

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER R-500
RESPECTING THE DESIGNATION OF ROAD TRAILS ON MUNICIPAL HIGHWAYS**

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of the *Road Trails Act*, and the *Halifax Regional Municipality Charter*, as follows:

Short Title

1. This By-law may be known as By-law R-500, the *Road Trails By-law*.

Purpose

2. The purpose of this By-law is to designate specific municipal highways, or portions of a highway, as road trails on which off-highway vehicles may be operated to enable connections between designated trails or to access supporting amenities.

Interpretation

3. In this By-law,

- (a) “Act” means the *Road Trails Act*, SNS 2023, c 4.;
- (b) “all-terrain vehicle” means a vehicle as defined by Section 3 of the *Act*;
- (c) “designated trail” means a designated trail as defined by section 3 of the *Act*;
- (d) “ditch” means a ditch as defined by section 3 of the *Act*;
- (e) “Engineer” means the Engineer of the Municipality and includes a person acting under the supervision and direction of the Engineer;
- (f) “highway” means a highway as defined by section 3 of the *Act*;
- (g) “municipal infrastructure” includes surfaces of the highway, curbs and gutters, and shoulders of the highway, and any other infrastructure within or outside the public right-of-way the Municipality is responsible for maintaining;
- (h) “non-profit organization” means,
 - (i) a society incorporated pursuant to the *Societies Act*, RSNS 1989, c 435, as amended,
 - (ii) a not-for-profit corporation incorporated pursuant to the *Canada Not-for-Profit Corporations Act*, SC 2009, c 23, or
 - (iii) a non-profit organization otherwise incorporated pursuant to an Act of the Nova Scotia Legislature;

- (i) “off-highway vehicle” means an off-highway vehicle as defined by section 3 of the *Act*;
- (j) “road trail” means a road trail as defined by section 3 of the *Act*;
- (k) “supporting amenities” means a business providing services directly related to the operation of off-highway vehicles on nearby designated road trails, such as fuel and service stations, convenience stores, restaurants, and accommodations; and
- (l) “vehicle” means a vehicle as defined by section 3 of the *Act*.

Application

4. Council may not designate:
- (a) a highway owned by the Crown in right of the Province; or
 - (b) a controlled-access highway or part of a controlled-access highway, as a road trail under this By-law.
5. (1) The *Act*, *Off Highway Vehicles Act*, and *Motor Vehicle Act*, and any regulations made pursuant to those acts applicable to road trails, shall apply to a road trail designated by Council, including the *Off-highway Vehicles Equipment Regulations* and the *Off-highway Vehicles Insurance and Passenger Regulations*.
- (2) For greater certainty,
- (a) the same traffic rules and restrictions in the *Act* and its regulations shall apply to the operation of off-highway vehicles on a road trail designated by Council, including the *Off-highway Vehicles Equipment Regulations* and the *Off-highway Vehicles Insurance and Passenger Regulations*;
 - (b) in accordance with section 4 of the *Act*, in the event of a conflict between the *Act* and the *Motor Vehicle Act* or the *Off-highway Vehicles Act*, the *Act* prevails; and
 - (c) in accordance with section 4 of the *Act*, the *Motor Vehicle Act* and the regulations made under that Act applicable to motor vehicles shall apply to the operation of an off-highway vehicle on a road trail, except those provisions that by their very nature can have no application.
6. Nothing in this By-law prevents, restricts, or otherwise limits the requirement to comply with any other by-law of the Municipality, including the requirement for an approval, license, or permit of the Municipality, such as a permit under the *Streets By-law*, or a license or a license agreement under the *Encroachment By-law*.

Designation of Road Trails

7. (1) Council hereby designates as road trails those highways, or those portions of highways, shown or identified on the Schedules to this By-law.

(2) Any Schedule to this By-law shall form part of this By-law.

8. Unless otherwise directed by Council, only applications by non-profit organizations will be considered by the Engineer for designation as a road trail.

9. (1) When recommending a highway, or a portion of a highway, to be designated as a road trail to Council, the Engineer shall consider whether the highway, or the applicable portion of the highway, being considered for designation:

(a) provides direct connectivity between:

(i) designated trails, or

(ii) a designated trail and supporting amenities;

(b) has a posted speed limit not greater than 70 kilometers per hour; and

(c) can provide a safe transition to and from the public highway.

(2) For greater certainty, the posted speed limit relates to the speed limit for motor vehicles on the proposed highway, or the portion of the highway, and not the 25 kilometres per hour rate of speed for the operation of off-highway vehicles on a road trail.

Publication

10. (1) Once adopted by Council, this By-law shall be posted to the website of the Municipality.

(2) Any amendments to this By-law adopted by Council shall be consolidated with the By-law and posted to the website of the Municipality.

Application For Designation of a Road Trail

11. The Engineer shall receive applications to designate a highway, or a portion of a highway, as a road trail.

12. (1) The Engineer, or their designate, may review a submitted application to determine if it is complete.

(2) If an application is incomplete, the Engineer, or their designate, may identify the deficiencies in the application and grant the non-profit organization additional time to submit information to resolve those deficiencies.

(3) If additional time is not granted, or the information is not submitted within the additional time granted, the application shall be deemed withdrawn.

13. Unless Council directs otherwise, the Engineer may only consider complete applications that:

- (a) are submitted by a non-profit organization;
- (b) are in writing;
- (c) include the fee, if any, required by Administrative Order Number 15, *the License, Permits and Processing Fees Administrative Order*;
- (d) contains an acknowledgement that the non-profit organization is required to sign the agreement in section 16; and
- (e) satisfies section 14.

14. The application shall include the following information:

- (a) proof, to the satisfaction of the Engineer, or their designate, the organization is registered as a non-profit organization;
- (b) identification of the highway, or a portion of the highway, that is the subject of the application;
- (c) an application for an encroachment license for any structures proposed within the road trail; and
- (d) a plan of any proposed work and on-going maintenance by the applicant to support the incorporation of the road trail.

15. The Engineer, or their designate, may review a completed application and, after completing that review, may forward a report to Council recommending designating the proposed highway, or a portion of the highway, as a road trail.

Agreement

16. (1) The non-profit organization shall agree to sign an Agreement with the Municipality.
- (2) The Agreement shall be in the form determined by the Municipality.
- (3) The Agreement shall include provisions that the non-profit organization agrees:
- (a) to construct and maintain, at their sole expense
 - (i) any encroachments granted under an encroachment license under *By-law E-200*, and
 - (ii) improvements to the area of access to the municipal highway,

that, in the opinion of the Engineer, are required for off-highway vehicles to safely access the road trail and the highway;

(b) to fully reimburse the costs to the Municipality of repairing and maintaining the municipal infrastructure used by off-highway vehicles on the designated road trail to a general state of good repair, as determined by the Engineer;

(c) where Council repeals the road trail designation, to remove, at their sole expense, any infrastructure installed, and to reinstate the area to its original condition prior to designation as a road trail, to the satisfaction of the Engineer; and

(d) to release and hold harmless the Municipality, its servants, employees, officers, Council, and agents from any claims, demands, suits or liability arising from the road trail, including any losses resulting from the revocation of the road trail designation.

(4) No designation of a highway, or portion of a highway, as a road trail shall be effective until all the parties have signed the Agreement under this section.

Delegation for Agreement

17. Council delegates to the Engineer the authority to enter into and sign the agreement under section 16 on behalf of the Municipality, including any amendments to it.

Repeal of Road Trail Designation

18. Council may consider amending or repealing this By-law at any time, including adding or repealing a road trail designation from any Schedule of the By-law.

19. The Engineer may recommend to Council an amendment to add or repeal a designation of a road trail at any time, including where such designation has resulted in the creation of unforeseen safety issues, there is evidence of continued unsafe operation of off-highway vehicle on the designated road trail, or the agreement with the non-profit organization in section 16 has been terminated.

Done and passed this 10th day of September, 2024.

Mayor

Municipal Clerk

I, Iain MacLean, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted By-Law was passed at a meeting of Halifax Regional Council held on September 10, 2024.

Iain MacLean, Municipal Clerk

Notice of Motion:	August 6, 2024
First Reading:	August 20, 2024
Notice of Second Reading Publication:	August 24, 2024
Second Reading:	September 10, 2024
Approval of Minister of Municipal Affairs & Housing	N/A
Effective Date:	September 14, 2024

**Schedule A
Designated Road Trails**