

CITY OF MARION, NORTH CAROLINA

RULES AND REGULATIONS FOR THE MARION DEPOT

REVISED AUGUST 15, 2023

The Marion Depot is owned and operated by the City of Marion. This building is available to civic groups, organizations, and individuals needing a place to meet.

DAYS OF OPERATION

The Depot is available to be scheduled for use seven (7) days a week, on a year round basis, excluding days used by local Civic Clubs and Not-For-Profit Organizations.

HOURS OF OPERATION

The Depot may be opened no earlier than 7:00 a.m. Renters must be completed with their event and vacate the Depot no later than 12:00 Midnight.

RULES AND REGULATIONS

Violations of any of these rules and regulations or any damages to the Facilities may result in forfeiture of all or part of the security deposit or a greater amount depending on damages.

1. No one shall be permitted to use the building without first having made proper reservations and paying the required deposit and payment for the use of the building. The payment for the deposit and rental fee may be made by cash, check or credit cards. A \$25.00 insufficient funds/closed account charge shall be made on any returned check. Transaction fees will apply to all credit card charges.
2. A deposit, as determined by the City Council, shall be required to insure compliance with the rules and regulations governing the use of the building. The deposit must be made at least thirty (30) days in advance of the event to avoid cancellation. The City may keep any or all of the deposit in the case of any violations of the rules and regulations or any damages to the Facility. In addition to the deposit, a valid credit card may also be required (see #14 below). Civic Clubs and Not-for-Profit organizations using the building on a regular basis shall be exempt from making a deposit.
3. All persons or groups renting the Depot must pay for the use of the building at the time reservations are made. No refunds will be made by the City should the renter not use the building on the date scheduled, unless a cancellation is made at least sixty (60) days in

advance of the scheduled event, in which case a refund will be made, except for an administrative service charge of \$25.00. In lieu of receiving a refund, a person or group canceling an event more than sixty (60) days in advance of the scheduled event may reschedule the building without additional cost at some other open date within the next twelve (12) months. A person or group canceling an event less than sixty (60) days in advance of the scheduled event may reschedule the building without additional cost at some other open date within the next twelve (12) months, but will not be eligible to receive a refund. Should the person or group fail to reschedule within the designated twelve (12) month period, the entire rental fee will be forfeited. Reservations must be made in person (no reservations by telephone, fax, e-mail or any other electronic means), no earlier than 9:00 A.M. local time and no earlier than the first day of the calendar month prior to the month one year in advance of the proposed use. (Example: if someone wishes to schedule the building in the month of October 2025, the earliest they can schedule the building is September 1, 2024). In the event two or more persons are at the counter at City Hall at 9:00 A.M., wishing to rent the building on the same day, the name of the one person representing each group shall have their name placed in a box and drawn to determine which person may rent the building on the desired day. In all other situations, reservations shall be accepted on a first come-first served basis. If the deposit is to be refunded, it will be issued by the City within ten (10) work days following the use of the building.

4. A person or group wishing to reserve the building for the day immediately preceding the event may do so at the time of making the initial reservation at the standard rate. The building may also be rented from 3:00 p.m. until 12:00 Midnight on the day immediately preceding the event at a reduced rate, however, this reservation may not be made earlier than two (2) weeks prior to the scheduled event.
5. The Courtyard area of the Depot shall only be rented in conjunction with rental of the Depot. Persons renting the Depot have the authority to ask unauthorized Courtyard users to leave. Any damages to the Courtyard or surrounding landscaped areas will be the responsibility of the person renting the facility.
6. The person or group renting the Depot may not sublet the building or Courtyard to another person or group.
7. The City Manager is authorized to approve the use of the Depot at no charge by units of local government in McDowell County or by organizations with which the City has a significant funding relationship including, but not limited to, the Marion Business Association and the McDowell Chamber of Commerce, provided that the Depot is not otherwise rented.
8. No decorations of any kind, i.e., plaques, pictures, or any other objects shall be fastened to the walls, ceilings, windows or lighting fixtures by use of nails, tacks, screws, tape, etc. Fixtures, furniture, displays or decorations provided by the user(s) must be removed from the building immediately following the use of the same, so the building will be ready for use for the next group. Failure to remove items shall be cause for revocation of part or all of the rental deposit.

9. Each person or group of persons using the kitchen in the facility shall thoroughly clean the kitchen and all fixtures before leaving the building and shall clean and remove all food from the refrigerator. In addition, the stove must be cleaned and the kitchen floor mopped before leaving the building. At no time shall any of the kitchen appliances be unplugged or moved from their original location. All garbage and refuse shall be removed from the building and placed in the containers located outside. Garbage and refuse should not be placed in the dumpster belonging to the neighboring business.
10. Barbeque grills or any outside cooking device shall only be used on the paved area of the Depot. Any grease or cooking residue shall be cleaned from the area immediately following use. At no time shall any barbeque grill or outside cooking device be placed on the Courtyard area of the Depot.
11. No motor vehicle of any kind shall be allowed on the Courtyard of the Depot at any time. All unloading or loading shall be done at curbside.
12. No person(s), organization, etc. may use the Depot for religious services.
13. No person, firm or private organization will be allowed to use the building for the purpose of offering bingo games to the general public. Civic clubs or Not-for-Profit organizations may use the building for fund-raising bingo games as approved by the City Council.
14. Each person using the building will be held responsible for any damages to the electronics, walls, floors, windows, appliances, and fixtures, furniture and outside areas. The cost for damages will be deducted from the security deposit and in the event the costs exceed the security deposit, the person responsible for renting the facility shall also be held responsible for the additional costs.

In order to insure payment for any damages incurred that exceed the security deposit, a guarantee by a valid major credit card will be required at the time the rental reservation is made, even if payment is made by a method other than credit card. The credit card will only be charged if damages are incurred that exceed the security deposit. If damages occur and the card is charged, a transaction fee will also be charged; however, if the card charged is deemed to be invalid and prompt payment for damages is not made, the City will pursue legal action to collect such claims.

A hold in the amount established by the City Manager will be placed on the credit card for events where alcoholic beverages will be served.

If the person renting the facility has done so for at least three consecutive occasions without damages, the credit card requirement may be waived. In addition, the credit card requirement may be waived for civic clubs and Not-for-Profit organizations using City facilities on a regular basis.

15. Tables and chairs may be rearranged by persons using the building, but must be returned to their original positions after each use.
16. The flags located in the Depot may not be removed from the meeting room. The United States flag must be displayed on the left side of the stage.
17. Persons using the building shall not remove or relocate any photos or objects hanging on the walls or any Christmas or seasonal decorations in the Depot.
18. Once the area used, has been cleaned and set in order, the Marion Police Department must be notified, at 652-3231, to come inspect and lock the building. Reports prepared by the Marion Police Department and the cleaning agency will be used to determine if the security deposits shall be refunded.
19. The microphone and audio visual equipment may be checked out and signed for through City Hall. When use of the microphone and audio visual equipment has been completed, it is to be returned to City Hall immediately.
20. The officers of the Marion Police Department have authority to enter the building at any time for the purpose on insuring compliance with all rules and regulations.

21. **Use of Alcohol:**

- A. Rentals by Private Individuals – Rentals by private individuals wanting to serve alcohol at their event are subject to the following rules:
 - (1) The Renter must disclose on their rental application that they plan to serve alcoholic beverages at their event and list the specific types of alcoholic beverages to be served (beer, wine, fortified wine and/or liquor). If it is discovered that there was unauthorized alcohol on the premises at the event, the Renter will forfeit their entire deposit and will be required to end their event and vacate the premises immediately.
 - (2) If fortified wine and/or liquor is to be served at the event, the Renter must apply for and receive a Limited Special Occasion Permit from the North Carolina ABC Commission. A copy of the permit must be provided to City staff no less than 14 days prior to the event. City staff will verify that the permit has been issued. If proof of a Limited Special Occasion Permit from the North Carolina ABC Commission is not provided to City staff at least 14 days prior to the event, City staff will cancel the event and process a refund to the Renter, less an administrative fee retained by the City. The permit must be displayed during the event.

- (3) An off duty City of Marion Police Officer must be employed to serve as a security officer and to be in attendance during the function or gathering and to monitor the function to prevent and deter any undesirable situation or occurrence from happening during the function or gathering.
- (4) The Renter must contact the Marion Police Department and schedule the Police Officer no less than 14 days prior to the event. City staff will verify that a Police Officer has been scheduled. If a Marion Police Officer is not scheduled at least 14 days prior to the event, City staff will cancel the event and process a refund to the Renter, less an administrative fee retained by the City.
- (5) The Renter must contract with a business with a valid North Carolina Alcoholic Beverage Control (ABC) license to serve alcoholic beverages during the event. In no case shall individuals bring or serve their own alcoholic beverages at the event, or the Renter will forfeit their entire deposit and will be required to end their event and vacate the premises immediately.
- (6) The Renter is hereby given notice that Chapter 11, Section 17 of the City of Marion Code of Ordinances entitled Consumption of Alcoholic Beverages provides City regulations regarding the consumption of alcoholic beverages within the City; and that State law also controls the consumption and possession of alcoholic beverages of all types. By renting the facility, the Renter agrees to be aware of and comply with all laws and regulations concerning the consumption of alcoholic beverages on the premises and agrees to be responsible for any such use during the time of the rental.

Alcohol consumption is not allowed outside of the Depot, except in compliance with Social District regulations.

B. Rentals by Civic Clubs, Not-for-Profit Organizations or Businesses – Rentals by civic clubs, Not-for-Profit organizations or businesses wanting to serve alcohol at their event are subject to the following rules:

- (1) The Renter must disclose on their rental application that they plan to serve alcoholic beverages at their event and list the specific types of alcoholic beverages to be served (beer, wine, fortified wine and/or liquor). If it is discovered that there was unauthorized alcohol on the premises at the event, the Renter will forfeit their entire deposit and will be required to end their event and vacate the premises immediately.
- (2) If fortified wine and/or liquor is to be served at the event, the Renter must apply for and receive a Limited Special Occasion Permit from the North Carolina ABC Commission. A copy of the permit must be provided to City

staff no less than 14 days prior to the event. City staff will verify that the permit has been issued. The permit must be displayed during the event.

- (3) The City reserves the right to require the Renter to employ an off duty City of Marion Police Officer to serve as a security officer and to be in attendance during the function or gathering and to monitor the function to prevent and deter any undesirable situation or occurrence from happening during the function or gathering.
- (4) If an off duty Marion Police Officer is required, the Renter must contact the Marion Police Department and schedule the Police Officer no less than 14 days prior to the event. City staff will verify that a Police Officer has been scheduled.
- (5) The Renter is hereby given notice that Chapter 11, Section 17 of the City of Marion Code of Ordinances entitled Consumption of Alcoholic Beverages provides City regulations regarding the consumption of alcoholic beverages within the City; and that State law also controls the consumption and possession of alcoholic beverages of all types. By renting the facility, the Renter agrees to be aware of and comply with all laws and regulations concerning the consumption of alcoholic beverages on the premises and agrees to be responsible for any such use during the time of the rental.

Alcohol consumption is not allowed outside of the Depot, except in compliance with Social District regulations.

22. No signs are permitted to be posted in front of or on the Depot property.
23. Animals are not permitted inside any part of the Depot, with the exception of service animals.
24. If the Marion Police Department is called to the Depot in reference to a disturbance or due to any violations of Federal, State or Local law, the event may be immediately suspended, all persons evicted from the building after applicable clean-up and the deposit revoked for the event.
25. No skateboards, in-line skates, roller skates or bicycles are allowed inside the Depot, in the Courtyard area or anywhere on the Depot property.
26. The City reserves the right to designate certain days as “blackout days” on which no rentals will be allowed, due to major holidays, downtown events and festivals or other situations authorized by the City Manager.

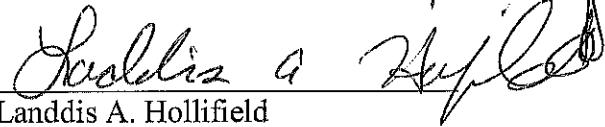
These new regulations shall be effective as of January 1, 2024.

Adopted this the 15th day of August, 2023.



Stephen R. Little
Mayor

ATTEST:



Landdis A. Hollifield
City Clerk/Public Information Officer



Policy Number: P-23-08-15-3