

The Saskatoon Public Parks Act

being a Private Act

Chapter 51 of the *Statutes of Saskatchewan, 1912*
(effective March 15, 1912).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

1	Short title	26	Books and documents
2	Interpretation	27	Examination by members
3	Parks and boulevards	28	Cash accounts
4	Parks, etc., to be public	29	Bylaws for regulation of parks
5	Public parks board	30	Power to grant certain licenses
6	Streets already open	31	Regulate traffic
7	Withdrawal of board's authority	32	Enforcement of bylaws
8	Exhibition grounds	33	Certified copy of bylaws evidence
9	Constitution of board	34	Devises to city
10	Term of office	35	Power to acquire land
11	Vacancy on board	36	Land vested in city
12	Appointment of members	37	Power to lease
13	Appointment annually	38	Sell
14	First meeting	39	Powers to acquire
15	Tenure of office	40	Expropriation
16	Absence	41	Disputes settled by arbitration
17	Meetings	42	<i>The City Act</i> to apply
18	Special meetings	43	Power to construct bridges and subways
19	Absence from meetings	44	Boulevarding streets
20	Three members a quorum	45	Annual estimates
21	Proceedings to be minuted	46	Report to council
22	Minuted proceedings may be used as evidence	47	Council to levy assessment
23	Members other than secretary act gratuitously	48	Park fund debentures
24	Members to have no pecuniary interest in contracts	49	Assent of burgesses to bylaws
25	Servants of board	50	Application of price of land sold
		51	City treasurer
		52	Offences
		53	Application of fines
		54	Police protection
		55	Officers of board
		56	Limitation of actions
		57	Terms of <i>City Act</i> to apply

1912
CHAPTER 51

An Act to Provide for the Establishment and Maintenance of Public
Parks in the City of Saskatoon

(Assented to March 15, 1912)

Preamble

WHEREAS the city of Saskatoon has by its petition prayed that an Act may be passed for the establishment and maintenance of public parks in the said city of Saskatoon; and

Whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

Short title

1 This Act may be cited as “*The Saskatoon Public Parks Act.*”

1912, c.51, s.1.

Interpretation

2 In this Act, unless the context otherwise requires:

- 1** The word “**city**” shall be taken to mean the city of Saskatoon;
- 2** The word “**council**” shall be taken to mean the council of the city of Saskatoon;
- 3** The word “**board**” shall be taken to mean the public parks board organised under this Act.

1912, c.51, s.2.

Parks and boulevards

3 A park, or a system of parks, boulevards and drives, or any of them, may be established in or adjacent to the city of Saskatoon, and the same as well as existing parks and avenues may be controlled and managed in the manner hereinafter provided.

1912, c.51, s.3.

Parks, etc., to be public

4 All parks, boulevards and drives, and approaches thereto, or streets connecting the same dedicated to public use shall, after the adoption of this Act be open to the public free of all charge, subject to such bylaws, rules and regulations as the board may make as to the use thereof:

Provided that the board may from time to time set aside grounds for athletic sports and games, and may make entrance thereto conditional upon the payment of fees.

1912, c.51, s.4.

Public parks board

5 Upon the passing of this Act the general management, regulation and control of all existing parks, boulevards and to the maintenance of parks, belonging to the city, and of all parks, boulevards and drives which may thereafter be acquired and established under the provisions of this Act, shall be vested in and exercised by a board to be called "The Public Parks Board."

1912, c.51, s.5.

Streets already open

6 The authority of the board shall not extend to any streets open at the time of the passing this Act, with the exception of streets which the council shall by bylaw declare to be subject to such authority.

1912, c.51, s.6.

Withdrawal of board's authority

7 The council may from time to time, by a bylaw having the assent of at least two-thirds in number of all the members of the council, withdraw any street from the authority of the board.

1912, c.51, s.7.

Exhibition grounds

8 Nothing in this Act contained shall authorise the board to assume possession or control of any exhibition ground in or belonging to the city without the consent of the council.

1912, c.51, s.8.

Constitution of board

9 The board shall be a body politic and corporate, and shall be composed of the mayor of the city, two members of the council to be appointed each year by the council, and two other persons who shall be residents of the city but not members of the council, and who shall also be appointed by the council.

1912, c.51, s.9.

Term of office

10 The appointed members of the board other than the members of the council shall hold office for two years except in the case of members of the first board, of whom the first nominated shall hold office until the first day of February in the year following the first appointments, and the other shall hold office until one year from said first day of February, said members retiring in rotation one each year; but every member of the board shall continue in office after the time named until his successor is appointed, and may be reappointed by the council.

1912, c.51, s.10.

Vacancy on board

11 In case of a vacancy by the death or resignation of a member or from any cause other than the expiration of the time for which he was appointed, the member appointed in his place shall hold office for the remainder of his term.

1912, c.51, s.11.

Appointment of members

12 Subject to these provisions each of the appointed members who is not a member of the council shall hold office for two years from the first day of February in the year in which he was appointed. The first appointment of members of the board shall be made at the first regular meeting of the council held after the passing of this Act or as soon thereafter as practicable.

1912, c.51, s.12.

Appointment annually

13 After the passing of this Act the appointments shall be made annually at the first meeting of the council held after its organisation, or so soon thereafter as practicable, and any vacancy arising from any cause other than the expiration of the time for which the member was appointed shall be forthwith filled by the council.

1912, c.51, s.13.

First meeting

14 The members of the first board, within ten days after their appointment, and on such day and hour as the mayor shall appoint (notice of the appointment in writing signed by the mayor having been duly sent to the respective addresses at least one week before the day and hour therein named) shall meet at the office of the mayor for the purpose of organisation, shall elect one of their number chairman, and shall appoint a secretary who may or may not be one of their own members. If for any reason appointments are not made at the said date the same shall be made as soon as may be thereafter.

1912, c.51, s.14.

Tenure of office

15 The chairman and secretary shall hold their places at the pleasure of the board or for such period as the board shall prescribe.

1912, c.51, s.15.

Absence

16 When the chairman or secretary is absent or unable to act the board may appoint a chairman or secretary *pro tempore*.

1912, c.51, s.16.

Meetings

17 The board shall meet at least once every month and at such other times as they may think fit.

1912, c.51, s.17.

Special meetings

18 The chairman or any two members may summon a special meeting of the board by giving at least two days' notice in writing to each member specifying the purpose for which the meeting is called.

1912, c.51, s.18.

Absence from meetings

19 The office of any member of the board who shall be absent from the meetings of the board for three successive regular meetings without leave of absence from the board shall be declared vacant by the board and notice thereof shall be given to the council at its next meeting. This section shall not apply to the three members of council mentioned in the ninth section of this Act.

1912, c.51, s.19.

Three members a quorum

20 No business shall be transacted at any meeting of the board unless three members are present.

1912, c.51, s.20.

Proceedings to be minuted

21 All orders and proceedings of the board shall be entered in books to be kept by them for that purpose and shall be signed by the chairman for the time being.

1912, c.51, s.21.

Minuted proceedings may be used as evidence

22 The orders and proceedings so entered and purporting to be so signed shall be deemed to be original orders and proceedings, and the books may be produced and read upon any judicial proceedings as evidence of the orders and proceedings.

1912, c.51, s.22.

Members other than secretary act gratuitously

23 The members of the board other than the secretary shall serve without compensation. Each member shall be entitled to receive his actual disbursements for expenses incurred under the direction and for the purposes of the board.

1912, c.51, s.23.

Members to have no pecuniary interest in contracts

24 No member of the board or alderman shall have any contract with the board, or be pecuniarily interested directly or indirectly in any contract or work relating to the parks or park property:

Provided that no such member of the board or alderman shall be deemed to have any contract with the board or be pecuniarily interested in any contract or work relating to the parks or park property by reason of his being a shareholder in any incorporated company having dealings or contracts with the board or by reason of his receiving a salary as secretary of the board.

1912, c.51, s.24.

Servants of board

25 The board may employ all necessary clerks, agents and servants and may prescribe their duties and compensation.

1912, c.51, s.25.

Books and documents

26 The board shall keep in its office all books, plans, maps, papers and documents used in and pertaining to its business.

1912, c.51, s.26.

Examination by members

27 All books kept by the board shall be open to the examination of the members of the council and of any other person or persons appointed for that purpose by the council.

1912, c.51, s.27.

Cash accounts

28 The board shall keep distinct and regular accounts of its receipts, payments, credits and liabilities, and the accounts shall be audited by the city auditor in like manner as other accounts of the municipality and shall thereafter be laid before the council by the board.

1912, c.51, s.28.

Bylaws for regulation of parks

29 The board may from time to time pass bylaws for the use, regulation, protection and government of the parks, approaches thereto, boulevards, grassplots, streets and other open spaces under the control of the board.

1912, c.51, s.29.

Power to grant certain licenses

30 The board shall have power to let from year to year or for any time not exceeding three years, the right to sell refreshments, other than spirituous, fermented or intoxicating liquors, within the parks under such regulations as it may prescribe.

1912, c.51, s.30.

Regulate traffic

31 The board shall have power to pass bylaws regulating traffic within the parks.

1912, c.51, s.31.

Enforcement of bylaws

32 The board shall have power to attach penalties for the infraction of its bylaws, and the same shall be enforced by summary proceedings before the police magistrate of the city or before any justice of the peace having jurisdiction therein, or before any justice of the peace having jurisdiction in the locality in which the offence is committed, in the manner and to the extent that bylaws passed by municipal councils may be enforced.

1912, c.51, s.32.

Certified copy of bylaws evidence

33 The bylaws shall be sufficiently authenticated by being signed by the chairman and secretary of the board, and a copy of any bylaw written or printed and certified to be a true copy by the secretary of the board shall be received as evidence in any court of justice or elsewhere without proof of any such signature unless it is specially pleaded or alleged that the signature to the original bylaw has been forged.

1912, c.51, s.33.

Devises to city; For museums, zoological or art collections

34 Real and personal property may be devised, granted, conveyed, bequeathed or given to the city for the purpose of the improvement or ornamentation of the parks of the city or of the approaches thereto, or of the streets connecting therewith; or for the establishment or maintenance on park property of museums, zoological or other gardens, collections of natural history, observatories, monuments or work of art, upon such trusts and conditions as may be prescribed by the donor:

Provided however that the city may disclaim such trust.

1912, c.51, s.34.

Power to acquire land; Consent of council

35(1) The board shall have power and authority to select and acquire by purchase or otherwise, or to lease lands (whether wholly or partly covered with water) rights and privileges needful for park purposes, provided that the board shall not be entitled to exercise any such powers until the consent of the council to be expressed by bylaw has first been had and obtained.

Baths and gymnasias

(2) The board may erect, equip, maintain and operate one or more public bath houses, including swimming and other baths and gymnasias, on sites to be selected by the said board in any one or more of the public parks, and may from time to time pass bylaws for the use, regulation, protection, government and operation of such public bath houses and gymnasias and the charges for admission thereto.

“Parks” includes “bath houses,” etc.

(3) The said public bath houses and gymnasias shall be deemed to be included in the expression “park” as used in this Act, in so far as applicable and the provisions of this Act in so far as applicable shall apply to the said public bath houses and gymnasias.

1912, c.51, s.35.

Land vested in city

36 The titles of lands purchased shall be vested in the city.

1912, c.51, s.36.

Power to lease

37 The board subject to the approval of the council shall have power to let any lands not immediately required for park purposes.

1912, c.51, s.37.

Sell

38 If the board find that it has more land than is required for park purposes it may sell or otherwise dispose of the same in such manner and upon such terms as it may think most advantageous, subject to the approval of the council.

1912, c.51, s.38.

Powers to acquire; Lands; Waters; Lands outside city limits

39 The board, its engineers, surveyors, servants and workmen from time to time and at such times as the board shall see fit may with the consent of the owner enter into and upon the lands of any person, bodies politic or corporate in the municipality or within six miles thereof, and may survey, set out and ascertain such parts thereof as are required for the purposes of the board, including parks, boulevards, drives and approaches thereto and including also the supply of water for artificial lakes, fountains and other park purposes; and (with the consent of all parties interested capable of consenting) may divert and appropriate any river, pond of water, springs or streams of water therein which the engineer, surveyor or other persons authorised in this behalf by the board shall judge suitable and proper for the said purposes; and the board may subject to the approval of the council contract with the owner or occupier of the said lands and with those having a right or interest in the said water, for the purchase or renting thereof or for any part thereof or for any privilege which may be required for the purposes of the board; but the board shall not interfere with the waterworks of any municipal corporation or of any company. In case any lands are required for park purposes as aforesaid outside the limits of the city the council of the municipality or municipalities in which the said lands are situated may exempt the said lands from all taxes and rates of every kind municipal or otherwise except school taxes.

1912, c.51, s.39.

Expropriation

40 The board may exercise all the powers of the council under *The City Act* in regard to expropriations of lands and property deemed necessary to be taken or entered upon for park purposes but the council is not hereby divested of any right or power in regard to the same.

1912, c.51, s.40.

Disputes settled by arbitration

41 In case of any disagreement between the board and the owner or occupier of or any other person interested in such lands or any person having interest in the said water or in the natural flow thereof or as to the damages which the expropriation thereof by the board will cause or otherwise the matter in question may be decided by arbitration in accordance with the provisions of *The City Act* and as hereinafter provided.

1912, c.51, s.41.

The City Act to apply

42 Sections 244 to 258 inclusive of *The City Act* are incorporated with and are to be taken and read as part of this Act and shall apply to the board as if the board were specially named therein instead of the city, the council or commissioners. The secretary of the board shall perform the duties assigned in the said sections to the city clerk.

1912, c.51, s.42.

Power to construct bridges and subways

43 The board shall have power to construct all necessary bridges and viaducts over water courses and railways and to construct subways under railways passing through or over any of said parks or parkways:

Provided that the powers of the board to construct bridges, viaducts or subways over or under railways shall be exercised subject to the provisions of *The Railway Act of Canada*.

1912, c.51, s.43.

Boulevarding streets

44 In the case of the whole or any part of any street, avenue or public place the council may by resolution place the control of boulevarding, tree planting and other improvements under the authority of the board.

1912, c.51, s.44.

Annual estimates

45 The board shall in the month of January in every year make up or cause to be made up an estimate of the sums required during the ensuing financial year for:

- (a) the expense of maintaining, improving and managing the parks, boulevards, avenues and streets under their control;
- (b) and for the purchase or otherwise acquiring of lands for park purposes and for laying out and improving park properties.

1912, c.51, s.45.

Report to council

46 The board shall report their estimate to the council not later than the first day of February in each year.

1912, c.51, s.46.

Council to levy assessment

47 The council shall in addition to all other rates and assessments for municipal purposes levy and assess in every year a special annual rate sufficient to furnish the amount estimated by the board to be required for the year but not exceeding one-half mill in the dollar upon the assessed value of all rateable property, such rate to be called "The Park Fund Rate."

1912, c.51, s.47.

Park fund debentures

48 The council may also subject as hereinafter provided on the requisition of the board raise by a special issue of debentures of the city or registered stock the sums required for the purpose of purchasing the lands and privileges reported necessary for park purposes and such sums as may be required for the purpose of laying out and improving park properties and for such purposes the council shall have power to pass bylaws to authorise the issue of debentures of the city or registered stock and for levying annual rates upon all the rateable property within the city for the payment of the same and interest thereon.

1912, c.51, s.48.

Assent of burgesses to bylaws

49 Such bylaws shall before the final passing thereof require the assent of the burgesses of the city as provided by sections 210 to 241 inclusive of *The City Act* and such assent in order to be valid and effectual shall be signified in accordance with all the provisions of the said sections relating to qualifications of electors voting on money bylaws the time, place and manner of submitting money bylaws for the assent of such electors and all proceedings incidental thereto.

1912, c.51, s.49.

Application of price of land sold

50 In case of a sale of lands subject to the control and management of the board the purchase money shall be applied to the payment of park debentures or to the purchase of other lands for park purposes.

1912, c.51, s.50.

City treasurer

51 All moneys received or payable under this Act shall be received by the city treasurer in the same manner as other funds and by him shall be deposited to the credit of the park fund and shall be paid out in the same manner as other funds by the treasurer on the orders of the board save as to the amount required to meet the interest and provide a sinking fund for debentures.

1912, c.51, s.51.

Offences

52 If any person:

- (a) Wilfully or maliciously hinders or interrupts or causes or procures to be hindered or interrupted the said board or their engineers, surveyors, managers, contractors, servants, agents, workmen or any of them in the exercise of any of the powers and authorities in this Act authorised and contained; or
- (b) Wilfully or maliciously lets off or discharges any water so that the same runs waste or useless from or out of any reservoir, pond or lake connected with any such park; or
- (c) Causes any dog or other animal to swim in the water or throws or deposits any injurious nuisance or offensive matter in the water in any reservoir, lake, pond or other receptacle for water connected with any such park or upon the ice in case such water is frozen over, or in any way fouls the water or commits any unlawful damage or injury to the works, pipes or water or encourages the same to be done, lays or causes to be laid any pipe or main to communicate with any pipe or main belonging to the waterworks connected with any park or parks or in any way obtains or uses any water thereof without the consent of the board; or

(d) Washes or cleanses any cloth, wool, leather, skin or animal therein or places any nuisance or offensive thing within a distance of one mile from the source of supply of such waterworks, in any pond, creek, spring, source of fountain from which the water for the supply of any such park or parks is taken, or conveys, casts, throws, or puts any filth, dead carcass or other noisome or offensive thing therein within the distance above set forth or causes permits or suffers the water of any sink, sewer or drain to run or be conveyed into the same or causes any other thing to be done whereby the water therein may be in any way tainted or fouled; or

(e) Wilfully or maliciously injures, hurts, defaces, tears or destroys any ornamental or shade tree or shrub or other plant or any statue, fountain, vase or fixture for ornament or utility in any street, avenue, drive, park or other public place under the control of such board; or wilfully, negligently or carelessly suffers or permits any horse or other animal driven by him or any animal belonging to him or in his custody, possession or control and lawfully on the street or other public place, to break down, destroy or injure any tree standing for use or ornament in any such public place or park; or

(f) Wilfully or maliciously injures, hurts or otherwise molests or disturbs any animals, birds or fish kept in any such park or in the lakes or ponds therewith connected;

Summary conviction by magistrate or justice; Penalties

such person shall upon summary conviction be liable to a penalty not exceeding \$50 with costs and in default of payment thereof to imprisonment for a period not longer than one month and in addition to such penalty shall be liable to a civil action for damages at the suit of the board.

1912, c.51, s.52.

Application of fines

53 All fines and penalties imposed for the violation of the provisions of this Act or of bylaws or ordinances made in pursuance thereof shall upon collection of the same be paid over to and credited to the funds of the board.

1912, c.51, s.53.

Police protection

54 It shall be the duty of the board of commissioners of police of the city upon the request of the board to detail for service in any of the public grounds under the care of the parks board so many of the police force as the board of police commissioners may deem necessary to maintain order and protect property therein; and any policeman on duty in the grounds may remove therefrom any person guilty of a violation of any of the provisions of this Act, or of any of the rules and regulations established by the parks board.

1912, c.51, s.54.

Officers of board

55 The board and officers thereof shall have the like protection in the exercise of their office and the execution of their duties as justices of the peace have under any law in force in this province; and the watchmen and other officers of the board when in the discharge of their duties shall be *ex officio* possessed of all the power and authority of constables.

1912, c.51, s.55.

Limitation of actions

56 Any action against any person for anything done in pursuance of this Act shall be brought within six months next after the act committed or in case there shall be a continuance of damages then within one year after the original cause of action first arose.

1912, c.54, s.56.

Terms of *City Act* to apply

57 Upon the coming into operation of this Act such clauses of *The City Act* as may be applicable shall be deemed to be incorporated therewith.

1912, c.51, s.57.

