

OFFICE CONSOLIDATION

This consolidation is for convenience only; for accurate reference see by-laws as adopted by Council.

BY-LAW NO. 75-42 OF THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

LICENCE, REGULATE AND OVERN THE RACING OF MOTOR VEHICLES, GO-KARTS AND MOTORCYCLES IN THE TOWNSHIP OF UXBRIDGE AND FOR LICENSING, REGULATING AND GOVERNING THE HOLDINGS OF MOTOR VEHICLE, GO-KART OR MOTORCYCLE RACES

WHEREAS the Municipal Corporation of the Township of Uxbridge ("Corporation") is authorized under the provisions of The Municipal Act, R.S.O. 1970, c. 284, to prohibit, license, regulate and govern the racing of Motor Vehicles including GO-Karts or Motorcycles and the holding of Motor Vehicle including Go-Kart or Motorcycle races in the Township of Uxbridge in one or more defined areas thereof;

AND WEHREAS the former corporation of the Township of Uxbridge previously enacted By-law No.1623 on December 12th, 1972, which By-law remains in force in the area known as the former corporation of the Township of Uxbridge which former Municipality was amalgamated effective January 1st, 1974, with the former Corporation of the Township of Scott and the Town of Uxbridge to form the present Corporation of the Township of Uxbridge;

AND WHEREAS the Corporation now deems it advisable to repeal By-law No. 1623 and to re-enact it, extending its application throughout the whole of the present Corporation.

NOW THEREFORE THE CORPORATION ENACTS AS FOLLOWS:

1. By-law No. 12623, previously passed on December 12, 1972 by the former Corporation of the Township of Uxbridge is hereby repealed.
2. In this By-law and in any agreement or licence or notice given pursuant to the provisions hereof:
 - (i) "Concession Go-Kart" shall mean a four-wheeled vehicle powered by a single gasoline fuelled air or water cooled internal combustion engine with a maximum cylinder displacement of under 6.1 cubic inches

- (ii) “dBA” or “sound pressure level in dBA units” when used in this by-law shall mean the reading of any sound level meter which meets the American National Standard Methods for the Measurement of Sound Pressure Levels as specified and published by the American National Standards Institute, Inc., as ANSI S1.13-1971 (R1976) when such meter is set on the A - weighing network and the fast response;
 - (iii) “Decibel” shall have the same meaning as defined in the American National Standard Methods for the Measurement of Sound Pressure Levels as specified and published by the American National Standards Institute, Inc., as ANSI S1-13-1971(R1976);
 - (iv) “Go-Kart” shall mean a four-wheeled vehicle powered by a single gasoline fuelled air or water cooled internal combustion engine with a maximum cylinder displacement of 16.5 cubic inches and shall include any vehicle that is described as a “Go-Kart”, “Hobby Kart”, “Hobby Cart”, “Concession Go-Kart” and “Fun Car”;
 - (v) “Licence Issuer” means the Clerk of the Corporation;
 - (vi) “Motorcycle” shall have the same meaning as defined in the Highway Traffic Act, R.S.O. 1970, c.202, as amended from time to time;
 - (vii) “Motor Vehicle” shall include the same meaning as defined in the Highway Traffic Act, R.S.O. 1970, c. 202, as amended from time to time and shall include Concession Go-Kart and Go-Kart;
 - (viii) “Person” shall include an individual or individuals, a partnership firm, an association, a corporation, club, organization, or other group or body and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law.
3. (i) No person shall race a motorcycle, trail bike or mini-bike or hold, operated, maintained, established or permitted, a Motorcycle except a Motorcycle having an engine capacity of 50 c.c. or less, trail bike or mini-bike race in the Township of Uxbridge whatsoever.
- (ii) No person shall race a Concession Go-Kart, Go-Kart, Motorcycle having an engine capacity of 50 c.c. or less, or Motor Vehicle or hold, operate, maintained, establish, permit or cause to be permitted a Concession Go-Kart, Go-Kart, Motorcycle having an engine capacity of 50 c.c. or less, or Motor Vehicle race within the Township of Uxbridge except in compliance with the provisions of

this by-law;

- (iii) Nothing in this by-law shall be deemed to permit the racing of any vehicle other than a Concession Go-Kart, Go-Kart, Motorcycle having an engine capacity of 50 c.c. or less, or Motor Vehicle as defined in Section 2 here of.
4. Nothing in this by-law is intended to make lawful any operation which would otherwise be unlawful by reason of its constituting the use or occupation of any lands or premises for purposes prohibited by the Official Plan of the Corporation or by a zoning by-law or other by-law of the Corporation, as enacted and adopted from time to time or for any other reason.
5. No person shall race a Concession Go-Kart, Go-Kart, Motorcycle having an engine capacity of 50 c.c. or less, or Motor Vehicle, or hold, operate, maintain, establish, permit or cause to be permitted a Concession Go-Kart, Go-Kart, Motorcycle having an engine capacity of 50 c.c. or less, or Motor Vehicle race in the Township of Uxbridge without:
- (i) First obtaining the approval of the Corporation expressed by resolution thereof as to the location thereof and intended use therefor;
 - (ii) First making application to the Licence Issuer for a licence to be issued pursuant to the provisions of this by-law;
 - (iii) Filing with the application a fee of \$150.00;
 - (iv) Complying with all provisions, conditions, rules, orders, statutes, or regulations required by the Province of Ontario from time to time;
 - (v) Filing in writing with the application:
 - (a) The name and address of the applicant;
 - (b) A map on which the location of the site is marked;
 - (c) The written consent of the owner of the site to the intended use therefor;
 - (d) A legal description of the site;
 - (e) Plans and specifications of a race track, the location of all buildings, stands or other structures or improvements constructed or to be constructed thereon including showing

the location of all entrances and exits, seating accommodation including standing room, barricades and fences provided that no barricade or fence shall be erected, constructed or built within thirty-five (35) feet of the race track;

- (f) Proof that there will be located on the licensed site adequate first aid equipment and facilities as are required by any statute of the Province of Ontario or regulation passed thereunder, applicable in that regard, or by the Public Health Unit of the Regional Municipality of Durham or by any other law, regulation, or by-law applicable in that regard, which will be available for use at all times;
- (g) Proof satisfactory to the Fire Chief of the Corporation that there will be located on the licenced site and in the infield at all times adequate fire fighting equipment in good working order as is required by any statute of the Province of Ontario or regulation passed thereunder applicable in that regard, or by any other law, regulation, or by-law applicable in that regard;
- (h) Proof satisfactory to the Licence Issuer that the applicant possesses a valid liability insurance policy or policies insuring the applicant and the Corporation jointly for public liability and property damage, such insurance to be of an amount not less than the sum of Two Million Dollars (\$2,000,000.00) for loss or damage resulting from bodily injury to or the death of one or more spectators and for the loss or damage to property regardless of the number of claims arising from any one accident;
- (i) Proof satisfactory to the By-law Enforcement Officer of the Corporation that the applicant has made adequate arrangements for the control of traffic before, during and after any race or races licensed pursuant to the provisions of this by-law;
- (j) The location of the source of water supply and the location of sanitary facilities as required by any statute of the Province of Ontario or any regulation passed thereunder having jurisdiction in that regard as well as by the Public Health Unit of the Regional Municipality of Durham or by any other law, regulation, or by-law applicable in that regard;
- (k) Such information as the Licence Issuer may require.

6. No owner of lands or premises in the Township of Uxbridge shall permit or cause to be permitted the racing of a Concession Go-Kart, Go-Kart, Motorcycle having an engine capacity of 50 c.c. or less, or Motor Vehicle, or permit or cause to be permitted the holding, operating, maintaining or establishing of a Concession Go-Kart, Go-Kart, Motorcycle having an engine capacity of 50 c.c. or less, or Motor Vehicle race in the Township of Uxbridge unless:
 - (i) Section 5 of this by-law has been first complied with;
 - (ii) A licence has been issued under this by-law with respect thereto and remains in full force and effect and has not been suspended or cancelled for any reason whatsoever; and
 - (iii) The insurance policy referred to in Section 5 (h) of this by-law is in full force and effect and has not been suspended or cancelled or terminated for any reason whatsoever.

7. A licence to race a Concession Go-Kart, Go-Kart, Motorcycle having an engine capacity of 50 c.c. or less, or Motor Vehicle or to hold, operate, maintain or establish a Concession Go-Kart, Go-Kart, Motorcycle having an engine capacity of 50 c.c. or less, or Motor Vehicle race in the Township of Uxbridge shall:
 - (i) be in the form set out in Schedule "A" attached hereto and by this reference forming a part hereof;
 - (ii) shall not be valid unless and until counter-signed by the Licence Issuer;
 - (iii) shall expire on the 28th of February next following the date of issue; and
 - (iv) any application for a licence hereunder made under the 1st day of April in any calendar year shall be deemed a new application.

8. An application for the renewal of a licence issued pursuant to the provisions of this by-law shall be made before the 1st day of April in each year and shall be on the same terms and conditions as are set out in Section 5, 6, and 7 above.

9. Subject to Section 8 above, the Licence Issuer shall, as soon as practical after application has been made for a licence under this by-law:

- (i) Issue the applicant a licence in the form set out in the said Schedule "A" if all the terms and provisions of this by-law have been met in his opinion.
 - (ii) Forthwith notify the Fire Chief of the Corporation, the By-law Enforcement Officer of the Corporation, the Public Health Unit of the Regional Municipality of Durham and any relevant Department of the Province of Ontario having jurisdiction in that regard of all the particulars of each licence issued.
10. Where the owner or operator of an establishment in respect of which a licence is applied for under this by-law does not comply with this by-law or any provincial statute or regulation passed thereunder in that regard or any other law, regulation or by-law or order applicable in respect of that establishment, or where the owner or operator has been convicted of an offence for the conduct that demonstrates it is not in the public interest for him to race a Concession Go-Kart, Go-Kart, Motorcycle having an engine capacity of 50 c.c. or less, or Motor Vehicle or hold, operate, maintain or establish a Concession Go-Kart, Go-Kart, Motorcycle having an engine capacity of 50 c.c. or less, or Motor Vehicle race in the Township of Uxbridge, the Licence Issuer may refuse the licence application or, if after the licence has been issued, it is suspended or cancelled for any reason whatsoever, the Licence Issuer shall as soon as practical, forthwith notify those parties set out in Section 9 (ii) of the refusal, suspension or cancellation, together with the reasons therefor.
- 11.
- (i) Where the Licencee violates this by-law or permits or causes to be permitted any violation thereof or any statute or regulation of the Province of Ontario applicable in that regard, or any other law, by-law, order or regulation applicable to the Licencee in that regard or to the licensed premises or where the Licencee has been convicted of an offence for conduct that demonstrates that it is not in the public interest for such a Licencee to race a Concession Go-Kart, Go-Kart, Motorcycle having an engine capacity of 50 c.c. or less, or Motor Vehicle or hold, operate, maintain, or establish a Concession Go-Kart, Go-Kart, Motorcycle having an engine capacity of 50 c.c. or less, or Motor Vehicle race in the Township of Uxbridge, the Licence Issuer may suspend or cancel the licence forthwith, notwithstanding the violation existed at the time the licence was issued and shall, as soon as is practical, forthwith notify the parties set out in Section 9 (ii) of the suspension or cancellation together with the reasons therefor;
 - (ii) Where a licence issued pursuant to this by-law is suspended or cancelled, the Licence Issuer shall forthwith notify the Licencee

together with the reasons therefor by registered mail addressed to the Licencee or by posting the said notice and reasons upon the licenced premises; and

- (iii) Where a licence issued pursuant to this by-law is suspended or cancelled, the Licencee shall immediately surrender it to the Licence Issuer.
12. Where licensed premises are sold or the legal ownership thereof passes by any lawful means, the purchaser or other person to whom the legal ownership has passed may obtain a transfer of any licence issued to the previous Licencee upon complying with the provisions of Sections 5, 6, and 7 above, and upon complying with the provisions respecting transfers of licences of the Province of Ontario applicable in that regard.
13. No Licencee under this by-law shall cause or permit:
- (i) Any congregation of the public in any manner howsoever on any highway providing access to the licensed premises or at any entrance thereto or exit therefrom;
 - (ii) The erection, construction or building of scaffolds to accommodate spectators;
 - (iii) Any driver, operator or racer of a Concession Go-Kart, Go-Kart, Motorcycle having an engine capacity of 50 c.c. or less, or Motor Vehicle on the licensed premises unless such driver, operator, or racer is wearing an adequate crash or safety helmet of plastic or other non-metallic material of the standard required by the Canadian Standard Association;
 - (iv) Gambling, disorderly conduct or the use of profane or obscene language on the licensed premises;
 - (v) Any person under the age of nine (9) years to operate, drive, or race a Concession Go-Kart, Go-Kart, Motorcycle having an engine capacity of 50 c.c. or less, or Motor Vehicle on the licensed premises;
 - (vi) (a) Any Concession Go-Kart, Go-Kart, or Motor Vehicle (except for two-cycle or two-stroke Go-Karts, two-cycle or two-stroke Concession Go-Karts or two-cycle or two-stroke Motorcycles or Motor Vehicles, which shall be subject to the noise limits set out in subsection 13 (vi) (b) below), to be operated, driven or raced on the licensed premises, the maximum sound pressure level from which is greater than 70 dBA, when measured 50 feet from the outside

limit of the track located on the licensed premises, subject to the provision of section 14 (iii) below respecting permitted hours of operation;

- (b) Any two-cycle or two-stroke Go-Kart, two-cycle or two-stroke Concession Go-Kart or two-cycle or two-stroke Motorcycle or Motor Vehicle to be operated, driven or raced on the licensed premises, the maximum sound pressure level from which is greater than 55 dBA when measured 50 feet from the exterior wall of any residential dwelling located within the Township of Uxbridge which existed as of the 1st day of May, 1995;
 - (c) The maximum sound pressure levels set out in Section 13 (vi) (a) and (b) above do not apply to emergency situations involving public health or safety; and
 - (vii) The operation, driving or racing of a Concession Go-Kart, Go-Kart, Motorcycle having an engine capacity of 50 c.c. or less, or Motor Vehicle on the licensed premises unless same is equipped with brakes on one rear wheel; and
 - (viii) Any driver, operator or racer of a Concession Go-Kart, Go-Kart, Motorcycle having an engine capacity of 50 c.c. or less, or Motor Vehicle from driving, operating or racing on the licensed premises unless unbreakable goggles or visors of the standard required by the Canadian Standards Association are made available to such driver, operator or racer for use in connection therewith.
 - (ix) The operation, driving or racing of any two-cycle or two-stroke Go-Kart, two-cycle or two-stroke Concession Go-Kart or two-cycle or two-stroke Motorcycle or Motor Vehicle on the licensed premises unless berming, acoustic fencing or track barriers, or a combination of these three measures, of a height and construction sufficient to reduce the maximum sound pressure levels to the levels set out in subsections 13 (vi) (b), have been constructed and are maintained on the licensed premises.
14. Notwithstanding any other provisions in this by-law, no person shall race a Concession Go-Kart, Go-Kart, Motorcycle having an engine capacity of 50 c.c. or less, or Motor Vehicle or hold, operate, maintain, establish, permit or cause to be permitted a Concession Go-Kart, Go-Kart, Motorcycle having an engine capacity of 50 c.c. or less, or Motor Vehicle race:
- (i) Other than upon a race track on premises licensed hereunder with a paved or asphalt or concrete hard surface or winter track,

constructed so as to minimize and control dust and skids in a manner satisfactory to the Corporation expressed by resolution thereof;

- (ii) Without transporting the Concession Go-Kart, Go-Kart, Motorcycle having an engine capacity of 50 c.c. or less, or Motor Vehicle to and from the race track on the licensed premises by means of a motor vehicle, trailer or truck licensed by the Ministry of Transportation and Communications of the Province of Ontario;
 - (iii) Other than during the following permitted hours of operation:
 - (a) On Mondays, Wednesdays, Thursdays, Fridays, and Saturdays between the hours of 10:00 a.m. and 8:00 p.m., local time for Go-Karts, and Motor Vehicles;
 - (b) On Sundays between the hours of 10:00 a.m. and 4:00 p.m., local time, for Go-Karts, and Motor Vehicles;
 - (c) On Monday, Wednesday, Thursday and Friday between the hours of 10:00 a.m. and 10:00 p.m., local time, for Concession Go-Karts;
 - (d) On Saturday and Sunday, between the hours of 10:00 a.m. and 8:00 p.m., local time, for Concession Go-Karts; and
 - (e) Shall not be operated on Tuesday unless Tuesday is a holiday as defined in the Interpretation Act, R.S.O., 1970, c. 225, as amended from time to time or upon any day appointed as a public holiday, in which case the hours of operation shall be between the hours of 10:00 a.m. and 8:00 p.m., local time for Go-Karts and Motor Vehicles and between the hours of 10:00 a.m. and 9:00 p.m., local time, for Concession Go-Karts.
15. Every owner and operator of premises licensed pursuant to the provisions of this by-law and every Licencee hereunder shall ensure that no person shall race a Concession Go-Kart, Go-Kart, Motorcycle having an engine capacity of 50 c.c. or less, or Motor Vehicle or hold, operate, maintain, establish, permit or cause to be permitted a Concession Go-Kart, Go-Kart, Motorcycle having an engine capacity of 50 c.c. or less, or Motor Vehicle race unless the age and specifications of the International Kart Federation Inc. Competition Regulations as to drivers, operators or racers and equipment, class by class, are complied with.

16. Any premises licensed pursuant to the provisions of this by-law shall be subject to inspection and entry at all reasonable times by the By-law Enforcement Officer of the Corporation, the Fire Chief of the Corporation, the Public Health Officer of the Regional Municipality of Durham or any inspector authorized under any provincial statute or regulation in that regard or the duly authorized representative of any one or all of them, or a police officer, in order to ascertain whether the provisions of this by-law are obeyed and to enforce or carry into effect the by-law and no inspection by such person and no Licencee or owner of premises licensed under this by-law shall fail to remedy any condition requested.
17. With respect to the measurement of sound pressure levels in dBA units, the following procedure, subject to Section 13 (vi) shall apply:
 - (i) Internal and acoustical calibration checks shall be made immediately before and after each measurement in accordance with the recommended procedure of the manufacture of the sound level meter or that of the American National Standards Institute Inc.;
 - (ii) Measurements are to be made outdoors and at the locations set out in Section 13 (vi) facing the source of the sound pressure level being investigated with the microphone of the sound level meter at approximately 4 feet above ground. Additional measurements may also be made approximately 12 feet from the side of the nearest inhabited residence which faces the source of the sound pressure level being investigated;
 - (iii) Care shall be taken to avoid reflection effects from nearby walls;
 - (iv) A microphone wind screen, as recommended by the manufacture of the sound level meter, shall be used at all times;
 - (v) Measurements shall not be made:
 - (a) when the wind velocity is in excess of 10 miles per hour measured by an anemometer; or;
 - (b) in periods of precipitation; and
 - (vi) Precautions are to be taken to ensure that the measurements recorded correspond to the sound pressure level being investigated and are not due to wind, electrical interference or erroneous background sources.

18. Noise Reduction Measures for Specific Properties

- (i) No person shall operate, drive or race any two-cycle or two-stroke Go-Kart, two-cycle or two-stroke Concession Go-Kart or two-cycle or two-stroke Motor Vehicle or Motorcycle on the licensed premises described as East Part of Lot 21, Concession 1, in the Township of Uxbridge and known in the year 1995 as “Goodwood Kartway” unless the following minimum noise reduction measures have been undertaken and are maintained on the said licensed premises:
 - (a) A 3 metre high earth berm and acoustic fence barrier along the south property line extending from the entrance on Wagg Road to the south-east corner of the property and continuing northerly along the east property line for a distance of 80 metres; and
 - (b) A 1 metre high track barrier placed on the south side of all track sections except for the southern most east-west length of track; and
 - (c) A 1 metre high track barrier along the full length of the north side of the northern most east-west section of track.
- (ii) For the purposes of section 18 (i), all minimum height requirements shall be measured from the closest adjacent track elevation.

19.

- (i) If any provision of this by-law is for any reason held to be invalid, it is hereby declared to be the intention that all the remaining provisions shall remain in full force and effect until repealed, notwithstanding that one or more provisions shall have been declared to be invalid;
- (ii) If there are any existing by-laws of the Corporation of parts thereof that are inconsistent with the provisions of this by-law then the provisions of this by-law shall prevail.

20.

- (i) Any person who contravenes any of the provisions of this By-law is guilty of an offence and pursuant to the Provincial Offences Act, R.S.O. 1990, as amended from time to time, on conviction, is liable to a penalty not exceeding \$5,000.00 (Five Thousand Dollars) for each offence.

21. No person shall operate, maintain, establish, permit or cause to be operated, maintained, established or permitted any loudspeaking or public addressing system or similar facility at any time other than during the times authorized and permitted hereunder in this by-law for the racing of a Concession Go-Kart, Go-Kart, or Motor Vehicle.

READ a FIRST, SECOND and THIRD time and finally passed on this 11th day of September, 1975.

Mayor

Clerk

