



1970

c 207 Horticultural Societies Act

Ontario

© Queen's Printer for Ontario, 1970

Follow this and additional works at: <http://digitalcommons.osgoode.yorku.ca/rso>

Bibliographic Citation

Horticultural Societies Act, RSO 1970, c 207

Repository Citation

Ontario (1970) "c 207 Horticultural Societies Act," *Ontario: Revised Statutes*: Vol. 1970: Iss. 2, Article 81.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1970/iss2/81>

CHAPTER 207

The Horticultural Societies Act

1. In this Act,

Interpre-
tation

- (a) "board" means a board of directors elected under this Act;
- (b) "Department" means the Department of Agriculture and Food;
- (c) "Minister" means the Minister of Agriculture and Food;
- (d) "society" means a horticultural society organized under this Act or under any former Act having a similar purpose;
- (e) "Superintendent" means the Superintendent of Horticultural Societies. R.S.O. 1960, c. 175, s. 1, *amended*.

2. The Minister may decide all matters of doubt or dispute arising in the operation or construction of this Act and his decision is final. R.S.O. 1960, c. 175, s. 2.

Minister
to decide
matters of
dispute

3.—(1) A society may be organized in any city, town, township or village, or in a police village having a population of not less than 200, or in any two of them that adjoin each other.

Where
societies
may be
organized

(2) In a city having a population of not less than 100,000 there may be two societies and for each additional 100,000 of population there may be an additional society. R.S.O. 1960, c. 175, s. 3.

Additional
societies

4. The mode of organization of a society shall be as follows:

Organiza-
tion

- 1. An agreement in the form prescribed by the Minister shall be signed by the persons who desire to organize a society and who are resident in the municipality or municipalities in which the society is to be organized.
- 2. In the case of a city having a population of not less than 30,000, the number of persons signing the agreement shall be at least 125; in the case of a city having a population of less than 30,000, the number shall be at least 100; in the case of a town having a population of not less than 2,000, the number shall be at least 60; and in the case of a town having a population of less than 2,000 and a township, village or police village, the

Signatories
to agree-
ment

number shall be at least 25; but, for the purposes of this paragraph, where a society is to be organized in two adjoining municipalities, the society shall be deemed to be in the larger of such municipalities.

Fee payable
by signa-
tures

3. Every person who signs the agreement shall pay to the person having charge thereof the sum of \$1 and all such sums become the property of the society upon its organization, and where no society is organized the sums shall be repaid to the persons entitled thereto.

Organiza-
tion
meeting;
call

4. Within two months after the date of the first signature to the agreement, the agreement shall be transmitted to the Superintendent who may, with the approval of the Minister, authorize any person to call a meeting for the organization of a society.

when to be
held

5. The organization meeting shall be held during the month of January or at such other time as the Superintendent authorizes, upon at least one week's notice published in a newspaper having a general circulation in the municipality.

quorum

6. At the organization meeting, and at every regular meeting of a society, ten members constitute a quorum.

President,
vice-
presidents,
auditors,
directors

7. At the organization meeting, there shall be elected a president, a first vice-president, a second vice-president and two auditors who shall hold office until the next annual meeting, and ten directors, five of whom shall hold office until the next annual meeting and five of whom shall hold office until the next following annual meeting, but, where any officer or director so elected has not paid the sum of \$1 as provided by paragraph 3, he shall pay such sum to the treasurer or secretary-treasurer within two weeks of the election.

Board,
composi-
tion

8. The board shall be composed of the president, first vice-president, second vice-president, and the ten directors.

Secretary
and
treasurer

9. The board, from among themselves or otherwise, shall appoint a secretary and a treasurer, or a secretary-treasurer, who shall remain in office during pleasure, and the secretary or secretary-treasurer shall be a member of every committee that is appointed by the board.

Bond to be
furnished by
treasurer

10. The board may require the treasurer or secretary-treasurer to furnish such bond as is considered necessary to ensure the faithful performance of his duties and the proper administration of all funds belonging to the society coming into his hands and, where no such bond is

required by the board, every member of the board is personally liable for all funds belonging to the society that come into the hands of the treasurer.

11. A report of the organization meeting, certified by the president, the secretary and the person calling the meeting, containing a statement of the number of members and a list of the officers and directors elected or appointed, together with their addresses, shall be sent to the Superintendent by the secretary within one week after the holding of the meeting. R.S.O. 1960, c. 175, s. 4.

Report of organization meeting

5. Upon the receipt of such report, the Superintendent, with the approval of the Minister, may declare the society to be a society within the meaning of this Act. R.S.O. 1960, c. 175, s. 5.

Declaration of society

6. Subject to the approval of the Minister, any two or more societies may combine to form one society on such terms and conditions as the Minister may prescribe. R.S.O. 1960, c. 175, s. 6.

Combination of societies

7. Upon the petition of not less than twenty-five members of a society, the Minister may dissolve the society or may constitute two or more societies upon such terms and conditions as he considers proper. R.S.O. 1960, c. 175, s. 7.

Dissolution of society upon petition

8.—(1) Every person of the full age of sixteen years or over is entitled to membership in a society.

Persons entitled to membership

(2) Subject to the by-laws and regulations of a society, a partnership or incorporated company may become a member thereof upon payment of the prescribed fee, but in every such case the partnership or company shall delegate one person to exercise the privileges of membership in the society.

Partnership or company may be member

(3) In every society there shall be an annual membership fee of not less than 50 cents.

Membership fee

(4) The fiscal year of every society is the calendar year unless the Minister otherwise authorizes.

Fiscal year

(5) Every member in good standing of a society is entitled to vote on all questions coming before a regular or special meeting of the society. R.S.O. 1960, c. 175, s. 8.

Voting of members

9.—(1) The object of a society is to encourage interest and improvement in horticulture,

Object

(a) by holding meetings for instruction and discussion on subjects connected with the theory and practice of horticulture;

- (b) by encouraging the improvement of home and public grounds by the planting of trees, shrubs and flowers, and by otherwise promoting outdoor art and public beautification;
- (c) by interesting juveniles and others in the study of horticulture by the holding of contests and competitions and by such other means as are considered proper;
- (d) by holding exhibitions and awarding premiums for the production of vegetables, plants, flowers, fruits, trees and shrubs;
- (e) by the distribution of seeds, plants, bulbs, flowers, trees and shrubs in ways calculated to create an interest in horticulture; and
- (f) by promoting the circulation of horticultural periodicals.

Expenditure
of annual
receipts

(2) A society shall not expend more than one-half of its total annual receipts, other than grants or donations made for specific purposes, upon any one of the projects enumerated in subsection 1, except for the purposes of planting trees, shrubs and plants on public grounds and the promotion of outdoor art and public beautification.

Expenditure
of funds

(3) None of the funds of a society shall be expended for any purpose not indicated in subsection 1, and a society that contravenes any of the provisions of this section is not entitled to a Government grant for the year in which the contravention occurs, or where the grant for such year has already been paid, for the next following year, subject however to any direction that the Minister may make. R.S.O. 1960, c. 175, s. 9.

Annual
meeting:

10.—(1) Every society shall hold a meeting annually during the month of January or such other month as the Superintendent approves at such time and place as the board determines.

notice

(2) At least one week's notice of every annual meeting shall be given by the publication of a notice of the meeting in a newspaper having a general circulation in the municipality or by mailing a notice of the meeting to each member of the society at the address furnished to the secretary. R.S.O. 1960, c. 175, s. 10.

Procedure

11. At an annual meeting the board shall present a report of the activities and accomplishments of the society during the preceding year and the financial statement for the preceding year certified by the auditors on the form prescribed by the Minister, and the officers and other members of the board shall be elected or appointed in the manner provided by section 4, provided that five directors shall be elected at each annual meeting. R.S.O. 1960, c. 175, s. 11.

12.—(1) In the event of failure to hold the annual meeting in accordance with this Act or in the event of the number of members of a society on the 1st day of July in any year being less than the number required for organization, the society is not entitled to receive any further Government grant and shall be deemed to be dissolved, subject to any direction of the Minister, and the persons comprising the board during the last year of the existence of the society shall be trustees of the assets of the society and shall deliver to the Superintendent a statement of its assets and liabilities.

Dissolution

(2) The Superintendent may direct the members of the board to pay the debts of the society out of the moneys and other assets remaining in their hands and liquidate any of the assets for such purpose and may direct such members to dispose of any moneys or other assets then remaining in such manner as he determines. R.S.O. 1960, c. 175, s. 12, *amended*.

Payment of debts and disposal of surplus moneys

13.—(1) A statement of officers and members and a copy of the financial statement in the form prescribed by the Minister and certified by the president, secretary-treasurer, or secretary and treasurer, and auditors to be true copies shall be forwarded to the Minister within two weeks of the holding of the annual meeting.

Statement to be sent to Minister

(2) The Minister may at any time require a society or any officer of a society to furnish such information regarding the society as he considers necessary or desirable.

Minister may require information

(3) The Minister may require any financial or other statement or information required to be furnished to him to be accompanied by an affidavit of all or any of the officers of the society deposing to its accuracy. R.S.O. 1960, c. 175, s. 13.

Minister may require affidavit certifying

14. A meeting of the board shall be called by the secretary upon the direction of the president or of any three members of the board by sending notice thereof to all the members of the board at least three days before the time fixed for the meeting; but a meeting of the board may be held immediately following any annual, regular or special meeting of the society, without notice. R.S.O. 1960, c. 175, s. 14.

Meetings of board

15.—(1) Subject to the by-laws and regulations of the society, the board has power to act for and on behalf of the society in all matters.

Powers of board

(2) Five members of the board constitute a quorum.

Quorum

(3) When a vacancy occurs on the board by reason of the death or resignation of any officer or director or otherwise, the remaining members of the board may appoint any member of the society to fill the vacancy. R.S.O. 1960, c. 175, s. 15.

Vacancies

Meetings

16. The board may determine what regular and special meetings of the society shall be held during each year. R.S.O. 1960, c. 175, s. 16.

By-laws and regulations

17. By-laws and regulations of a society may be made, adopted, amended or repealed at any annual or regular meeting of the society or at a special meeting of which at least one week's notice has been given in the manner provided for by subsection 2 of section 10. R.S.O. 1960, c. 175, s. 17.

Provincial grants

18. Every society that has complied with this Act and has furnished the statements and other information required by the Minister is entitled to receive a grant out of the moneys appropriated by the Legislature for such purpose if the membership of the society is not less than that required for organization purposes. R.S.O. 1960, c. 175, s. 18.

Payment of grants

19. Grants shall be paid to societies out of moneys appropriated for the purpose by the Legislature according to the following plan:

1. Every society shall, during the first year of its existence, receive a grant amounting to 50 cents for every paid-up member as of the 1st day of July, but no such grant shall exceed \$75.
2. Every society that has been in existence for more than one year shall receive a grant amounting to,
 - (a) 25 cents for every paid-up member during the previous year; and
 - (b) one-quarter of the total amount expended by the society during the preceding year for horticultural purposes, in accordance with section 9,
 but no such grant shall exceed \$500. 1961-62, c. 54, s. 1.

Municipal grants

20. The council of a city, town, village, county or township may grant money to any society organized wholly or partly within its limits. R.S.O. 1960, c. 175, s. 20.

Inspection of books and accounts

21. The Minister may appoint a person to inspect the books and accounts of any society and may empower the person to summon witnesses and enforce the production of documents before him and to take evidence upon oath in regard to such inspection, and every officer of a society shall, when requested, submit the books and accounts thereof to such inspection. R.S.O. 1960, c. 175, s. 21.

22. Where the board has reason to believe that a member or other person exhibiting a product at an exhibition at which prizes are offered by the society has committed a fraud in respect of the product, the board may withhold payment or delivery of any prize money or other prize award to the person until the person proves to the satisfaction of the board that no fraud has in fact been committed. R.S.O. 1960, c. 175, s. 22.

Fraud in
obtaining
prizes

