PURPOSE:     To protect the health, safety and general welfare of the residents of the Town of Candor, it is necessary to regulate the construction and operation of Racetrack Facilities.

**SECTION 1 - DEFINITIONS**

1.1 Racetrack: A set course, permanent or temporary, constructed or mapped out for the purpose of holding an event.

1.2 Facility: The individual, association, partnership, corporation or company that owns, maintains and operates a Racetrack, including the property and all structures located on the property.

1.3 Event: Any competition held on a racetrack that is for contests or demonstration of skill or stunts, are conducted for the enjoyment or entertainment of the public or the gratification of the contestants.

1.4 Special Event: Any planned event that requires the Facility to operate beyond the allowed hours of operation for no more than two consecutive days.

1.5 Motor Vehicle: any vehicle propelled by a force other than human power.

1.6 SEQRA: State Environmental Quality Review Act

1.7 NFPA: National Fire Prevention Association

1.8 Planning Board: Town of Candor Planning Board.

1.9 Town Board: Candor Town Board or a designated agent by the Candor Town Board.

1.10 Enforcement Officer: Code Enforcement Officer of the Town of Candor.

**SECTION 2 - ADMINISTRATION AND ENFORCEMENT**

2.1 This Local Law is intended to regulate the construction and operation of open-air Facilities. Facilities that are enclosed on all sides with permanent inoperable walls, floor and roof structures are exempt.

2.2 The Town Board is the granting authority on all racetrack permits and renewals.

2.3 The Enforcement Officer shall administer the provisions of this Local Law and shall always have access to the facility. All violations found must be addressed during the following Review or Renewal period.

2.4 Waiver: The Town Board may, for good cause shown, waive one or more of the provisions of this Local Law provided that it can be reasonably anticipated that such a waiver will not endanger the health and safety of the persons attending or the general public. A waiver of any provision of this Local Law must be applied for in writing and reasons stated why the health and safety of the persons attending would not be endangered. The Enforcement Officer shall note in writing on the permit any provisions of this Local Law that are being granted a waiver and set forth any conditions attached to such waiver.

2.5 Public Hearing: The Town Board may hold a public hearing before issuing or renewing a Racetrack Operation Permit if it deems that there is sufficient reason for obtaining input from the public.

**SECTION 3 - TYPES OF RACETRACKS**

3.1 Racetracks required to meet this Local Law

A.    Any Racetrack located wholly or partially within the Town of Candor whether on private or public land, roads, and/or waterways.

B.     Types of Racing

1.       Motorized Vehicles

2.      Animal

3.2 Racetracks exempt from this Local Law

A.    Any racing event where the sole source of power is from the person(s) operating the equipment. Types of racing events to include but not limited to the following:

1.      Running/Walking

2.  Bicycling

3.      Canoeing/Kayaking

4.      Swimming

**SECTION 4 - RACETRACK OPERATION PERMIT**

4.1 All Facilities are required to have a valid Racetrack Operation Permit at all times. A Racetrack Operation Permit is valid for one (1) year and must be renewed on an annual basis. The Permit will expire on the last day of the month in which the permit was granted of the following year. All Fees must be paid prior to the issuance or renewal of an Operation Permit in the amount set forth in the Town of Candor schedule of fees.

4.2 New Facilities: New Facilities must appear before the Planning Board for a Site Plan Review, meet the requirements of the Site Plan Review Law and obtain a valid permit prior to the construction or operation of a Facility. The applicant must provide the following in addition to that required by the Site Plan Review Local Law:

A.    Site plan prepared by a registered Architect or Engineer in the State of New York and a survey prepared by a licensed Surveyor in the State of New York, showing the following:

1.      Property lines, including distance to neighboring dwellings.

2.     Existing and new structures, including ponds and security fencing.

3.     Racetrack location and size, including spectator areas.

4.     Parking.

5.      Landscaping.

6.     Location of any fuel storage or dispensing areas.

7.     Emergency access road and other access roads.

B.     Completed SEQRA Full Environmental Assessment form, with the Town of Candor as the lead agency.

C.    Copy of rules and requirements as outlined in Paragraph 4.5 and a description of each type of event to be held.

D.    Sound mitigation plan.

E.     Airborne pollution mitigation plan.

F.     Traffic study.

G. Schedule of all events including dates and times.

H.    List of all Special Events to be held during the permit year.

I.     Long range plan, for a maximum of five (5) years, outlining the proposed future development of the facility.

J.      Any additional information, documentation, studies or mitigation plans deemed necessary by the Planning Board, Enforcement Officer or Town Board.

4.3 Renewal: A Racetrack Operation Permit requires renewal on an annual basis. All facilities must renew this permit prior to the commencement of any racing event following the expiration date of a valid permit.

A.    Renewal of a Racetrack Operation Permit requires the applicant to present to the Town Board proof that this Local Law has been followed during the preceding year. Prior to a permit renewal the applicant must provide the following:

1.      Sound test report as required under Section 5 - SOUND

2.      Copy of rules and requirements as outlined in Paragraph 4.5

3. Schedule of all events including dates and times.

4.      List of all special events to be held during the permit year.

5.      Address all violations reported, if any, and a document outlining how the violations will be corrected.

6.      Any additional information, documentation, studies or mitigation proposals deemed necessary by the Planning Board, Enforcement Officer or Town Board.

7.      All Security and Safety items required in SECTION 9 of this Local Law must be inspected and found to be in good functional condition.

4.4 Review: A Racetracks Operation Permit must be reviewed on a quarterly basis.

A.    Review of a Racetracks Operation Permit must be presented to the Town Board every three months for verification that this Local Law has been followed during the preceding three (3) months. Failure to follow this Local Law will result in the Facility being placed on probation; any violations must be corrected before the next review takes place. Failure to make the necessary corrections will result in the termination of the Racetracks Operation Permit. Prior to a Permit Review the applicant must provide the following:

1.      Sound test report as required under Section 5 - SOUND

2.     Address all violations reported, if any, and a document outlining how the violations will be corrected.

3.      Any additional information, documentation, studies or mitigation proposals deemed necessary by the Planning Board, Enforcement Officer or Town Board.

B.     Review of a Racetracks Operation Permit shall be performed for the first two (2) years of operation, starting on the first day an event is held. After the first two years of operation reviews will be required only if the Town Board deems it necessary for enforcement of this Local Law.

4.5 All Facilities shall provide a copy of the rules and requirements from the National and/or State Associations governing or sanctioning the types of events held at the Facility regardless of membership or sponsorship to such Associations. The rules and requirements set forth by these Associations are the minimum requirements and may be made more restrictive by this Local Law.

4.6 All Facilities shall always maintain a public liability insurance policy for bodily injury and property damage in the amount set forth in the Town of Candor schedule of fees. A certificate of insurance naming the Town of Candor as an additional insured must be filed with the Town Clerk at least five (5) days prior to the date of the first event. Failure to provide this will result in the immediate termination of the Racetrack Operation Permit.

4.7 Changes made to the Facility that are not outlined in the approved long-range plan or made after the fifth year of the long-range plan, by type of events, size of events or the addition of additional race tracks or structures, must follow the requirements for a New Facility per paragraph 4.2.

4.8 Racetrack Operation Permits are granted to the applicant(s). This permit is non­ transferable and may not be sold or assigned. If the facility changes owners, the new owner must apply for a new permit and follow the requirements for a New Facility per paragraph 4.2.

4.9 The applicant is responsible for the expense of all items required to obtain, renew or review a Racetrack Operation Permit.

4.10 In the event the Planning Board or Town Board does not accept the validity of any documentation provided by the applicant, they reserve the right to have that documentation reviewed by their own staff or consultant / specialist at the expense of the applicant.

4.11 In the event a Racetrack Operation Permit has expired by more than three months the Facility shall be deemed not in operation. After that time the applicant must reapply for a new Racetrack Operation Permit under section 4.2.

4.12 In the event the Racetrack Operation Permit has been terminated under Section 4.4 or 4.6, the applicant must reapply for a Race Track Operation Permit under Section 4.2, all issues resulting in the termination must be resolved before a new Operation Permit can be issued.

**SECTION 5 - SOUND**

5.1 Sound is a major concern from the neighboring property owners and members of the community. Sound levels at any property line are not allowed to exceed 85 db.

5.2 The Facility must obtain an independent testing company, agreed to by the Town Board, to perform sound testing for the first two (2) years of operation, starting on the first day an event is held. These tests will be performed at all events held at the facility. The test data must be presented at each quarterly review and annual renewal of an operation permit. After the first two years of operation testing will be required only if the Town Board deems it necessary for enforcement of this Local Law.

5.3 The db test must be performed with an industry standard self-calibrating Sound Meter. The Sound Meter must be recalibrated per the sound meter manufacturers published recommendations.

5.4 It is the Facilities sole responsibility to provide, enforce and maintain any sound control measures implemented or required to receive and hold in good standing a Racetrack Operation Permit.

**SECTION 6 - TRAFFIC**

6.1 The increase in traffic to the area is a concern. A traffic study must be performed to ensure the road(s) leading to the property are suitable to handle the increase intraffic.

6.2 A turning lane may be required to the road at all entrances to the Facility or off-site parking to alleviate congestion and allow local traffic to flow without interruption. This will be based on a traffic study done in conjunction with one or more of the following, NY State Department of Transportation, Tioga County Highway Department or the Town of Candor Highway Department.

6.3 There will be no parking along any public roads. All parking will be located on the Facility or other location off site provided such location has been reviewed and approved by the Planning Board.

6.4 Adequate parking facilities must be provided. Quantity of parking spaces must be sufficient for the anticipated number of patrons and the types of vehicles used; cars, trucks, trailers, and buses.

**SECTION 7 - TIMES OF OPERATION**

7.1 The Facility may conduct events between the hours of:

A.    Monday through Thursday between the hours of 10:00 am and 7:00 pm.

1. No race will start after 6:30 pm and no race vehicles will operate after 7:00 pm.

B.    Friday and Saturday between the hours of 10:00 am and 10:00 pm

1. No race will start after 9:30 pm and no race vehicles will operate after 10:00 pm.

C.    Sunday between the hours of 1:00 pm and 6:00 pm

1. No race will start after 5:30 pm and no race vehicles will operate after 6:00 pm.

7.2 A maximum of four (4) special events are allowed each permit year. Special events may operate between the hours of 9:00 am and 11 pm. The dates for these special events must be provided with the initial application or renewal application. Requests for special events may be made during the permit year provided such requests are submitted to the Town Clerk 60 days prior to the event and must be reviewed by the Planning Board.

1. No race will start after 10:30 pm and no race vehicles will operate after 11:00 pm.

7.3 Only motor vehicles used for maintenance may be operated on the Facility during hours other than outlined above.

**SECTION 8 - EMERGENCY VEHICLE ACCESS**

8.1 An access road meeting the Town of Candor's minimum road requirements will be provided from the public road to a point within 50' of the Racetrack(s).

8.2 The road shall be maintained and kept clear of obstructions. No vehicle parking shall be allowed on the access road.

**SECTION 9 - SECURITY AND SAFETY**

9.1 If the facility does not have an on-site resident or full-time security, the following security features must be installed. If there is a permanent resident or full-time security at the site these restrictions may not be required, this will be determined by the Planning Board.

A.    A chain link fence at least 4' high shall be installed around the perimeter of the Facility.

B.    A shielded security light shall be installed at each entrance road to the facility.

9.2 Fuel stored and/or distributed by the Facility must comply with the most current version of NFPA 30, regardless of the size of the storage system or quantity of fuel dispensed.

9.3 An adequate firefighting system must be provided at the site. The size and type of system will be based on the size of the facility, types of events and the recommendation of the Town of Candor Fire Department. Water can be provided by on-site storage tanks, ponds, water tanker trucks brought in for each event and/or access to a natural water source, within 1000 feet of the racetrack, with adequate water supply.

9.4 There shall be emergency medical staff on the premises at all times during racing events certified at the EMT (emergency medical technician) level or higher.

**SECTION 10 - ENVIRONMENTAL**

10.1 The environmental impact to this site is a concern. It will be necessary to follow all New York State and Federal environmental regulations.

10.2 SEQRA Full Environmental Assessment Form must be used for all Facilities.

10.3 The Facility must operate in such a manner as to not create any airborne pollutants such as noxious odors, fumes, smoke, and/or dust in such

concentrations as to become hazardous to the people or their property in the Town of Candor.

**SECTION 11 - SEVERABILITY**

11.1 If any article, section, paragraph or provision of this local law shall be invalid, such invalidity shall apply only to the article, section, paragraph or provision(s) adjudged invalid, and the rest of this local law shall remain valid and effective.

**SECTION 12 – PENALTIES AND ENFORCEMENT**

12.1 Penalties

A. Any person who violates any provision of this law shall be deemed guilty of a violation and, upon conviction thereof, shall be subject to penalties in a fine. Each day such violation shall continue or be permitted to exist shall constitute a separate violation. See Fee Schedule, Penalties for Offenses, Class C, for current maximum fines.

B. In addition to the penalties herein provided for, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this local law. Such unpaid charges shall be deemed town charges and shall be levied as in a manner of a special assessment on the tax levy against such property at the first levy following the billing for such charges by the Town of Candor. Such unpaid assessments shall be a lien against the real property of the violator.

12.2 Enforcement Officer

A. The Town of Candor shall have the authority to appoint an Enforcement Officer authorized and empowered to act on behalf of the Town of Candor to enforce the provisions of this Law, or to so authorize and empower the existing Code Enforcement Officer, such enforcement authority shall include but not be limited to the right of enter onto any premises having a permit or applying for the same or on premises which have no permits but are reasonably deemed to be in violation of this Local Law.

**SECTION 13 – EFFECTIVE DATE**

13.1 This local law shall be effective as of the date of filing with the New York State Secretary of State.