



# ORDINANCE 2024-01

## OF THE VILLAGE OF ASHVILLE

### AN ORDINANCE TO AMEND THE DISTURBING THE PEACE SECTION INCLUDING ORDINANCE 2012-08 CHAPTER 509 AND DECLARING AN EMERGENCY.



WHEREAS, the Village of Ashville Council finds and determines that the Village should be able to provide a Disturbing the Peace Ordinance to preserve the public health, safety, and welfare of the residents of the Village of Ashville, and

WHEREAS, it is desirable to modify the Disturbing the Peace Ordinance from time to time; and

WHEREAS, it is necessary for the preserve the public health, safety, and welfare of the residents of the Village of Ashville that events affecting the peace be properly regulated.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ASHVILLE, OHIO THAT:

#### SECTION I – SPECIAL EVENT.

That Chapter Section 509.09 of the Codified Ordinances of the Village of Ashville is amended to read:

#### 509.09 SPECIAL EVENTS.

(l) Special Events Within a Non-Residential District:

(a) Purpose. The purpose of this section is to provide the Village of Ashville with a mechanism for regulating the dates, times, location, and conditions under which permittees are authorized to conduct Special Events in non-residential areas within the Village of Ashville in a manner which is consistent with maintaining public health, safety, and welfare of the citizens of Ashville and which attracts visitors to Ashville for special recreational, entertainment, or charitable events.

(b) Definitions.

- (1) "Special Event" means any event, sponsored by an individual, business, or other entity or organization intended primarily for recreational, entertainment, or charitable purposes to be held within the jurisdiction of the Village of Ashville, in areas Zoned RO, VC, GB, CF, LI, HCO, DR, or FP.
- (2) "Applicant" means the individual, corporation, partnership, or other entity or organization sponsoring the proposed Special Event.
- (3) "Special Event Permit" means a permit duly issued pursuant to this section for the conduct of a Special Event containing such terms and conditions which the Chief of Police finds necessary to conduct the Special Event in a manner which is consistent with maintaining public health, safety, and welfare of the citizens of Ashville.
- (4) Special Event Permit Required. All Special Events applications will be reviewed by the Chief of Police or designee. No person may conduct a Special Event without a Special Event Permit issued by the Chief of Police pursuant to this section.
- (5) Special Event Permit Application. Each Special Event Permit Application shall be submitted to the Chief of Police at least fourteen (14) business days prior to the date of the Special Event. The application shall be on a form provided by the Village, shall be accompanied by an application fee as set by Council, and shall include, at a minimum:

Prepared: 11/17/2023  
Revised Date:  
Review Date:

#### CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify, that the foregoing is a true and correct copy of the ordinance adopted by the Village of Ashville Council held on 5<sup>th</sup> day of February 2024, and that I am duly authorized to execute this certificate.



\_\_\_\_\_  
(Original signature of April D. Grube) Clerk-Fiscal Officer  
(TITLE)

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- (A) Dates and times of the Special Event;
  - (B) Description of the Special Event;
  - (C) Address at which the Special Event will take place;
  - (D) Estimated number of people attending the Special Event;
  - (E) Evidence of capability to run the Special Event, including financial and personnel, including, but not limited to: the ability to provide security personnel, age verification (if necessary), and first aid;
  - (F) Evidence of liability insurance;
  - (G) Plan for dealing with traffic, parking, and crowd control; and,
  - (H) Need for village services, utilities, etc. for the Special Event.
- (c) Criteria for Issuance of Special Event Permit.
- (1) In considering whether to issue a Special Event Permit, the Chief of Police shall not issue a permit when:
    - (A) The applicant has received a Special Event Permit for a Special Event to be held within the same calendar month as the proposed Special Event, or a Special Event has been held at the proposed location within the same calendar month as the proposed Special Event;
    - (B) The applicant has previously received four Special Event Permits within the calendar year as the proposed Special Event, or for Special Events have been held at the proposed location within the same calendar year as the proposed Special Event;
    - (C) The proposed Special Event is scheduled to end later than 10:30 p.m.; or,
    - (D) The proposed Special Event is scheduled to begin earlier than 5:00 p.m.
  - (2) In considering whether to issue a Special Event Permit, the Chief of Police may not issue a permit when:
    - (A) The Chief of Police determines the proposed Special Event cannot be conducted in the location proposed without endangering the public safety, disturbing the peace, threatening the public health, or damaging private or public property. The Chief of Police may consider the following criteria when making a determination under this section:
      - (i) Whether the applicant has provided adequate parking and traffic control for the Special Event;
      - (ii) Whether the applicant has provided adequate crowd control for the Special Event;
      - (iii) Whether the applicant has adequate liability insurance;
      - (iv) Whether the proposed Special Event poses a burden on municipal service or utilities;
      - (v) Whether the proposed Special Event will have an undue adverse effect on neighboring properties due to noise, litter or other negative features; and,
        - (a) There is a presumption that a proposed Special Event otherwise compliant with the provisions of this section will not have an undue adverse effect on neighboring properties. Evidence that prior Special Events conducted by the applicant or on the same premises as the proposed Special Event has had an undue adverse effect on neighboring properties is sufficient to rebut this presumption.
      - (vi) Whether the applicant has adequate financial ability and staff to conduct the Special Event satisfactorily.
    - (B) The applicant has previously:
      - (i) Violated any provision of this section;
      - (ii) Failed to comply with the terms of a Special Event Permit issued pursuant to this section; or,
      - (iii) Has been convicted of a violation any provision of Chapters 509, 513, 517, 521, or 529 of the Codified Ordinances.
- (II) Special Events Within a Residential District (“Block Party”):

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- (a) Purpose. The purpose of this section is to provide the Village of Ashville with a mechanism for regulating the dates, times, location, and conditions under which permittees are authorized to conduct Block Parties in residential areas within the Village of Ashville in a manner which is consistent with maintaining public health, safety, and welfare of the citizens of Ashville and which attracts visitors to Ashville for special recreational, entertainment, or charitable events.
- (b) Definitions.
- (1) "Block Party" means any event, sponsored by an individual, business, or other entity or organization intended primarily for recreational, entertainment, or charitable purposes to be held within the jurisdiction of the Village of Ashville, in areas Zoned RE, SR-1, SR-2, SR-3, VR, R-MH, AR, or R-5, that requires the closure of any alley, street, or highway.
  - (2) "Applicant" means the individual, corporation, partnership, or other entity or organization sponsoring the proposed Block Party.
  - (3) "Block Party Permit" means a permit duly issued pursuant to this section for the conduct of a Block Party containing such terms and conditions which the Chief of Police finds necessary to conduct the Special Event in a manner which is consistent with maintaining public health, safety, and welfare of the citizens of Ashville.
  - (4) Block Party Permit Required. All Block Party applications will be reviewed by the Chief of Police or designee. No person may conduct a Block Party without a Block Party Permit issued by the Chief of Police pursuant to this section.
  - (5) Block Party Permit Application. Each Block Party Permit Application shall be submitted to the Chief of Police at least fourteen (14) business days prior to the date of the Block Party. The application shall be on a form provided by the Village, shall be accompanied by an application fee as set by Council, and shall include, at a minimum:
    - (A) Dates and times of the Block Party;
    - (B) Description of the Block Party;
    - (C) Address at which the Block Party will take place;
    - (D) Estimated number of people attending the Block Party;
    - (E) Evidence of capability to run the Block Party, including financial and personnel, including, but not limited to: the ability to provide security personnel, age verification (if necessary), and first aid;
    - (F) Evidence of liability insurance;
    - (G) Plan for dealing with traffic, parking, and crowd control; and,
    - (H) Need for village services, utilities, etc. for the Block Party.
- (c) Criteria for Issuance of Block Party Permit.
- (1) In considering whether to issue a Block Party Permit, the Chief of Police shall not issue a permit when:
    - (A) The applicant has received a Block Party Permit for a Block Party to be held within the same calendar month as the proposed Block Party, or a Block Party has been held at the proposed location within the same calendar month as the proposed Block Party;
    - (B) The applicant has previously received four Block Party Permits within the calendar year as the proposed Block Party, or for Block Party have been held at the proposed location within the same calendar year as the proposed Block Party;
    - (C) The proposed Block Party is schedule to end later than 10:30 p.m.; or,
    - (D) The proposed Block Party is scheduled to begin earlier than 5:00 p.m.
  - (2) In considering whether to issue a Block Party Permit, the Chief of Police may not issue a permit when:
    - (A) The Chief of Police determines the proposed Block Party cannot be conducted in the location proposed without endangering the public safety, disturbing the peace, threatening the public health, or damaging private or public property. The Chief of Police may consider the following criteria when making a determination under this section:

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- (i) Whether the applicant has provided adequate parking and traffic control for the Block Party;
  - (ii) Whether the applicant has provided adequate crowd control for the Block Party;
  - (iii) Whether the applicant has adequate liability insurance;
  - (iv) Whether the proposed Block Party poses a burden on municipal service or utilities;
  - (v) Whether the proposed Block Party will have an undue adverse effect on neighboring properties due to noise, litter or other negative features; and,
    - (a) There is a presumption that a proposed Block Party otherwise compliant with the provisions of this section will not have an undue adverse effect on neighboring properties. Evidence that prior Block Parties conducted by the applicant or on the same premises as the proposed Block Party has had an undue adverse effect on neighboring properties is sufficient to rebut this presumption.
  - (vi) Whether the applicant has adequate financial ability and staff to conduct the Block Party satisfactorily.
- (B) The applicant has previously:
- (i) Violated any provision of this section;
  - (ii) Failed to comply with the terms of a Block Party Permit issued pursuant to this section; or,
  - (iii) Has been convicted of a violation any provision of Chapters 509, 513, 517, 521, or 529 of the Codified Ordinances.
- (III) Penalty.
- (a) Any person who violates any provision of this section or who fails to comply with the terms of a Special Event Permit or Block Party Permit commits a civil violation and shall be subject to a monetary penalty equaling the penalty for a minor misdemeanor as defined in Section 501.99 (a)(2)E. of the Codified Ordinances.
  - (b) A penalty levied pursuant to this section may also include, in addition to the amount listed in the previous subsection, monetary amounts for recovery of police services, trash removal, or property damage of public property.
  - (c) All penalties collected hereunder shall tenure to the Village of Ashville.
- (IV) Enforcement:
- (a) This section and the terms of a Special Events permit or Block Party Permit shall be enforced by any law enforcement officer or by any other designated Village Official duly authorized to enforce its provisions.
- (V) Miscellaneous Provisions.
- (a) The holder of a Special Events or Block Party Permit shall be solely responsible for conducting the Special Event or block Party in compliance with the conditions of the Permit and for maintaining public safety and order during the Special Event or Block Party. The Village of Ashville assumes no liability or responsibility by issuing the permit.
  - (b) This section shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other statute, rule, ordinance, regulation, by-law, permit, or other legal requirements. Where this section imposes a greater restriction upon the conduct of a Special Event, the provisions of this section shall prevail.
  - (c) Should any subsection or provision of this section be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not invalidate any other section or provision of this section.
  - (d) This section shall not apply to any event sponsored, organized, or conducted by any department or agency of the Village of Ashville or the Teays Valley Local School District. Scheduling of such municipal events shall be subject to the control of the Village Council or its designee; and, scheduling of such school events shall be subject to the control of the Teays Valley Local School District.

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**SECTION II – DECLARING AN EMERGENCY.**

That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of said village for the reason that the immediate planning for construction of the facility at the earliest possible time is necessary in order to protect the health of the inhabitants of the LGA by providing Water Treatment Facility; wherefore, this ordinance shall be in full force and effect from and immediately after its passage.

Offered by: R. David Rainey

Seconded to the Motion Offered by: Colton Henson

Upon roll call on the adoption of the ordinance, the vote was as follow:

Council Member	Yes	No	Council Member	Yes	No	Council Member	Yes	No	Council Member	Yes	No	Council Member	Yes	No	Council Member	Yes	No
Roger L. Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Colton Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Randy S. Loveless	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chad Noggle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	R. David Rainey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Matt Scholl	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ADOPTED THIS THE 5<sup>TH</sup> DAY OF FEBRUARY, 2024  
EFFECTIVE THIS THE 5<sup>TH</sup> DAY OF FEBRUARY, 2024

**ATTEST:**  
  
April D. Grube, Clerk-Fiscal Officer      DATE: 2/6/2024

**APPROVED:**  
  
Stephen E. Welsh, Mayor      DATE: 2/6/2024