

PUBLIC NOTICE

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ORDINANCE NO. 178, 2025

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING THE RULES AND REGULATIONS FOR ANY SPECIAL EVENT OCCURRING UPON OR WITHIN CITY PROPERTY, STREETS, SIDEWALKS, RIGHTS-OF-WAY AND PARKS OF THE CITY OF ASHLAND TO BE KNOWN AND COMMONLY REFERRED TO AS THE “SPECIAL EVENT ORDINANCE” AND REPEALING ORDINANCE NO. 157, SERIES OF 2020, AS PREVIOUSLY AMENDED BY ORDINANCE NO. 103, SERIES OF 2022, AND ORDINANCE NO. 178, SERIES OF 2022.

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**WHEREAS**, the City recognizes the continued need to encourage and promote events for the greater good, cultural diversity and promotion of the City. Some gatherings and organized activities, due to their size and special requirements, may place unique demands on public resources or pose a danger to public health, safety and welfare. In order to plan for these demands on public resources and ensure that public health and safety is protected, it is necessary that the City receive advance notice of these events. The provisions of this Chapter are intended to address those concerns and are not intended to place unnecessary burden on any right of association or freedom of expression. This ordinance shall be known as the “Special Event Ordinance.”

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:**

**SECTION 1. DEFINITIONS.**

**Applicant** means a person who has filed a written application for a Special Event Permit. **City** means the City of Ashland, Kentucky.

**City Park** means any property in the City designated as a park, playground, recreational facility, swimming pool or hike and bike path, specifically including without limitation, Central Park, the Port of Ashland and Broadway Square, and shall include buildings, stages, parking lots and driveways in such areas.

**First Amendment Activity** means all expressive and associative activity on public streets, sidewalks and in parks, that is protected by the United States and Kentucky Constitutions, including speech, press, assembly and the right to petition, but does not include commercial advertising.

**First Amendment Event** means an event where the sole or principal object is First Amendment Activity.

**Parade** means any assembly, march, demonstration or procession upon public streets, sidewalks or parks within the City including persons, animals, or vehicles that is reasonably likely to interfere with the normal flow or regulation of traffic or use of streets, sidewalks, parks and related facilities.

**Permittee** means the person to whom a Special Event Permit is granted pursuant to this Ordinance.

**Person** means any individual, entity, association or organization.

**Special Event** means a temporary event, gathering or organized activity, including but not limited to Parades, bike races, marathons, walk-a-thons, charity running events, fireworks displays, concerts, carnivals, other types of races and festivals, First Amendment Events, or any other event which involves one or more of the following activities:

1. Closing a public street;
2. Blocking or restricting City-owned property;
3. Blocking or restricting usual and customary use of or access to City streets, sidewalks, or rights-of-way;
4. Blocking or restricting access to or limiting use of City Parks;
5. Sale of merchandise, food or beverages on City-owned property;
6. Erection of a tent on City-owned property;
7. Installation of a stage, band-shell, trailer, van, portable building, grandstand or bleachers on City-owned property or exclusive use of such existing facilities;
8. Placement of temporary no-parking signs in a public right-of-way or on City-owned property; or
9. Placement of pedestrian boundary markers on City-owned property.

**Special Event Permit** means written authorization from the City Manager or his designee to hold a specific Special Event.

**SECTION 2. PERMIT REQUIRED**

A. It shall be unlawful for any Person to hold a Special Event, sponsor a Special Event or cause a Special Event to be held without first having obtained a Special Event Permit from the City. Any person violating this section of this ordinance shall be subject to a fine of not less than \$100.00 nor more than \$1,000.00 per occurrence.

B. No Special Event Permit shall be denied, nor shall the Applicant be given less favorable consideration as to time, manner, or place based upon:

1. race, color, creed, religion, gender, domestic relationship status, sexual orientation, transgender, gender identity or gender expression, national origin, or political affiliation of the Applicant and/or the participants of the Special Event;
2. the message of the Special Event, or the identity or associational relationships of the Applicant and/or participants; or
3. any assumption or predictions as to the amount of hostility which may be aroused in the public by the content of speech or message conveyed by the Special Event, provided that reasonable accommodation as to time, manner, and place may be required in order for the City to provide the resources necessary for police, fire and emergency services to preserve and protect public health, safety and welfare.

C. A Special Event Permit is not required for:

1. Processions of vehicles operated in compliance with ordinary traffic laws or a procession of pedestrians along or upon public sidewalks, public parks, or private property; or
2. First Amendment Activity conducted entirely on sidewalks, in public parks or on private property which does not interfere with the natural flow or progress of traffic, or the use of streets, sidewalks, parks or related facilities, other previously scheduled events; or
3. Events conducted under the supervision of or with the permission of a governmental entity on property owned, leased, or operated by a governmental entity other than the City, if the event does not require the closing or rerouting of a public street, the entity employs certified peace officers to provide security for the event, and the entity adopts and provides to the City, a written plan addressing emergency services, crowd, traffic and parking control.

**SECTION 3. APPLICATION FOR PERMIT**

A Special Event Permit shall not be issued until a completed Special Event Permit Application has been filed with the City Manager upon the form developed by the City Manager for that purpose, together with any additional information requested, and payment of all applicable fees are received by the City.

**SECTION 4. PERMIT APPLICATION REQUIREMENTS**

A. Applicant shall file a Special Event Permit Application with the City upon forms provided by the City.

B. The Special Event Permit Application shall set forth as a minimum the following information:

1. The name, address and telephone number of the Applicant and the name, address and telephone number of Applicant’s designated representative if Applicant is an entity, association or organization.
2. The name, address and telephone number of the Person conducting the Special Event if different from the Applicant with a written statement from the Person conducting the Special Event showing Applicant’s authority to make the Special Event Permit Application.
3. The name, address and telephone number of the person who will be the event representative and who will be responsible for conducting the Special Event.
4. The proposed location(s) for the Special Event.
5. The purpose of the Special Event.
6. The date(s) and time(s) the Special Event will start and terminate.
7. The time at which on-site activities in preparation for the Special Event will begin.
8. The date when cleanup of the property will be complete.
9. The approximate number of persons who are attending per day for the duration of Special Event.
10. The number and types of animals and vehicles that are part of the Special Event.
11. The location and size of tents, awnings, canopies, food service booths, or other temporary structures shall be shown on a map.
12. Details for all signage shall be included.
13. The location and orientation of loudspeakers and any other amplification devices shall be shown on a map.
14. Details regarding food service including planned cooking.
15. Details regarding whether alcohol will be sold or allowed.
16. Details for planned amusement rides.
17. Details regarding any traffic control plan.
18. Map(s) showing streets and pedestrian ways that are impacted as well as site setup indicating all equipment that will be used by the Special Event.
19. Proof of insurance for the Special Event.
20. For Parades also include:
  - A route map.
  - Approximate number of participants and type of participants (ex. Animals, floats, etc.)
21. Express indication if the Applicant is requesting authorization to use the Entertainment Destination Center (EDC) during the Special Event, and if so, a description

of the intended use of EDC common areas, including anticipated areas of alcohol consumption.

22. Any other information which the City Manager or designee find necessary.

**SECTION 5. INSURANCE**

All applicants, by virtue of the application, agree to indemnify and hold the City harmless from any liability as a result of their activity pursuant to the Special Event Permit. Additionally, all applicants shall procure and maintain at all times during their use of public facilities pursuant to a Special Event Permit insurance in such amounts and with such coverage as shall reasonably be required by the City and shall name the City as an additional insured on all coverage. The amounts and type of insurance required, if any, shall be determined by the City Manager, based upon the nature of the activity and the risk involved. An applicant shall provide the City with a certificate from an insurer evidencing such coverage prior to applicant’s use of the public facility, and within the time prescribed by the City Manager. The certificate shall also provide that the insurer shall give the City reasonable advance notice of insurer’s intent to cancel any insurance coverage.

To avoid interference with protected rights of speech and assembly, when the permit requirements set forth herein for the issuance of a Special Event Permit require a certificate of insurance, an applicant under this ordinance shall only be required to provide insurance based upon needs directly associated with the event and not on the basis of possible disruption of the event by protestors or other persons who might be opposed to the speech or assembly. The City Manager may waive such insurance requirements in the interest of permitting protected speech and assembly to occur when an applicant provides evidence of financial inability to obtain insurance at a reasonable cost.

**SECTION 6. FEES AND COSTS**

A. The Ashland Board of City Commissioners authorizes the City Manager or his designee to establish Special Event Permit Fees.

B. Applicant shall pay all required fees with the Special Event Permit Application. Applicant shall also be required to pay all fees and costs required by other City ordinances to conduct specific activities in conjunction with or as part of a Special Event.

C. If the City determines that a Special Event may require the special attention and involvement of City personnel or City facilities, the City shall notify the Applicant. Prior to issuance of a Special Event Permit:

1. Applicant and City shall agree upon the estimated costs the City will incur specifically as a result of the Special Event and Applicant shall pay not less than 75% of the estimated costs upon receipt of the permit. After the conclusion of the event, the City will review all City costs incurred and provide to Applicant a final billing statement which shall be due and payable upon receipt. If actual costs are less than the estimate received, a refund shall be provided to Applicant; and
2. Applicant shall agree in writing to pay any additional costs to the City subsequently incurred as a result of the Special Event within five (5) days of the date upon which the City informs the Applicant of the amount of such additional costs.

D. No Special Event Permit Fee shall be charged for a First Amendment Event. An Applicant for a Special Event Permit shall pay fees for street closures to conduct specific activities in conjunction with or as part of a First Amendment Event, and any other costs, fees, etc. incurred by the City for personnel costs directly related to the First Amendment Event including Police and Streets Departments’ overtime, but the amount of the fees shall not be in excess of the City’s actual cost to close the street(s) for traffic control and additional personnel fees and costs. The City Manager, may, in his discretion, waive payment of costs and fees for First Amendment events if the applicant lacks the financial resources to pay the fee.

**SECTION 7. TIMEFRAMES AND DEADLINES**

A. A Special Event Permit Application shall be filed no less than 45 days before the commencement of the proposed Special Event. The City Manager or his designee may consider a Special Event Application that is filed less than 45 days before the commencement of the proposed Special Event where good and compelling cause is shown.

B. The City may issue a Special Event Permit for a First Amendment Event when the Special Event Permit Application is filed less than 45 days before the commencement of the First Amendment Event provided there is adequate time for the City to process the Application and to assure that there are adequate traffic measures in place for the orderly movement of the First Amendment Event participants and traffic. The City and the Applicant shall communicate with the police department and fire department prior to the First Amendment Event.

C. When a timeframe or deadline established in this Section results in an Application being due on a weekend, holiday or a day the City is closed for business, the Application shall be due on the business day immediately following said weekend, holiday or closed business day.

**SECTION 8. STANDARDS FOR ISSUANCE OF SPECIAL EVENT PERMIT**

A Special Event Permit will be issued if the City Manager, or his designee, finds that the following standards for issuance of a Special Event Permit are met:

1. The Special Event will not unnecessarily interrupt the safe and orderly movement of traffic near its location or route.
2. The Special Event will not require the diversion of such a number of police officers to properly police the Special Event locale or line of movement and the adjacent areas as to prevent adequate police protection for the remainder of the City.
3. The concentration of people, animals, and vehicles at assembly points will not unduly interfere with proper fire and police protection or ambulance service to areas near such assembly points or the City.
4. A Parade is scheduled to move from its point of origin to its point of termination without unreasonable delays in route.
5. Other licenses and permits, restrictions, regulations, fees for the City services, safeguards or other conditions deemed necessary by individual City departments for the safe and orderly conduct of a Special Event are requested, submitted, and approved (i.e. health permit applications, agreement with police department for police coverage, agreement with public works department regarding cost associated with street closure, etc.).
6. A proper application for issuance of a Special Event Permit has been received with all necessary information and no grounds for denial of an application as hereinafter specified exist.
7. The use of amplification devices in the requested special event will not result in unreasonably loud noise in violation of the City’s noise ordinance - Ordinance No. 108, Series of 2008, as amended; or if such amplification devices may result in noise levels in excess of those allowed under said ordinance, the City Manager, or his designee, finds that:

- a. The use of amplification devices otherwise in violation of the City’s Noise Ordinance within the context of the special event requested will not unduly deprive the public of safe, comfortable, convenient and peaceful enjoyment of public streets, parks, businesses or residences adjacent to the parameters of the Special Event, and
  - b. The use of amplification equipment otherwise in violation of the Ashland Noise Ordinance within the context of the Special Event requested will not unduly interfere with the usual and customary operation of a school, church or place of worship, or courthouse, and
  - c. The use of amplification devices otherwise in violation of the City Noise Ordinance within the context of the Special Event requested will not unduly interfere with the conduct of another previously approved Special Event.
8. If the Applicant has requested authorization to use the EDC, the Applicant has submitted all information required for EDC activation, and the City Manager or their designee has approved such request in accordance with the EDC ordinance.

**SECTION 9. DENIAL OR REVOCATION OF A PERMIT**

A. The City Manager, or his designee, shall deny issuance of a Special Event Permit if:

1. The Special Event will conflict in time or location with another Special Event or event.
2. The Applicant fails to comply with the regulations of this ordinance or any other City ordinance or any other applicable law.
3. The Applicant makes or allows the making of a false or misleading statement or omission of material fact on a Special Event Application.
4. The Applicant has violated this ordinance or has had a Special Event Permit revoked within the preceding twelve (12) months.
5. The Applicant fails to provide proof of a license or permit required by any City ordinance or by other applicable law for the Special Event.
6. The Applicant fails to provide proof that the insurance requirements for the Special Event have been met.
7. The Special Event would severely hinder the delivery of normal or emergency public services or constitutes a public threat.
8. The Applicant fails to timely pay any costs associated with the proposed issuance of the Special Event Permit.

B. If the City Manager, or his designee, determines that the Special Event Permit shall be denied, the City Manager, or his designee, shall consider alternatives to the time, place or manner of the Special Event that would allow the Special Event to occur.

C. A Special Event Permit shall be revoked upon the following conditions:

1. If the police chief, fire chief, risk manager, building official or other City official, or their designated representatives, find that any of the provisions of this ordinance, another City ordinance, or other applicable law is being violated, they shall immediately notify the City Manager, or his designee, and based on that information, the City Manager, or his designee, shall determine whether the Special Event Permit shall be revoked.

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