

**BY-LAWS RELATING TO THE REGULATION AND LICENSING OF
MOTOR VEHICLE RACE TRACKS**

Pursuant to Chapter 31, Sections 41-a and 42 of the New Hampshire Revised Statutes Annotated, as amended, the Town of Epping does hereby adopt the following By-Laws governing motor vehicle race tracks operating within the Town during the said hours premises is used as a motor vehicle race track.

For purposes of these By-Laws, as defined by RSA S31:41-a, a motor vehicle shall mean "any self-propelled vehicle, except tractors, activated by an internal combustion engine and not operated exclusively on stationary tracks."

ARTICLE I: The operational season for motor vehicle race tracks shall begin on April 1 and end on October 31 of each year. When there are less than five (5) Sundays in April in a year, race tracks may begin on the last Sunday in March. During such season, race tracks may operate on the following days during the following hours:

Wednesday	1:00 PM	5:00 PM *
	6:00 PM	10:30 PM
Friday	6:00 PM	11:00 PM
Saturday	9:00 AM	11:00 PM
Sunday	9:00 AM	9:00 PM

* Single Car Practice Only

The police officer in charge at the race track or any member of the Board of Selectmen may allow the owner and/or operator of the race track to operate beyond those hours specified above when emergency conditions arise which prevent the completion of the advertised racing schedule within the said specified hours of operation. An emergency condition shall include but not be limited to, any substantial mechanical breakdown or failure of a motor vehicle, major accidents, or unexpected severe weather conditions.

Any emergency condition not expressly covered by this Article I shall be addressed to the police officer in charge for his determination as to whether an emergency condition exists. No race shall begin after the hours of operation as specified above without prior approval from the Board of Selectmen. Under no circumstances shall racing continue after twelve midnight. Additional days and hours of operation may be approved by the Board of Selectmen upon timely written application from the race track owner and/or operator.

ARTICLE II: Only malt beverages, and no other alcoholic beverages, may be sold and consumed in restricted areas on race track property while the race track is open to the public for the purpose of viewing vehicular racing and other events as approved by the Board of Selectmen. No other alcoholic beverages shall be sold, consumed, or allowed during such period of public viewing of vehicular racing or other approved events. No

malt beverages shall be should to anyone under the age of twenty-one years, and proper age identification shall be required prior to sale.

The race track owner and/or operator, whoever is in direct charge of the race track property, shall post signs advising the public of this section at visible locations within the seating areas and at each entrance gate; said signs shall also state the penalty of violation of this section. Failure of the race track owner and/or operator to comply with this section shall be grounds for the revocation of the license. Any person in possession of alcoholic beverages outside of the restricted area in violation of this section may be summoned and subject to court prosecution as prescribed by law. The alcoholic beverages shall be seized and disposed of in compliance with State statutes, local law or regulations. The "restricted area" for the consumption of malt beverages shall comply with the Statutes and all applicable laws and/or regulations of the State of New Hampshire."

ARTICLE III: Sufficient police protection and traffic control personnel as may be required by the Chief of Police and as specified by RSA S105:9 shall be provided on the race track premises at the expense of the race track owner and/or operator.

ARTICLE IV: Sufficient fire protection equipment, personnel, planning and facilities as may be required by the Fire Chief shall be provided on the race track premises whenever the facility is open to the public and includes scheduled and nonscheduled events, track rentals, practice sessions and private sessions at the expense of the race track owner and/or operator.

Protection, equipment, personnel, planning and facilities shall adhere to all provisions of National Fire Protection Association 610 (NFPA 610) "Guide for Emergency and Safety Operations at Motorsports Venues."

ARTICLE V: The owner and/or operator of a motor vehicle race track shall reimburse the Town for such police and fire protection and traffic control personnel as may be furnished by the Town in accordance with Article III and Article IV. Payment shall be made to the Town no later than ten (10) business days after the receipt of the bill for services rendered by the owner and/or operator.

Should payment not be made in accordance with this Article V, an interest charge of eighteen (18%) percent per annum or Twenty-five dollars (\$25.00) per day, whichever is greater, shall be assessed against the unpaid balance. The Board of Selectmen, in its discretion, may revoke the operational license of the race track until such payment is made.

ARTICLE VI: Adequate ambulance service shall be provided on the race track premises at all times during which the race track is open to the public and includes scheduled and nonscheduled events, track rentals, practice sessions and private sessions at the expense of the race track owner and/or operator. In determining what is adequate, consideration shall be given to the nature of the activities being conducted,

the number of persons present on the race track premises, and the requirements of the Fire Chief.

A Memorandum of Understanding shall be executed annually by the Fire Chief and the race track owner and/or operator detailing requirements for emergency medical services to include transport and standby responsibilities for the ensuing year prior to Fire Chief approval.

ARTICLE VII: During the operating season, sufficient sanitary facilities shall be provided on the race track premises. Such facilities shall include men's and women's rest rooms containing suitable toilet and lavatory facilities, which shall be maintained in good working order and in full compliance with all applicable laws, ordinances and regulations. The Health Officer is charged with the enforcement of this Article VII, and shall make such inspections at such times as may be deemed necessary in order to ensure compliance herewith.

ARTICLE VIII: Sufficient off-street parking shall be provided to accommodate all patrons of the race track.

ARTICLE IX: No later than the last day in November of each year for the next year's schedule, the owner and/or operator of a race track shall submit to the Board of Selectmen a written operating schedule for the ensuing year. The Board may, consistent with these By-Laws and other applicable laws, ordinances, and regulations, make such changes in the operating schedule as it deems proper.

ARTICLE X: No motor vehicle race track shall be operated within the Town unless the owner and/or operator has, upon written application to the Board of Selectmen, obtained a license to operator such race track in accordance with these By-Laws. The license fee paid to the Town shall be One Hundred Dollars (\$100.00) annually. All such operational licenses shall expire one year from the date of issue.

ARTICLE XI: Certificates of insurance shall be required from all motor vehicle race track owners and/or operators prior to the commencement of any race. Failure to comply with this Article XI may result in the suspension of the operational license.

ARTICLE XII: At least one ambulance and sufficient police protection and traffic control personnel shall remain on the race track premises until the majority of the general public has departed following the close of operational hours, as determined by the police officer in charge.

ARTICLE XIII: Temporary overnight lodging shall be permitted on the race track premises for race car driver, owners and crew in accordance with the following standards:

- a. Overnight lodging shall be permitted only in recreational vehicles with self-contained toilet and lavatory facilities.

- b. Such recreational vehicles shall be permitted on the race track premises no more than 48 hours prior to a scheduled event and no longer than 12 hours following completion of such event.
- c. A portion of the race track premises shall be designated as the approved sleeping area and shall be posted accordingly.
- d. Only "Grey Water" may be discharged into approved septic facilities on the race track premises. "Grey Water" is defined as wash and laundry water.
- e. Sanitary facilities shall be provided on the race track premises as deemed necessary by the Health Officer and in accordance with all applicable laws, ordinances and regulations.
- f. Adequate security shall be provided at the expense of the owner and/or operator whenever temporary lodging is permitted on the race track premises.

ARTICLE XIV: In accordance with RSA S143-A:4, all food service establishments located on or adjacent to the race track premises shall be required to obtain a food service license from the State of New Hampshire, Department of Health and Human Services, Division of Public Health Services, prior to the issuance of a Town permit to operate such establishment.

ARTICLE XV: Prior to the issuance of a motor vehicle race track license, the owner and/or operator shall schedule with the Code Enforcement Officer an appointment to inspect the race track premises for compliance with all applicable laws, ordinances, regulations and these By-Laws.

The Code Enforcement Officer shall be charged with the enforcement thereof and shall conduct a minimum of two on-site inspections during the operational season, one of which may be unannounced. The Code Enforcement Officer shall notify the owner and/or operator in writing of any violation(s) within seventy-two (72) hours of his discovery of same. The owner and/or operator shall correct such violation(s) within five (5) days of receipt of notification. Failure to correct such violation(s) may result in the suspension or revocation of the motor vehicle race track operational license. After public hearing, the Board of Selectmen may suspend or revoke such operational license indefinitely for any and all violations not corrected in accordance with this Article XV.

ARTICLE XVI: The Board of Selectmen may, upon written application, waive the provisions of these By-Laws for good cause shown after a public hearing, of which all abutters have been duly notified in writing.

ARTICLE XVII: If the owner and/or operator of a race track knowingly violates these By-Laws, a one hundred dollar (\$100.00) fine may be imposed for the first offense and a fine not to exceed five hundred dollars (\$500.00) may be imposed for each subsequent offense during the calendar year. Willful disregard of any such violation may be

punished by a fine not to exceed five hundred dollars (\$500.00). The Board of Selectmen and the Chief of Police are authorized to enforce and/or prosecute any violation(s) of these By-Laws.

ARTICLE XVIII: The invalidity of any provision or provisions of these By-Laws shall not affect the validity of any other provision hereof.

Adopted by Article 20, March 1971 Town Meeting
Amended by Article 36, March 1976 Town Meeting
Amended by Article 14, March 1977 Town Meeting
Amended by Article 15, March 1986 Town Meeting
Amended by Article 18, March 1990 Town Meeting
Amended by Article 32, March 1994 Town Meeting
Amended by Article 26, March 2018 Town Meeting
Amended by Article 18, March 2021 Town Meeting

