

**TOWN OF EPPING, NEW HAMPSHIRE**  
**BY-LAWS RELATING TO THE REGULATION AND LICENSING OF**  
**MOTOR VEHICLE RACE TRACKS**

**Article 1 – Authority**

- 1.1 **Preamble.** Pursuant to the authority granted by Chapter 31, Section 41-a of the New Hampshire Revised Statutes Annotated, as amended, the Town of Epping does hereby adopt the following By-Laws Relating to the Regulation and Licensing of Motor Vehicle Race Tracks.
- 1.2 **Short Title.** These By-Laws may be cited as the “Epping Race Track By-Laws” and may be referred to hereinafter as “By-Laws.” Specific provisions be abbreviated in official documents as “ERT” followed by the Article number. For example, Article 4.1 of the Epping Race Track By-Laws may be abbreviated as “ERT 4.1.”
- 1.3 **Purpose.** The purpose of these By-Laws is to govern the regulation and licensing of all motor vehicle race tracks located in the Town of Epping, New Hampshire.

**Article 2 – Definitions**

- 2.1 **Definitions.** Any words or phrases not defined by these By-Laws shall be interpreted according to their plain and ordinary meanings. For purposes of these By-Laws, the following words and phrases shall have the following meanings:
  - 2.1.1 “Event” shall be construed narrowly, such that every distinct event, exhibition, performance, or activity that is planned or organized in advance of its actual occurrence shall constitute a discrete event, regardless of whether it occurs in connection with, or at the same time as, one or more other events.
  - 2.1.2 “Major Safety Violation” shall mean a violation of any applicable State or local By-Law, rule, regulation, ordinance, or statute that poses an immediate danger to public health, safety, or welfare.
  - 2.1.3 “Motocross” shall mean a closed-course motorcycle or dirt bike race, or practice, over natural or simulated rough terrain.
  - 2.1.4 “Motor vehicle” shall mean any self-propelled vehicle, except tractors, activated by an internal combustion engine and not operated exclusively on stationary tracks.
  - 2.1.5 “Motor vehicle race track” shall mean a course or track on which motor vehicle races are held.
  - 2.1.6 “Owner” shall mean the owner of a motor vehicle race track.
  - 2.1.7 “Town” shall mean the Town of Epping, New Hampshire.

2.1.8 “Town Official” shall mean any Town officer, official, or employee who is authorized to enforce any provision of these By-Laws including, without limitation, the Building Inspector, Fire Inspector, Fire Chief, Police Chief, and any police officer who is detailed to a motor vehicle race track.

### **Article 3 – Licenses**

- 3.1 **Licenses Required.** No motor vehicle race track shall be operated within the Town of Epping unless the owner has, upon written application to the Board of Selectmen, obtained a license to operate such race track in accordance with these By-Laws. A separate license shall be required for each and every motor vehicle race track.
- 3.2 **Fees.** The annual license fees paid to the Town shall be set by the Board of Selectmen, but shall not exceed the amount(s) authorized by RSA 31:41-a.
- 3.3 **Application.** All applications to operate a motor vehicle race track shall be submitted to the Board of Selectmen at least Forty Five (45) days prior to the operational season in any given year. Where two or more motor vehicle race tracks are located on a single parcel of land, the owner shall submit a separate application for each motor vehicle race track; however, if the applications are submitted to the Board of Selectmen on the same date, the owner shall only be required to pay the annual license fee for a single motor vehicle race track.
- 3.4 **Effective Date.** Each license issued by the Board of Selectmen shall be valid for a period of one year, commencing on the date the license is issued.
- 3.5 **Inspections Required.** Prior to the issuance of a motor vehicle race track license, the owner shall provide proof of all inspections required by Section 5.10 of NFPA 102, Standard for Grandstands, Folding and Telescoping Seating, Tents, and Membrane Structures. The Building Inspector shall be present for every annual inspection. At least biennially, the inspection shall be performed by a licensed structural engineer, and the owner shall provide the Building Inspector with a certificate of safety signed and stamped by the engineer who conducted the inspection. The Building Inspector will not accept any certificate of safety that is not signed and stamped by a New Hampshire licensed engineer.

### **Article 4 – Operational Season and Hours**

- 4.1 **Operational Season.** The operational season for motor vehicle race tracks shall begin on April 1 and end on October 31 of each year. When there are fewer than five (5) Sundays in April in a year, the operational season for motor vehicle race tracks may begin on the last Sunday in March.
- 4.2 **Operating Schedule.** At least Forty Five (45) days prior to the operational season in any given year, the owner of a motor vehicle race track shall provide the Board of Selectmen with a proposed schedule of events for the entire operational season. The Board of

Selectmen may, after consulting with the owner, modify any such schedule as necessary to avoid a violation of these By-Laws or of any other law, ordinance, or regulation.

4.3 Hours of Operation. During the operational season, motor vehicle race tracks may operate on the following days during the following hours:

Wednesday:	1:00 PM – 10:30 PM
Friday:	1:00 PM – 11:00 PM
Saturday:	9:00 AM – 11:00 PM
Sunday:	9:00 AM – 9:00 PM

Except as authorized by Articles 4.3–4.5, below, no racing shall occur outside the days and hours of operation as specified above without prior written approval from the Board of Selectmen.

4.3 Extended Hours. After consulting with the Police Chief or the Police Chief's designee, any police office detailed to a motor vehicle race track in accordance with Article 5 may allow the motor vehicle race track to operate beyond the hours specified in Article 4.2 when exigent conditions prevent the completion of the advertised racing schedule within the said specified hours of operation. For purposes of this Article 4.3, exigent circumstances include, but are not limited to, any substantial mechanical breakdown or failure of a motor vehicle, major accidents, or unexpected severe weather conditions. Under no circumstances shall racing occur between the hours of 12:00 midnight and 9:00 AM.

4.4 Flex Dates. During the operational season, additional days and hours of operation may be approved by the Town Administrator upon written application from a motor vehicle race track owner submitted at least 14 days prior to the proposed event. On receiving such application, the Town Administrator shall grant or deny the application within 5 business days. If the Town Administrator fails to grant or deny such application within 5 business days, the application shall be deemed denied. The Town Administrator may withhold approval for any reason or no reason. During any given operational season, the Town Administrator shall approve no more than 6 additional days of operation for any given motor vehicle race track. In no event shall the Town Administrator approve operation of motor vehicle race tracks between the hours of 11:00 PM and 9:00 AM. If the Town Administrator is unable to process such applications, he may delegate his authority hereunder to another Town Official.

4.5 Additional Days and Hours. Additional days and hours of operation may be approved by the Board of Selectmen upon written application from a motor vehicle race track owner submitted at least 30 days prior to the proposed event.

4.6 Motocross. Notwithstanding any other provision of these By-Laws to the contrary, the operational season for motocross events shall begin on April 1 and end on November 30 of each year, on the same days and the same hours as specified above for all motor vehicle race tracks.

- 4.7 Non-Racing Events. At any time of year, the Board of Selectmen may authorize the use of a motor vehicle race track for any lawful purpose other than as a motor vehicle race track, provided that such use complies with all previous land use approvals and all applicable regulations, ordinances, by-laws, and statutes.
- 4.8 Unscheduled Events. The owner of a motor vehicle race track shall not permit any events at the motor vehicle race track that are not scheduled in accordance with Article 4.

## **Article 5 – Fire Safety and Emergency Services**

- 5.1 Fire Chief Review. The Fire Chief shall ensure sufficient fire protection equipment, personnel, planning, and facilities are provided in accordance with all provisions of National Fire Protection Association 610 (NFPA 610), “Guide for Emergency and Safety Operations at Motorsports Venues.” The owner of a motor vehicle race track may address the requirements of NFPA 610 by submitting with its license application a Fire Safety and Emergency Services Plan approved in advance by the Fire Chief. Such services shall be provided on the race track premises whenever the facility is open to the public during scheduled and nonscheduled events, track rentals, practice sessions, and private sessions.
- 5.2 Fire Safety Inspections. During the operating season, the Fire Inspector shall periodically inspect the motor vehicle race track premises to ensure that adequate emergency medical services and fire suppression apparatus are in place. The Fire Inspector may periodically inspect the race track premises to ensure temporary, mobile, or portable concession units, performance stages, and hazardous materials locations comply with the New Hampshire Fire Code. This shall also include tents used for food service, retail sales, and hospitality functions, among others.
- 5.3 Public Assembly Permits Required. The owner of any motor vehicle race track shall comply fully with the provisions of RSA 155:17, et seq., applicable to places of assembly, and failure to comply with the same shall be grounds for immediate revocation of any license issued in accordance with these By-Laws.
- 5.3 Ambulance Service. Adequate ambulance service, as determined by the Fire Chief, shall be provided on the race track premises whenever the race track is open to the public during scheduled and nonscheduled events, track rentals, practice sessions, and private sessions. In determining what is adequate, consideration shall be given to the nature of the activities being conducted and the number of persons present on the race track premises.
- 5.4 Police Details. Consistent with RSA 105:9, the Chief of Police shall assign a detail of one or more police officers to attend any event or activity at a motor vehicle race track that the Chief determines may potentially involve traffic-related problems, lead to a public disturbance or public nuisance, or endanger public health, safety, or welfare. If a motor vehicle race track provides private security at an event, the owner of the motor vehicle race track may consult with the Police Chief in advance of the event to determine whether additional private security or a police detail will be needed.

- 5.5 **After-Hour Coverage.** At least one ambulance and sufficient police protection and traffic control personnel shall remain on the race track premises until the majority of the spectators have departed following the close of operational hours.
- 5.6 The Fire Chief and Police Chief may designate their authority under these By-Laws to others as needed.

## **Article 6 – Operational Requirements**

- 6.1 **Sanitary Facilities.** During the operating season, sufficient sanitary facilities shall be provided on the motor vehicle race track premises. Such facilities shall include restrooms 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 6.1 and shall make such inspections at such times as may be deemed necessary in order to ensure compliance herewith.
- 6.2 **Parking.** Sufficient off-street parking shall be provided to accommodate all patrons of the motor vehicle race track.
- 6.3 **Food Services.** In accordance with RSA 143-A:4, all food service establishments located on or adjacent to the motor vehicle 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.
- 6.4 **Insurance.** 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 Article XI may result in the suspension of the operational license. Certificates of Insurance shall name the Town of Epping as Additionally Insured.

## **Article 7 – Alcoholic Beverages**

- 7.1 **Certain Alcoholic Beverages Permitted.** Subject to the following restrictions, alcoholic beverages with an alcohol by volume (ABV) of 16% or less may be sold and consumed in designated areas on race track property while the race track is open to the public.
  - 7.1.1 Every area designated for the consumption of alcoholic beverages shall comply with the laws of the State of New Hampshire, including all applicable State and local rules, regulations, ordinances, and statutes.
  - 7.1.2 The owner shall post signs clearly identifying every area that has been designated for the consumption of alcoholic beverages.
  - 7.1.3 The owner shall post signs advising members of the public that alcoholic beverages may only be consumed in areas designated for that purpose, and that any person

consuming alcohol outside of an area designated for the consumption of alcoholic beverages shall be subject to the penalties prescribed by law. Such signs shall be conspicuously posted and visible at every entrance gate, every seating area not designated for the consumption of alcoholic beverages, and the exits of each area designated for the consumption of alcoholic beverages.

- 7.1.4 Alcoholic beverages with an ABV higher than 16% shall not be sold, consumed, or allowed during such period of public viewing of vehicular racing or other approved events.
- 7.1.5 No alcoholic beverage shall be sold to anyone under the age of twenty-one years, and proper age identification shall be required prior to sale.

### **Article 8 – Overnight Lodging**

8.1 Overnight Lodging Permitted. Temporary overnight lodging shall be permitted on the motor vehicle race track premises for race car drivers, race car owners, and race car crews in accordance with the following standards:

- 8.1.1 Overnight lodging shall be permitted only in recreational vehicles with self-contained toilet and lavatory facilities. Tents shall not be permitted.
- 8.1.2 Occupation of 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.
- 8.1.3 A portion of the race track premises shall be designated as the approved sleeping area and shall be posted accordingly.
- 8.1.4 Only wash and laundry water (a/k/a Gray Water) may be discharged into approved septic facilities on the race track premises.
- 8.1.5 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.
- 8.1.6 Whenever temporary lodging is permitted on the race track premises, the Police Chief may require that adequate police detail coverage be provided at the owner's expense. As used herein, "adequate police detail coverage" shall include the minimum number of officers the Police Chief deems necessary to maintain the peace, based upon the nature of the activities being conducted, the number of persons present on the race track premises, and whether the owner has supplied private security or other personnel to maintain the peace.

### **Article 9 – Waiver**

9.1 Waiver. The Board of Selectmen may, upon written application, waive the provisions of these By-Laws for good cause shown after a public hearing.

## **Article 10 – Reimbursement for Municipal Services**

10.1 Schedule of Fees. The Board of Selectmen shall maintain, and shall periodically update, a schedule of fees for all municipal services provided in accordance with these By-Laws. As part of the schedule of fees, the Board of Selectmen may modify the dollar amount specified in Article 10.3.

10.2 Reimbursement Required. The owner of any motor vehicle race track shall reimburse the Town for all services furnished by the Town in accordance with these By-Laws.

10.2.1 The Town shall issue the race track owner a bill, or bills, for all services provided in accordance with Articles VI–IX, and payment shall be made to the Town no later than thirty (30) business days after the receipt of the bill.

10.2.2 Should payment not be made in accordance with Article 10.1.1, above, 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.

10.2.3 No license shall be issued to the owner of any motor vehicle race track who has not paid for any services furnished by the Town in accordance with these By-Laws.

10.3 Refund Requests. If the cost of services furnished by the Town in any twenty-four-hour period exceeds Two Thousand Five Hundred Dollars (\$2,500.00), or such other amount as may be set by the Board of Selectmen under Article 10.1, then after timely paying the bill for such services, the owner may apply to the Board of Selectmen for a refund of any services that the owner claims were not reasonably required to protect the public health, safety, or welfare. Upon receipt of such application, the Board of Selectmen shall schedule a public meeting to consider the owner's claims, at which time, the owner may offer such testimony and evidence as the owner desires to present. After the owner has presented such testimony and evidence, the Board of Selectmen may either deny the requested refund or issue a refund for any services that, in the Board's opinion, were not reasonably required to protect the public health, safety, or welfare. The owner's right to apply for a refund shall be contingent upon timely payment in accordance with Article 10.2.

## **Article 11 – Enforcement**

11.1 By the Building Inspector. The Building Inspector shall be charged with inspecting all motor vehicle race tracks for compliance with all applicable laws, ordinances, regulations, and By-Laws, and shall conduct a minimum of two on-site inspections during the

operational season. The Building Inspector may, in his sole discretion, delegate some or all of his authority under Article 11 to the Code Enforcement Officer.

- 11.1.1 Except as provided in Articles 11.1.2 and 11.1.3, the Building Inspector shall provide the owner with at least seventy-two (72) hours' advance notice prior to any on-site inspection.
- 11.1.2 Once during a given operational season, the Building Inspector may conduct an unannounced on-site inspection of each motor vehicle race track, provided the owner, owner's representative, or owner's agent is present on the race track premises at the time of the inspection.
- 11.1.3 If the Building Inspector receives a credible complaint or other trustworthy evidence establishing that one or more hazardous conditions exist on the premises of a motor vehicle race track that pose an imminent danger to the life, safety, and/or welfare of the public, then the Building Inspector may, after first consulting with the Police Chief, conduct an unannounced on-site inspection of the premises, with or without the owner's consent, to determine what (if any) action is required to address such hazardous condition(s).
- 11.1.4 In the event that any violation(s) of these By-Laws can be cured, the Building Inspector shall notify the owner in writing of such violation(s) within seventy-two (72) hours of his discovery of same, and shall grant the owner five (5) days to cure such violation(s). An example of a violation that can be cured is a minor violation of the New Hampshire Fire Code that does not pose an immediate danger to public health, safety, or welfare. Examples of violations that cannot be cured include operating without a license in violation of Article 3.1, holding unscheduled events in violation of Article 4.7, and failure to comply with any order issued in accordance with Article 11.2.
- 11.1.5 After being notified of any violation(s) and being given an opportunity to cure in accordance with Article 11.1.4, an owner shall correct all violation(s) identified by the Building Inspector within five (5) days of receipt of notification.

11.2 Exigent Circumstances. If the Building Inspector, Fire Inspector, Fire Chief, Police Chief, or any police officer detailed to a motor vehicle race track determines, in his or her professional opinion, that any condition at, or on the premises of, a motor vehicle race track poses an imminent danger to the life, safety, and/or welfare of the public, the Town Official making that determination is hereby authorized issue such orders as are reasonably necessary to remediate and/or address the hazardous condition. Notwithstanding the foregoing, no Town Official shall suspend the operation of a motor vehicle race track for more than seventy-two (72) hours without approval from the Board of Selectmen.

## Article 12 – Penalties

12.1 The Board of Selectmen, the Chief of Police, or their respective designee(s) shall be authorized to prosecute any violation of these By-Laws, as follows:

12.1.1 Pursuant to RSA 31:41-a, failure to observe any of these By-Laws shall constitute a violation.

12.1.2 Any person who fails to comply with these By-Laws, or any order issued thereunder, shall be subject to a fine of One Thousand Dollars (\$1,000.00) per violation; provided that the charging officer or Town Official may, in their sole discretion, impose a fine of less than One Thousand Dollars (\$1,000.00) but no less than Two Hundred Fifty Dollars (\$250.00) if the violation does not pose an imminent danger to public health, safety, or welfare. Each day a violation continues shall be a separate offense. Notwithstanding the foregoing, an owner who has been granted an opportunity to cure a violation under Article 11.1.4 shall not be fined if the owner cures that violation in accordance with Article 11.1.5.

12.1.3 Articles 12.1.1 and 12.1.2 shall be enforced in accordance with RSA 31:39-d, through the issuance of a Local Ordinance Citation/Summons, in a form provided by the court, served upon the defendant by postpaid certified mail, return receipt requested. If service cannot be effected by certified mail, service on the defendant may be completed as directed by the court.

12.2 In addition to the penalties set forth above, the Board of Selectmen may revoke or withhold an owner's license to operate a motor vehicle race track under the following circumstances:

12.2.1 If the owner of a motor vehicle race track permits any unscheduled event(s) in violation of Article 4.7, the Board of Selectmen may either revoke the owner's license to operate or withhold a license to operate for some or all of the following calendar year.

12.2.2 If more than three (3) Major Safety Violations occur at, or on the premises of, a single motor vehicle race track within any one-year period, the Board of Selectmen may either revoke the owner's license to operate or withhold a license to operate for some or all of the following calendar year.

12.2.3 If the owner of a motor vehicle race track violates the same provision of these By-Laws on more than three occasions within any one-year period, the Board of Selectmen may temporarily revoke the owner's license to operate for a period not to exceed three (3) months.

12.2.4 Prior to revoking or withholding an owner's license to operate, the Board of Selectmen shall conduct a duly noticed public hearing at which the owner shall be afforded the opportunity to speak in their defense. The owner shall be given at least fourteen (14) days' advance written notice prior to any such hearing.

### **Article 13 – Miscellaneous**

13.1 Savings Clause. The invalidity of any provision or provisions of these By-Laws shall not affect the validity of any other provision hereof.

13.2 Effective Date. These By-Laws shall be effective immediately on adoption.

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

Repealed and readopted by Article \_\_\_, March 2026 Town Meeting