

GO-KARTS

An Ordinance Regulating the Operation of Go-Karts in the Town of Kirkwood

Adopted June 5, 1962

The Town Board of the Town of Kirkwood, Broome County, New York, having determined that the noise created by the operation of go-karts may be excessive, unreasonably loud and disturbing and of a character, intensity and duration to be detrimental to the peace, welfare and good order of the people of the Town of Kirkwood, pursuant to authority granted under paragraph 11 of Section 130 of the Town Law, in order to protect and foster the peace, welfare and good order of said Town, does hereby enact and ordain as follows:

ARTICLE I TITLE, DEFINITIONS AND APPLICATION.

SECTION 1. Title.

This ordinance shall be known and may be cited as the "Go-Kart Ordinance of the Town of Kirkwood".

SECTION 2. Definitions. As used in this ordinance

- a. The term "person" shall mean an individual, association, partnership or corporation;
- b. The term "go-kart" shall mean every device in, upon or by which a person or property is or may be transported or drawn, powered by one or more two or four cycle internal combustion engines, each producing 15 horse-power or less; excluding, however, tractors, agricultural machinery, devices used for the care and maintenance of real property, when so used, and vehicles licensed for operation on the public highways of the State of New York;
- c. The term "go-kart track operator" shall mean any person who charges for the use of real property by go-karts in the Town of Kirkwood;
- d. The term "muffler" shall mean any device consisting of more than one chamber or more than three baffle plates, or the equivalent, for the purpose of receiving exhaust gases from an internal combustion engine, which is effective in reducing noise. As used herein, the muffler shall not include any device meeting the preceding specifications which is equipped with a cut-out, by-pass or similar device.
- e. The term "race track" shall mean any ground, area or track upon which races, contests or demonstrations of skill or stunts are conducted for the enjoyment of entertainment of the public for the gratification of the contestants which use "go-karts".

SECTION 3. Application.

This ordinance shall apply to the operation of go-karts on all lands, public and private, within the Town of Kirkwood, except upon a public highway.

ARTICLE II PERMIT REQUIRED

SECTION 1. No person shall operate in the Town of Kirkwood any race track as defined herein without possessing a permit to operate the same as hereinafter provided.

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SECTION 2. Application for Permit.

Any person desiring to operate a race track, as defined herein, in the Town of Kirkwood may apply to the Town Clerk thereof for a permit therefor. Each such applicant shall execute under oath an application for such permit to be supplied to him by the Town Clerk containing the following information: that he is a citizen of the United States over 21 years of age; whether he has ever been convicted of a felony or misdemeanor; whether he has had any previous experience in the operation of race tracks as defined herein and such other facts or evidence deemed necessary to establish that he is a person fit, qualified and capable of operating a race track as defined herein, so as to protect the safety, health, morals and welfare of the town and its inhabitants; a description of the type of race track he intends to operate; the number of employees he intends to employ, the name and address of the owner or owners of the land and the nature of his right of occupancy; and a statement that if granted the permit applied for, he will operate the race track pursuant to the regulations hereinafter set forth and that upon his failure to do so such permit may be revoked forthwith.

SECTION 3. The Permit.

The fee for the permit is hereby fixed at \$5.00 for a permit to operate a race track, as defined herein, for one day; \$15.00 for one week or any part thereof; \$50.00 for one month or any part thereof over one week; or a permit for a year may be purchased for \$250.00, subject to the following limitation, to wit: such permit shall be effective from the date of its issuance until the 31st day of December of the year of its issuance, after which a new application must be made for a permit if the permittee desires to continue to operate the race track. Such permit may not be sold, assigned, transferred or otherwise disposed of. Such permit may be revoked by the Town Board after a public hearing thereon at which the permittee shall have an opportunity to be heard. Upon the revocation of such permit, the permittee shall desist the operation of the race track for which the permit was issued.

ARTICLE III OPERATION OF GO- KARTS PROHIBITED DURING CERTAIN HOURS

SECTION 1. No person shall operate a go-kart and no owner of a go-kart shall permit the operation thereof within the Town of Kirkwood before the hours of 9:00 o'clock in the morning of any day, excepting Sunday, when no person shall operate or permit to be operated, a go-kart before the hour of 2:00 o'clock in the afternoon.

SECTION 2. No person shall operate a go-kart and no owner of a go-kart shall permit the operation thereof within the Town of Kirkwood after the hour of 9:00 o'clock in the evening of any day, except Friday and Saturday, when no person shall operate a go-kart or permit a go-kart to be operated after the hour of 11:00 o'clock in the evening, except on Sunday, when no person shall operate a go-kart or permit a go-kart to be operated after the hour of 6:00 o'clock in the evening.

SECTION 3. No owner of real property and no go-kart track operator shall permit real property owned by him or under his control to be used for operation of a go-kart within the Town of Kirkwood before the hour of 9:00 o'clock in the morning on any day except Sunday, when no go-kart shall be permitted to be operated before 2:00 o'clock in the afternoon.

SECTION 4. No owner of real property and no go-kart track operator shall permit real property owned by him or under his control to be used for operation of a go-kart within the Town of Kirkwood after the hour of 9:00 o'clock in the evening on any day, except Friday and Saturday, when no go-kart shall be permitted to be operated after the hour of 11:00 o'clock in the evening, and except on Sunday, when no go-kart shall be permitted to be operated after the hour of 6:00 o'clock in the evening.

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ARTICLE IV MUFFLERS REQUIRED

SECTION 1. No person shall operate a go-kart which is not equipped with an adequate muffler in constant operation and properly maintained to prevent excessive or unusual noise.

SECTION 2. No owner of a go-kart shall permit its operation on property within the Town of Kirkwood unless it is equipped with an adequate muffler properly maintained to prevent any excessive or unusual noise.

SECTION 3. No owner of real property and no go-kart operator owning or having control of real property in the Town of Kirkwood, shall permit the operation of a go-kart thereon without a muffler in constant operation adequate to prevent any excessive or unusual noise.

ARTICLE V REGULATIONS CONCERNING GO-KART RACE TRACKS

SECTION 1. The permittee must personally operate, manage and be responsible for the operation of the race track for which the permit is granted.

SECTION 2. The permittee shall at all times maintain in full force and effect a public liability insurance policy in amounts of not less than \$100,000 for damages in which one person is killed or injured and not less than \$500.00 for damages in which more than one person is killed or injured. Such policy shall bear an endorsement thereon extending the benefits thereof to the interests of the Town of Kirkwood as they may appear or as they may be subsequently be determined to exist.

SECTION 3. The permittee shall not at any time allow the operation of the race track for which the permit is granted to be conducted in such a manner as to cause unreasonably loud or disturbing noises of such a character, intensity or duration as to be detrimental to the peace, welfare or good order of the people of the Town of Kirkwood or in such a manner as to cause disturbing, noisy, riotous or tumultuous conduct within the town. Loud speakers, announcing devices, horns and other noise producing devices shall not at any time be operated in such a manner as to disturb the occupants of the premises in the vicinity of the race track and shall be so toned down, muffled or subdued that the sound therefrom shall not carry more than 500 feet from the perimeter of the track in all directions.

SECTION 4. The permittee shall not at any time allow the operation of the race track for which the permit is granted to be conducted in such a manner as to allow the creation and dispensing through the air to the adjoining areas of the town of noxious odors, fumes, smoke or dust of such density or concentration as to be detrimental to the health, peace, welfare and good order of the people of the town or as to hurt, destroy or deface the property of the inhabitants of the town. If any event is being conducted at any time upon the race track for the operation of which a permit has been issued hereunder when the ground or surface of the track or of the approached thereto is so dry as to cause dirt or dust to be stirred up either by the racing vehicles or by vehicles transporting spectators to or from the race track and to be blown, or to drift to adjacent areas, the permittee shall sprinkle the track and its approaches with water or other substances so as to settle such dust or dirt.

ARTICLE VI TRESPASS

SECTION 1. No person shall operate a go-kart on private lands without the written consent of the owner of such lands.

SECTION 2. No owner of a go-kart shall permit the operation thereof on private lands without the written consent of the owner of such lands.

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ARTICLE VII PENALTIES

SECTION 1. A violation of this ordinance is an offense, punishable by a fine not exceeding one hundred dollars or imprisonment for a period not to exceed fifteen days, or both.
(Amended May 4, 2004 by LL No. 15-2004)

SECTION 2. Conviction for any above mentioned violation shall constitute and result in immediate forfeiture of the permit issued under this ordinance.

SECTION 3. Any person violating this ordinance shall be subject to a civil penalty enforceable and collectable by the Town in the amount of \$50 for each such offense.

SECTION 4. In addition to the above provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such ordinance.

ARTICLE VIII EFFECTIVE DATE AND SAVING CLAUSE

SECTION 1. Saving Clause. If any clause, sentence, paragraph, section or part of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 2. Effective Date. This ordinance shall take effect 10 days after the publication and posting or immediately upon the personal service of a copy of the same provided by Section 133 of the Town Law.