in McDowell County, such as arts and crafts shows, special demonstrations, community concerts and other community promotion events.

RULES AND REGULATIONS

Violations of any of these rules and regulations or any damages to the Facility may result in forfeiture of all or part of any security deposit held by the City or in the City requiring payment for damages from the responsible person(s) or group(s).

1. Persons or organizations wishing to schedule the use of the Shelter and meeting the criteria listed above must contact City Hall at (828) 652-3551 or at 194 North Main Street, Marion, NC 28752. It is advised that this contact be made as far as possible in advance of the planned event. A contract and responsibility statement must be signed by the person who will be in charge of the event and the City reserves the right to require a deposit to be placed and/or a valid major credit card be used to pay for any damages to the Shelter. The Tailgate Market will at all times have first priority for use of the Shelter.

2. Restroom facilities are not provided at the Shelter. Organizations wishing to use the Shelter must make arrangements for restroom facilities in other building or for portable toilets in accordance with City ordinances. Permission must be obtained from the City of Marion Public

Works Director before any portable toilet may be placed on City property or within view of any public street or public property.

3. Under no circumstances may the Shelter be used for flea market sales, personal promotion or other private uses, except with approval from the City Council.

4. The use of alcohol is prohibited on all City property, including in the Shelter and the surrounding parking lots. Possession of alcohol or evidence of consumption of alcohol at the Shelter will result in immediate eviction from the premises, forfeiture of security deposit and may result in criminal charges, fines and penalties.

5. The use of tobacco products is prohibited inside the Shelter.

6. The person or group using the Shelter may not sublet the building to another person or group.

7. No decorations of any kind, i.e., plaques, pictures, or any other objects, shall be fastened to the posts, roof or any part of the Shelter by use of nails, tacks, screws, tape, etc., without permission from the City. Any group using the Shelter is required to pick up any trash or litter generated by the event.

8. Barbeque grills or any outside cooking device shall not be permitted under the Shelter. Any grease or cooking residue from grills or cooking devices used outside the Shelter for any event shall be cleaned from the area immediately following use.

9. No person(s), organization, etc. may use the Shelter for religious services.

10. No persons, firm or organization will be allowed to use the Shelter for the purpose of offering bingo games to the general public.

11. The officers of the Marion Police Department have authority to enter the Shelter at any time for the purpose on insuring compliance with all rules and regulations. Officers of the Marion Police Department shall have authority to open or look in any cups, ice chests and/or coolers on the premises, to monitor possible alcohol use or other improper activity. Violations of these rules and regulations may result in the event being shut down immediately.

12. No signs are permitted to be posted at the Shelter, except on vehicles or personal property. In no case shall signs be placed on the ground in or around the Shelter.

13. No skateboards, in-line skates, roller skates or bicycles are allowed inside or around the Shelter.

These new regulations shall be effective upon adoption.

Adopted this the 5th day of May, 2009.

A. Everette Clark, Mayor

ATTEST:

J. Robert Boyette, City Manager/Clerk