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c 286 Presqu'ile Park Act

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CHAPTER 286

The Presqu'ile Park Act

1.—(1) The Lieutenant-Governor in Council may appoint ^{Board of} a board of commissioners composed of five persons, which ^{commissioners.} board shall be a body corporate by the name of The Presqu'ile Park Commission.

(2) The commissioners shall hold office during pleasure of ^{Tenure of} the Lieutenant-Governor in Council. ^{office.}

(3) The commissioners shall receive such compensation as ^{Compensa-} is fixed by order of the Lieutenant-Governor in Council. ^{tion}

(4) The commissioners, at the first meeting of the Com- ^{Chairman.} mission in each year, shall elect one of their members as chairman, who, for the purposes of this Act, shall possess all the rights and powers and shall perform all the duties that pertain to the office of reeve of a village.

(5) The commissioners, at the first meeting of the Com- ^{Secretary.} mission in each year, shall appoint a secretary, who, for the purposes of this Act, shall possess all the rights and powers and shall perform all duties that pertain to the offices of clerk and treasurer of a village.

(6) The chairman and secretary shall respectively possess ^{Further} such other rights and powers and perform such other duties ^{rights and} as are consistent with the purposes and provisions of this ^{powers of} Act and as from time to time may be prescribed by the Com- ^{chairman} mission. R.S.O. 1937, c. 97, s. 1. ^{and} ^{secretary.}

2.—(1) The tract of land and marsh land hereinafter men- ^{What lands} tioned, that is to say: ^{to be set}

All that parcel or tract of land and marsh land in the Township of Brighton, in the County of Northumberland being composed of Presqu'ile Peninsula and High Bluff Island as shown on plans of survey by A. B. Perry, dated December 6th, 1869, on record in the Department of Lands and Forests, together with any small islands or bars and all marsh land lying adjacent to the said peninsula and south of the Village of Brighton and of Lots 4 and 5 in the broken front concession of Brighton Township, excepting from the above-mentioned lands, the lighthouse reserve, containing some 125 acres, and two other small lots on the northerly shore of the Point, containing together one acre and sixty-five one hundredths of an acre, more or less, and a strip 30 feet wide adjoining the westerly boundary produced of the said lighthouse reserve to give connection with the public road, as described in the Report of the Committee of the Privy Council and approved November 6th, 1920, and shown on a plan attached to the said report, containing an area of 875 acres, more or less,

^{apart for}

^{purposes of}

^{Park.}

is hereby vested in the Commission and set apart as a park, forest reservation and health resort for the benefit, advantage and enjoyment of the people of Ontario and shall be known as Presqu'ile Park. R.S.O. 1937, c. 97, s. 2; 1946, c. 74, s. 1.

Enlarging
the Park.

(2) The Lieutenant-Governor in Council may add to the Park any adjacent tract of land which is the property of the Crown. R.S.O. 1937, c. 97, s. 29.

Commission
to inquire
into present
leases and
contracts.

3. It shall be the duty of the Commission, and it shall have power, to inquire into and ascertain the facts concerning all leases, and all other contracts or agreements, to or with persons, in reference to any of the lands in the Park, the names of the persons holding the same, the amounts of rents reserved or other payments provided for in the same, the terms and conditions under which such agreements or leases are made, and also other particulars in connection with the same. R.S.O. 1937, c. 97, s. 3.

Collection
of revenues
from and
sale of
properties.

4. With respect to property now or hereafter vested in the Commission or which it may manage or control, it may demand, collect and recover from any person having the occupation or use thereof any money due for rent or otherwise and with the approval of the Department of Municipal Affairs may dispose of any such property by sale, lease or otherwise, provided that the Commission may, without such approval, dispose of any interest in property purchased by the Commission at a tax sale, by sale, lease or otherwise. 1949, c. 74, s. 1.

Powers of
Commission.

5. Subject to the approval of the Department of Municipal Affairs, the Commission shall have power,

- (a) to lease, purchase, or otherwise acquire, and to construct and operate boats, vessels, motor cars and other means of transportation, to be used in connection with the Park;
- (b) to pull down all houses or other erections, or buildings on said lands, or such of them, or such part of them, as the Commission may think proper to be pulled down, and to sell or otherwise dispose of, or make use of, the material of the houses and other erections and buildings thus taken down and removed or otherwise disposed of or made use of;
- (c) to erect wharves, houses and other erections, buildings and structures, on said lands, and to lease or sublet the same and all other wharves, houses, and other erections, buildings and structures, with their appurtenances, which are now or hereafter may be upon said lands, to applicants therefor;

- (d) to lay out, build, improve, develop and enclose the Park in such manner as it thinks fit;
- (e) to demand, collect, and receive tolls, rents, taxes, or other charges or money for the use of the lands, buildings, erections, structures, appliances, vessels, means of transportation, or works made, built or used in or in connection with the operation of the Park, as well as for services rendered or to be rendered for the convenience or accommodation of visitors, and to expend so much of the money received therefrom as may in the opinion of the Commission be necessary or expedient in beautifying or otherwise improving the same as a park and place of public resort, and for all other purposes authorized by this Act, and, whenever required by an order of the Lieutenant-Governor in Council so to do, to remit to the Treasurer of Ontario any surplus remaining in the hands of the Commission. R.S.O. 1937, c. 97, s. 5; 1946, 74, s. 2; 1949, c. 74, s. 2, par. 1.

6. The Commission may appoint one or more constables, Constables. who shall have the same powers and perform the same duties in the Park as the constables appointed by the council of a village. R.S.O. 1937, c. 97, s. 6.

7.—(1) The Commission shall have all the powers conferred and shall be subject to all the limitations imposed by Powers of Commission. *The Municipal Act* on the council of a town, together with all the powers conferred by *The Public Schools Act* upon a rural school board. R.S.O. 1937, c. 97, s. 7 (1). Rev. Stat., cc. 243, 316.

(2) The Commission may pass by-laws for fixing the sums By-laws. to be paid for licences required under the by-laws passed under subsection 1. R.S.O. 1937, c. 97, s. 7 (2); 1949, c. 74, s. 2, par. 2.

(3) After the passing of any such by-law no general by-law of the Township of Brighton for any of the purposes provided by such by-law shall apply. Effect of by-laws of Commission. R.S.O. 1937, c. 97, s. 7 (3).

8. The Commission may also pass by-laws for protection Protection from fire. from fire, and for providing such fire appliances as it may deem necessary for the protection of life and property within the limits of the Park. R.S.O. 1937, c. 97, s. 8; 1949, c. 74, s. 2, par. 3.

9. The Commission may also pass by-laws for letting Sidewalks, roads, culverts, drains, etc. contracts, or employing labour, or purchasing material for making roads, buildings, sidewalks and culverts, putting in

drains, planting trees, and otherwise improving and beautifying the Park as a park and place of public resort, and doing all things necessary for such purposes, and the Commission may pass by-laws for entering into, and may enter into, contracts for the supply of water, light or heat by any person or company to the Park or the residents therein, and doing all things necessary for such purposes within the limits of the Park. R.S.O. 1937, c. 97, s. 9; 1949, c. 74, s. 2, par. 4.

Other
by-laws.

10. The Commission may also pass such by-laws for the proper government of the Park as may be approved by the Department of Municipal Affairs, and, subject to such by-laws, the Park shall be open to the public. R.S.O. 1937, c. 97, s. 10; 1949, c. 74, s. 2, par. 5.

Application
of Rev. Stat.,
c. 320.

11. The provisions of *The Public Utilities Act*, except where inconsistent with the provisions of this Act, shall apply to the Commission. R.S.O. 1937, c. 97, s. 11.

Authentica-
tion of
by-laws.

12. By-laws passed by the Commission shall be authenticated by the signature of the chairman and secretary and the seal of the corporation, and a copy of any such by-law so authenticated shall have the same force and effect as a copy of a municipal by-law duly certified in the manner provided by *The Municipal Act*. R.S.O. 1937, c. 97, s. 12.

Rev. Stat.,
c. 243.

13. The Commission may in any by-law provide that any one contravening the by-laws shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$100 or to imprisonment for a term of not more than 60 days, and such penalty may be enforced by any justice of the peace having jurisdiction within the United Counties of Northumberland and Durham. R.S.O. 1937, c. 97, s. 13.

Application
of licence
fees and
penalties.

14. All sums collected for licence fees or for penalties for offences against any by-law passed by the Commission shall be paid over to the Commission. R.S.O. 1937, c. 97, s. 14.

Repair and
maintenance
of highways.

15.—(1) It shall be the duty of the Commission to keep the highways in the Park in proper repair. R.S.O. 1937, c. 97, s. 15.

Liability for
non-repair
of highway.

(2) No action shall be maintainable against the corporation of the United Counties of Northumberland and Durham or the corporation of the Township of Brighton by reason of the non-repair of the highways, streets, sidewalks or bridges in the Park, or by reason of any misfeasance or nonfeasance in relation to them. R.S.O. 1937, c. 97, s. 24.

16.—(1) The Commission may raise by loan the sum of \$50,000 for the purpose of acquiring or expropriating lands and for constructing, building, leasing, purchasing, improving, extending, holding, maintaining, managing and conducting waterworks and all buildings, material, machinery and appurtenances thereto belonging, and other permanent works for a waterworks system of the Commission, and for enlarging and improving the Park, and for all other purposes and objects intended to be secured by this Act. Power to borrow to amount of \$50,000.

(2) For the purposes of this section the Commission may pass by-laws for contracting debts for any of such purposes by borrowing money, and for issuing debentures therefor, and it shall not be necessary to levy any special rate therefor. By-law for borrowing.

(3) The whole debt and the debentures to be issued therefor shall be made payable in 30 years at furthest from the time or times when the debentures are issued. Term of debt.

(4) The amount falling due for principal and interest in each year on account of such debentures shall be payable out of the general revenues of the Commission. Provision for payment.

(5) The holder of every debenture or other obligation issued under the authority of this Act shall have a preferential charge or lien on the revenues of the Commission, and the Commission shall pay such debts in priority to all other debts. Security of debenture holders.

(6) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario to guarantee the payment, on behalf of Ontario, of the debentures issued or to be issued by the Commission under this section. Guarantee by Ontario.

(7) The form of guarantee and the manner of its execution shall be determined by the Lieutenant-Governor in Council. Form of guarantee.
R.S.O. 1937, c. 97, s. 16.

17. No by-law and no tariff of tolls, rents or charges or payment to the Commission for the use of works, vessels, or of services, shall be acted upon or effective until approved of by the Department of Municipal Affairs. R.S.O. 1937, c. 97, s. 17; 1949, c. 74, s. 2, par. 6. Approval of by-laws, etc.

18. The Commission may provide for the assessment of all lands situate within the Park, and, as to said assessment, and for the collection of all moneys due from the owners or occupants of such land, shall perform and possess all the duties and powers provided for by *The Assessment Act* and *The Voters' Lists Act* in the case of clerks, assessors and collectors in townships, and may expend money so collected for the purposes hereinbefore set forth, and for such other Assessment and taxation.
Rev. Stat., cc. 24, 414.

purposes as may from time to time be approved by the Department of Municipal Affairs. R.S.O. 1937, c. 97, s. 18; 1949, c. 74, s. 2, par. 7.

Employment
of officers,
workmen,
etc.

19. The Commission shall have power to employ such officers, workmen and other persons as may be deemed necessary for the purposes of this Act, and the salaries, wages or other compensation of such officers, workmen and other persons shall be payable out of the funds of the Commission. R.S.O. 1937, c. 97, s. 19.

Books and
accounts.

20.—(1) The Commission shall cause books to be provided and true and accurate accounts to be entered therein of all sums of money received and paid out and of the several purposes for which the same were received and paid out, and such books shall be at all times open to the inspection of the Treasurer of Ontario, and of any person appointed by him or by the Department of Municipal Affairs, or by a majority of the ratepayers in the Park, for such purposes, and any such person may take copies or extracts from such books. R.S.O. 1937, c. 97, s. 20 (1); 1949, c. 74, s. 2, par. 8.

Audit.

(2) The books and records of the Commission shall be examined annually by the provincial Auditor or such other auditor as may be designated by the Lieutenant-Governor in Council. R.S.O. 1937, c. 97, s. 20 (2), *amended*.

Annual
report.

21. On or before the 1st day of December in each year the Commission shall report to the Department of Municipal Affairs the receipts and expenditures of the year and such other matters as may appear to it to be of public interest in relation to the government of the Park, or to anything arising out of this Act, and shall in all cases supply to the Department of Municipal Affairs such information relating thereto as it may direct. R.S.O. 1937, c. 97, s. 21; 1949, c. 74, s. 2, par. 9.

Actions
against
commiss-
sioners.

22. Without the authority of the Lieutenant-Governor in Council no action shall be brought against the commissioners personally for anything done or omitted to be done under this Act. R.S.O. 1937, c. 97, s. 22.

Separation
from Town-
ship of
Brighton
and United
Counties.

23.—(1) For municipal and school purposes the Park shall be deemed to be separated from and shall not form part of the Township of Brighton or of the United Counties of Northumberland and Durham and shall cease to be subject to the jurisdiction thereof except for judicial purposes. R.S.O. 1937, c. 97, s. 23.

(2) For all judicial purposes the Park shall be and remain a portion of the United Counties of Northumberland and Durham. R.S.O. 1937, c. 97, s. 26. Judicial purposes.

24. For the purposes of election to the Legislative Assembly the Park shall be and remain a portion of the Township of Brighton, and all persons in the Park possessing the necessary qualifications shall be entitled to be placed on the voters' lists of that township and for such purposes the Commission shall, annually, before the 15th day of July, prepare and furnish to the clerk of that township a list of persons so qualified and, for the information of the clerk of that township, shall furnish all particulars required in preparing the lists under *The Voters' Lists Act*. R.S.O. 1937, c. 97, s. 25. Elections to Assembly, voters' lists. Rev. Stat., c. 414.

25.—(1) The commissioners may acquire or expropriate lands, owned by owners as defined by section 344 of *The Municipal Act*, and situate within the Park. Application of Rev. Stat., c. 243.

(2) For the purpose of acquiring or expropriating such lands the provisions of *The Municipal Act* with respect to the acquisition of land and compensation shall apply. Idem.

(3) Until such lands shall have been so acquired or expropriated, the powers conferred by clauses *b* and *c* of section 5 shall not be exercised as to lands so owned. R.S.O. 1937, c. 97, s. 28. Application of s. 5, cls. b and c.

