CHAPTER ___RACETRACKS AND DRAG STRIPS

SECTION 1. AUTHORITY

Pursuant to NCGS Chapters 130A and 153A, Caldwell County hereby establishes this Ordinance.

SECTION 2. DEFINITIONS

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Chapter, except where the context clearly indicates a different meaning:

Board means the Caldwell County Board of Commissioners.

County means Caldwell County, North Carolina.

NCGS means the North Carolina General Statutes.

Person means any individual person, corporation, partnership, association, or legal entity.

Race Vehicle means any motorized vehicle, including but not limited to, cars, trucks, motorcycles, or go-carts, used for racing.

Racetrack means a track for racing Race Vehicles.

Drag Strip means a straight track or section of road for racing.

SECTION 3. LIMITED TIMES OF OPERATION

(a) Hours of Operation. It shall be unlawful for any Person to operate, or to permit or allow any other Person to operate, any Race Vehicle, whether or not the Race Vehicle is engaged in speed competition with any other Race Vehicle, and including testing, practicing or otherwise running the motor of any Race Vehicle designed to engage in racing or speed competition on the premises of any Racetrack or Drag Strip in the County, except during the following times:

1. The months of March, April, May, June, July, August, September, and October, and the first full weekend in November; and

2. Thursdays, Fridays, and Saturdays; provided, however, no Racetrack or Drag Strip may operate on more than 2 of the permitted days in any one week; and

3. Between the hours of 12:00 pm and 9:00 pm on one of the 2 permitted days of operation each week, and between the hours of 12:00 pm and 11:00 pm on the other permitted day of operation each week.

4. Test and Tune Events. "Test and Tune Event" means a race team bringing a car to the track, running laps, adjusting settings on the car, and then running more laps, with no racing, no crowd, and no money taken at the gate. The owner or operator of any raceway, racetrack, or drag strip may schedule and operate up to 6 (six) Test and Tune Events per month in the months of March, April, May, June, July, August, September, October, and up to the first full weekend in November. Any Test and Tune Event may only be scheduled and operated on weekdays Monday through Thursday, between the hours of 10:00 a.m. and 4:00 p.m.

(b) This Section is intended, and shall be construed, to apply only to commercial Racetracks and Drag Strips determined by engagement in one of more of the following practices: charging admission for spectators; awarding prizes to participants either by trophies, money or things of monetary value; selling food, drink, t-shirts, or other items; having seating for spectators; using the services of track officials; and/or intending to make money for the owner and/or operator of the Racetrack or Drag Strip. This Section is not intended, and shall not be construed, to apply to those venues constructed by, or for one or more individuals on their property consisting of circular tracks, jumps or mounds of dirt used for recreational activity such as 4-wheelers, off-road bikes and motorcycles, go carts, and other all-terrain vehicles which are used exclusively for any family members, neighbors and friends, and which do not engage in any of the activities described above.

SECTION 4. OPERATION AT TIMES NOT AUTHORIZED

The Board is authorized to grant, upon application, a permit to allow a Racetrack or Drag Strip to operate at specified date(s) and times not otherwise permitted by this Chapter, subject to the following limitations and considerations:

The application and permit must specify the date(s) and beginning and ending times of the event.

(a) Applications for all requested permits for any one year must be submitted to the Board at the same time.

(b) An application for a permit may include a requested rain date in case the event cannot be held on the primary requested date due to inclement weather.

(c) In determining whether to grant the permit, the Board may consider the following:

1. The nature of the proposed activity;

2. Previous experience with the applicant;

3. The time and duration of the proposed event;

4. Other activities in the specified geographical area at the same time as the proposed activity which could be disturbed by the proposed activity;The cultural or social benefit of the proposed activity;

5. The economic benefit to the community;

6. Any economic hardship on the applicant if the permit is denied or on others if it is allowed;

7. The effect of the activity on residential areas;

8. Any previous violations of this Chapter by the applicant; and

9. Any objections raised by neighbors potentially affected by the activity.

(d) Any violations of the conditions of an issued permit are a violation of this Chapter.

(e) Permits are subject to the following limitations:

1. No more than 4 permits will be issued in any calendar year for any Racetrack or Drag Strip.

2. 3 of the 4 permits shall be issued for 1 day only.

3. One of the 4 allowable permits may be issued to accommodate a special event for 3-4 consecutive days, as follows: It may be issued to allow practice on a Thursday and racing on Friday and Saturday. This permit may conditionally allow racing on Sunday, with no firing of engines, warm-up or racing to begin earlier than noon on Sunday, and only if all racing on either Friday or Saturday is canceled because of inclement weather.

SECTION 5. PENALTIES

(a) Criminal Penalties. Any Person(s) violating this Chapter, or any Section thereof, shall be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisoned for not more than 30 days, or both. Each occurrence of a violation shall be treated as a separate occurrence.

Civil Penalties. Any violation under the provisions of this Chapter subjects the offender to a civil penalty assessed by code enforcement. The penalty is in addition to the costs incurred by the County to correct violations of this Chapter. The penalty for a first violation of this Chapter shall be $250.00. The penalty for second and subsequent violations of this Chapter by the sae Person shall be $500.00 per violation. Each occurrence of a violation shall be treated as a separate offense. Civil penalties must be paid in full within 10 days after service of the citation.

(b) Equitable Remedies. This Ordinance may be enforced by equitable remedies, including, but not limited to, those in accordance with NCGS 153A-123 and 153A-140.