

**Township of Southgate**  
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## **Staff Report CBO2022-002**

**Title of Report:** **Varney Speedway By-law Update**  
**Department:** **Building**  
**Branch:** **By-law Enforcement**  
**Council Date:** February 2, 2022

### **Recommendation:**

**Be it resolved that** Council receive Staff Report CBO2022-002 for information.

### **Background:**

Whereas, Section 15.1(3) of the Building Code Act, S.O. 1992, c.21 a bylaw may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions relating to property conditions; and

Whereas, Section 129 of the Municipal Act, S.O. 2001, c.25 as amended, Authorizes councils of local municipalities to pass by-laws to prohibit and regulate with respect to noise.

### **Staff Comments:**

Southgate staff have been working on resolving noise, property standards and zoning grievances regarding Southgate properties.

Citizens have been active regarding the Varney Speedway property operating under new management, with new dates and times for their activities.

Township of Southgate Zoning By-Law Number 19-2002 has property zoning of C5 with amendments C5-313. This zoning and amendment state the permitted uses are for a racetrack, salvage yard, and camping on this property among other uses. An agreement between Varney Speedway and the Township of Egremont was reviewed and found to integrate limitations of dates and times for racing. This document was not registered on title but has been respected by all the owners since 1999. However, this agreement is not binding to the new owners twice removed from the agreement. As well the document states it is to be reviewed on a yearly cycle. As a racetrack is a legal recognized planning use and has no registered limitations, it is the opinion of staff the current operation is not an infraction of the Southgate Zoning By-law.

Suggestions regarding noise limitations imposed by the Ministry of Environment are not valid as the noise generated by the track is also exempt from the Environmental Protection Act as per Section 1, Subsection 17 of the Act.

It is of the opinion of staff there may be violations on this property in contravention of Southgate By-Law 2021-132 being a by-Law to provide for the Regulation and Prohibition of Unusual Noises or Noises likely to Disturb the Public and/or the Prevention of Public Nuisances within the Township of Southgate, Section 2.1 Schedule A a) noise generated after 11:00 p.m. and before 7:00 a.m. of the next day. This investigation will need to occur during the racing season and between these hours. This investigation may or may not show evidence of violations.

Further, camping on the grounds is permitted but may or may not be adhering to the requirements, a proper site plan agreement, proper servicing and wastewater disposal infrastructure. This will also require an investigation during the racing season and may or may not show evidence of violations.

Staff has advised the complainants of the results of their investigation to date and will proceed to investigate further when the race season begins again.

**Financial Implications:**

There are no financial impacts to the municipality as a result of this report at this time. Further legal action may be required at a later date.

**Communications & Community Action Plan Impact:**

This report has been written and presented to Council to communicate accurate information to the public.

**Concluding Comments:**

That Council receive this staff report for information.

Respectfully Submitted,

**Dept. Head:** *Original Signed By*  
Bev Fisher, Chief Building Official

**CAO Approval:** *Original Signed By*  
Dave Milliner, CAO

**Attachments:**

1. C5 Zoning Excerpt
2. Zoning Amendment to C5
3. 1999 Egremont Agreement
4. Environmental Protection Act Section
5. Noise By-law Schedule A – Section 1