

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY) RESOLUTION # 13-21

A RESOLUTION ESTABLISHING USE CHARGES AND POLICIES FOR CERTAIN COUNTY-OWNED PROPERTIES

WHEREAS, The County owns and operates certain properties it does not continuously occupy, and which are suitable for uses other than official functions of Newberry County Government that are of limited duration; and

WHEREAS, The County desires to lessen the burden on the general taxpaying public caused by the maintenance and operations expenses associated with these properties; and

WHEREAS, The collection of use charges from individuals and entities who use the identified properties for non-governmental, event-type purposes of short duration lessens the County's dependence on property tax revenue as a means of funding maintenance and operations expenses associated with these properties

THEREFORE BE IT RESOLVED that Newberry County establishes the following use charges and policies for the properties listed herein.

1. Cleanup Costs, Deposits, and After-Use Inspections – All Facilities

It is recognized that Newberry County incurs certain cleanup and janitorial costs associated with the use of its properties for non-County purposes, with these costs varying according to such factors as use type and intensity, habits of the facility users, and willingness of the facility users to fulfill their cleanup obligations directly, rather than through monetary payments to the County.

For all facilities, cleanup costs will be assessed against deposits paid in advance by property users at the rate of thirty-five dollars (\$35.00) per hour. Deposit amounts vary by property, as specified herein. Additional deposit amounts may be required where, in the judgment of the County, use purposes or other factors indicate potential cleanup costs are expected to exceed customary levels. All cleanup costs will be billed in increments of thirty-five dollars (\$35.00) per hour.

Facility users will be returned their deposits to the extent that they satisfactorily complete cleanup obligations resulting from their use of the County's property. All or a portion of any cleanup deposit may be withheld by the County to offset its expenses in completing cleanup activities to its satisfaction.

Nothing in this paragraph shall be construed as limiting the County's right to assess additional charges and/or retain users' deposits for damages to property or for excessive cleanup obligations evidenced in after-use inspections conducted by the County.

2. Setup Charges

Pre-event set up activities will be billed at thirty-five dollars (\$35.00) per hour, will be payable in advance, and will be limited to the placement of tables and chairs.

3. Reduced Use Charges for Established Users of Community Hall

In consideration of the fact that certain organizations have longstanding prior affiliations with Community Hall, there is established a reduced use charge of fifty dollars (\$50.00) per use for these organizations in lieu of the charges set forth in paragraph six (6) below. This reduced use charge is limited to customary use of Community Hall for regular meetings scheduled at pre-determined intervals throughout the year (e.g. every other Friday, first and third Tuesdays, etc.). The use charge of fifty dollars (\$50.00) is inclusive of customary setup and cleanup charges. Organizations cited in this section may not extend their privileges to use Community Hall at the reduced charge to any other person(s) or entities. Authorization to use Community Hall at the reduced charge is limited to the organizations identified below.

Only organizations that are currently recognized and certified by the Internal Revenue Service under 26 U. S. Code § as exempt from tax shall be eligible to receive the reduced charges for use of facilities

Established Users of Community Hall

- Newberry Rotary Club
- Newberry Touchdown Club
- Newberry Chamber of Commerce

4. No Use Charges for Council-recognized Boards with Advisory and Oversight Duties

The organizations listed below, as identified with corresponding properties, are recognized by Council as having advisory and oversight duties pertaining to these properties and may use them without payment of charges for use, setup, and cleanup, for routine purposes related to property oversight or organizational business.

Advisory/Oversight Bodies	Corresponding County Property
Involved Citizens of Helena	Helena Community Center

5. Regular Use Charges, Setup and Cleanup Charges and Deposits

The charges and deposits set forth in (A.) and (B.) below are payable to Newberry County in advance of scheduled use, and prior to any setup activity related to the use of the property. All uses are considered full day. Use time is inclusive of all access to the property prior to and after the event. Applicable refunds of deposits will be made by the

County to the user within ten (10) working days after the use has ceased and the after-use inspection has been completed.

(A.) Community Hall: 1207 Caldwell Street, Newberry

(1) Building Use Charges

Hall and Kitchen \$ 400.00 per full day

(2) Deposits

Hall and Kitchen \$ 200.00

(B.) Helena Community Center: 902 Giff Street, Newberry

(1) Building Charges

Meeting Room and Kitchen \$ 250.00 per full day

(2) Deposits

Meeting Room and Kitchen \$ 125.00

6. Access to Properties and Use Restrictions

Access to the properties identified herein will remain under the control of the County at all times, with all provisions for access being determined by the County. All applicable use charges and deposits must be paid prior to access to the property by the user.

7. Restrictions on the Use of Identified Properties

- (A.) The person making application for use of the property must remain on the property for the duration of the event.
- (B.) The person making application for use of the property must execute a waiver document provided by the County at the time of application.
- (C.) Meetings and other events are subject to applicable federal, state, county, and municipal laws and regulations.
- (D.) The consumption and possession of alcoholic beverages at or on the properties cited herein must be pre-approved. The consumption and possession of alcoholic beverages is limited to wine and beer at Newberry Community Hall only. The consumption and possession of alcoholic beverages is prohibited at the Helena Community Center. The requirement of pre-approval from Newberry County to consume and possess alcoholic beverages, as described herein, is a requirement *in addition to* compliance

- with all federal, state, county, and municipal laws and regulations pertaining to the consumption and possession of alcoholic beverages.
- (E.) Hours of operation for the Community Hall are from 7:00 a.m. until midnight. **Helena Community Center hours of operation shall be 7:00 a.m. until 9:00 p.m., unless specifically extended by special permit from County administration. Users must report any damages to County property and/or equipment occurring during or in connection with usage of properties.**
 - (F.) Users may neither claim nor imply endorsement of their event, organization, or purpose by Newberry County.
 - (G.) Event publicity should not include Newberry County Government phone numbers or any other reference.
 - (H.) All applicable use charges and deposits must be paid prior to access to the property by user.
 - (I.) Users violating the restrictions cited herein may, in the sole discretion of the County, be disqualified from the future use of County-owned properties.

8. Contact and Scheduling

All uses of the properties cited herein will be scheduled through the county administration offices at 1309 College Street, Newberry, Courthouse Annex (803 321-2100)

9. Right to Refuse Application to Use Identified Properties

Newberry County reserves the right to refuse any application to use the properties identified herein for purposes that, in the County's sole discretion, threatens the repair, condition, preservation, or integrity of such properties. Newberry County also reserves the right to refuse any application to use the properties identified herein where the applicant is in arrears for use charges or damage claims related to the prior use of County-owned property.

ADOPTED by Newberry County Council this 8th day of Dec 2021, in meeting duly assembled at Newberry South Carolina.

NEWBERRY COUNTY COUNCIL

(SEAL)

BY: Henry H. Livingston, III
Henry H. Livingston, III, Chairman

Attest:
Susan C. Fellers