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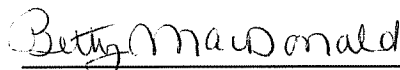
**Halifax Regional Council**  
**May 20, 2003**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**



George McLellan, Chief Administrative Officer



Betty MacDonald, Director, Governance and Strategic Initiatives

**DATE:** May 1, 2003

**SUBJECT:** All Terrain Vehicles (ATVs)

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**ORIGIN**

February 11, 2003 Council Session at which time Councillor Gary Hines requested staff examine an East Hants Stakeholders pamphlet on ATV safety / etiquette and provide comment. As well, Councillor Brad Johns requested that staff review the New Brunswick legislation at the same time.

**RECOMMENDATION**

It is recommended Council endorse the East Hants Stakeholders pamphlet on ATV safety/etiquette as attached to this report.

## **BACKGROUND**

The topic of ATV Safety and Etiquette was initially developed by the RCMP (Enfield detachment) and their Citizens on Patrol (COP) group. Over time, other levels of government became involved in the discussions (NS Departments of Environment and Labour, Transportation, and Natural Resources and Federal Dept. of Fisheries); as well as ATV dealers and other interested parties. Discussions evolved into the development of a brochure as a means to educate the public on the use of ATVs.

Councillor Gary Hines brought this matter forward to Council on February 11, 2003, for staff to provide comment on the brochure, and for Council to consider endorsing same for use within HRM. A comment on the New Brunswick Legislation was also requested.

## **DISCUSSION**

Attached is a document entitled ATV Riding Etiquette and Regulations prepared by the East Hants ATV Stakeholders Coalition. In essence, it provides information on the legal requirements of ATV users, as well as tips on riding safely and responsibly. Staff have reviewed this pamphlet and have found it to be useful educational tool. Staff recommend Council endorse and use the pamphlet.

Following is an update on current initiatives in Nova Scotia and New Brunswick.

### ***Nova Scotia***

In the Fall of 2002, two ATV training courses were conducted in Dartmouth. Under the co-ordination of RCMP Cst. Brian Veniot, and instructed by Mark Ring, representing the NS Safety Council, this training was carried out to enable both the RCMP and Fisheries' Officers to safely conduct proactive and reactive off-road vehicle safety, utilizing education and enforcement.

On April 28, 2003, the Province of Nova Scotia announced that the Voluntary Planning Board would be conducting a public consultation and research initiative on off-highway vehicle use within the province. This task force is to be comprised of individuals from diverse backgrounds in the private or non-governmental sectors to address concerns such as ATV public and user safety, liability, insurance, environmental damage, unauthorized use of private and public lands, and the lack of systems in place to enforce appropriate use. This project is to commence immediately and the process may take up to a year to complete.

### ***New Brunswick***

The New Brunswick Public Safety Minister has brought forward legislation to make ATV use within that province a safer recreational activity. Amendments to the All-Terrain Vehicle Act will require youth under the age of 16 to take an approved safety course in order to operate a three or four wheel ATV, and owners will be required to carry liability insurance. Further, the All-Terrain Vehicle Act's name will change to the "Off-Road Vehicle Act" to more accurately reflect the vehicles covered by the legislation. Other proposed legislative changes include amendments that establish a managed all-terrain vehicle trail network for three or four wheelers similar to the managed snowmobile trail system.

**BUDGET IMPLICATIONS** - N/A

**FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

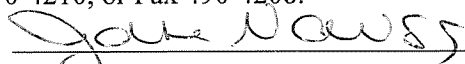
**ALTERNATIVES**

Regional Council not endorse the pamphlet for use within Halifax Regional Municipality.

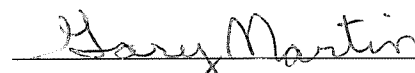
**ATTACHMENTS** Pamphlet entitled "ATV Riding Etiquette and Regulations"

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:

  
Jane Nauss, Community Response

Report Approved by:

  
Gary Martin, Manager, Community Response

## For More Information...

Local clubs, general information:  
ATV Association of NS, [www.atvans.com](http://www.atvans.com)

Rider safety courses:

Canada Safety Council  
613-739-1535, [cscc@safety-council.org](mailto:cscc@safety-council.org)  
[www.safety-council.org/training/ATV/atv.htm](http://www.safety-council.org/training/ATV/atv.htm)

Waterways:

Fisheries and Oceans Canada, 902-426-8105

Beaches, wildlife, public land:

NS Dept. of Natural Resources, 902-424-5935

Environment:

NS Environment and Labour, 902-424-5300

Trails:

NS Trails Federation, 902-425-5450 ext. 325  
[www.novascotiatrials.com](http://www.novascotiatrials.com)

Public safety, laws:

Please contact the local RCMP detachment.

Highways:

NS Dept. of Transportation and Public Works  
902-424-2297

NS Off-highway Vehicles Act:

[www.gov.ns.ca/legis/legcsol\\_m.htm](http://www.gov.ns.ca/legis/legcsol_m.htm)

NS Regulations:

[www.gov.ns.ca/just/regulations/regs/conregs.htm](http://www.gov.ns.ca/just/regulations/regs/conregs.htm)

Municipal government:

Please check the government blue pages in your telephone book.

Produced by the  
East Hants ATV Stakeholders Coalition  
March 2003

Thank you to all who contributed to the production  
of this brochure.

# ATV Riding Etiquette and Regulations



## Ride Safely! Ride Responsibly! Know the Rules!

### Wear Proper Gear!

Wear a CSA-approved helmet, eye protection, long-sleeved shirt or jacket, gloves, long sturdy pants and over-the-ankle boots. Wear bright colors to make yourself visible — wear hunter orange safety vests, especially during hunting season.

### Respect the Environment!

- Stay out of the water! Stay away from environmentally sensitive areas such as swamps, marshes, beaches, dunes, rivers and streams. Do not ride on wet areas, loose soil or steep slopes.
- Never cross a stream or river unless there is a bridge. If it becomes absolutely necessary to cross a stream where there is no bridge, do so at right angles to the banks, where banks are low and solid.
- Learn about and respect vehicle use rules or provisions for provincially and federally designated protected areas such as Parks, Wilderness Areas, Nature Reserves, Wildlife Areas, sanctuaries, and other conservation lands.
- Watch for and respect wildlife.
- Operate your ATV as quietly as possible.
- Do not litter. If you pack it in - pack it out! Do your part by picking up any litter you find on the trail.
- Leave your rest spot or campsite as you found it.
- Extinguish any cigarettes/campfires properly and effectively before leaving the area.
- Stay on the trail. The responsible riding of an ATV on identified trails helps protect the environment.

### Know Your ATV!

- Read the owner's manual before riding your ATV.
- Inspect the ATV before you ride: tires, controls, lights, oil/gas, chassis and suspension.
- Make sure the ATV fits the rider. No individual should ride an ATV if they have to reach for the footrests, handlebars or controls. When seated, the rider's thigh should be horizontal, the elbow should be bent at a distinct angle when hands are on handlebars, the thumb should easily operate the throttle and the middle finger should extend beyond the brake lever for proper operation.
- Parents, take into consideration your child's physical, social and emotional development, reasoning and decision-making abilities and visual perception. Only parents can decide if their child has the ability to safely operate an ATV.

### Practice Safe Riding Etiquette!

- Drive at a speed that is safe for you the rider and the riding conditions.
- Know your riding skill level.
- Stay on the trail.
- Always ride with your lights on.
- Carry no passengers, as per manufacturers instructions.
- It is illegal to cross a controlled access highway, including 100-series highways in East Hants.
- Be very careful when crossing any other highway. The first rider should pull his/her ATV far off the trail, dismount and direct other riders across the roadway. Once the last rider has been directed across, he/she pulls their ATV far off the trail, dismounts and directs the first rider (spotter) across the roadway.
- When stopping, pull far off to the side of the trail. Do not stop on hills and turns. Do not block the trail.
- Be aware of, and respect, woods workers and vehicles, other trail users and hunters.
- When approaching other trail users, slow down or stop your ATV and exchange a friendly wave.
- When approaching horses, pull over and stop, shut off your ATV, take off your helmet, and let the horses pass. Keep your voice down and make no quick movements.
- Alert the ATV rider behind you of any dangers or changes in terrain or direction.
- Know the group's hand signals.
- Travel in single file while riding the trails and keep to your right.
- Travel at a safe distance behind one another.
- When passing other trail users, follow at a safe distance until you reach a safe place to pass and pass slowly.
- Allow only one ATV on a bridge at a time.
- If leading a group of ATV riders, know the number of riders, know the riders' skill levels and ensure the group stays together.
- When turning onto another trail, wait for the rider behind you before you continue.
- On narrow woods roads/trails, yield to forestry vehicles and on-coming traffic by pulling over your ATV and stopping until they have passed.
- Carry with you food, drink (non-alcoholic), registration, drivers license, first aid kit, tool kit, cell phone, empty bag for garbage, etc.

# ATV Riding Regulations: Know the Rules!

## Ride Safely!

### Wear Your Helmet!

**Did you know?** It is an offence to ride an ATV while not wearing a helmet that complies with safety standards (e.g., CSA). Protect yourself by wearing a safety-approved, well-fitting helmet.

### Register Your ATV!

**Did you know?** It's the law — ATV's in Nova Scotia must be registered and this registration must be displayed on the vehicle unless the ATV stays on your own property. It is recommended that ATV owners have insurance for their ATV.

### NEVER Ride Upon a Highway!

- It is illegal to drive an ATV
  - x upon any highway
  - x on the shoulder of any highway
  - x in the median of any highway
  - x on or across a controlled access highway
  - x on a sidewalk.

Under legislation, "highway" means a public highway, road, street (including bridges), park, beach or other public place, and private property made accessible to motor vehicles. In other words, any road is generally considered a highway if it is accessible from a public highway and is not gated or barricaded. **In East Hants, all 100-series highways are "controlled access".** Please check with local authorities about highway status elsewhere in NS.

### Cross Highways Safely!

- Did you know?** Driving an ATV upon or across a controlled access highway is an offence. A person may legally drive an ATV across an uncontrolled access highway if:
- ✓ The person stops the ATV at the side of the road and yields to all traffic upon the highway.
  - ✓ The person crosses at right angles.
  - ✓ There is a clear and unobstructed view along the highway for a minimum distance of 150 m (500 feet) in each direction.
  - ✓ There is a level entry and exit.
  - ✓ The person holds a valid driver's license.
  - ✓ There are no passengers on the ATV.
  - ✓ The ATV is registered.

### Respect Property and Rules!

- **Did you know?** It is an offence to operate an ATV on any private property without the permission of the property owner or occupier. Always ask landowner permission before traveling on private property.
- Vehicle use in protected Wilderness Areas is generally prohibited, although some vehicle use may be authorized for specific purposes. Learn the location of designated Wilderness Areas, and check with the local office of the Department of Natural Resources or Environment & Labour to confirm vehicle use restrictions for specific areas.
- Obey all trail rules and all posted signs. Respect trail closures and any barriers (e.g., gates, fences).
- Report illegal activity to the local RCMP.

### Ride on Designated ATV Trails ONLY!

- It is illegal to operate an ATV on any private property without permission of the property owner.
- It is illegal to ride an ATV through a watercourse, even if it is dry. It is a violation under the Fisheries Act to cause harmful alteration and disruption and destruction (HADD) of fish habitat. It is also an offence to operate an ATV on a beach or sand dune.
- The Off-highway Vehicles Act prohibits ATV operation on sidewalks, walkways, school grounds, utility service lands, cultivated lands, private forest lands, campgrounds, golf courses, parks and playgrounds without permission of the property owner.
- It is illegal to operate at ATV on, or beside, a trailway line and in a provincial park.
- Not all recreational trails are designed for, or permit, ATV's! Trail operators establish regulations regarding use of their trail, and these must be adhered to. ATV use is permitted on some shared-use trails in Nova Scotia, these trails often have speed limits, which must be adhered to. Before you ride, check with the local trail operator to be sure if ATV use is permitted on the trail. Respect permitted uses, stay on designated ATV trails and obey all posted signs.

### Always Supervise Youngsters!

- A child who is under 10 must be directly supervised at all times by a person who is at least 19 and may legally ride an ATV on private property when the parent/guardian obtains permission for the child to operate the ATV there.
- A child who is 10 to 14 may legally ride an ATV without direct supervision on private property where the parent/guardian obtains permission for the child to operate the ATV there. Elsewhere, that child is to be directly supervised by a person who is at least 19.
- It is an offence for a person who owns or has control of an ATV to permit the operation of the ATV by a person under the age of 14 years unless under these circumstances:
- It is important for parents/guardians to consider their child's physical abilities and decision-making skills in deciding whether a child has the ability to safely operate an ATV.

### Ride Responsibly!

It is illegal to operate an ATV without due care and attention, without reasonable consideration to other persons or property, at an excessive speed considering the conditions existing at the time, and so as to annoy or worry a domestic animal or wildlife.

### Obey the Rules!

- **Did you know?** Violation of the Off-highway Vehicles Act and regulations is an offence, which could result in fines starting at \$128.75, towing and storage costs, and seizure of the ATV for up to 24 hours.
- It is an offence under the Wildlife Act to carry a loaded or uncased firearm on an ATV. If you use your ATV to travel to or from your hunting camp, always carry your firearm unloaded and properly encased.
- Be informed of Municipal By-laws regarding ATV use (where you can ride your ATV may vary from area to area.)
- It is an offence under the criminal code to ride an ATV while impaired by drugs or alcohol.

### Safety Tips for ATV Riders

- Ride off-road only, never on public roads.
- Know your owner's manual.
- Wear your helmet.
- Check your ATV before you ride.
- Protect your eyes and body.
- Ride with others – never alone.
- Always supervise youngsters.
- Keep noise levels low.
- Ride straight – no alcohol or drugs.
- Lend your ATV to skilled riders only.
- Preserve the environment.
- Be courteous to all you meet.
- Ride within your skill.
- Respect riding area rules.

(Canada Safety Council, [www.safety-council.org](http://www.safety-council.org))

### Be Safe, Be Informed!

- Join a local ATV club. Visit the All-Terrain Vehicle Association of Nova Scotia website at [www.ATVANS.com](http://www.ATVANS.com) for a list of ATV clubs.
- Take an ATV Rider Safety Course. Contact a local club or visit [www.safety-council.org/training/ATV/atv.htm](http://www.safety-council.org/training/ATV/atv.htm) for course information.

