

CITY OF MARION, NORTH CAROLINA

RULES AND REGULATIONS FOR THE HISTORIC MARION TAILGATE MARKET SHADE SHELTER

ADOPTED JUNE 20, 2017

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”).

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, unless specific approval is given by the City Council.

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. Any fees for the use of the Shelter, as established in the Fee and Rate Schedule adopted by the City Council, must be paid at the time the Shelter is reserved. 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. The City Manager or his or her designee shall have the authority to approve the use of the Shelter for use by units of government, non-profit organizations located in McDowell County or civic clubs located in McDowell County. Use of the shelter by private

individuals or groups shall require the approval of the City Council and shall generally be restricted to events open to the general public and having community benefit.

3. Groups using the Shelter may use the adjacent restroom facilities, providing that they are open. If the adjacent restrooms will not be open or an event requires additional restrooms, organization wishing to use the Shelter must make arrangements for restroom facilities in other buildings 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.
4. 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.
5. 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.
6. Notwithstanding the previous paragraph, the City Manager or his or her designee is authorized to approve the use of beer and wine for groups or organizations approved to use the Shelter through the issuance of a Public Assembly Alcohol Permit as authorized by the City Code. If a Public Assembly Alcohol Permit is approved for an event at the Shelter, the sale, distribution, possession (except for transport of unopened beer and wine) and consumption of beer and wine shall be restricted to the area under the Shelter.
7. The use of tobacco products is prohibited inside the Shelter.
8. The person or group using the Shelter may not sublet the building to another person or group.
9. 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.
10. 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.
11. No person(s), organization, etc. may use the Shelter for religious services.
12. No persons, firm or organization will be allowed to use the Shelter for the purpose of offering bingo games to the general public.

13. 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 or to verify that a Public Assembly Alcohol Permit has been issued. Violations of these rules and regulations may result in the event being shut down immediately.
14. 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, except in accordance with City regulations.
15. No skateboards, in-line skates, roller skates or bicycles are allowed inside or around the Shelter.

These new regulations replace the regulations adopted by the City Council on May 5, 2009 and shall be effective upon adoption.

Adopted by the City Council of the City of Marion this the 20th day of June, 2017.

Policy Number: P-17-06-20-1