

**BOARD OF EDUCATION OF SCHOOL DISTRICT NO.58 (NICOLA-SIMILKAMEEN)**

**BYLAW NO. 6-23**

**ACCESS TO SCHOOL DISTRICT PROPERTY**

A Bylaw of the Board of Education of School District No. 58 (Nicola-Similkameen), hereinafter called "the Board", to regulate and control the access to school district property.

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**WHEREAS** the *School Act* provides that the Board is responsible for the custody, maintenance and safekeeping of all property owned or leased by the Board.

**WHEREAS** it is in the public interest to permit and encourage public use of school lands, buildings and facilities for other than strictly instructional activities when said lands, buildings and facilities are available;

**AND WHEREAS** persons other than students, staff, parents, guardians and employees of the Board have occasion from time to time to make use of said lands, buildings and facilities;

**AND WHEREAS** it has been felt necessary by the Board to define the permissible limits within which students, parents, guardians and employees of the Board and all other persons making use of said lands, buildings and facilities may operate;

**AND WHEREAS** the *Motor Vehicle Act* provides guidance as to the operation of motor vehicles.

**NOW THEREFORE** the Board of Education of School District No.58 (Nicola-Similkameen) in an open meeting, hereby **ENACTS AS FOLLOWS:**

**1. CITATION**

- 1.1 This bylaw may be cited as School District No. 58 (Nicola-Similkameen) Access to School District Property 6-23.

**2. DEFINITIONS**

The terms used in this Bylaw have the meanings assigned by *the School Act* and the *Motor Vehicle Act*, [RSBC 1996] CHAPTER 318, except as when the context indicates otherwise.

**3. ACCESS TO PROPERTY**

- 3.1 No person shall drive, operate or ride a vehicle as defined by the *Motor Vehicle Act*, and amendments thereto (hereinafter called "vehicle") on or over any land owned or administered by the Board (hereinafter called "said land") except:

- 3.1.1 Deliveries – Persons proceeding to or from said land on a roadway provided for that purpose in the course of delivering or receiving chattels in connection with the operation of the of the said land or improvements thereon.;

- 3.1.2 Board Employees – Persons proceeding to or from said land on a roadway provided for that purpose in connection with their duties therein, or on other bona fide business pertaining to the operation of the said land or improvements thereon;
- 3.1.3 Students – Persons proceeding to or from a public school on a roadway provided for that purpose, and who are students registered within the school district; or
- 3.1.4 Board Consent – Rightsholders, parents, guardians, partners or such other persons proceeding to or from a public school on a roadway provided for that purpose, who have received permission from the Board, either deemed or expressed.

#### **4. 2. RESTRICTIONS WHILE ON BOARD PROPERTY**

- 4.1 Speed Limit – No person shall operate any motorized vehicle on or over any land owned or administered by the Board at a rate of speed greater than eight (8) kilometres per hour.
- 4.2 Parking – No person shall park, or otherwise leave unattended, a motor vehicle upon land owned or administered by the Board in any area other than those set aside for parking by the Board, unless written permission has been received.

#### **5. TRESPASS**

- 5.1 No person shall enter upon any properties owned or administered by the Board, other than bona fide students registered at a school, parents or guardians of such students and employees of the Board, or such other persons whom the Board has given prior permission to be on that property at that time.
- 5.2 No person, having been requested by a school principal or other person in authority, shall refuse to leave any land owned or administered by the Board.
- 5.3 No person shall cause, suffer or permit any domestic or range animal to enter upon land owned or administered by the Board without permission...

#### **6. RESPONSIBILITY OF REGISTERED OWNER**

- 6.1 The owner of a motor vehicle shall be held responsible for any violation of this Bylaw by a person entrusted by the owner with the possession of the said motor vehicle. The burden of proving that the person so in possession of the motor vehicle was not a person entrusted by the owner with the possession of said motor vehicle shall be the said owner.

#### **7. PENALTY**

- 7.1 Any person contravening any breach of or committing any offence against this Bylaw or any of the provisions of this Bylaw or who fails, refuses, omits or neglects to fulfil, observe, carry out or perform any duty, obligation, matter or thing whatsoever by this Bylaw prescribed or imposed or required to be done, is liable, to the provisions of the Offence Act, [RSBC 1996] and amendments thereto.

**8. AUTHORITY TO MAKE REGULATIONS**

The Secretary Treasurer may provide for the erection of traffic control devices to regulate, prohibit, control and direct vehicular and pedestrian traffic on land owned or administered by the Board, and the erection of any such traffic control device shall be deemed prime facie evidence that such device was erected at the direction and with the authority of the Board.

**9. REPEAL**

9.1 School District No. 58 (Nicola-Similkameen) Bylaw Limitations on the Use of School District Property 901.1 dated May 18, 2013 and any previous Limitations on the Use of School District Property Bylaws, including and amendments thereto, are hereby repealed.

Read a First Time	this	xx <sup>th</sup>	day of	xxx 2023
Read a Second Time	this	xx <sup>th</sup>	day of	xxx 2023
Read a Third Time	this		day of	2023
ADOPTED	this		day of	2023

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Chair

\_\_\_\_\_  
Secretary Treasurer

