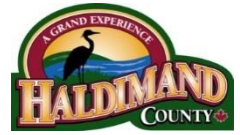

HALDIMAND COUNTY

Report CS-CL-02-2018 By-law Amendments Related to Motor Vehicle Racing For Consideration by Council in Committee on April 24, 2018



OBJECTIVE:

To update the Public Entertainment Event By-law 1361/13 and the Noise By-law 1098/10, as amended, to align with the Motor Vehicle Racing Event By-law 1360/13.

RECOMMENDATIONS:

1. THAT Report CS-CL-02-2018 By-law Amendments Related to Motor Vehicle Racing be received;
2. AND THAT amendments to Public Entertainment Event By-law 1361/13 be presented for enactment, as outlined in Attachment 2 of Report CS-CL-02-2018;
3. AND THAT amendments to Noise By-law 1098/10, be presented for enactment, as outlined in Report CS-CL-02-2018.

Prepared by: Evelyn Eichenbaum, Clerk

Respectfully submitted: Karen General, CPA, CGA, General Manager of Corporate Services

Approved: Donald G. Boyle, Chief Administrative Officer

EXECUTIVE SUMMARY:

With the revival of Motor Vehicle Racing at Jukasa Motor Speedway in 2017, staff have reviewed by-laws related to the activity to ensure that they are compatible to each other, reflect the nature of motor vehicle racing and regulate racing and its ancillary activities in an effective manner. Revisions to the Public Entertainment Event By-law 1361/13 and the Noise By-law 1098/10 are proposed in this report in order to effect a streamlined approach. A number of additional housekeeping amendments to the Public Entertainment Event By-law are recommended at the same time.

BACKGROUND:

Motor vehicle racing is a long-established activity in Haldimand County. The two existing venues, now known as Toronto Motorsports Park (TMP) and Jukasa Motor Speedway, have operated motor vehicle racing tracks in the County for decades. TMP operates a drag strip and a formula track racecourse for motorcycles and cars. In order to legalize the formula track, a Temporary Use By-law was enacted in 2003, with the zoning amendment approved by the Ontario Municipal Board (OMB) in 2005, conditional upon implementing noise mitigation measures among other things. Last year, Jukasa Motor Speedway revived operation of the oval track at 901 Haldimand Road 20, which formerly operated as Cayuga Motor Speedway and was dormant from 2009 until the summer of 2017 when the new owners completed major renovations and reopened the facility.

In 2013, the current Motor Vehicle Racing By-law 1360/13 (Attachment 1 for reference) was enacted, along with the Public Entertainment Event By-law 1361/13, which regulates the licensing of outdoor exhibitions, concerts, festivals, etc., as well as Motor Vehicle Racing Events which are other than regular weekly racing programs. Motor Vehicle Racing businesses are required to obtain an annual licence under By-law 1360/13 to operate the regular weekly racing program, but must also apply for a separate public entertainment event licence, under By-law 1361/13, to hold any larger events. The definition of these larger racing events, as per the Public Entertainment Event By-law, is as follows:

“Motor Vehicle Racing Event” means an event or series of events in a calendar year, other than regular weekly racing programs, held by a licensed Motor Vehicle Racing Business, and which are open to the public, advertised to the public, and admission may or may not be charged;”

Typically, there are 4 or 5 of these larger racing events planned at each location per season.

When the Public Entertainment Event By-law was introduced, the intent was to streamline the process for Motor Vehicle Racing businesses and allow more certainty regarding the scheduling of large events. Under this By-law, the **licensed** racing business would apply for all of their anticipated larger events for the upcoming season at one time, rather than individually. If the application met the By-law requirements, staff could issue the license, covering all of the larger racing events, with no further review by Council. In contrast, other Public Entertainment Events, like the Lachie Music Festival held in 2014, go through a specific Council approval process, potentially resulting in conditions tied to the licence issuance for that individual event.

When Jukasa Motor Speedway revived motor vehicle racing at 901 Haldimand Road 20 in 2017, a report was presented to Council to approve the initial licence issuance covering two special events. A de-brief from these events was subsequently provided to Council identifying issues that relate to the expectations and success of future events. One of the concerns expressed regarding the September 2017 licensed event at Jukasa was noise/music being played late into the night by participants who were staying at the campground during the event. Jukasa staff advised that it took their security staff some time to enforce this situation. They have strict rules for participants to follow and will ensure that they are adhered to in the future, as they don't want to see a repeat of the 2017 concerns.

ANALYSIS:

In administering the Public Entertainment Event licensing process for the large racing events, staff have found inconsistencies and lack of clarity regarding the conditions to be attached to the licence, particularly with regard to noise emanating from the special racing event, as well as the ancillary activities (music, camping, etc). The County also has a Noise By-law which regulates noise – through time and place – that was perhaps confusing in regard to the activities associated with the racing event. As a result, this report aims to introduce standard noise levels related to racing event licensing, thus providing clarity to the applicants and the public, as well as efficiency in the administrative processes.

The Motor Vehicle Racing By-law, which regulates the weekly racing business, does not impose any noise restrictions on motor vehicle racing, except for the specific restrictions at TMP's road course which emanated from the 2005 OMB decision. This by-law allows racing at all other approved locations to operate seven days per week, from 9:00 a.m. to midnight. The lack of noise regulation on the activity of racing reflects the fact that a racing event will, by virtue of its nature, generate loud noise, which is difficult to mitigate and control. In recent years, the Province has moved away from imposing noise control on Motor Vehicle Racing, and, as far as staff were able to determine, no other municipalities regulate noise emanating from licensed racing events.

A review of the Public Entertainment Event By-law 1361/13 also revealed that there is currently no time limit on the emittance of amplified noise related to an ancillary activity at a Motor Vehicle Racing Event, such as a live concert or amplified music provided by a DJ.. The County's Noise By-law contains the following sections specific to this issue which, of note, also do not contain any time restrictions:

Through Council's approval, the licence issued to Jukasa Motor Speedway for the two major events in 2017 placed a limit of 11:00 p.m. for the playing of music (currently not limited through By-law 1361/13), and racing was approved to 6:00 p.m. with a buffer allowance to 11:00 p.m. (currently limited to midnight through Bylaw 1360/13). On reflection, the 11:00 p.m. time restrictions imposed on Jukasa in 2017 were inconsistent with existing by-laws.

Staff are also aware of some annual events (not licensed but regulated through the Special Events Policy for activities on public property) whereby the County has allowed amplified music to play later than 11:00 p.m., for example:

- Caledonia Black Top Hop until midnight
- Hagersville Rocks until midnight
- Cayuga Fest until 1:00 a.m.

To achieve consistency and aid in public expectations, event organization and County enforcement, it is recommended that the following By-law revisions be made specific to sound emanating from the large motor vehicle racing events:

Public Entertainment Event By-law 1361/13 – Motor Vehicle Racing Events:

- Prohibit the playing of amplified music prior to 9:00 a.m. and after midnight, thus aligning the racing and ancillary use timeframes and providing consistency between Motor Vehicle Racing Events and Public Entertainment Events
- No vehicle sound level restrictions given that the Province no longer regulates, difficulty to enforce and the premise that racing generates loud noise that is understood to be part of the activity.
- Note: noise emanating from the accessory camping activities, other than the amplified music, would be enforced under the Noise By-law.

Noise By-law 1098/10:

The Noise By-law contains the following sections:

PART VIII - MOTOR VEHICLE RACING AND ANALOGOUS USES

10. This by-law applies to the operation of any Motor Vehicle or Off-Road Vehicle over a set course whether or not in competition with other vehicles for racing, training, lapping, testing, or instructional purposes, for recreational purposes, or for any other purpose, and includes any warm up or testing done on the premises in preparation for such operation of a Motor Vehicle.

11. With respect to Section 10 above:

(a) The premises of any track used for the purposes identified in Section 10 shall be considered a "stationary source" for purposes of assessing noise.

(b) For activities identified in Section 10 on premises zoned and licensed, where necessary, for such use prior to January 1, 2010, the applicable sound limits at any Point of Reception shall be those determined in accordance with NPC-300 as is appropriate to the Class of Area of the Point of Reception, plus 10 dBA.

(c) For activities identified in Section 10 on premises zoned and licensed, where necessary, for such use on or after January 1, 2010, the applicable sound limits at any Point of Reception shall

be those determined in accordance with NPC-300, as is appropriate to the Class of Area of the Point of Reception.

12. All Motor Vehicles and Off-Road Vehicles shall only be operated with a proper engine exhaust sound muffler/attenuator in place, in good working order and in constant operation.

The following recommendations to By-law 1098/10 are proposed:

- Remove Part VIII, as the aforementioned Sections 10 and 11 are redundant and create confusion with the County's two by-laws that specifically regulate the licensing of motor vehicle racing – both weekly racing programs as well as larger special racing events;
- Move Part VIII Section 12 to the "General Prohibitions" section of the Noise By-law as section 4 (i) to read:

"All Motor Vehicles and Off-Road Vehicles shall only be operated with a proper engine exhaust sound muffler/attenuator in place, in good working order and in constant operation. Provisions for licensed events take precedence."

This section does not apply to a racing event regulated by another by-law but would capture an individual driving a personal vehicle on a County road as well as other off-road vehicles such as ATV's.

In addition to the proposed amendments concerning noise as outlined above, there are a few other housekeeping/administrative amendments illustrated in the revised Public Entertainment Event By-law, shown in Attachment 2, as follows:

- Part II
 - housekeeping amendment to reflect that the County's licence is not necessarily issued by Council, as Motor Vehicle Racing Event licences are issued by staff
- Part III
 - more general wording about the requirement for a security plan rather than specifics of what needs to be included as part of it
 - removal of the requirement for paid duty OPP officers to provide traffic control and amended wording referring to traffic control services
- Part IV
 - similar changes related to security plan and traffic control plan as noted in Part III
- Part X
 - Clause 14 (a) be added to read: "Where there is a conflict between the provisions of this by-law and the provisions of any licensing by-law, that the provisions or conditions for obtaining a license, prevail."

No amendments are needed to the Motor Vehicle Racing By-law as it regulates the licensing of the weekly racing business, and seems to be effective.

Staff anticipate that the above recommended changes will ensure consistency and clarity in public expectations, business compliance and enforcement. It will also streamline the administration of the licensing activities which should assist the motor vehicle racing businesses when planning their season activities.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Staff have consulted with the Manager, Building Controls & By-law Enforcement and with Senior Management to ensure that by-laws regulating Motor Vehicle Racing in Haldimand County are coordinated in such a way as to reflect the nature of the industry while ensuring the safety and security of participants and residents.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. By-law 1360/13 Motor Vehicle Racing By-law
2. Public Entertainment Event By-law 1361/13 with tracked changes