

# TOWN OF WENTWORTH

## Racetrack Ordinance

Pursuant to RSA 31:41-a and RSA 31:39, it is hereby ordained by the Town of Wentworth, New Hampshire, as follows:

For the purpose of protecting the public health, safety and welfare, and to protect the environment and quality of life in the Town, the following Rules and Regulations apply to racetracks in the Town of Wentworth.

### I. Definitions.

For purposes of this ordinance, the terms below are defined as follows:

- a. Hours of Operation: Times when Motor Vehicles are operated on a racetrack, regardless of whether a Motor Vehicle is operated individually or with other vehicles on the racetrack, including but not limited to races, practices, qualifying, or time trials.
- b. Motor Vehicle: Any self-propelled vehicle, except tractors, activated by an internal combustion engine and not operated exclusively on stationary tracks.
- c. Track Operator: Any individual, partnership, corporation or other entity proposing to operate, or operating, a motor vehicle racetrack.

### II. Licensing of Motor Vehicle Racetracks:

- a. Annually, every Track Operator within the Town of Wentworth shall apply for and obtain a Racetrack License from the Board of Selectmen. Said license shall be conditioned upon the Track Operator's satisfaction of all requirements of this ordinance.
- a. Each race that is conducted without a license shall constitute a separate violation for purposes of this ordinance.
- b. The Board of Selectmen may fix a fee of up to \$100 annually for the operation of such racetracks.

### III. Hours of Operation:

- a. Hours of Operation shall be permitted on only one day per weekend (Friday, Saturday, or Sunday) unless additional Hours of Operation are requested by the Track Operator and approved in advance by the Board of Selectmen.
- b. Hours of Operation shall not begin before 9 a.m.. On Fridays and Saturdays, Hours of Operation must end before 10:00 p.m. On Sundays, Hours of Operation must end before 9:30 p.m. All loud noise generated by Motor Vehicles (e.g., revving of engines) shall be prohibited outside the permitted Hours of Operation.

### IV. Public Safety:

- a. Through the execution of agreements with the Town of Wentworth Police Department and Fire Department, every Track Operator shall provide for the presence of the following at its racetrack during Hours of Operation:
  - i. Police officers in such number as is required in writing by the Police Chief in his discretion pursuant to RSA 105:9, III-IV.
  - ii. An ambulance if deemed necessary in writing by the Fire Chief in his discretion.
  - iii. Any and all fire apparatus and personnel deemed necessary in writing by the Fire Chief in his discretion.

- b. Every Track Operator shall be charged for all fire and police services required by this ordinance and provided by the Town of Wentworth. Payment shall be due fourteen (14) days in advance of the services, and the Board of Selectmen is authorized to revoke the Track Operator's license if full payment is not received by the Town within five (5) days of the Track Operator receiving a written Notice of Non-Payment from the Town.
- c. Every Track Operator shall be obligated to arrange for, and pay for, a private ambulance to be present at the race track if ambulance service is required by the Fire Chief.

**V. Operations:**

- a. During Hours of Operation after dusk, sufficient lighting will be provided in all areas, including the parking lot, pit area, pit roadway, walkways and stands, to provide a reasonable level of safety for all persons on the premises.
- b. Every Track Operator shall provide adequate trash receptacles and toilets, and shall empty and service said receptacles and toilets on a regular basis. The premises constituting the racetrack, including the parking area, shall be maintained in a neat and orderly manner, and all cleanup activities shall be completed within twenty-four (24) hours of the conclusion of any day's Hours of Operation.
- c. Every Track Operator shall comply with state laws, as applicable, including but not limited to the prohibition against smoking within enclosed places of public access (RSA 155:65-78) and sanitary conditions, including food service requirements (RSA Chapter 147).
- d. Every Track Operator shall be required to indemnify the Town and to maintain general liability insurance in such amount as deemed necessary by the Board of Selectmen. Said insurance policy shall name the Town as additional insured for the purpose of carrying out the indemnification and shall cover events related to the use of the racetrack premises. The insurance company must mail written notice of impending cancellation of the policy to the Town at least thirty (30) days in advance of cancellation, and if insurance is canceled without the Track Operator obtaining a replacement policy, the Operator's license shall be revoked. Certificates of Insurance shall be filed with the Board of Selectmen each year prior to the issuance of any Racetrack License.

**VI. Penalties:**

- a. Any person who fails to comply with any provision of this ordinance or a license granted by the Board of Selectmen hereunder shall be subject to a civil penalty of up to \$1,000 for each violation pursuant to RSA 31:39, III. Nothing contained herein shall prevent the Town of Wentworth from taking any action necessary to prevent a violation of this ordinance, including, without limitation, seeking judicial relief.
- b. The Board of Selectmen is hereby authorized to revoke any license issued hereunder for a violation of this ordinance or the license itself that is not corrected within five (5) days of a Track Operator receiving written notice of the violation from the Town.

**VII. Enforcement and Inspections:**

- a. The Board of Selectmen shall have responsibility for the enforcement of this ordinance.
- c. The Board of Selectmen, Fire Chief, and/or Police Chief are authorized to make announced or unannounced inspections of racetrack premises at any reasonable time to ensure compliance with the requirements of this ordinance and any license issued hereunder.

**VIII. Savings Clause:**

If any provision of this ordinance, or the application thereof to any person or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

**IX. Effective Date:**

This ordinance shall take effect upon passage and supersede any previous ordinance until amended or repealed by appropriate authority.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2012

**Wentworth Board of Selectmen**

/s/ \_\_\_\_\_  
Randy Morrison, Chair

/s/ \_\_\_\_\_  
Steve Davis

/s/ \_\_\_\_\_  
Francis Muzzey

Approved at Wentworth Town Meeting  
by majority vote, on: \_\_\_\_\_