

Chapter 395

RACING AND VEHICLE RECREATIONAL ACTIVITIES

Sec. 395-0 Purpose.

This ordinance is to specifically regulate motor vehicle racing and motor vehicle stunt events held within the County of Carroll to ensure that said activities are conducted in a manner that protects the health, safety, and welfare of the citizens of Carroll County.

Sec. 395-1 Definitions.

Unless the context otherwise requires, the following terms as used in this ordinance shall be construed according to the definitions given below:

- (a) Vehicle-every self-propelled device, in, upon or by which any person may be transported or drawn, except devices moved exclusively by human power.
- (b) Race Event-the act of one or more individuals competing or racing against each other, or against time on any track, street or highway in this County.
- (c) Stunt Event-the act of one or more individuals competing against each other, or against time or performing with a self-propelled vehicle before a paying audience, or an open ride in which the participants pay a fee to use said site.

Sec. 395-2 Unincorporated Areas.

This ordinance shall apply to the unincorporated area of the county.

Sec. 395-3 License required.

It shall be unlawful for any person either directly or indirectly, to conduct any business or enterprise, or to use in connection therewith any vehicle, premise, machine or device, in whole or in part, for which a license or permit is required by any law or ordinance of the County, without a license or permit therefor being first procured and kept in effect at all such times as required by law or ordinance of the County.

Sec. 395-4 Applicant Qualifications.

No license shall be issued to the following:

- (a) Any person who has been convicted of a violation of any felony offense under either Federal or State law.
- (b) Any person who is a member of any party, group or organization, at the time of such application for a license, advocates or resorts to any practices subversive of or designed for the overthrow, destruction or sabotage of the government of the United States.
- (c) Any person of poor moral character.
- (d) Any person who previously had been granted a license in this or another State and had said license revoked or suspended based upon the licensee's conduct.
- (e) Any person who is in default or indebted or obligated in any manner to the County, except for current property taxes.
- (f) Any person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.

Sec. 395-5 Applicant Fee.

An application for a license under this ordinance shall be accompanied by a non-refundable license fee in the amount of \$25.00 per year for the use of the County of Carroll.

Sec. 395-6 Application Process.

- (a) Applications for the license shall be made to the County Board by filing written application, together with the appropriate license fee in the office of the County Clerk of Carroll County. The application shall be immediately delivered by the County Clerk to the Chairman of the County Board. An investigation and examination to determine adequacy of applications and determine compliance of application and of applicants with the rules and regulations shall be conducted by the Chairman of the County Board of Carroll County, who shall report his findings to the County Board at a

regular meeting or a special meeting called for that purpose. The license shall be issued by the Chairman of the County Board over his signature on behalf of the County Board, after he is given authority to do so by a majority vote of the board.

(b) The application for a license shall contain:

(1) The name, age, residence, mailing address and telephone number of the applicant, a statement of the applicant's legal nature (such as individual, partnership, corporation, etc.) And if the applicant is a partnership, the names and addresses, etc., of all partners and if a corporation, the names and addresses of all corporate officers and stockholders, together with a certified copy of the articles of incorporation; a list of the names and addresses of all persons directly in charge of the activity.

(2) The location and legal description of the premises where the activity is proposed to be conducted, including all lands to be used directly, indirectly or incidental to the proposed activity or any part thereof. As to all such lands, there shall be attached to the application certified copies of the documents disclosing the nature of the interest of the applicant in and to the same.

(3) The date or dates and the hours during which the activity is to be conducted.

(4) A detailed statement, containing plans and specifications, or the applicant's program and plans for the activity in its entirety including without limiting the generality hereof, the manner in which the applicant proposes to meet the regulations, requirements and standards provided for elsewhere in this ordinance.

(5) An estimate of the minimum and maximum numbers of customers, spectators, participants and other persons expected to attend the activity daily or per performance.

(6) Public liability and property damage insurance in such form and amount as shall be determined by the Board to be reasonable in relation to or any way arising out of the proposed activity together with a written hold harmless agreement to the public at large for any loss or damage above and beyond insurance coverage shall be

furnished by the applicant.

(7) A statement certifying on penalty of perjury, the correctness of the information given on the application and in supporting documents, and agreeing on behalf of the proposed licensee that there shall be full compliance of the licensee with all state and local laws in the conduct of the activities for which a license may be granted.

(c) Upon receipt of an application for a license as required in the preceding paragraph, the Chairman of the County Board shall proceed to determine the sufficiency of the application and the other submissions contained therewith. The Chairman of the County Board shall complete his in this regard within 30 days of the date upon which the application is filed, shall make his report to the County Board for their action at the next regular board meeting, and shall advise the applicant of the Board's decision within two days of said meeting in writing. The Chairman of the County Board may, but he is not required to do so, appoint one or more members of the County Board to assist him in examining the application and related documents. Further, the Chairman of the County Board may, but he shall not be required to do so, submit the application or any part thereof, to other governmental agencies, national state or local, for their suggestions and recommendations. If the application meets all of the requirements of this resolution and all of the rules, regulations, and standards related to the activity in question, then the County Board shall issue a conditional license permitting the applicant to proceed with the development of the activity, in accordance with the contents of the application and in accordance with such other reasonable requirements as the County Board may make in the interest of public health, welfare or safety, which said additional requirements shall be set forth in the license.

(d) At least five days before the event or activity shall first commence, the applicant shall in fact meet all of the requirements of the resolution, application and additional requirements prescribed by the County Board as contained in the license, complete all construction, etc. and submit to the Chairman of the County Board written approval from all other governmental agencies having any jurisdiction whatsoever over the proposed activity.

(e) During the last five days before the event or activity shall first commence, the Chairman of the County Board or his designee shall inspect all of the facilities and activities of the applicant to determine compliance or noncompliance with the terms of the license by the applicant. If the

applicant is in total compliance, a final license shall be issued forthwith. If there is less than total compliance, then the Chairman of the County Board shall give written notice of all deficiencies to the applicant who shall have three days thereafter within which to correct said deficiencies. If the deficiencies are corrected, the final license shall issue forthwith; if the deficiencies are not corrected, the final license shall be denied by a written statement to effect issued by the Chairman of the County Board to the applicant whereupon all activity in relation to the proposed event shall terminate forthwith and immediately and shall proceed no further until a whole new application procedure shall have been commenced and processed to satisfactory conclusion.

Sec. 395-7 License Content.

Each license issued under this ordinance shall provide upon its face the following:

- (a) The name of the licensee and any other name under which such business is to be conducted.
- (b) The address of each business so licensed.
- (c) The amount of license fee therefor.
- (d) The dates of issuance and expiration thereof.

Sec. 395-8 Permit Fees.

In order for a licensee to hold a racing or stunt event under this Ordinance, the licensee shall be required to obtain a written permit from the County prior to the holding of said race or stunt event. The cost of each permit shall be twenty-five dollars (\$25.00). In the event multiple events are scheduled for the same date, only one permit shall be needed for each day. Each permit under this Ordinance shall only be valid for only one day. Said permit fee shall be paid to the County Clerk prior to the County Clerk issuing a written permit under this Ordinance. The permit fees raised under this section shall be expended pursuant to 55 ILCS 5/5-9002.

Sec. 395-9 Term of License.

The license year shall extend from October 1, through September 30 of the year following.

Sec. 395-10 License Renewal.

The applicant for the renewal of a license issued previously under this ordinance shall submit said renewal application containing the same information and via the same procedure as required in Section 395-6 of this Ordinance. The County shall provide the necessary forms to the applicant for said license renewal applications. Nothing shall prohibit the County from shortening the renewal application paperwork so long as the purpose of this ordinance is satisfied. In addition, the County may require the disclosure of such information concerning the applicant's business during the preceding licensing period as is reasonably necessary to the determination by the County of the applicant's eligibility for a renewal license and to a possible adjustment of the license fee. License renewal applications shall be filed during the month of July preceding the period for which said renewal is sought.

Sec. 395-11 Non-transferability.

No license under this ordinance shall be transferable without the written consent of the County Board.

Sec. 395-12 Display of License.

The licensee shall post and maintain said license upon the premises in a place where it may be seen at all times.

Sec. 395-13 Standard of Conduct.

Every licensee under this ordinance shall permit the following:

- (a) Permit all reasonable inspections of his business by public authorities so authorized by law.
- (b) Ascertain and at all times comply with all laws, regulations, and ordinances applicable to such licensed business
- (c) Avoid all forbidden, improper or unnecessary practices or conditions, which do or may affect the public health, morals or welfare.
- (d) Refrain from operating the licensed business or premises after expiration of his license and during the period his license is revoked or suspended.

Sec. 395-14 Hours of Operation.

The following hours shall apply to the opening and closing of business:

(a) Saturdays and Sundays: Open at seven o'clock (7:00) A.M. and close at six o'clock (6:00) P.M.; however, no racing vehicle engine may be started until nine o'clock (9:00) A.M., and racing shall be from ten o'clock (10:00) A.M. until six o'clock (6:00) P.M.

(b) Monday, Memorial Day and Monday, Labor Day: Open at seven o'clock (7:00) A.M. and close at six o'clock (6:00) P.M.; however, no racing vehicle engine may be started until nine o'clock (9:00) A.M., and racing shall be from ten o'clock (10:00) A.M. until six o'clock (6:00) P.M.

Sec. 395-15 Alcoholic Liquor Prohibited.

The sale or consumption of alcoholic liquor or beverages upon the premises is prohibited on dates in which racing or stunt events are scheduled.

Sec. 395-16 Parking Restrictions.

No vehicle, motor home, camper, trailer or other object shall be parked, stationed or positioned along any public roadway during any time that the premises is open for business. Parking facilities, off public roadways, shall be provided to fully serve all reasonably anticipated requirements at a rate of no more than 100 passenger cars per usable acre.

Sec. 395-17 Restroom Facilities.

Privy and location shall not constitute a threat to surface or underground water pollution. Such facilities shall be designed to fully serve all reasonably anticipated requirements at a rate of no more than 100 persons per toilet seat and 100 person per lavatory. No structure shall be erected without having first obtained a building permit from the property County Official.

Sec. 395-18 Refuse Collection.

Internal storage and collection of refuse shall be provided and shall not constitute a threat to surface or underground water pollution. A refuse disposal site approved by the State of Illinois Department of Public Health shall be provided. The premises and immediate surrounding properties shall be cleaned within 48

hours after an event.

Sec. 395-19 First Aid/Food Services.

Emergency first aid facilities and food service arrangements, including mandatory dispensing of liquids in plastic, paper or styrofoam cups, shall be provided to fully serve all reasonable anticipated requirements.

Sec. 395-20 Noise Levels.

Licensee shall control the noise level at the perimeter of the site to ensure that no more than 70 decibels on the A scale of a sound level meter which meets the specifications of the American National Standards Institute emits from said site.

Sec. 395-21 Liability Insurance.

Public liability and property damage insurance in such form and amount as shall be determined by the County Board to be reasonable in relation to or any way arising out of the proposed activity together with a written hold harmless agreement to the public at large for any loss or damage above and beyond insurance coverage shall be furnished by the applicant.

Sec. 395-22 Revocation.

The County Board may revoke any license issued under this ordinance for any violation of any provision of this ordinance, or for any violation of any State law that occurs upon said premises that are the subject of said license.

Sec. 395-23 Violations.

Any person who violates this ordinance is guilty of a petty offense and shall be subject to a fine not to exceed \$500.00. The State's Attorney may bring suit seeking to permanently enjoin any ongoing violation of this ordinance.

Sec. 395-24 Severability.

Should any provision of this ordinance be found invalid for any reason or should any provision of this ordinance be stricken by an act of the County Board, the remainder of this ordinance shall remain effective as if the subject provision had never been included in this ordinance.

History: Ordinance Number _____ approved June 20, 2002.

395-9

State of Illinois
Before the County Board of Carroll County
Ordinance No. _____

An Ordinance to approve a certain amendment to Chapter 395 of the Carroll County Code.

WHEREAS, the County Board by previous action established the Carroll County Code pursuant to 55 ILCS 5/29001 et seq.; and

WHEREAS, the Carroll County Code is in need of amendment as herein provided.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF CARROLL COUNTY:

Section 1. Chapter 395 of the Carroll County Code is hereby amended to add Section 395-6.5 entitled "Minimum Setback Requirements" after Section 395-6 and before Section 395-7 in words and form as attached hereto.

Passed this 21st day of October, A.D. 2004 by the County Board of Carroll County.

State of Illinois)
) ss.
County of Carroll)

Chairman



I, Judith A. Gray, County Clerk for Carroll County, State of Illinois, keeper of the records and files thereof in accordance with law, do hereby certify the foregoing resolution was passed by the Carroll County Board at its regular monthly meeting held at Mt. Carroll, Illinois and the date aforesaid in accordance with law.

In testimony whereof, I have hereunto set my hand and seal at my office at Mt. Carroll, Illinois this 21st day of October, A.D. 2004.

[Seal]



Judith A. Gray
Carroll County Clerk

[Insert after Section 395-6 and before Section 395-7]

Section 395-6.5 Minimum Setback Requirements.

The following are the minimum setback requirements for any racetrack used to facilitate racing events or stunt events under this Chapter:

- (a) Setback from roadways
 - (1) 60 feet from centerline of township roads.
 - (2) 100 feet from centerline of county and state highways.
- (b) Setback 2640 feet from all residences located on adjacent property.
- (c) Any racetrack in existence prior to the enactment of this section may be continued, even if it does not conform to this Section, except that any racetrack shall not be altered or enlarged unless said racetrack is changed to conform with the regulations of this Ordinance.

State of Illinois
Before the County Board of Carroll County
Ordinance No. 1005-36

An Ordinance to approve a certain amendment to Chapter 395 of the Carroll County Code.

WHEREAS, the County Board by previous action established the Carroll County Code pursuant to 55 ILCS 5/29001 et seq.; and

WHEREAS, the Carroll County Code is in need of amendment as herein provided, and

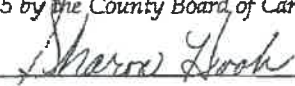
WHEREAS, the Carroll County Board has provided notice in accordance with the Open Meetings Act that said amendments to Chapter 395 are to be considered at the regular October meeting of the Carroll County Board.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF CARROLL COUNTY:

Section 1. Chapter 395 of the Carroll County Code is hereby amended to delete Section 395-5 entitled "Application Fee".

Section 2. Chapter 395 of the Carroll County Code is hereby amended in that Section 395-7 entitled "Permit Fees" is amended to reflect the words and form as attached hereto.

Passed this 20th day of October, A.D. 2005 by the County Board of Carroll County.


Chairman

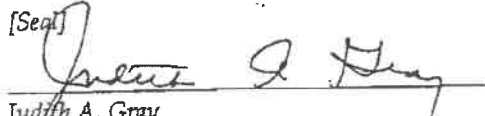
State of Illinois)
) ss.
County of Carroll)

I, Judith A. Gray, County Clerk for Carroll County, State of Illinois, keeper of the records and files thereof in accordance with law, do hereby certify the foregoing resolution was passed by the Carroll County Board at its regular monthly meeting held at Mt. Carroll, Illinois and the date aforesaid in accordance with law.

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In testimony whereof, I have hereunto set my hand and seal at my office at Mt. Carroll,
Illinois this 20th day of October, A.D. 2005.

[Seal]


Judith A. Gray
Carroll County Clerk

Sec. 395~~7~~ Permit Fees.

In order for a licensee to hold a racing or stunt event under this Ordinance, the licensee shall be required to obtain a written permit from the County prior to the holding of any race or stunt event. The cost of an annual permit shall be an annual fee of one hundred dollars (\$100.00). Each permit under this Ordinance shall be valid for one year and said permit shall authorize events under this Ordinance for the year covered by said permit. Said permit fee shall be paid to the County Clerk prior to the County Clerk issuing a written permit under this Ordinance and only after the County Board has approved the licensee's application. The permit fees raised under this section shall be expended pursuant to 55 ILCS 5/5-9002.