



# ***OFATV***

Ontario Federation of All Terrain Vehicle Clubs

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# **TRAIL**

# **WARDEN**

# **HANDBOOK**

**Building Ontario's ATV Trail Network Club By Club  
"Make a difference, join an OFATV Club"**

Revised Jan 08

# TRAIL WARDEN MANUAL

## **1.0 PURPOSE OF THIS MANUAL:**

This manual provides guidelines for addressing the development and proper procedures of wardening the recreational all terrain vehicle trails of member clubs of the Ontario Federation of All Terrain Vehicles (OFATV).

It should be used as a reference guide and training complement to the course as offered by your regional OFATV Trail Warden Master Instructors. We anticipate that as a result of ongoing communication with member clubs, the manual will continue to evolve through time. Should you have additional questions or concerns following your training session, please consult with your Chief Warden Instructor.

The OFATV and its member clubs recognize that the suggested guidelines contained in this manual may not include all scenarios that may be encountered. This being the case, we would recommend that any specific scenarios involving the Trail Warden Program not covered in this manual to contact your Chief Warden Instructor for proper protocols.

## **1.1 INTRODUCTION:**

With the introduction of *Bill 11*, the focus of the Trail Wardening Program is that we are required on the trail to sell passes to those riders that do not have a pass. This increases the need to work closely with all Enforcement Agencies in order to sell passes.

## **1.2 OBJECTIVES AND RESPONSIBILITIES**

The objectives and responsibilities of an OFATV Trail Warden Program is to produce an individual who acts on behalf of the OFATV, the member club and the landowner. It is the objective of the OFATV to achieve a uniformly safe and effective means to warden our trails across the province consistently with set criteria based on the appropriate protocol. These protocols are set out in this manual and are also discussed during the training session.

This program has been put in place to ensure that any all terrain vehicle using a member club's trail has obtained and affixed (in the proper location) a valid Trail Pass to their all terrain vehicle. The responsibilities of a good Trail Warden include the following:

- Knowing the proper protocol when checking for Trail Passes;
- Liaison with local *Enforcement Agencies/OPP/SAVE* ;
- Reporting safety hazards on the trail (downed trees, missing signage,etc)
- Complete the Trail Warden report;
- Working knowledge of landowner boundaries and understanding their needs;
- Encourage riders to obey posted signs;
- Have a contingent plan for emergency situations;
- Public relations for your Club;
- Setting up and organize an effective and safe Pass Stop Station.

It is important to note that the primary purpose of an OFATV Warden is to ensure the safety and enjoyment not only for members of your club but also other users that enjoy the trails.

### **1.3 OFATV TRAIL WARDEN GUIDE AND CODE**

You have taken on a task that may seem to be very difficult, although if you work by the code of conduct enclosed it will be a rare instance that difficulty would arise. As an OFATV Warden you are a *PUBLIC RELATIONS OFFICER*- you are a salesman. You are working in the best interest of all *ATV'ers*. Education and awareness are the best ways to sell your program.

#### ***THE OFATV TRAIL WARDEN GUIDE AND CODE OF CONDUCT:***

1. Never antagonize. Remember, a rider who is angry or upset will not buy a Trail Pass even if he/she had intended to previously. Remember you are a *PUBLIC RELATIONS OFFICER*;
2. Never arrest or threaten to arrest. Remember there are better ways to solve the problem;
3. Give directions, help or advise whenever you can. Remember you are representing your Club and the OFATV and it is your job to create a good impression. You get but one chance for a first impression;
4. Station yourself on landowner's property or on Crown Land for which your Club has a Land Use Permit. You have no authority on roads or road allowances.
5. Sell the Trail Pass on the basis that the OFATV and your Club are operating on a user pay system. Take the time to explain the benefits of buying a Trail Pass and being a member;
6. Explain that in order to sign and maintain our trails for the safety of others, they should be prepared to contribute through the purchase of a Trail Pass. Explain that the Pass is a bargain compared to skiing, golf, etc and a Trail Pass is good for approximately nine months, depending on your location;
7. Point out that trails are for OFATV members only and if they decline to purchase a pass they should have the courtesy to turn around and go back. If they refuse or you are doubtful, you can point out that you have the authority under the *Trespass to Property Act*, but that would be awkward for you both and you have no desire to lay charges;
8. If they do not have any money with them or any other means of paying, advise them that they will have to turn around, tell them the name and phone number of where they can buy a Trail Pass locally. Keep in mind that the person you are dealing with may be new to this sport or new to the province and may not be aware that a pass is required;
9. Give them a copy of your Club map, show them where they are on the map and explain your trail system. Remember, if you sell yourself, you will also sell your Club and the OFATV, it's good public relations;
10. You are primarily selling the Trail Funding Program and creating a good image. You are **NOT** a policeman sent there to interfere with their enjoyment of riding. Do your best to get that across- do not overstep your mandate;

11. Give advice on safety, speed limits, registration, insurance etc when that is helpful. Be prepared to tell them where the closest place to get fuel and food.
12. If you miss a few sales of Trail Passes do not be disappointed, if you sell any you will have done your job;  
***NOTE:** If you let one go, it may be difficult to charge the next one. If they turn around, advise them where they can purchase a Trail Pass before re-entering the trail system*
13. Do not place your ATV across the trail or erect a barrier to stop riders. If there should be an accident, you could be liable. Instead, obtain two Stop Signs from your Club and place them on a stick or a tree about 20 feet apart facing down the trail- one in each direction. Riders are likely to stop when they see the signs there, giving you the opportunity to talk to them;
14. If a rider has an approved Trail Pass wave him on;
15. Wear your OFATV Trail Warden armband or a reflective vest (recommended) and carry your OFATV Trail Warden Certification Card;
16. Make notes of any accidents which occur. Most people give their names and addresses voluntarily. Write down the plate number if possible. Issue a *Notification of Trespass* ;
17. Report all incidents to your Club and refer any serious incidents to the OPP (or local police). They will advise you, if you find it necessary to lay a trespass charge.;
18. Where it is possible work in pairs. One can leave to show someone the way or to report an incident or for any other reason, while the other Trail Warden remains at the station;
19. Establish a close relationship with the local police forces. Introduce yourself and above all maintain contact. Patrol with *SAVE* or *OPP* whenever possible;
20. Invite the police to join you on a day on the trail. Most forces with ATVs will jump at the chance. If your local force does not have a ATV invite them to join you at road crossings;
21. Be familiar with all aspects of your task – The Off-road Vehicle Act, Trespass to Property Act, Highway Traffic Act, etc. Be ready to use these documents as an aid;
22. *DO NOT LAY A HAND ON ANY PERSON.* Let them go if confrontation is imminent. There is value in working in pairs – one talks, one watches and takes notes;
23. If you should lose your badge or vest, report it to your Club without delay. They can obtain a replacement for you by reporting details to the OFATV Office and submitting a signed statement by you certifying that the badge has been lost;
24. Make notes of any improvements that you would like to see made in the Trail Wardening Program and turn them in to your Club so that they may be addressed at the next Annual General Meeting;
25. If you have any technical questions about Warden's duties, call your Chief Warden Instructor for advice.

His/Her name is \_\_\_\_\_

His/Her telephone # is \_\_\_\_\_

#### **1.4 OFATV USER PAY TRAIL PASS PROGRAM**

The major considerations concerning OFATV Trail Wardens are;

- Landowners and *Bill 11*;
- The fee structure;
- The method of collecting trail fees;
- The allocation of funds collected;
- The accounting of money by trail wardens;
- Alternate locations for payment of fees;
- Conduct of trail wardens.

The fee structure is simply- any OFATV Member Club will be able to sell to their registered members, a trail pass. A sticker and receipt will be issued to the buyer.

The trail wardens may sell a trail pass to the riders on the trail who do not have one on their vehicle or direct the person to the location that will be able to sell them a pass. Be aware that every pass that is sold, directly benefits your Club as well as the OFATV and their numerous trail funding initiatives.

#### **TRAIL WARDENS:**

- will supervise the trails;
- will be selected by participating clubs;
- will be trained by the OFATV with the understanding that it is a three year certification;
- will sell trail passes on the trails;
- will enforce, with limitations, the *Trespass to Property Act*;
- will be identified by badges or vests and Certification Cards;
- will act as *public relations officers* and *salesmen* rather than *police*.

#### **IN ADDITION:**

- Trail Passes may not be sold by Trail Wardens on trails other than their own Club trails for whom they are registered Trail Wardens and have signed the Confidentiality Agreement;
- Riders without a Trail Pass will be asked to leave the trails or be charged by *OPP* or *SAVE*
- OFATV Trail Wardens will be thoroughly conversant with trespass and occupier legislation;
- Administration cost will be kept at a minimum;
- Trails will be subject to inspection and audit;
- OFATV Trail Wardens will practice safety when setting up Pass Stop Stations and when stopping a rider.

#### **The advantages of this program are:**

- Trail maintenance funds will go only to trail building clubs;
- Trail building clubs will be able to draw money from areas that do not maintain trail systems;

- The system will enable Trail Wardens to collect trail fees from riders who never were required to pay or contribute in any way toward the building and maintenance of the trail systems. The concept of a user pay system is exactly that, if you use the trail you must contribute to the privilege of riding on those trails.

## **1.5 OFATV TRAIL WARDEN AUTHORITY**

### ***A TRAIL WARDEN CANNOT FORCE A PERSON TO PRODUCE:***

- REGISTRATION;
- LICENCE;
- CLUB MEMBERSHIP.

### ***A TRAIL WARDEN MAY DO THE FOLLOWING:***

- YOU MAY REQUEST;
- YOU MAY REPORT;
- YOU MAY LAY A CHARGE IF THE DRIVER FAILS TO IDENTIFY THEMSELVES TO YOU.

### ***STOPPING:***

- THE TRAIL WARDEN HAS THE AUTHORITY TO STOP AND REQUEST INFORMATION ON PRIVATE LAND THAT A TRAIL MAY CROSS OR ON LAND THAT THE CLUB HAS SIGNED A *LAND USE AGREEMENT* WITH THE MNR.

### ***LAYING A CHARGE:***

- IN AN EXTREME CASE, GET AS MUCH INFORMATION AS POSSIBLE, APPLY THE 5 W'S (Who, What, Where, When, Why);
- NOTIFY THE POLICE;
- IF YOU ARE LAYING THE CHARGE CONTACT A JUSTICE OF THE PEACE AND LAY OUT THE CHARGE. YOU WILL BE ADVISED OF THE PROCEEDURE.
- CARRY A CAMERA AND TAKE PICTURES OF THE SCENE, THE ALL TERRAIN VEHICLE AND/OR THE PERSON.

### ***PROSECUTION:***

- IF YOU LAY THE CHARGE, YOU ARE IN FACT *PROSECUTING*.

### ***OFFER TO LEAVE:***

- Always give the unpaid rider the *OFFER TO LEAVE* DO NOT offer *LEAVE OR PAY*;
- Leave it – most people will *OFFER TO PAY* even though they may not pay. Offering to pay or leave is coercion/bribery – does not stand up in court.

### ***CROWN LAND:***

- Remember every one has a right to enjoy Crown Land. Trail Passes only apply to trails on private lands or trails where a *LAND USE AGREEMENT* has been signed.

Take the stand that the Trail Pass is issued to the ATV and unless that ATV is permitted they are not allowed.

**MUNICIPAL LAND:**

- Is not our jurisdiction. Township roads or rights of ways do not come into our operations other than the all terrain vehicles use them.

**INSURANCE – REGISTRATION – ALCOHOL RELATED ISSUES:**

- Or any other information of the ORVA are police matters. OUR AREA OF CONCERN IS TRESPASSING AND ENFORCING THE USER PAY SYSTEM.

**SOME CLUBS MISTAKINGLY BELIEVE THAT THE NEW SAVE PROGRAM REPLACES WARDENS. NOT SO. SAVE OFFICERS HAVE THE POWER TO ENFORCE TRAIL PASSES, ALTHOUGH WHERE SAVE PROGRAMS EXIST, THERE'S NOTHING TO PREVENT CLUB WARDENS FROM ACCOMPANYING SAVE OFFICERS TO ACHIEVE GREATER PERCEIVED INFLUENCE ON CHEATERS. BUT FOR NOW WARDENING IS STILL OUR BEST BET!**

**SUMMARY**

- Set up on property you know you have control on;
- Introduce yourself and explain why you are here (your duty);
- Determine if the rider is the landowner or has the permission of the landowner;
- Advise the rider he/she/they are on private property and are in fact trespassing;
- Give them the option of buying a Trail Pass;
- Make them acknowledgeable of any offences i.e.- no registration – no lights etc.;
- Request and record information regarding vehicle number, type, colour, name and address of driver, hair, height, glasses etc.;
- Advise them if they do not wish to purchase a pass, they will have to turn around and go back;
- If they refuse, take information to a Justice of the Peace.

**TIPS**

- Do not become adversarial;
- Do not overstep your bounds ( remember you are not a policeman)
- When possible have a photocopy of a Land Use Agreement;
- Work in pairs – one talks, one observes and takes notes;
- Know the *Trespass to Property Act and Occupiers Liability Act* – have a copy with you;
- Be able to provide a Trail Pass and change if needed;
- Remember you are a Public Relations Person (salesman);

## **SUPPORTING DOCUMENTS**

- Occupiers Liability Act
- Trespass to Property Act
- Highway Traffic Act (Regulation 316-03)