



City of Hamilton
PUBLIC WORKS COMMITTEE REVISED

Meeting #: 24-004
Date: April 2, 2024
Time: 1:30 p.m.
Location: Council Chambers
Hamilton City Hall
71 Main Street West

Carrie McIntosh, Legislative Coordinator (905) 546-2424 ext. 2729

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| | a. HSR Ridership Recovery Outstanding Business List Item (PW21056(b)) (City Wide) | |
| | Current Due Date: February 5, 2024 | |
| | Proposed New Due Date: April 29, 2024 | |

15. PRIVATE AND CONFIDENTIAL

15.1 Closed Session Minutes - February 20, 2024

Pursuant to Section 9.3, Sub-sections (e) and (f) Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

16. ADJOURNMENT

4.1



PUBLIC WORKS COMMITTEE MINUTES 24-003

1:30 p.m.

Monday, February 20, 2024

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors A. Wilson (Acting Chair), M. Spadafora (Chair), J. Beattie, C. Cassar, J. P. Danko, M. Francis, T. Hwang, T. Jackson, C. Kroetsch, T. McMeekin, N. Nann, E. Pauls, M. Tadeson and M. Wilson

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Hamilton Street Railway Annual Service Plan Enhancements - Year 8 of the 10-Year Local Transit Strategy (PW24010) (City Wide) (Item 8.1)**

(Beattie/Cassar)

That Report PW24010 respecting Hamilton Street Railway Annual Service Plan Enhancements - Year 8 of the 10-Year Local Transit Strategy, be received.

Result: MOTION, CARRIED by a vote of 13 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
Yes – Ward 2 Councillor Cameron Kroetsch
Yes – Ward 3 Councillor Nrinder Nann
Yes – Ward 5 Councillor Matt Francis
Yes – Ward 4 Councillor Tammy Hwang
Yes – Ward 6 Councillor Tom Jackson
Yes – Ward 7 Councillor Esther Pauls
Yes – Ward 8 Councillor J. P. Danko
Yes – Ward 10 Councillor Jeff Beattie
Yes – Ward 11 Councillor M. Tadeson
Yes – Ward 12 Councillor Craig Cassar
Yes – Ward 13 Councillor Alex Wilson
Yes – Ward 14 Councillor Mike Spadafora
Not Present – Ward 15 Councillor Ted McMeekin

2. **Main Street Two-Way Conversion Implementation and One-Way Street Conversion Considerations (PW23074(a)/PED23248(a)) (City Wide) (Item 8.2)**

(Cassar/Kroetsch)

- (a) That the General Manager of Public Works be authorized and directed to negotiate and execute a non-competitive single source contract with WSP Canada Inc., to complete the detailed design and contract administration for the Main Street Two-Way Conversion Project, in a form satisfactory to the City Solicitor and in adherence to the City of Hamilton Procurement Policy By-law No.22-255;
- (b) That staff be directed to undertake an accelerated project delivery approach as outlined in Report PW23074(a)/PED23248(a), funding for the implementation be referred for inclusion in the 2025 capital budget at a value of \$26,492,000 with a target timeline to complete detailed design by Q3 2025/Q4 2025, commence construction Q4 2025, and target a project completion date of Q4 2027/Q1 2028;
- (c) That the remaining unbudgeted candidate one-way to two-way street conversions and alternative complete street interventions as identified in Appendix "E" to Report PW23074/PED23248 be programmed, and that funding associated with the conversions be identified and brought forward as part of future annual capital budget submissions for consideration of Council; **and**
- (d) ***That the detailed design work include non-vehicular prioritization of the southernmost eastbound lane, including as a dedicated bus lane, on street parking, pedestrian zone improvements, complete streets upgrades and consideration of a consistent roadway cross section for the extents of the project area from Dundurn to the Delta with preference to the most balanced lane configuration possible.***

Result: Main MOTION, As Amended, CARRIED by a vote of 13 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Yes – Ward 8 Councillor J. P. Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor M. Tadeson
 Yes – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson

Yes – Ward 14 Councillor Mike Spadafora
Not Present – Ward 15 Councillor Ted McMeekin

**3. Standardization of Fleet Parts, Service and Single Source Suppliers
(PW09074(f)) (City Wide) (Item 11.1)**

(M. Wilson/Francis)

- (a) That the standardization of the products, services, manufacturers, and suppliers identified in Appendix “A” to Report PW09074(f) – Standardized Products and Suppliers, be approved pursuant to Procurement Policy #14 – Standardization;
- (b) That the single source of original equipment suppliers and distributors with territorial rights in Appendix “B” to Report PW09074(f) Single Source Suppliers, be approved pursuant to Procurement Policy #11- Non-competitive Procurements;
- (c) That the General Manager, Public Works, or their designate, be authorized to negotiate and enter into any agreements and execute the completion of associated documents for the items outlined in Appendix “A” and Appendix “B” to Report PW09074(f), in a form satisfactory to the City Solicitor; and
- (d) That the General Manager, Public Works, or their designate, be authorized to amend any Contracts executed and any ancillary documents as required in the event that a manufacturer or supplier identified in Appendix “A” and Appendix “B” to Report PW09074(f) undergoes a name change.

Result: MOTION, CARRIED by a vote of 12 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
Yes – Ward 2 Councillor Cameron Kroetsch
Yes – Ward 3 Councillor Nrinder Nann
Yes – Ward 5 Councillor Matt Francis
Not Present – Ward 4 Councillor Tammy Hwang
Yes – Ward 6 Councillor Tom Jackson
Yes – Ward 7 Councillor Esther Pauls
Yes – Ward 8 Councillor J. P. Danko
Yes – Ward 10 Councillor Jeff Beattie
Yes – Ward 11 Councillor M. Tadeson
Yes – Ward 12 Councillor Craig Cassar
Yes – Ward 13 Councillor Alex Wilson
Yes – Ward 14 Councillor Mike Spadafora
Not Present – Ward 15 Councillor Ted McMeekin

4. Award of Tender C15-76-23 (P) Construction of Spray Pad at Woodlands Park (PW24007) (Ward 3) (Item 11.2)**(Nann/Spadafora)**

- (a) That the 2024 capital budget for Woodlands Spray Pad (Project ID 4242109310) be increased by \$426,800.00 and funded 95% or \$405,460.00 from the Parkland Development Charge Reserve – Residential (Dept ID 110316), and 5%, or \$21,340.00 from the Parkland Development Charge Reserve- Non-Residential (Dept ID 110317); and
- (b) That Council approve the award of Request for Tenders C15-76-23 (P) Construction of Spray Pad at Woodlands Park, pursuant to Procurement Policy #2 Approval Authority and #5.3 Request for Tenders, to Three Seasons Landscape Group Inc. in the amount of \$862,900.00, and that the General Manager, Public Works Department be authorized to enter into and execute any required Contract and any ancillary documents required to give effect thereto with Three Seasons Landscape Group Inc., in a form satisfactory to the City Solicitor.

Result: MOTION, CARRIED by a vote of 11 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Not Present – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Yes – Ward 8 Councillor J. P. Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Not Present – Ward 11 Councillor M. Tadeson
 Yes – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Not Present – Ward 15 Councillor Ted McMeekin

5. Waste Management Sub-Committee Report 24-001 - February 12, 2024 (Item 11.4)**(Beattie/A. Wilson)**

- (a) **Amendments to the Terms of Reference for the Waste Management Sub-Committee (Item 9.1)**

That the Waste-Management Sub-Committee Terms of Reference attached as Appendix “A” to Waste Management Sub-Committee Report 24-001, be amended as follows:

Statement of Purpose:

- (i) To assist the City of Hamilton with the implementation of the Council approved Solid Waste Management Master Plan (SWMMP), SWMMP Action Items, and to discuss / make recommendations on other solid waste management initiatives.

Overall Membership:

- (ii) The Waste Management Sub-Committee shall be comprised of up to seven (7) members; and

Voting Members:

- (iii) Four (4) citizen members

Result: MOTION, CARRIED by a vote of 12 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Not Present – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Yes – Ward 8 Councillor J. P. Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Not Present – Ward 11 Councillor M. Tadeson
 Yes – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Yes – Ward 15 Councillor Ted McMeekin

**6. Road Resurfacing on Dunsmure Road and Balsam Avenue South (Ward 3)
(Item 12.1)****(Nann/Hwang)**

WHEREAS, adjacent roads in the Stiplely Neighborhood were resurfaced in 2017 to extend the roadway surface quality and life cycle;

WHEREAS, Dunsmure Road from Prospect Street to Gage Avenue and Balsam Avenue from Main Street to Cannon Street in Ward 3, were not included in the works in 2017 and are in need of road resurfacing to extend the life of the roadway and therefore improve service levels and reduce maintenance costs;

WHEREAS, a portion of these roadways are designated as a bike boulevard and the condition of the road currently poses a challenge for safe cycling surface.

THEREFORE, BE IT RESOLVED:

- (a) That the Transportation Division resurface Dunsmure Road from Prospect Street to Gage Avenue, and Balsam Avenue from Main Street to Cannon Street, including associated concrete works;
- (b) That all costs associated with the road rehabilitation scope of work be funded from the Ward 3 Minor Maintenance account 4031911603 (\$369,000), with construction anticipated to be completed in 2024; and
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

Result: MOTION, CARRIED by a vote of 12 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Not Present – Ward 7 Councillor Esther Pauls
 Yes – Ward 8 Councillor J. P. Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Not Present – Ward 11 Councillor M. Tadeson
 Yes – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Yes – Ward 15 Councillor Ted McMeekin

7. Improvements to the Hamilton Amateur Athletics Association Grounds (Ward 1) (Item 12.2)

(M. Wilson/Kroetsch)

WHEREAS, Hamilton Amateur Athletics Association Grounds (HAAA) is a community park located at 250 Charlton Avenue within Ward 1 that dates back to 1870's;

WHEREAS, HAAA is undergoing a redevelopment of the aging park amenities as part of the overall HAAA Grounds Renewal Plan, and the Ward

1 office, alongside Landscape Architectural Services, has completed two years of online and in person extensive community engagement process to help develop the HAAA Renewal Plan;

WHEREAS, the HAAA serves the historical neighbourhoods of Kirkendall and Durand, with a population of approximately 21,000 residents, of all ages, backgrounds, and economic conditions;

WHEREAS, the HAAA Renewal Plan is partially funded through the ICIP: Community, Culture and Recreation Stream grant funding that has both Federal and Provincial contributions totaling \$ 2,626,678.40;

WHEREAS, the construction of the Renewal Plan is anticipated to begin in the summer of 2024 and incorporates upgrades such as: stormwater management improvements that incorporate low impact development approaches which will reduce the burden on the combined sewer system; and

WHEREAS, the addition of accessibility improvements, improved exercise track, junior and senior playground areas, shade structures, site furnishings, spray pad, active transportation connections, increased the urban tree canopy, social/community spaces, skate dot, climbing structures, improved grass field/open space, outdoor fitness area and improved LED lighting throughout the park were identified by residents as elements that would enhance health and well-being of community for decades;

THEREFORE, BE IT RESOLVED:

- (a) That the improvements associated with low impact development, community space, elementary aged active spaces and high school aged to seniors spaces be financially supported through the Ward 1 Capital Re-Investment Reserve (108051) not to exceed \$1.6 million in the support of the delivery of the Hamilton Amateur Athletics Association Grounds Renewal Plan, and be transferred to ICIP CCR – HAAA Park Redevelopment Project ID 4402056926; and
- (b) That the General Manager of Public Works be authorized and directed to approve and execute any and all required agreements and ancillary documents, in a form satisfactory to the City Solicitor, related to the implementation of the Hamilton Amateur Athletics Association Grounds Renewal Plan, located at 250 Charlton Avenue.

Result: MOTION, CARRIED by a vote of 13 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
Yes – Ward 2 Councillor Cameron Kroetsch
Yes – Ward 3 Councillor Nrinder Nann
Yes – Ward 5 Councillor Matt Francis

Yes – Ward 4 Councillor Tammy Hwang
Yes – Ward 6 Councillor Tom Jackson
Not Present – Ward 7 Councillor Esther Pauls
Yes – Ward 8 Councillor J. P. Danko
Yes – Ward 10 Councillor Jeff Beattie
Yes – Ward 11 Councillor M. Tadeson
Yes – Ward 12 Councillor Craig Cassar
Yes – Ward 13 Councillor Alex Wilson
Yes – Ward 14 Councillor Mike Spadafora
Yes – Ward 15 Councillor Ted McMeekin

8. Detailed Drainage Assessment Study (Phase 2) of Rurally Serviced Existing Residential Neighbourhoods in Ancaster (PW16100(a)/PED24032) (Ward 12) (Item 11.3)

(Cassar/Beattie)

- (a) That the Detailed Drainage Assessment Study (Phase 2) of Rurally Serviced Existing Residential Neighbourhoods (Community of Ancaster, City of Hamilton), attached as Appendix “A” to Report PW16100(a)/PED24032 and the Associated Study Drawings attached as Appendix “B” and “C” to Report PW16100(a)/PED24032 be received;
- (b) That Planning and Economic Development staff consider the Detailed Drainage Assessment Study (Phase 2) results as part of a future Phase 3 study; to develop technical criteria, a policy framework, and implementation strategy for future lot severances in coordination with the Public Works Department and the Legal and Risk Management Services staff, and that the Phase 3 study be presented at a future Planning Committee;
- (d) That the Public Works Department be directed to complete the studies required to undertake culvert improvements recommended in the Detailed Drainage Assessment Study (Phase 2) of Rurally Serviced Existing Residential Neighbourhoods (Community of Ancaster, City of Hamilton), to address the current level of service;
- (e) That the Detailed Drainage Assessment Study (Phase 2) of Rurally Serviced Existing Residential Neighbourhoods (Community of Ancaster, City of Hamilton) be referred to the Planning & Economic Development Department to address Item 22R on the Outstanding Business List which directs staff to prepare the appropriate Public Meeting notice under the Planning Act and associated report for Planning Committee to consider the following at a future statutory public meeting:

“Amendments to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 to implement the uses permitted in Urban Hamilton Official Plan Amendment No. 167.”

- (f) ***That staff be directed to report back to the Public Works Committee at the March 18, 2024 meeting respecting recommendation (c) based on the direction provided to staff in Closed Session.***

Result: MAIN MOTION, As Amended, CARRIED by a vote of 13 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Not Present – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Yes – Ward 8 Councillor J. P. Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor M. Tadeson
 Yes – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Yes – Ward 15 Councillor Ted McMeekin

FOR INFORMATION:

(a) **APPROVAL OF AGENDA (Item 2)**

The Committee Clerk advised of the following changes to the agenda:

6. DELEGATION REQUESTS

- 6.1 Delegation Requests respecting Item 11.3 - Detailed Drainage Assessment Study (Phase 2) of Rurally Serviced Existing Residential Neighbourhoods in Ancaster (PW16100(a)/PED24032) (Ward 12) (for today’s meeting)

- (a) Derek Sohail
 (b) Shophan Daniel

8. STAFF PRESENTATIONS

- 8.1 Hamilton Street Railway Annual Service Plan Enhancements - Year 8 of the 10-Year Local Transit Strategy (PW24010) (City Wide)
- (a) Staff Presentation - Hamilton Street Railway Annual Service Plan Enhancements - Year 8 of the 10-Year Local Transit Strategy (PW24010) (City Wide)
- (b) Appendix B - Hamilton Street Railway Annual Service Plan Enhancements - Year 8 of the 10-Year Local Transit Strategy (PW24010) (City Wide) - REVISED
- 8.2 Main Street Two-Way Conversion Implementation and One-Way Street Conversion Considerations (PW23074(a)/PED23248(a)) (City Wide) (Outstanding Business List Item)

14. GENERAL INFORMATION / OTHER BUSINESS

14.1 Amendments to the Outstanding Business List

14.1(a) Items Considered Complete and Needing to be Removed:

- 14.1(a)(a) Implementation plan for the two-way conversion of Main Street
Addressed as Item 8.2
(PW23074(a)/PED23248(a)) (on today's agenda)

(Pauls/Hwang)

That the Agenda for the February 20, 2024, Public Works Committee meeting be approved, as amended.

Result: MOTION, CARRIED by a vote of 12 to 0, as follows:

- Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Not Present – Ward 8 Councillor J. P. Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor M. Tadeson

Yes – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Not Present – Ward 15 Councillor Ted McMeekin

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) February 5, 2024 (Item 4.1)

(Cassar/Hwang)

That the Minutes of the February 5, 2024, meeting of the Public Works Committee be approved, as presented.

Result: MOTION, CARRIED by a vote of 13 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Yes – Ward 8 Councillor J. P. Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor M. Tadeson
 Yes – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Not Present – Ward 15 Councillor Ted McMeekin

(d) DELEGATION REQUESTS (Item 6)

(i) (Cassar/Hwang)

That the Delegation Requests be approved, as follows:

(i) Delegation Requests respecting Item 11.3 Detailed Drainage Assessment Study (Phase 2) of Rurally Serviced Existing Residential Neighbourhoods in Ancaster (PW16100(a)/PED24032) (Ward 12) (for today's meeting) (Added Item 6.1)

(a) Derek Sohail (Added Item 6.1(a))

(b) Shophan Daniel (Added Item 6.1(b))

Result: MOTION, CARRIED by a vote of 13 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Yes – Ward 8 Councillor J. P. Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor M. Tadeson
 Yes – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Not Present – Ward 15 Councillor Ted McMeekin

(e) DELEGATIONS (Item 7)

(i) Delegations respecting Item 11.3 - Detailed Drainage Assessment Study (Phase 2) of Rurally Serviced Existing Residential Neighbourhoods in Ancaster (PW16100(a)/PED24032) (Ward 12) (Added Item 7.1)

(1) The following delegates addressed Committee respecting Item 11.3 – Detailed Drainage Assessment Study (Phase 2) of Rurally Serviced Existing Residential Neighbourhoods in Ancaster (PW16100(a)/PED24032) (Ward 12):

(a) Derek Sohail (Added Item 7.1(a))

(b) Shophan Daniel (Added Item 7.1(b))

(2) (Pauls/Hwang)

That Derek Sohail be granted an additional 5 minutes, beyond the 5-minute time limit, to complete their delegation respecting Item 11.3 – Detailed Drainage Assessment Study (Phase 2) of Rurally Serviced Existing Residential Neighbourhoods in Ancaster (PW16100(a)/PED24032) (Ward 12).

Result: MOTION, CARRIED by a vote of 12 to 1, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis

Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 No – Ward 8 Councillor J. P. Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor M. Tadeson
 Yes – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Not Present – Ward 15 Councillor Ted McMeekin

(3) (Tadeson/Cassar)

That the following delegations respecting Item 11.3 – Detailed Drainage Assessment Study (Phase 2) of Rurally Serviced Existing Residential Neighbourhoods in Ancaster (PW16100(a)/PED24032) (Ward 12), be received:

- (a) Derek Sohail (Added Item 7.1(a))
- (b) Shophan Daniel (Added Item 7.1(b))

Result: MOTION, CARRIED by a vote of 13 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Yes – Ward 8 Councillor J. P. Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor M. Tadeson
 Yes – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Not Present – Ward 15 Councillor Ted McMeekin

For further disposition of this matter, refer to Item 8.

(f) STAFF PRESENTATIONS (Item 8)**(i) Hamilton Street Railway Annual Service Plan Enhancements - Year 8 of the 10-Year Local Transit Strategy (PW24010) (City Wide) (Item 8.1)**

Maureen Cosyn Heath, Director of Transit, addressed Committee respecting Hamilton Street Railway Annual Service Plan Enhancements -

Year 8 of the 10-Year Local Transit Strategy (PW24010) (City Wide), with the aid of a PowerPoint presentation.

(Tadeson/Hwang)

That the presentation from Maureen Cosyn Heath, Director of Transit respecting Hamilton Street Railway Annual Service Plan Enhancements - Year 8 of the 10-Year Local Transit Strategy (PW24010) (City Wide), be received.

Result: MOTION, CARRIED by a vote of 13 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Yes – Ward 8 Councillor J. P. Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor M. Tadeson
 Yes – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Not Present – Ward 15 Councillor Ted McMeekin

For further disposition of this matter, refer to item 1.

(ii) Main Street Two-Way Conversion Implementation and One-Way Street Conversion Considerations (PW23074(a)/PED23248(a)) (City Wide) (Item 8.2)

Mike Field, Manager of Transportation Operations, addressed Committee respecting Main Street Two-Way Conversion Implementation and One-Way Street Conversion Considerations (PW23074(a)/PED23248(a)) (City Wide), with the aid of a PowerPoint presentation.

(Nann/M. Wilson)

That the presentation from Mike Field, Manager of Transportation Operations, respecting Main Street Two-Way Conversion Implementation and One-Way Street Conversion Considerations (PW23074(a)/PED23248(a)) (City Wide), be received.

Result: MOTION, CARRIED by a vote of 13 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch

Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Yes – Ward 8 Councillor J. P. Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor M. Tadeson
 Yes – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Not Present – Ward 15 Councillor Ted McMeekin

(Cassar/Kroetsch)

- (a) That the General Manager of Public Works be authorized and directed to negotiate and execute a non-competitive single source contract with WSP Canada Inc., to complete the detailed design and contract administration for the Main Street Two-Way Conversion Project, in a form satisfactory to the City Solicitor and in adherence to the City of Hamilton Procurement Policy By-law No.22-255;
- (b) That staff be directed to undertake an accelerated project delivery approach as outlined in Report PW23074(a)/PED23248(a), funding for the implementation be referred for inclusion in the 2025 capital budget at a value of \$26,492,000 with a target timeline to complete detailed design by Q3 2025/Q4 2025, commence construction Q4 2025, and target a project completion date of Q4 2027/Q1 2028;
- (c) That the remaining unbudgeted candidate one-way to two-way street conversions and alternative complete street interventions as identified in Appendix “E” to Report PW23074/PED23248 be programmed, and that funding associated with the conversions be identified and brought forward as part of future annual capital budget submissions for consideration of Council.

(M. Wilson/Nann)

That Report PW23074(a)/PED23248(a), respecting Main Street Two-Way Conversion Implementation and One-Way Street Conversion Considerations be **amended** by adding recommendation (d), to read as follows:

- (d) ***That the detailed design work include non-vehicular prioritization of the southernmost eastbound lane, including as a dedicated bus lane, on street parking, pedestrian zone improvements, complete streets upgrades and consideration of a consistent roadway cross section for the extents of the***

project area from Dundurn to the Delta with preference to the most balanced lane configuration possible.

Result: Amendment, CARRIED by a vote of 13 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Yes – Ward 8 Councillor J. P. Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor M. Tadeson
 Yes – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Not Present – Ward 15 Councillor Ted McMeekin

For further disposition of this matter, refer to item 2.

(g) DISCUSSION ITEMS (Item 11)

(i) Detailed Drainage Assessment Study (Phase 2) of Rurally Serviced Existing Residential Neighbourhoods in Ancaster (PW16100(a)/PED24032) (Ward 12) (Item 11.3)

(Cassar/Beattie)

- (a) That the Detailed Drainage Assessment Study (Phase 2) of Rurally Serviced Existing Residential Neighbourhoods (Community of Ancaster, City of Hamilton), attached as Appendix “A” to Report PW16100(a)/PED24032 and the Associated Study Drawings attached as Appendix “B” and “C” to Report PW16100(a)/PED24032 be received;
- (b) That Planning and Economic Development staff consider the Detailed Drainage Assessment Study (Phase 2) results as part of a future Phase 3 study; to develop technical criteria, a policy framework, and implementation strategy for future lot severances in coordination with the Public Works Department and the Legal and Risk Management Services staff, and that the Phase 3 study be presented at a future Planning Committee;

- (c) That approvals continue to be deferred for lot severances in all rural cross section drainage neighbourhoods in Ancaster until the Phase 3 study is complete, and implementation measures are in place to mitigate the impacts of lot redevelopment;
- (d) That the Public Works Department be directed to complete the studies required to undertake culvert improvements recommended in the Detailed Drainage Assessment Study (Phase 2) of Rurally Serviced Existing Residential Neighbourhoods (Community of Ancaster, City of Hamilton), to address the current level of service;
- (e) That the Detailed Drainage Assessment Study (Phase 2) of Rurally Serviced Existing Residential Neighbourhoods (Community of Ancaster, City of Hamilton) be referred to the Planning & Economic Development Department to address Item 22R on the Outstanding Business List which directs staff to prepare the appropriate Public Meeting notice under the Planning Act and associated report for Planning Committee to consider the following at a future statutory public meeting:

“Amendments to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 to implement the uses permitted in Urban Hamilton Official Plan Amendment No. 167.”

(M. Wilson/Kroetsch)

That consideration of Report PW16100(a)/PED24032 respecting Detailed Drainage Assessment Study (Phase 2) of Rurally Serviced Existing Residential Neighbourhoods in Ancaster (Ward 12), be deferred until after the consideration of Item 11.4, respecting Waste Management Sub-Committee Report 24-001 – February 12, 2024.

Result: MOTION, CARRIED by a vote of 11 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Not Present – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Yes – Ward 8 Councillor J. P. Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Not Present – Ward 11 Councillor M. Tadeson
 Yes – Ward 12 Councillor Craig Cassar

Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Not Present – Ward 15 Councillor Ted McMeekin

(Cassar/Danko)

That consideration of Report PW16100(a)/PED24032 respecting Detailed Drainage Assessment Study (Phase 2) of Rurally Serviced Existing Residential Neighbourhoods in Ancaster (Ward 12), be deferred until after the consideration of Closed Session.

Result: MOTION, CARRIED by a vote of 12 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Not Present – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Yes – Ward 8 Councillor J. P. Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Not Present – Ward 11 Councillor M. Tadeson
 Yes – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Yes – Ward 15 Councillor Ted McMeekin

(Cassar/Kroetsch)

(a) That Report PW16100(a)/PED24032, respecting Report Detailed Drainage Assessment Study (Phase 2) of Rurally Serviced Existing Residential Neighbourhoods in Ancaster be **amended** by deferring recommendation (c) recommendations and adding recommendation (f), as follows:

(f) That staff be directed to report back to the Public Works Committee at the March 18, 2024 meeting based on the direction provided to staff in Closed Session.

Result: Amendment, CARRIED by a vote of 13 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Not Present – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls

Yes – Ward 8 Councillor J. P. Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor M. Tadeson
 Yes – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Yes – Ward 15 Councillor Ted McMeekin

For further disposition of this matter, refer to Item 8.

(h) GENERAL INFORMATION / OTHER BUSINESS (Item 14)

(i) Amendments to the Outstanding Business List (Item 14.1)

(Cassar/Hwang)

That the following amendments to the Public Works Committee's Outstanding Business List, be approved:

(1) Items Considered Complete and Needing to be Removed (Item 14.1(a))

(i) Implementation plan for the two-way conversion of Main Street (Item 14.1(a)(a))
 Addressed as Item 8.2 (PW23074(a)/PED23248(a)) (on today's agenda)

Result: MOTION, CARRIED by a vote of 14 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Yes – Ward 8 Councillor J. P. Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor M. Tadeson
 Yes – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Yes – Ward 15 Councillor Ted McMeekin

(i) PRIVATE AND CONFIDENTIAL (Item 15)**(Cassar/Danko)**

That the Committee move into Closed Session pursuant to Section 9.3, Sub-sections (e) and (f) Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Result: MOTION, CARRIED by a vote of 14 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Yes – Ward 8 Councillor J. P. Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor M. Tadeson
 Yes – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Yes – Ward 15 Councillor Ted McMeekin

(i) Detailed Drainage Assessment Study (Phase 2) of Rurally Serviced Existing Residential Neighbourhoods in Ancaster (PW16100(a)/PED24032) (Ward 12) (Item 11.3)

For disposition of this matter, refer to Item 8.

(j) ADJOURNMENT (Item 16)**(Tadeson/Spadafora)**

That there being no further business, the Public Works Committee meeting be adjourned at 5:25 p.m.

Result: MOTION, CARRIED by a vote of 13 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Not Present – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang

**Public Works Committee
Minutes 24-003**

**February 20, 2024
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Yes – Ward 6 Councillor Tom Jackson
Yes – Ward 7 Councillor Esther Pauls
Yes – Ward 8 Councillor J. P. Danko
Yes – Ward 10 Councillor Jeff Beattie
Yes – Ward 11 Councillor M. Tadeson
Yes – Ward 12 Councillor Craig Cassar
Yes – Ward 13 Councillor Alex Wilson
Yes – Ward 14 Councillor Mike Spadafora
Yes – Ward 15 Councillor Ted McMeekin

Respectfully submitted,

Councillor A. Wilson, Acting Chair,
Public Works Committee

Carrie McIntosh
Legislative Coordinator
Office of the City Clerk

Submitted on Wed, 02/14/2024 - 08:13

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee
Public Works Committee

Will you be delegating in-person or virtually?
In-person

Will you be delegating via a pre-recorded video?
No

Requestor Information

Requestor Information
Steven Oliver



Preferred Pronoun
he/him

Reason(s) for delegation request

I have accepted, from Carolyn Ryall, the opportunity to present and speak, on March 18th, 2024, to an Item of concern that the Public Works Roads/Transportation is reviewing regarding their intent to remove the bollards on Fellowes Cres that were placed on our street, around 2016 in response to the residence concerns about future traffic from unbuilt homes planned in the vacant field at the end of Fellowes Cres, at the time located next to 229 Fellowes Cres. I will be addressing the wording of the 2015 motion that specified the criteria of the Fellowes Cres closure. I was the original proponent that represented the neighbours in 2014 and I presented at that time, on Feb 18, 2014, to City Council. It is our assertion that the motion criteria is still not fulfilled to begin considering the removal of the road bollards and I will present evidence that supports our assertion. The bollards were installed to mitigate future traffic from the new homes and from construction disruptions of Parkside Drive from a 2 lane to a 4 lane road that would also include sidewalks. This 4 lane section of planned road stretches from Avonsyde Blvd just east of our homes to approximately Victoria Ave west of the grindstone creek and railway crossing. Approximately 2 km. Unfortunately, due to delays, the Parkside Construction has been deferred to a future date and this has

occurred a number of times and the primary cause is likely the COVID era.

I wish to repeat that this is a request to present on March 18, 2024 at the Public Works Subcommittee.

Will you be requesting funds from the City?

No

Will you be submitting a formal presentation?

Yes



INFORMATION REPORT

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	April 2, 2024
SUBJECT/REPORT NO:	Street Tree Planting Program Improvements (PW24022) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Robyn Pollard (905) 546-2424 Ext. 3919
SUBMITTED BY:	Cynthia Graham Director, Environmental Services Public Works Department
SIGNATURE:	

COUNCIL DIRECTION

In June 2023, Council approved Report PED20173(a), Hamilton Urban Forest Strategy Final Report, which details the conditions of the urban forest and recommends actions to inspire, act, protect, grow, and adapt over the next two decades. The Urban Forest Strategy intends to ensure that Hamilton's urban forest provides benefits to both the environment and the community.

Included in the recommended actions were new goals for tree planting and urban tree canopy coverage. The annual tree planting goal for the entirety of the City of Hamilton was set at 50,000 trees, with the City's planting commitment increasing from 12,000 to 20,000.

Increasing tree planting will play a significant role in growing Hamilton's urban area tree canopy coverage, as defined in the Urban Hamilton Official Plan, to 40% by the year 2050. The estimated canopy coverage in the urban area was reported in Appendix "E" to Report PED20173(a) as 17.8 – 20%. The assessment was based on Laser Imaging Detection and Ranging (LiDAR) data gathered in 2022 and provided to the City by the Provincial and Federal governments. The data was collected too early in the year for an accurate assessment of canopy coverage because it was captured at a time when Hamilton's trees were not in full leaf, and therefore, the actual percentage is expected to be higher than reported. Through recommendation (ii) of Report PED20173(a), the purchase of Laser Imaging Detection and Ranging (LiDAR) data showing trees in full

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SUBJECT: Street Tree Planting Program Improvements (PW24022) (City Wide)
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leaf to ensure an accurate percentage is reported in 2025, was approved through the 2024 budget process.

INFORMATION

Report PW24022 provides information on how staff have begun to strategically meet the required targets by increasing tree planting activities beginning in the 2024 planting season.

Forestry and Horticulture almost exclusively offer the City of Hamilton's tree planting programs, except for some capital projects which involve tree planting.

Forestry and Horticulture tree planting initiatives include:

- Free Tree Giveaways – saplings provided for free to residents of Hamilton to plant on their privately owned land.
- Street Tree Planting Program – trees planted by City contractors and staff by request from residents within the public right-of-way adjacent to their property.
- Park and Cemetery Tree Planting – trees planted by City contractors and staff within City parks and cemeteries.
- Subdivision Tree Planting – trees planted by City contractors within new subdivisions.
- Community Tree Planting – saplings planted by community volunteers within City parks and the public right-of-way in partnership with Forestry and Horticulture.
- Naturalization Plantings – saplings and larger trees planted by City contractors and staff within City parks and cemeteries and the public right-of-way.

The above programs are funded through the capital budget and revenues generated through public tree removal permits. In addition to these programs, tree planting is also supported through councillor motions funded through ward-specific discretionary funds.

To meet the Urban Forest Strategy tree planting target, staff have increased goals for 2024 as outlined in Table 1 below.

Table 1

Program/Initiative	2023 Goal	2024 Goal
Community Tree Planting	2925	4700
Naturalization Plantings	2800	3800
Free Tree Giveaways	2000	5000
Street Tree Planting Program	4200	6500

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Staff deliberately prioritized the planting program to avoid the requirement of an increase to the capital budget for 2024 and 2025. This was made feasible by issuing strategic tenders which included a large number of younger trees, which require less aftercare to establish successfully, and costs less to purchase and install. In addition to the cost savings, young trees were selected based on their ability to adapt quickly to the stress caused by planting, and thus in many circumstances will grow faster than when a larger tree is planted.

Tree planting programs are partially funded through revenues generated by public tree removal permits, in addition to the block funding of capital project Tree Planting Program 4450053001. Should revenues not be sufficient to fund the increased tree planting targets in 2026 and beyond, an increase to the capital Tree Planting Program 4450053001 may be requested through the capital budget process.

Using Geographic Information Systems (GIS), staff completed an analysis to identify open space within the public right-of-way, parks, and cemeteries that could be suitable for tree planting. The analysis was initiated due to a deficit in requests received for trees through the Street Tree Planting program. Staff have historically been responsible for finding locations to plant new trees, a process that requires driving the city. The Geographic Information Systems (GIS) analysis increases efficiency by providing staff with available locations that they can visit to assess the suitability for tree planting.

The annual street tree planting request deficit is detailed in Table 2 below. The significant increase to the goals in 2020 and 2021 was due to the need to replace ash trees through the Emerald Ash Borer Management Plan.

Table 2

Planting Season	Goal	Requests Received	Deficit
2020	6691	927	5764
2021	7668	1502	6166
2022	4780	1283	3497
2023	4200	900	3300

Although all locations need to be verified with site visits, the analysis identified an estimated 56,081 potential locations within the right-of-way that could be suitable for a new tree to be planted.

Historically, street trees have only been planned in locations adjacent to residential properties when an existing street tree was removed and a replacement tree was possible, or when a request was received through the Street Tree Planting Program. In these cases, staff review the locations in person, and communicate to the adjacent property owner(s) by knocking on the door and leaving a postcard to advise the property owner:

SUBJECT: Street Tree Planting Program Improvements (PW24022) (City Wide)
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- Whether the location was suitable for planting;
- If suitable, the number, location, and species planned;
- Information about how to care for the new tree(s); and
- Provide details on how to connect with staff should they have any questions.

The City of Hamilton Street Tree Planting Policy explains that tree planting may be initiated by property owner request or by staff and will comply with the Design and Layout requirements. It does not provide residents with the ability to deny a tree from being installed if the requirements within the policy have been met. However, historically denials were accepted, and trees were not planted if a property owner provided any reason why they did not want a street tree planted in the right-of-way adjacent to their property.

The only exception to this process is when trees are planted in new subdivisions; one tree is planted in front of every lot, and three trees are planted on corner lots. This is standard practice, and the only exceptions are due to infrastructure that would obstruct a tree, such as a streetlight or traffic sign. Property owners are not given the option to deny a tree from being planted within the right-of-way.

This inconsistency provides an opportunity to clean-up a process and ensure all areas of the City are contributing to and benefitting from the urban tree canopy.

To provide perspective, the annual tree planting requests denied by the adjacent property owner are detailed in Table 3 below. The number of street trees planted in new subdivisions has been excluded from the totals. The estimation for 2024 is noted in brackets, the values are based on the projected number of trees planted and the mean annual number of denied tree planting proposals.

Table 3

Planting Season	Number of Street Trees Planted	Number of Street Tree Plantings Denied	Percentage of Denied Street Trees
2020	2100	260	12.4%
2021	2100	348	16.6%
2022	3181	339	10.7%
2023	4427	135	3.1%
2024	(6500)*	(271)*	(4.2%)*
5-Year Total	18308	1353	9.4%

Denials are received from both the direct and adjacent property owners. Staff have not tracked the reasons for denials, but noted common reasons are related to the following:

- Had a mature tree and do not want a new one;

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- Concerns related to leaf and yard clean up;
- Concerns associated with potential root impacts; and
- Concern for impacts to gardens and/or grass.

Current practice, as summarized in the above table, has resulted in wasted resources to visit, plan, and subsequently cancel work orders; and more importantly, reduced the City's efforts to increase the number of street trees in the right-of-way.

To reduce waste, align with the process for subdivisions, and meet new tree planting goals, staff have improved the process related to planting street trees to maximize the use of the plantable spaces analysis by strategically planning to plant in all available locations within the right-of-way. Additionally, residents will no longer be able to deny the planting of street trees in the right-of-way. Beginning in Spring of 2024, staff will prioritize areas with fewer street trees and lower tree canopy coverage. Table 4 details urban tree canopy cover for each ward in 2022, as outlined in Appendix "E" to Report PED20173(a).

Although the tree canopy target cannot be met by planting exclusively on City-owned lands, planting in the right-of-way and increasing the tree canopy on City-owned lands that are below the target of 40%, presents a valuable opportunity to maximize opportunities for increasing tree canopy coverage.

Table 4

Canopy Coverage by Land Type			
Ward	Right of Way	Private Land	City-Owned Land
1	26.7%	32.1%	45.4%
2	18.9%	16.6%	19.9%
3	16.4%	10.5%	43.4%
4	14.8%	10.8%	39.8%
5	13.9%	16.7%	41.0%
6	13.9%	12.8%	24.3%
7	14.5%	14.6%	10.7%
8	15.7%	16.9%	24.5%
9	12.9%	11.4%	19.5%
10	11.4%	12.8%	27.8%
11	8.7%	11.0%	13.0%
12	17.4%	24.5%	34.7%
13	28.3%	44.6%	46.7%

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SUBJECT: Street Tree Planting Program Improvements (PW24022) (City Wide)
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14	17.6%	24.8%	22.4%
15	10.2%	17.5%	25.5%

As staff work through completing an equity study in 2024, the data gathered will be integrated into decisions where strategic tree planting needs to be prioritized.

To ensure that customer service levels are maintained, staff are developing a communication strategy to inform property owners about the Urban Forest Strategy. Information will be provided with advance notice that a tree will be planted in the right-of-way adjacent to all residential properties. Aftercare for newly planted trees will not change: wood chip mulch will be installed, and the tree will be watered for two seasons. Property owners who would like to help by watering the new tree may opt out of the watering service and will be provided with information on best practices for watering.

In addition to improving the existing processes for street tree planting, the plantable spaces analysis will be used to define planting areas outside of the areas Forestry and Horticulture currently manages. Areas will include all City-owned lands, such as stormwater management ponds, landfills, golf courses, and other City facilities. The results of the analysis will be shared upon completion through a future update.

To date, Forestry has not provided planting services in these locations, except upon request. However, many of these areas provide opportunities for enhancing the urban tree canopy, and if these opportunities are not leveraged, it will limit the success of the goal to increase the tree canopy to 40% by the year 2050 as defined in the Urban Hamilton Official Plan. Staff have already begun to engage with the asset owners to discuss potential future tree planting activities.


Report PW24022, provides information intending to gain further support in reaching the goals of the Urban Forest Strategy, in addition to the ongoing support for Forestry's existing programs.

APPENDICES AND SCHEDULES ATTACHED

N/A



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Waste Management Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	April 2, 2024
SUBJECT/REPORT NO:	Recycling Services for Non-Eligible Properties Following the Transition of the Blue Box Program (PW24021) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Glenn Watt (905) 546-2424 Ext. 5439
SUBMITTED BY:	Angela Storey Director, Waste Management Public Works Department
SIGNATURE:	

RECOMMENDATION

- (a) That Council authorize the continuation of the present service level for collection and processing of recyclables in blue box and blue cart, for properties that the Blue Box Program Regulation (O. Reg. 391/21) deemed non-eligible for collection, during the transition period of April 1, 2025, to December 31, 2025;
- (b) That Council approve the collection and processing of Blue Box Program recyclables from eligible special events under the current contract with GFL Inc. during the transition period of April 1, 2025, to December 31, 2025; and
- (c) That the General Manager, Public Works or designate be authorized to execute any required agreements with Circular Materials Ontario and/or Circular Materials Ontario's contractor for the collection and processing of recyclables from non-eligible properties during the transition period of April 1, 2025, until December 31, 2025.

EXECUTIVE SUMMARY

In accordance with the Blue Box Program Regulation (O. Reg. 391/21) that was enacted by the provincial government on June 3, 2021, the municipal Blue Box Program is transitioning to a producer responsibility model, where producers will be fully

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**SUBJECT: Recycling Services for Non-Eligible Properties Following the
Transition of the Blue Box Program (PW24021) (City Wide)
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responsible for the collection and processing of designated recyclable materials from eligible sources, such as single-family homes, multi-residential buildings, and applicable long term care facilities. As scheduled, municipalities began transitioning on July 1, 2023, and the transition is set to continue until December 31, 2025. The City of Hamilton was given a transition date of April 1, 2025, after which it will no longer be responsible for providing Blue Box services to these eligible sources.

For properties that currently receive Blue Box collection service from the City and are now deemed non-eligible under the Regulation, they will not be transitioned to producer responsibility and will not receive Blue Box collection through the producer responsibility organization following transition on April 1, 2025. These non-eligible properties include businesses, places of worship, special events and City facilities, such as recreation centres, municipal buildings, and public libraries.

Appendix “A” to Report PW24021 provides an infographic highlighting eligible and non-eligible properties. This service level gap created by the Regulation results in municipalities having to determine whether to continue to provide Blue Box services to non-eligible properties beyond the transition date, and if so, how to manage these operations. Report PW24021 deals with servicing the non-eligible properties only during the transition period of April 1, 2025 – December 31, 2025. If applicable, staff will bring an additional report to Public Works Committee in Q1 2025 regarding the collection and processing of recyclables for non-eligible properties beginning January 1, 2026.

Report PW24021 is recommending that the City of Hamilton continue to provide Blue Box collection and processing services for the estimated 3,005 non-eligible properties that currently receive this service through the City. The estimated cost to provide this service during the transition period of April 1, 2025 – December 31, 2025, is \$473,000. The budget for this program is already accounted for in the overall Waste Management Division budget for the Recycling Program.

Continuing to provide Blue Box collection to non-eligible properties during the transition period will ensure that all properties eligible under the City of Hamilton Solid Waste Management By-law (20-221) receive collection and processing of their Blue Box material right through to the end of the transition period. Staff have worked with the Producer Responsibility Organization, Circular Materials Ontario, and the City’s existing recycling collection Contractor, Green For Life Inc., on the costing for the continuation of the service during the transition period. It is not yet known who the collection contractor will be for the Hamilton catchment area following the transition period, beginning January 1, 2026. This information should be available later this year and at that time, if applicable, staff will prepare a report for Public Works Committee to consider if the City will continue to service non-eligible properties after December 31, 2025. This approach is consistent with corporate waste diversion and environmental goals and aligns with

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SUBJECT: Recycling Services for Non-Eligible Properties Following the Transition of the Blue Box Program (PW24021) (City Wide)
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most other municipalities that have already transitioned their Blue Box Program under the Regulation.

Alternatives for Consideration – See Page 8

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Table 1 below provides the estimated number and type of non-eligible properties that would be impacted by the Recommendation in Report PW24021.

Table 1: Estimated number of non-eligible properties receiving Blue Box collection by the City

Property Type	Number of Properties
City Facilities	195
Businesses and other non-eligible properties such as places of worship	2,800
Special Events	10
Total	3,005

The net operating cost of the City's Blue Box Program is projected to be \$13.785 million in 2024 and \$3.943 million in 2025 following transition of the Blue Box Program on April 1. As seen in Table 2 below, the cost associated with Recommendation a) in Report PW24021 is \$473,000 for the period of April 1, 2025 – December 31, 2025. This would result in a total net operating cost of \$4.41 million for the Blue Box Program in 2025. \$473,000 includes a per-stop cost to collect recyclables from non-eligible properties by a collector contracted by Circular Materials Ontario and a \$200 cost per tonne for processing the recyclables at a processing facility contracted by Circular Materials Ontario. If approved, the \$473,000 for this service will continue to be included in the 2025 Tax Operating budget for the Waste Management Division.

Table 2: Costs related to providing Blue Box collection during the transition period to non-eligible properties:

SUBJECT: Recycling Services for Non-Eligible Properties Following the Transition of the Blue Box Program (PW24021) (City Wide)
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Non-Eligible Property Type	Estimated Annual Costs (full year)	Estimated Cost During Transition Period (pro-rated 9 months)
City Facilities	\$107,000	\$80,000
Businesses and other non-eligible properties	\$514,000	\$ 383,000
Special Events	\$10,000	\$10,000
Total	\$631,000	\$473,000

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

On June 3, 2021, the Ministry of Environment, Conservation and Parks released O. Reg. 391/21 (Regulation) that transitions the current Blue Box Program to Individual Producer Responsibility and as of January 1, 2026, will transfer 100% of the cost and operating responsibility of the eligible Blue Box Program to producers of paper products and packaging. The Regulation includes the following objectives:

- Establishing a common curbside Blue Box collection system across Ontario which will service municipalities and First Nation communities;
- Expanding the type of materials accepted in the Blue Box program; and
- Offering Blue Box collection services to eligible sources including multi-unit residential buildings, schools, some public spaces, and not-for-profit retirement homes and long-term care homes.

The transition schedule released with the Regulation assigned April 1, 2025 as the transition date for the City of Hamilton which will result in a transition period for the City between April 1, 2025, to December 31, 2025.

On August 12, 2022, Report PW22064 was approved by Council confirming the City's decision to opt out of servicing eligible properties under the Blue Box Program on behalf of producers during the transition period and this was communicated to the Resource Productivity and Recovery Authority. Eligible sources include properties such as single-family homes, multi-residential buildings, and applicable long term care facilities. Unfortunately, the Regulation classified a number of properties as non-eligible sources and these properties, such as businesses, city facilities, places of worship and special events, are not included in the transitioned properties that will receive recycling collection or processing from the Producer Responsibility Organization following transition. Many City of Hamilton municipal facilities have established blue box recycling

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SUBJECT: Recycling Services for Non-Eligible Properties Following the Transition of the Blue Box Program (PW24021) (City Wide)
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programs which encourages participation in waste reduction efforts, matches the program residents have at home and provides a level a service the public has come to expect.

Report PW24021 is recommending that the City of Hamilton continue to provide Blue Box collection and processing services for approximately 3,005 non-eligible properties that currently receive this service at an estimated cost of \$473,000 during the transition period of April 1, 2025 – December 31, 2025. As it is not yet known who the collection contractor will be for the Hamilton catchment area following the transition period, beginning January 1, 2026, staff will prepare a report for Public Works Committee to consider if the City will continue to service non-eligible properties after December 31, 2025.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The City of Hamilton Solid Waste Management By-law (20-221) regulates waste collection and services carried out by the City. This By-law will need to be revised to align with Council's decision on servicing non-eligible properties prior to Hamilton's transition date of April 1, 2025.

Continuing to provide Blue Box collection at properties where garbage is also collected supports waste diversion goals in the City's Solid Waste Management Master Plan guiding principles:

- 1) The Glanbrook Landfill is a valuable resource, especially in the context of Ontario's impending landfill shortage. The City of Hamilton must minimize waste and optimize the use of the City's diversion and disposal facilities; and
- 2) The City of Hamilton must lead and encourage the changes necessary to adopt the principles of waste minimization.

RELEVANT CONSULTATION

- Public Works Department - Corporate Facilities and Energy Management Division, Facility Operations and Maintenance Section
- Corporate Services Department – Financial Planning, Administration and Policy Division, Finance and Administration Section
- Corporate Services Department – Legal Services – Legal and Risk Management Services
- Municipal Scan – other Ontario Municipalities that have transitioned or are preparing to transition to see how they are servicing their non-eligible sources during the transition period.

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**SUBJECT: Recycling Services for Non-Eligible Properties Following the
Transition of the Blue Box Program (PW24021) (City Wide)
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ANALYSIS AND RATIONALE FOR RECOMMENDATION

Report PW24021 is recommending that the City of Hamilton continue to provide Blue Box collection and processing services for approximately 3,005 non-eligible properties that currently receive this service at an estimated cost of \$473,000 during the transition period of April 1, 2025 – December 31, 2025. The rationale for this recommendation touches on factors related to the continuation of service, time required to determine post-transition service levels, service levels being provided by other municipalities, the continued need to divert waste from landfill and leading by example.

Service Continuity during Transition

Providing continued collection and processing of Blue Box Program material from non-eligible properties during the transition period will reduce the impact to them as it will defer the need for non-eligible property owners to source their own recycling collection and processing service providers. Given that residential/eligible sources will continue to be serviced in a status quo manner during the transition period, staff felt it equitable to continue to offer the Program to our currently serviced non-eligible properties as well.

Ability to Evaluate Long-Term Options

Currently, there is very little information available in respect to costs and logistics of providing Blue Box services to non-eligible properties post-transition (January 1, 2026, and onward); however, as seen in Report PW24021 the information is available to determine the cost to continue the service during the transition period. This includes that the Producer Responsibility Organization, Circular Materials Ontario's contractors will be permitted to co-collect Blue Box material from eligible and non-eligible properties in the same collection vehicle in addition to a flat rate of \$200 per tonne for processing. This combined service results in greatly reduced collection costs compared to using separate vehicles for different property types and the City has an opportunity to participate in the program at reduced cost. It has been communicated to municipalities that co-collection will not be permitted post-transition.

Due to the Program still being finalized for municipalities transitioning in 2025, more time is required for the City to make an informed decision on Blue Box services post-transition.

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Municipal Scan and Transition Experience

Table 3 identifies the decisions of the 23 municipalities surveyed on continuing to provide Blue Box service to non-eligible properties during the transition period. 61% of these municipalities have decided to continue to collect Blue Box material from non-eligible properties during the transition period, 22% have not made decisions yet, and 17% have decided to discontinue collecting Blue Box material from non-eligible properties. This indicates that, for the transition period, the trend is for municipalities to continue to collect Blue Box material from non-eligible properties.

Table 3: Municipal decisions on continuing Blue Box collection to non-eligible properties during the transition period:

	Will Continue Service to Non-Eligible Properties	Undecided on Servicing Non-Eligible Properties	Will Not Continue Service to Non-Eligible Properties
Number of Municipalities	14	5	4

In addition to the trend of municipal decisions, most of those municipalities that have transitioned and decided to continue to collect Blue Box material from non-eligible properties have reported few issues with this service being carried out by the Circular Materials Ontario's contractor.

Waste Diversion and the Environment

Continuing to provide Blue Box service to non-eligible properties during the transition period supports the City's waste diversion goals and actions to decrease the City's impact on climate change. Diverting waste is the most direct way to secure the remaining life of the Glanbrook Landfill. By continuing to collect recyclables from non-eligible properties, such as businesses and City facilities, that the City also collects garbage from, the City can prevent these materials from ending up in the landfill, where they would generate methane, a potent greenhouse gas, which aligns with the City's goal of achieving net zero emissions by 2050.

Leading by Example

By continuing recycling services at its municipal facilities during the Blue Box transition, the City would continue to demonstrate its goal to be a leader in managing waste. By

SUBJECT: Recycling Services for Non-Eligible Properties Following the Transition of the Blue Box Program (PW24021) (City Wide)
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doing so, the City sets a positive example for residents, reinforcing the importance of recycling and sustainability initiatives. This commitment aligns with public expectations, reduces risk of recyclables going to landfill, ensures operational continuity, reinforces recycling habits at home and contributes to environmental stewardship. Maintaining consistent services during this transition showcases the City's dedication to responsible waste management and encourages others to follow suit.

ALTERNATIVES FOR CONSIDERATION

Alternative 1 - Continue Blue Box collection service for City owned facilities and eligible special events (not businesses, places of worship, etc.)

Council could direct staff to only continue to provide Blue Box Program collection services during the transition period for City owned facilities, such as Municipal Service Centres, recreation centres, long-term care homes, and daycare centres, as well as festivals and special events that are organized or supported by the City. Staff have confirmed that providing collection service to City events can be managed under the current contract. This option would have decreased costs then providing Blue Box Program service to all non-eligible properties while at the same time continuing to provide residents with the ability to access the Blue Box Program when visiting City facilities. The City would discontinue Blue Box Program services for businesses, places of worship, and other non-eligible properties and those property owners would be required to source their own contractor for the collection of Blue Box materials at their own expense.

Financial: The net operating cost of the City's Blue Box Program is projected to be \$13.785 million in 2024 and \$3.943 million in 2025. The costs associated with Alternative 1 is approximately \$80,000. This would increase the total net operating costs of the Blue Box Program in 2025 to \$4.02 million. The \$80,000 required to continue to collect recyclables from City-owned facilities includes a \$200 per tonne cost for processing the recyclables (cost confirmed by Circular Materials Ontario) as well as collection costs. The \$80,000 for this service will continue to be included in the 2025 Tax Operating budget for the Waste Management Division.

Staffing: N/A

Legal: N/A

**SUBJECT: Recycling Services for Non-Eligible Properties Following the
Transition of the Blue Box Program (PW24021) (City Wide)
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Alternative 2 - Discontinue Blue Box collection service for all non-eligible properties

Council could direct staff to stop providing Blue Box Program collection services to all non-eligible properties, including City facilities, businesses, and special events. This would result in the elimination of any costs related to the City collecting or processing Blue Box Program material starting on April 1, 2025. At that time, non-eligible properties would be required to source their own contractor for the collection of Blue Box materials at their own expense.

Financial: Implementing this option would result in a cost avoidance of \$473,000 in 2025.

Staffing: N/A

Legal: N/A

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PW24021 – Properties Deemed Eligible or Non-Eligible Under the Blue Box Program Regulation

Properties Deemed Eligible or Non-Eligible Under the Blue Box Program Regulation

Properties Deemed Eligible



single-family homes



seasonal dwellings



multi-unit residential buildings



public & private schools



specified retirement & long-term care homes



specified public spaces

Properties Deemed Non-eligible



Industrial or commercial properties



Not-for-profit organizations



Municipal buildings or facilities (e.g., libraries, arenas)



Daycare



Places of worship




Campgrounds and trailer-parks (without permanent or seasonal households)



Commercial Farms



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Transportation Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	April 2, 2024
SUBJECT/REPORT NO:	Roadway Safety Team Expansion (PW24019) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Mike Field (905) 546-2424 Ext. 4576
SUBMITTED BY:	Carolyn Ryall Director, Transportation Division Public Works Department
SIGNATURE:	

RECOMMENDATION

- (a) That six new permanent Full-Time Equivalents in the Transportation Division, Transportation Operations Section, Roadway Safety Team be approved to support the realization of the City's Vision Zero objectives;
- (b) That the six new Roadway Safety Team permanent Full-Time Equivalents be comprised of:
 - (i) 1 x Project Manager, Automated Traffic Enforcement
 - (ii) 1 x Project Manager, Roadway Safety Initiatives
 - (iii) 3 x Roadway Safety Technologist
 - (iv) 1 x Community Outreach & Education Coordinator
- (c) That the six new Roadway Safety Team Permanent Full-Time Equivalents be funded from the Automated Traffic Enforcement Reserve #112203 at an approximate annual cost of \$665K, with no impact to the tax levy in 2024, and in future years;
- (d) That the Automated Speed Enforcement program be expanded through the addition of two Automated Speed Enforcement cameras, funded from the Automated Traffic Enforcement Reserve #112203, and that staff analyze,

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SUBJECT: Roadway Safety Team Expansion (PW24019) (City Wide)
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select, and seek Council approval for new operating locations for 2024 & 2025 including amendments to Traffic By-law 01-215 as required;

- (e) That the General Manager, Public Works, or designate, be authorized, and directed to extend, if required, the appropriate agreements with the Ministry of Transportation, City of Toronto Joint Processing Centre and Redflex Traffic Systems (Canada) Limited for the expansion of the Automated Speed Enforcement program through the addition of two Automated Speed Enforcement cameras; and
- (f) That a 24-month Temporary Senior Project Manager, Administrative Penalty Program, position be funded from the Automated Traffic Enforcement Reserve #112203 at an approximate annual cost of \$154K, with no impact to the tax levy in 2024/2025.

EXECUTIVE SUMMARY

The City implemented its Vision Zero Action Plan in 2019, aiming to collaborate across disciplines to enhance road safety for all road users and eliminate fatal and serious collisions. The plan encompasses policymakers, engineers, planners, and everyday road users, recognizing that while collisions may occur, they should not result in fatalities or injuries. Key performance indicators, such as a reduction in fatal and injury collisions, gauge the plan's effectiveness.

The 2022 Annual Collision Report indicates positive outcomes, with decreases in total collisions, injury collisions, pedestrian collisions, and cyclist collisions compared to previous years. The Transportation Operations Section oversees the Vision Zero program, managing various aspects such as public inquiries, traffic enforcement programs, safety studies, and collaboration with Hamilton Police Services.

To continue with positive progress, the Roadway Safety Team faces capacity constraints hindering the plan's objectives. To address this, it is recommended to expand the team by adding six new permanent Full-Time Equivalents.

Since starting the Automated Traffic Enforcement with two camera units in 2020, which is a crucial component of Vision Zero, the program lacks dedicated project management resources. The addition of two new Project Manager positions are proposed to ensure compliance and effective administration of this program. Similarly, increasing demands for roadway safety initiatives necessitate more project management capacity to investigate and address concerns effectively.

SUBJECT: Roadway Safety Team Expansion (PW24019) (City Wide)
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The Roadway Safety Team requires three additional Technologists to support Vision Zero initiatives and address growing requests from the public and policymakers. Furthermore, a dedicated Community Outreach and Education Coordinator would enhance public awareness and engagement in road safety efforts.

Automated Speed Enforcement is identified as an effective measure for managing vehicle speeds and improving safety. Expanding this program by adding two additional Automated Speed Enforcement camera units is recommended, due to the high volume of speeding inquiries received by the Transportation Division.

Overall, enhancing the Roadway Safety Team's capabilities and expanding key programs like Automated Speed Enforcement are vital steps towards achieving the Vision Zero Action Plan's goals of safer streets for all.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The recommendations in Report PW24019 are proposed to be funded by the Automated Traffic Enforcement Reserve #112203 and therefore do not impact the tax levy.

The six new Roadway Safety Team permanent Full-Time Equivalents would require an approximate annual investment of \$665K. Costs associated with each proposed position are as follows:

- One Project Manager, Automated Traffic Enforcement, Full-Time Equivalent (\$123K)
- One Project Manager, Roadway Safety Initiatives, Full-Time Equivalent (\$123K)
- Three Roadway Safety Technologist Full-Time Equivalents (\$333K)
- One Community Outreach & Education Coordinator Full-Time Equivalent (\$85K)

Adding two additional Automated Speed Enforcement cameras would require an approximate annual investment of \$580K from the Automated Traffic Enforcement Reserve. Net operational costs of automated speed enforcement exceed ticket fees recovered through violations. The following are the approximate annual operating costs for two additional Automated Speed Enforcement cameras:

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Automated Speed Enforcement (ASE) Equipment Contract	\$ 300,000
Automated Speed Enforcement (ASE) Infraction Processing (City of Toronto)	\$ 400,000
Vehicle License Information Ministry of Transportation of Ontario (MTO)	\$ 30,000
Provincial Offences Act (POA) Administration	\$ 1,250,000
Regulatory Signage and Internal Operations	\$ 200,000
Gross Total estimated operating cost (without HST)	\$ 2,180,000
Estimated Recovery Costs of Violations (20,000 @ \$80/ticket)	\$ 1,600,000
Net Projected Annual Operating Cost	\$ 580,000

The 24-month Temporary Senior Project Manager, Administrative Penalty Program position would require an approximate annual investment of \$154K. This position will assist with the expansion of the Automated Penalty System (APS) for the City; in particular the processing of Red Light Camera and Automated Speed Enforcement Infractions.

The Automated Traffic Enforcement Reserve #112203 has sufficient funds to support the six new Roadway Safety Team permanent Full-Time Equivalents, 24-month Temporary Senior Project Manager position, and two additional Automated Speed Enforcement cameras.

Staffing: Current staffing resources in the Transportation Operations Section are insufficient to reasonably support the increasing needs of the City's Vision Zero program. It is proposed that six new Roadway Safety Team Permanent Full-Time Equivalents be hired to increase internal capabilities as well as the addition of one 24-month Temporary Senior Project Manager. Adding two Automated Speed Enforcement cameras would require staffing resources to support this expansion.

Legal: N/A

HISTORICAL BACKGROUND

On August 15, 2014, Council approved report PW14090 to re-establish the Hamilton Strategic Road Safety Program.

On February 13, 2019, Council approved the Hamilton Strategic Road Safety Program and Vision Zero Action Plan 2019-2025 (Report PW19015).

On September 29, 2021, Council approved the establishment of a permanent Automated Speed Enforcement Program (Report PW20002(a)/LS21035), consisting of

SUBJECT: Roadway Safety Team Expansion (PW24019) (City Wide)
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two Automated Speed Enforcement Cameras that rotate across 24 approved operating locations distributed City-Wide.

On May 10, 2023, Council approved 24 Automated Speed Enforcement operating locations to be implemented from August 2023 to August 2025 and approved the renaming of the Red-Light Camera Reserve #112203 to the Automated Traffic Enforcement Reserve #112203 (Report PW23080).

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The proposed recommendations comply with and support Ontario Regulation 398/19 Highway Traffic Act, Hamilton Council Strategic Plan 2016-2025, Hamilton Transportation Master Plan and the City of Hamilton Vision Zero Action Plan 2019-2025.

RELEVANT CONSULTATION

The City of Hamilton Financial Planning Administration & Policy Division and Customer Service Provincial Offences Administration & Financial Integration Division in the Corporate Services Department were consulted in the development of this report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The City implemented its Vision Zero Action Plan in 2019. The action plan is a multidisciplinary approach that requires the collaboration of policymakers, engineers, planners, and everyday road users to ensure a holistic approach is applied when considering how we can make streets safer for motorists, pedestrians, and cyclists. The goal of Vision Zero is to eliminate fatal and serious collisions and it recognizes that collisions will occur but should not result in fatalities or injuries. A reduction in fatal and injury collisions is an important key performance indicator related to the effectiveness of the City's Vision Zero Action Plan.

The 2022 Annual Collision Report (PW23062) detailed that roadway safety initiatives, measures, and the application of Vision Zero principles are making a positive difference as total collisions decreased by 1.69%, injury collisions decreased by 8.3%, pedestrian collisions decreased by 3.3% and cyclists collisions decreased by 7.9% when compared to the 2021 Annual Collision Report statistics.

The Transportation Operations Section in the Transportation Division is responsible for administering the City's Vision Zero program. The Transportation Operations Section has a Roadway Safety Team which is comprised of 14 staff; a Superintendent of Roadway Safety, three Project Managers, seven technologists, and three co-op students. The Roadway Safety Team receives upwards of 2,000 public/Councillor

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inquiries annually, manages the Automated Traffic Enforcement Program (52 red light cameras and two automated speed enforcement cameras), administers the Hamilton Strategic Roadway Safety Committee, investigates fatal and serious traffic collisions, undertakes 20-35 intensive traffic safety studies annually, routinely collaborates with Hamilton Police Services, maintains the City's collision database (including preparing the Annual Collision Report), oversees the completion of in-service roadway safety audits and provides expert stakeholder input into City initiatives such as scope on capital projects.

Roadway safety-related needs exceed the capacity of the Roadway Safety Team which reduces the progress of achieving the goals and objectives of the Vision Zero Action Plan. Based on this, the capabilities of the team were examined, and it is recommended that it be expanded by adding six new permanent full-time equivalents. The following provides details about each proposed position.

Project Manager, Automated Traffic Enforcement

There is currently no dedicated Project Management resource for the administration of the Automated Traffic Enforcement program. The administration of Red Light Camera and Automated Speed Enforcement technology is complex and must be legislatively compliant, this position is required to maintain appropriate oversight and compliance for the Automated Traffic Enforcement Program. Red Light Camera and Automated Speed Enforcement technology are important components of the Vision Zero program via the Council approved Vision Zero 2019-2025 Action Plan.

Project Manager, Roadway Safety Initiatives

There is limited capacity in the Roadway Safety team at the Project Manager level. Requests from Council and the public to examine roadway safety concerns increases year over year. Additionally, Council has expanded interest in undertaking larger neighbourhood studies which are complex and resource intensive. An additional Project Manager is required to maintain appropriate capacity to address roadway safety matters, particularly the continued investigation of fatal and serious injury collisions.

Roadway Safety Technologist

There are currently six Roadway Safety Technologists within the Roadway Safety team. Currently, Roadway Safety does not have sufficient dedicated resources to support Vision Zero and related initiatives, as well as address the number of day-to-day requests received. Requests from Council and the public to examine roadway safety concerns increases year over year. These positions are required to maintain appropriate capacity to address roadway safety matters and would support the processing of service requests, completing studies, and implementing initiatives.

SUBJECT: Roadway Safety Team Expansion (PW24019) (City Wide)
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Community Outreach & Education Coordinator

There are currently no dedicated resources for community outreach, engagement, and education. These are critical elements of the Vision Zero Action Plan. This position would support the Transportation Operations Section regarding by promoting and educating on roadway safety initiatives and actions to the public, including helping the public to understand their role as it relates to a safe systems approach.

The Annual Collision Reports consistently identify that speeding and aggressive driving are contributing factors for approximately 50% of all collisions City-wide. Since first introduced in 2020, the Automated Speed Enforcement program has proven to be a highly effective method for managing vehicle speeds and changing driver behaviour. Expanding the program from two camera units to four would double the program's effectiveness and enable the addition of more operating locations City-Wide. Requests for Automated Speed Enforcement cameras are regularly received by the Public and Councillor's offices. Wider-scale expansion of the program would be best suited to occur after the City has transitioned to the Administrative Penalty System for Automated Speed Enforcement. In the meantime, adding two units is a reasonable method to further enhance roadway safety in a financially sustainable manner.

Currently, Automated Speed Enforcement and Red-Light Camera infractions are processed at the Joint Operating Centre operated by the City of Toronto, and charges are made under the Provincial Offences Administration. The Province of Ontario has implemented the framework, effective July 1, 2022, under the Highway Traffic Act, to allow Red Light Camera and Automated Speed Enforcement charges to be processed through an Administrative Penalty System. Administrative Penalty System may be a more efficient way to process these offences to the benefit on the Provincial Offences Administration Court judicial resource requirements. It may also reduce operational costs and permit potential Automated Speed Enforcement program expansion as under the current model.

Administrative Penalty System is currently utilized by the Planning and Economic Development Department for minor by-law infractions and in 2022, a capital request was approved to review and propose recommendations for the incorporation of Red Light Camera and Automated Speed Enforcement into the Administrative Penalty System process. In 2023, the Planning and Economic Development Department, Transportation Planning and Parking Division, engaged a consultant to determine the considerations and impacts and make recommendations pertaining to transitioning Red Light Camera and Automated Speed Enforcement to Administrative Penalty System.

The Legal and Risk Management Division in Corporate Services have recruited a 12-month temporary Senior Project Manager, Administrative Penalties Program position who will be responsible for planning, designing, organizing, executing, controlling and

SUBJECT: Roadway Safety Team Expansion (PW24019) (City Wide)
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reporting on the Administrative Penalty Program. This is a key position needed to transition the Red Light Camera and Automated Speed Enforcement into the Administrative Penalty System process, which has been previously identified as a important component of the City's Vision Zero program. It is recommended that the funding for this position be allocated to the Automated Traffic Enforcement Reserve #112203 to a maximum of 24 months as to avoid any impacts to the tax levy.

ALTERNATIVES FOR CONSIDERATION


N/A

APPENDICES AND SCHEDULES ATTACHED

N/A



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Corporate Facilities and Energy Management

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	April 2, 2024
SUBJECT/REPORT NO:	Standardization for the Provision of Parts, Services, Maintenance and Repairs to Original Equipment Manufacturers or Licensed Distributors (PW19003(b)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Shea D'Ostilio (905) 546-2424 Ext. 7013 Shaba Shringi (905) 546-2424 Ext. 3142
SUBMITTED BY:	Indra Maharjan Director of Corporate Facilities & Energy Management Public Works
SIGNATURE:	

RECOMMENDATION

- (a) Pursuant to Procurement Policy #14 – Standardization, that the standardization of Parts, Services, Maintenance and Repairs as identified in Appendix “A” attached to Report PW19003(b), as the single source to suppliers and original equipment manufacturers or licenced distributors of the parts, equipment, supplies and services for the listed equipment in the Corporate Facilities and Energy Management (CFEM) Division be approved;
- (b) That the General Manager, Public Works or designate, be authorized to negotiate, enter into, and execute any required contract(s) and any ancillary documents required to give effect thereto with those suppliers identified in Appendix “A” attached to Report PW19003(b), with content acceptable to the General Manager of Public Works, and in a form satisfactory to the City Solicitor; and;
- (c) That the General Manager, Public Works or designate, be authorized to amend any contracts executed and any ancillary documents as required in the event that a supplier identified in Appendix “A” attached to Report PW19003(b) undergoes a name change, in a form satisfactory to the City Solicitor.

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SUBJECT: Standardization for the Provision of Parts, Services, Maintenance and Repairs to Original Equipment Manufacturers or Licensed Distributors (PW19003(b)) (City Wide) – Page 2 of 4

EXECUTIVE SUMMARY

The Corporate Facilities and Energy Management (CFEM) Division oversees approximately 500 facilities across the city. The portfolio of facilities includes recreational facilities, corporate facilities, entertainment facilities, Tim Hortons Field stadium, long term care facilities and libraries. The building systems involved in the management of these facilities are very diverse, and span decades with differing technologies.

Maintenance and management of these facilities requires that the Division purchase parts, equipment, supplies and services from Original Equipment Manufacturers (OEM) suppliers and licenced distributors. The purpose of this report is to seek approval for the standardization of these parts, services, maintenance and repairs to service providers or licenced distributors for equipment outlined in Appendix “A” attached to Report to PW19003(b). Procurement Policy #14 – Standardization provides guidelines for standardization that will streamline the process, ensure compliance with procurement policies, provide transparency and control cost of replacement components. It will also reduce the amount of staff time required to prepare Procurement Policy #11 - Single/sole source forms requesting to sole source to the service providers listed in Appendix “A” attached to Report PW19003(b).

In accordance with the City’s Procurement Policy, where a standardized Good or Service is approved by Council or the Manager of procurement and the expiry of the standardization is not stated in the approval report or motion, the expiry of the standardization shall be no more than 3 years from the date of the approval.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Appendix “A” to attached to Report PW19003(b) lists the products and services recommended for standardization. In 2023, the combined expenditures relative to these vendors was approximately \$600,000. Adequate budget was approved for these procurements in 2023 and is similarly included in the 2024 operating and maintenance budgets. In 2024, the total value of the standardization is approximately \$1,085,000 across a vast number of facilities which requires the purchase of parts, equipment, supplies and services from the original equipment manufacturer suppliers, licenced distributors and service providers. Budget for these purchases is approved each year through the Facilities Operating Budget. The additional costs in 2024 can be attributed to aging infrastructure, industry inflation, and supply and demand factors, resulting in approximately 30% increase for most

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Standardization for the Provision of Parts, Services, Maintenance and Repairs to Original Equipment Manufacturers or Licensed Distributors (PW19003(b)) (City Wide) – Page 3 of 4

vendors. In addition, four new vendors have been added to the list for standardization as seen in Appendix “A” attached to Report PW19003(b).

Staffing: The approval of the recommendations contained within this report allows for efficiencies and reduces the amount of staff time spent on administrative work procuring goods and services and delays in acquiring the materials and service necessary to maintain facilities in an operational condition.

Legal: N/A

HISTORICAL BACKGROUND

The portfolio of facilities that are being maintained contains diverse complex systems of different vintages. The supplier base for upgrading, repairing and retrofitting these systems is widespread and complex. Some suppliers have exclusive distribution rights to geographical areas. In the past, the Division has sought out Procurement Policy #11 approval for the single source procurement of parts, equipment, supplies and services from service providers and licensed distributors.

The standardization of parts, equipment, supplies and services will ensure that specific makes and models required to allow for direct replacements (like for like) without having to modify equipment configurations as may be the case if aftermarket products were to be used. Modifications in most cases can be expensive as they may require additional parts and labour time.

The standardization of parts, services, maintenance and repairs will aid in the streamlining of repairs and maintenance work and reduce downtime which has a direct impact on our customers.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The City of Hamilton Bylaw #22-255 – Procurement Policy, Policy #14 allows for Standardization.

RELEVANT CONSULTATION

The Procurement Section has reviewed and provided comment with respect to the adherence of the Procurement Policy. In consultation with the Procurement Section, the standardization and single source of the products, manufacturers, and distributors contained within the appendix of this report is recommended.

SUBJECT: Standardization for the Provision of Parts, Services, Maintenance and Repairs to Original Equipment Manufacturers or Licensed Distributors (PW19003(b)) (City Wide) – Page 4 of 4

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The selection of parts, supplies and services to replace existing equipment of components that have reached the end of their service life has been given considerable attention. Staff seeks to improve the efficiency and productivity of operations and create a positive work environment. Front-line employees who maintain the equipment know from experience what kinds of equipment are best suited for work, including those aspects which maintain an ease of operation, stable functionality and acceptable health and safety standard. Providing components that are not compatible or have questionable reliability may distract staff from performing the work safely and exposing them to unnecessary hazards.

ALTERNATIVES FOR CONSIDERATION

An alternative to the recommendations in this Report is to not approve the Standardization and instead require staff to complete Procurement Policy #11 forms for each purchase from each vendor included in Appendix “A” attached to Report PW19003(b). This alternative is not preferred as it would require a large amount of staff time to complete that process for every purchase.

Financial: N/A.

Staffing: N/A

Legal: N/A

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PW19003(b) – List of Operations Equipment Manufacturer, Licensed Distributors and Maintenance Services Equipment Suppliers

Vendor Name	Manufacturer	Distributor	Service/ Parts	Support	Site	Description of Goods/Services Required	Standardization Rationale	Estimated Annual Spend
BGIS IT Canada	X		X	X	Multiple Sites	Technical services, maintenance, repairs and parts supplier of the building automation systems (BAS) at various CFEM managed facilities that are proprietary to Airon Group of Companies.	Airon Group of Companies is the OEM and proprietary supplier of technical services, maintenance, repairs and parts to these BAS systems.	\$100,000
Carma Industries Inc.	X		X	X	Primarily Farmers' Market Multiple Sites	Technical services, maintenance, repairs and parts supplier of the submetering hardware for Hamilton Farmers Market electrical metering system that is proprietary to Carma Industries Inc.	Carma Industries is the OEM and proprietary supplier of technical services, maintenance, repairs and part for this submetering hardware.	\$10,000

Vendor Name	Manufacturer	Distributor	Service/ Parts	Support	Site	Description of Goods/Services Required	Standardization Rationale	Estimated Annual Spend
Cimco Refrigeration	X		X	X	(Arenas) Multiple Sites	Technical services, maintenance, repairs and parts supplier of the refrigeration Plant systems (Cimco 5000 & other versions) at various CFEM managed facilities that are proprietary to Cimco Refrigeration Inc.	Cimco Refrigeration limited is the OEM and proprietary supplier of technical services, maintenance, repairs, and parts to these operating systems.	\$25,000
CSI Canada Inc		X	X	X	Tim Hortons Field	Parts for Point-of-Sale systems installed at Tim Horton's Field.	CSI is the distributor of parts required for the Volante Software system at Tim Hortons Field.	\$120,000
Daktronics Canada	X		X	X	Tim Hortons Field	Technical services, maintenance, repairs and parts supplier of the Daktronics video scoreboard at Tim Horton's Field.	The video scoreboard at Tim Hortons Field is manufactured by Daktronics Canada. A technician from Daktronics is required to be on site for every high-level event to trouble shoot any malfunction's that may occur during the event.	\$75,000

Vendor Name	Manufacturer	Distributor	Service/ Parts	Support	Site	Description of Goods/Services Required	Standardization Rationale	Estimated Annual Spend
Dectron	X		X	X	Arenas & Aquatic Centres	Technical Service, maintenance, repairs and parts to service existing dehumidification units.	Dectron is the OEM for this equipment and parts and service are only available through Dectron.	\$10,000
Engineered Air	X		X	X	Multiple Sites	Technical service, maintenance, repairs and parts to service the existing Engineered Air manufactured heating, air conditioning and refrigeration equipment at some facilities.	Engineered Air is the OEM for this equipment and technical service, maintenance, repairs and parts are available only through Engineered Air.	\$15,000
Hamilton Scenic Specialty Incorporated			X	X	Hamilton City Hall	Maintenance, repairs and programming of the HAMILTON sign located in the City Hall forecourt.	The Hamilton sign is proprietary to HSSI. As the sign ages, there are maintenance requirements in addition to the monthly programming, activation and troubleshooting fees.	\$20,000

Vendor Name	Manufacturer	Distributor	Service/ Parts	Support	Site	Description of Goods/Services Required	Standardization Rationale	Estimated Annual Spend
HCE Energy Inc			X		50 Main Street East & 700 Woodward Ave	Technical services, maintenance, repairs and parts for two sites (50 Main Street East Chiller and Boiler Plant, and 700 Woodward Ave Biogas Processing Unit)	At 50 Main Street East (POA Courthouse), continuity is provided as the equipment is part of a larger district energy hub that is also maintained by HCE. At 700 Woodward Ave. the services are required for monitoring and trouble shooting any malfunctions that may occur to maintain maximum uptime of the production of renewable natural gas. Continuity is also important as HCE manages a generator onsite.	\$200,000

Vendor Name	Manufacturer	Distributor	Service/ Parts	Support	Site	Description of Goods/Services Required	Standardization Rationale	Estimated Annual Spend
HTS Engineering		X	X	X	Multiple Sites	Technical Services, maintenance, repairs and parts to service existing Daikin roof top air conditioning unit.	HTS Engineering is the exclusive manufacturers agent/distributor for Daikin in Ontario. HTS Engineering is the sole provider of technical service, maintenance, repairs and parts for Daikin rooftop air conditioning units.	\$60,000
Johnson Controls Limited	X		X	X	Multiple Sites	Technical services, maintenance, repairs and parts supplier of the building automation systems (BAS) at various CFEM managed facilities that are proprietary to Johnson Controls Limited.	Johnson Controls Limited is the OEM and proprietary supplier of technical service, maintenance, repair, and parts to these BAS systems.	\$15,000


Vendor Name	Manufacturer	Distributor	Service/ Parts	Support	Site	Description of Goods/Services Required	Standardization Rationale	Estimated Annual Spend
KFactor Filter - Division of Manurep Sales Incorporated	X		X	X	Mountain Transit Centre	Technical services, maintenance, repairs and parts to service existing KFactor Filter manufactured equipment at the Mountain Transit Centre.	KFactor supplied and installed the new oil/water separator at MTC designed specifically for the HSR environment. KFactor Filter Manurep is a unique company that designs oil/water separators to accommodate any application and their equipment is proprietary.	\$50,000
Siemens Canada Limited, Building Technologies Division	X		X	X	Multiple Sites	Technical services, maintenance, repairs and parts supplier of the Siemens building automation systems (BAS) at CFEM managed facilities.	Siemens Canada Limited is the OEM of the Building Automation System. The equipment is proprietary to Siemens Canada Limited and therefore they are the sole supplier of technical services, maintenance, repairs and parts to this equipment.	\$140,000

Vendor Name	Manufacturer	Distributor	Service/ Parts	Support	Site	Description of Goods/Services Required	Standardization Rationale	Estimated Annual Spend
Span Medical		X	X	X	Lodges	Maintenance, repairs and parts for the beds at both Lodges.	Span Medical is the OEM & proprietary owner for our tendered vendor to supply beds at the lodges, maintenance repairs & parts were not part of the tender but are required for the healthy & safety of the residence & can only be provided by Span.	\$15,000
Trane Canada	X		X	X	Multiple Sites	Technical services, maintenance, repairs and parts to service existing Trane manufactured HVAC and BAS equipment at various CFEM managed locations.	Trane Canada is the OEM for this equipment and technical services, maintenance, repairs and parts are only available through Trane Canada.	\$10,000

Vendor Name	Manufacturer	Distributor	Service/ Parts	Support	Site	Description of Goods/Services Required	Standardization Rationale	Estimated Annual Spend
Volante Software Inc	X		X	X	Tim Hortons Field	Point of Sale (POS) equipment, services, maintenance, repairs and parts for systems installed at Tim Horton's Field.	Volante Software Inc. is the OEM and proprietary owner of the licensed software at Tim Horton's Field. They are the sole supplier of equipment services, maintenance, repairs and parts for this equipment.	\$200,000



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Environmental Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	April 2, 2024
SUBJECT/REPORT NO:	City of Hamilton's Cemeteries By-law Update (PW24023) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	John Perrotta (905) 546-2424 Ext. 4402
SUBMITTED BY:	Cynthia Graham Director, Environmental Services Public Works Department
SIGNATURE:	

RECOMMENDATION

That City of Hamilton By-law No. 12-151, being a By-law respecting the City of Hamilton's Cemeteries, as amended, be further amended as detailed in Appendix "A" attached to Report PW24023.

EXECUTIVE SUMMARY

The City of Hamilton owns and operates 69 municipal cemeteries. To properly regulate and manage the cemeteries system, the City has enacted a by-law respecting the City of Hamilton's Cemeteries (By-law 12-151). The purpose of Report PW24023 is to amend By-law 12-151, as amended, to add White Brick Church Cemetery as a municipally operated cemetery and to make other housekeeping amendments to include cemeteries that are operated, but not owned by the City, within the scope of By-law 12-151.

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

SUBJECT: City of Hamilton's Cemeteries By-law Update (PW24023) (City Wide)
– Page 2 of 3

Legal: Legal Services has drafted the necessary amendment to By-law 12-151.

HISTORICAL BACKGROUND

On February 13, 2023, Report PW22050(a) was approved at the Public Works Committee and subsequently by City Council on February 22, 2023. That report approved the City of Hamilton voluntarily accepting the administration and operation of the White Brick Church Cemetery, located at 99 Garner Road East, Ancaster, ON L9G 3K9, and approved an amendment to By-law 12-151 to add the White Brick Church Cemetery, following transfer of operations. Additionally, the report approved the acquisition of the Cemetery lands on an as-is, where-is basis for nominal consideration.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The City has an existing By-law 12-151, which governs the operation of the City's cemeteries, as per the Funeral, Burial and Cremation Services Act (FBCSA) 2002, Ontario Regulation 30/11, Section 150. The recommendation in Report PW24023 is compliant with this legislation. The proposed By-law amendment will also require the approval from the Registrar of the Bereavement Authority of Ontario as per the Funeral, Burial and Cremation Services Act, Ontario Regulation 30/11, Section 151.

RELEVANT CONSULTATION

The following groups have been consulted and are supportive of the recommendations:

- Corporate Services Department - Legal and Risk Management Services Division, Legal Services Section
- Public Works Department - Environmental Services Division, Parks and Cemeteries Section

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The administration and maintenance of the White Brick Church Cemetery has been transferred to the City of Hamilton, effective January 22, 2024, by the Bereavement Authority of Ontario. As the City of Hamilton has a cemetery operator licence with the Bereavement Authority of Ontario (Operator License 3275808), the White Brick Church Cemetery has been transferred to the existing licence held by the City and given site number CM-01260.

The acquisition of the Cemetery lands is currently on-going, and it is expected to be completed by Q4 2024. By-law 12-151, as amended, sets out regulations to manage the cemeteries that are owned and operated by the City of Hamilton. Until completion of the land acquisition, the White Brick Church Cemetery is only operated by the City of

SUBJECT: City of Hamilton's Cemeteries By-law Update (PW24023) (City Wide)
– Page 3 of 3

Hamilton, and therefore the Cemetery By-law requires several amendments to include cemeteries that are only operated by the City, but not owned, to ensure the Cemetery By-law will govern the White Brick Church Cemetery prior to completion of the acquisition of lands.

Additionally, as approved in Report PW22050(a), recommendation (g), the City of Hamilton's Cemeteries By-law will be amended to include the White Brick Church Cemetery under the list of Cemeteries Owned and Operated by Hamilton Municipal Cemeteries.

ALTERNATIVES FOR CONSIDERATION

Council could decide to not approve the full recommendation of Report PW24023 and postpone the addition of the White Brick Church Cemetery to Part 2 - List of Cemeteries Owned and Operated by Hamilton Municipal Cemeteries until the lands of the White Brick Church Cemetery are owned by the City of Hamilton.

Financial: N/A

Staffing: N/A

Legal: Pursuant to section 4.4 of By-law 12-151, the provisions of the Cemeteries By-law apply to cemeteries owned by the City of Hamilton and without amendments to the By-law to include cemeteries operated, but not owned by the City, the By-law would not apply to the regulation and management of the White Brick Church Cemetery until such time as ownership is transferred to the City.

Pursuant O. Reg 30/11 made under the Funeral, Burial and Cremation Services Act, it is the cemetery operator that is entitled to make by-laws governing the operation of the cemetery, and "operator" is defined as: "a person who is licensed to operate a cemetery, ... and includes a cemetery owner who is deemed to be a cemetery operator..."

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" attached to Report PW24023 – Proposed Amendment to the City of Hamilton Cemeteries By-law 12-151

Appendix "B" attached to Report PW24023 – Tracked Changes to Existing By-law 12-151

CITY OF HAMILTON

BY-LAW NO. 23-XX

To Amend By-law No. 12-151, being a By-law Respecting the City of Hamilton's Cemeteries, as amended

WHEREAS Council enacted a By-law Respecting the City of Hamilton's Cemeteries being By-law 12-151;

AND WHEREAS this amending by-law amends By-law 12-151, as amended to add White Brick Church Cemetery as a municipally operated cemetery, and to make other housekeeping amendments relating thereto;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and letter changes.
2. That the first whereas clause set forth in By-law 12-151 be amended to delete the word "owns" and substituting the word "operates" so that it reads:

WHEREAS the City of Hamilton operates cemeteries as identified in Part 2 for the benefit of its residents;

3. That the second whereas clause set forth in By-law 12-151 be amended to add the words "and operators" after the word "owners" so that it reads:

AND WHEREAS the Funeral, Burial and Cremation Services Act, 2002 and its regulations imparts responsibility to the owners and operators of cemeteries for their management, operation and care;

4. That the third whereas clause set forth in By-law 12-151 be amended to delete the word "owners" and substituting the word "operators" so that it reads:

AND WHEREAS section 150(1) of Ontario Regulation 30/11 under the Funeral, Burial and Cremation Services Act, 2002 provides that the operators of cemeteries may make by-laws affecting the operation of the cemeteries;

5. That Part 1 - Preamble be amended by deleting the word "owned" and substituting with the word "operated" so that it reads:

The Council of the City of Hamilton passes and enacts this By-law for the operation of cemeteries operated by the City of Hamilton to keep them attractive and respectful places for the interment of the deceased.

6. That the heading "Part 2- List of Cemeteries Owned and Operated by Hamilton Municipal Cemeteries" be amended by deleting the words "owned and" so that it reads as follows:

Part 2- List of Cemeteries Operated by Hamilton Municipal Cemeteries

7. That Part 2 be amended by adding the following under the Heading "Ancaster":

Name:

Location:

White Brick Church Cemetery

99 Garners Road East, Ancaster

8. That section 4.4 be amended by deleting the word "owned" and substituting the word "operated" so that it reads:

4.4 Application

The provisions of this By-law apply to cemeteries operated by the City of Hamilton.

9. That section 4.5 be amended by deleting the word "owned" ad substituting the word "operated" so that it reads:

The Director is responsible for the management, operation and maintenance of cemeteries operated by the City of Hamilton and is authorized to administer and enforce this By-law with delegated authority granted by Council to execute the provisions of the By-law, including the imposition of conditions as necessary to ensure compliance with this By-law.

10. This By-law shall come into force on the day the Registrar approves it.

11. That in all other respects By-law 12-151, as amended, is confirmed.

PASSED this ____ day of _____, 2024

A. Horwath
Mayor

Janet Pilon
City Clerk

CITY OF HAMILTON

By-law No. 12-151

A BY-LAW RESPECTING THE CITY OF HAMILTON'S CEMETERIES

CONSOLIDATION

This By-law is a consolidated version and includes amendments made by those amending by-laws listed on the following page. This consolidation is prepared for purposes of convenience only and is not the official or legal version of the By-law. For accurate reference to the By-law, certified copies should be obtained through the City Clerk's Office.

Office Consolidation as of January 2024

BY-LAW NO. 12-151 A BY-LAW RESPECTING THE CITY OF HAMILTON'S CEMETERIES

CONSOLIDATED HAMILTON'S CEMETERIES BY-LAW 12-151

**CITY OF HAMILTON
CONSOLIDATED BY-LAW NO. 12-151**

Incorporating amendments made by:

By-Law No:	Effective Date:	Amendment
21-024	February 24, 2021	Add provisions relating to natural burials, the interment of pets, and to make other housekeeping amendments relating to cemetery operations.
23-242	December 23, 2023	To revise section 5.12, No cancellations of Interment Rights after 30 days.

CONSOLIDATED HAMILTON'S CEMETERIES BY-LAW 12-151

Page 3 of 26

CITY OF HAMILTON

BY-LAW NO. 12-151

**A BY-LAW RESPECTING THE CITY OF HAMILTON'S CEMETERIES
and REPEALING By-law 81-91 Town of Ancaster; By-law 4459-98 Town of Dundas;
By-law 91-16-C Town of Flamborough; By-law 500-94 Township of Glanbrook;
By-law 95-125 City of Hamilton; By-law 4402-96 City of Stoney Creek**

WHEREAS the City of Hamilton operates cemeteries as identified in Part 2 for the benefit of its residents;

AND WHEREAS the *Funeral, Burial and Cremation Services Act, 2002* and its regulations imparts responsibility to the owners and operators of cemeteries for their management, operation and care;

AND WHEREAS section 150(1) of Ontario Regulation 30/11 under the *Funeral, Burial and Cremation Services Act, 2002* provides that the operators of cemeteries may make by-laws affecting the operation of the cemeteries;

AND WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001*, authorize the City of Hamilton to pass by-laws necessary and desirable for municipal purposes, and in particular paragraphs 5 through 7 of subsection 10(2) authorize by-laws respecting: the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; and the provision of any service or thing that it considers necessary or desirable for the public.

AND WHEREAS section 425 of the *Municipal Act, 2001*, authorizes the City of Hamilton pass by-laws providing that a person who contravenes a by-law of the City of Hamilton passed under that Act is guilty of an offence;

AND WHEREAS the *Municipal Act, 2001*, further authorizes the City of Hamilton amongst other things, to delegate its authority;

AND WHEREAS the *City of Hamilton Act, 1999*, did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is successor to the following former area municipalities: The Corporation of the Town of Ancaster, The Corporation of the Town of Dundas, The Corporation of the Town of Flamborough, The Corporation of the Township of Glanbrook, The Corporation of the City of Hamilton and The Corporation of the City of Stoney Creek; and the successor to the former Regional Municipality of Hamilton Wentworth;

AND WHEREAS the *City of Hamilton Act, 1999*, provides that the by-laws of the former area municipalities and the former Regional Municipality of Hamilton Wentworth continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

CONSOLIDATED HAMILTON'S CEMETERIES BY-LAW 12-151

Page 4 of 26

Part 1 - Preamble

The Council of the City of Hamilton passes and enacts this By-law for the operation of cemeteries operated by the City of Hamilton to keep them attractive and respectful places for the interment of the deceased.

Part 2 - List of Cemeteries Operated by Hamilton Municipal Cemeteries

	Name	Location
Ancaster:		
	Bethel Cemetery	Lot 1, Concession 1, Ancaster
	Book/Parkin Cemetery	Lot 46, Concession 4, Ancaster
	Bowman United Church	Lot 50/51, Concession 4, Ancaster
	Copetown Cemetery	Lot 32, North of Concession 1, Ancaster
	Dyment Cemetery	Lot 23, Concession 1, Ancaster
	File/Patterson Cemetery	Lot 20, Concession 4, Ancaster
	Garners Corners	Lot 47, Concession 3, Ancaster
	Jerseyville Cemetery	Lot 19, Concession 2, Ancaster
	Lynden Cemetery	Lot 13, Concession 1, Ancaster
	Myers/Bradshaw	Lot 24, Concession 5, Ancaster
	White Brick Church Cemetery	99 Garners Rd. East, Ancaster
Dundas:		
	Binkley Hollow Cemetery	Desjardins Avenue, Dundas
	Grove Cemetery	129 ½ York Road, Dundas
	Harkur Lyon's Cemetery	Forestview Drive, Dundas
	Hopkins Cemetery	York Rd. near Old Guelph Rd., Dundas
	Union Cemetery	Osler Drive, Dundas
Flamborough:		
	Carlisle Anglican Church Cem.	Carlisle Rd., S/S 9 th Concession W/of Beaumont
	Flamborough (Rockton) Cem.	Old Highway 8, Rockton Village, Beverly Twnshp
	Garden Lane Cemetery	181-7 th Conc., west of Garden Lane, E. Flam
	Lamb Cemetery	W/S Hwy 8, bet. Cooper/Seaton, W. Flamborough
	Mount Zion Cemetery	Hwy 52 & 2 nd Concession, Copetown
	Nisbet-Van Sickle Cemetery	W/S Lynden Rd., between Hwy 99 & 2 nd Conc
	Sheffield Cemetery	E/S Seaton Road, West Flamborough
	St. Albans Cemetery	#27 Rockton Road – No 8 Highway, Beverly
	Troy Cemetery	N/S Hwy 5, west of Lynden Road, W. Flam
	Union Cemetery	Margaret Street from Highway 5, Waterdown
	W. Flamborough Presbyterian	Hwy 8/Middletown Rd., Christie's Corner, W. Flam
	West Flamborough Cemetery	Bullock's Corners, Hwy 8, West Flamborough
	Westover United Church Cem.	S/S 6 th Concession, west of Westover W. Flam
Glanbrook:		
	Auld Kirk Cemetery	Kirk Road, Binbrook
	Binbrook Baptist Cemetery	Binbrook Road, Binbrook
	Binbrook United Cemetery	Highway 56, Binbrook
	Blackheath United Cemetery	Haldibrook Road, Binbrook
	Christ Church Woodburn Cem.	Woodburn Road
	Glanbrook Cemetery	Binbrook Road between Fletcher & Trinity Church
	Knox Presbyterian Cemetery	Binbrook Road, Binbrook
	North Glanford Cemetery	Dickenson Road

CONSOLIDATED HAMILTON'S CEMETERIES BY-LAW 12-151

	Salem Cemetery	Salem Road, Glanford
	St. Paul's Anglican Cemetery	2869 Highway 6 South
	Swayze Cemetery	Highway #56 North of #380 Highway #56
	White Church Cemetery	White Church Road, Glanford

Part 2 - List of Cemeteries Operated by Hamilton Municipal Cemeteries

	Name	Location
Hamilton:		
	Bartonstone Cemetery	Stone Church Rd & Upper James Streets
	Bartonville Cemetery	1955 King St., East at Bell Avenue
	Binkley Cemetery	End of Lakelet Dr, off Binkley Crescent
	Burkholder United Church	441 Mohawk Road East
	Eastlawn Cemetery	Corner of Barton & Nash
	Hamilton Cemetery	777 York Boulevard
	Mt. Hamilton Cemetery	Highway 53 at Upper Wellington
	Ryckman Family Cemetery	E/S of Upper James at rear of #1517
	Smith Cemetery	Kennedy Road off Upper James
	St. George's Cemetery	Rymal Road East bet. Nebo & Dartnall
	St. Peter's Cemetery	534 Mohawk Road West
	Stoney Creek Cemetery	King Street at Highway 20
	Trinity Church Cemetery	Highway 53 at Trinity Church Road
	Woodland Cemetery	700 Spring Garden Road, Burlington
	Young Family Cemetery	Upper Wellington at Stone Church
Stoney Creek:		
	Cline Cemetery	73 Highway #20 – Stoney Creek
	Felker Cemetery	120 Mud Street East at First Road West
	Fruitland Cemetery	631 Highway #8 at Fruitland
	Hannon Free Methodist Cem.	1957 Highway 53 at Fletcher, Hannon
	Mountview Gardens	735 Highway #8, west of Jones Road, St. Creek
	Mt. Albion Cemetery	225 Upper Mt. Albion Road, Stoney Creek
	Smith's Knoll (Battlefield)	
	St. George's Anglican	651 Mud St., East at 6 th Road East
	Tapleystown Cemetery	385 Mud St., East – West of Tapleystown Road
	Tweedside Cemetery	1145 Mud Street – West of Eleventh Road
	Van Dusen Cemetery	216 Upper Mt. Albion Road
	Winona (Fifty)	1465 Highway #8 – East of Fifty Road

And any other cemetery which may become the responsibility of the City of Hamilton.

Part 3 - Definitions

3.1 In this By-law:

"Business Day" means 8:30 a.m. to 4:30 p.m. on any day on which the Administrative Office of Hamilton Municipal Cemeteries is open for business;

CONSOLIDATED HAMILTON'S CEMETERIES BY-LAW 12-151

"Care and Maintenance Trust Fund" means the trust fund in which all monies received by the City of Hamilton for the care and maintenance of lots, monuments, markers and mausolea have been invested;

"Funeral, Burial and Cremation Services Act, 2002" means the *Funeral, Burial and Cremation Services Act, 2002* and its regulations and, if applicable, any predecessor or successor Act and its regulations, all as amended;

"cemetery" (21-024) means land set aside to be used either for the interment of human remains or for the scattering of cremated human remains (in designated sections, only), interment of pet remains (in designated sections, only) and includes a mausoleum, columbarium or any other structure or building intended for interment that is situated on the land;

"Certificate of Interment Rights" means the certificate issued by the City of Hamilton to the purchaser of interment rights to a lot, once payment has been made in full;

"columbarium" means a structure designed for the purpose of interring cremated human remains in niches or compartments;

"Council" means the Council of the City of Hamilton;

"Director" means the Senior Director of Operations and Waste Management of the Public Works Department of the City of Hamilton or his or her designate or successor;

"Filming Event" means filming, videotaping, photography or any other form of visual recording for a feature film, television film, television program, documentary, commercial, music video, educational film or other purpose outside a studio or film laboratory, but does not include street interviews, newscasts, press conferences or visual recordings for personal purposes only;

"Grave" means a lot in the ground which has a minimum size of:

- "Adult Grave" (more than 15 years of age):** 91cm x 274cm
(36 inches x 96 inches)
- "Child Grave" (from 1 to 15 years of age):** 30cm x 121cm
(12 inches x 48 inches)
- "Infant Grave" (less than 1 year of age):** 30cm x 91cm
(12 inches x 36 inches)
- "Cremation Grave:** 36cm x 71cm
(14 inches x 28 inches);

"Hamilton Municipal Cemeteries" means the Hamilton Municipal Cemeteries Section of the Operations and Waste Management Division of the Public Works Department of the City of Hamilton that has responsibility for the administration, operation and maintenance of cemeteries;

"human remains" means a dead human body or the remains of a cremated human body;

"inter" means the burial of human remains and includes the placing of human remains in a grave, lot, columbarium niche or mausoleum crypt;

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"Interment Rights" means the right to require or direct the interment of human remains or cremated human remains in a grave, lot, niche or crypt and to direct the associated memorialization subject to the conditions set out in the cemetery by-law;

"Interment Rights/Scattering Rights Contract" means the contract entered into by a purchaser of Interment Rights, Scattering Rights, cemetery products or other cemetery services, as required under the Funeral, Burial and Cremation Services Act, 2002.

"Interment Rights Holder" means the person who holds the interment rights with respect to a lot, whether the person be the purchaser of the rights, the person named in the Certificate of Interment Rights or such other person to whom the Interment Rights have been assigned;

"lot" means an area of land in a cemetery containing, or set aside to contain, human remains and includes a tomb, crypt or compartment in a mausoleum and a niche or compartment in a columbarium or any other similar facility or receptacle;

"marker" means any permanent tombstone, plaque, headstone, cornerstone or ornament that is set flush with the surface of the ground and is used to mark the location of a grave;

"mausoleum" means a structure or building, other than a columbarium, used as place for the interment of human remains in sealed crypts or compartments;

"monument" means any permanent tombstone, plaque, headstone, cornerstone or ornament that projects from the surface of the ground and is used to mark the location of a lot or plot;

"Natural Burial Grave" (21-024) means any Interment Right in a Natural Burial Section which permits the interment of human remains in a biodegradable casket, container, shroud, or cremation urn.

"Natural Burial Section" (21-024) means an area within a cemetery which is specifically designed to permit human remains to be returned to the earth as naturally as possible.

"Officer" means a Municipal Law Enforcement Officer appointed under any City by-law or any other person assigned or appointed by the Director to administer or enforce this By-law and includes a person employed by the City whose duties are to enforce this By-law and a Police Officer;

"Pet Burial Section" (21-024) means an area within a cemetery that is reserved for the interment of both human and animal remains.

"plot" means 2 or more lots in which the rights to inter have been sold as a unit;

"Pre-Need Purchase" means the purchase of services for a person who is alive;

"Registrar" means the Registrar appointed under the Funeral, Burial and Cremation Services Act, 2002;

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"scattering ground" means land within a cemetery set aside for the scattering of cremated human remains;

"Scattering Rights" means the right to require or direct the scattering of cremated human remains;

"Scattering Rights Holder" means the person who holds the scattering rights with respect to a scattering ground, whether the person be the purchaser of the Rights, the person named in the Certificate of Scattering Rights or such other person to whom the Interment Rights have been assigned; and

"Tariff of Charges" means the price list for interment rights, cemetery supplies and services set in accordance with the Funeral, Burial and Cremation Services Act, 2002 and passed by Council.

Part 4 - INTERPRETATION AND ADMINISTRATION

4.1 Plural

In this By-law a word defined in the singular number has a corresponding meaning when used in the plural and *vice versa*.

4.2 Table of Contents, etc.

The Table of Contents, headings and subheadings used in this By-law shall not form a part of it, but shall be deemed to be inserted for convenience of reference only.

4.3 Schedules

The Schedules attached to this By-law form a part of it.

4.4 Application

The provisions of this By-law apply to cemeteries operated by the City of Hamilton.

4.5 Director Responsibility

The Director is responsible for the management, operation and maintenance of cemeteries operated by the City of Hamilton and is authorized to administer and enforce this By-law with delegated authority granted by Council to execute the provisions of the By-law, including the imposition of conditions as necessary to ensure compliance with this By-law.

4.6 Director Delegation

The Director may assign duties or delegate tasks under this By-law whether in his or her absence or otherwise.

4.7 Director Discretion

The Director may enlarge, reduce, replot, change the boundaries of, or grade a cemetery upon approval of the Registrar as required under the Funeral, Burial and Cremation Services Act, 2002.

4.8 Notices

All notices required by this By-law, or by the Funeral, Burial and Cremation Services Act, 2002 to be given to:

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- (a) an Interment Rights Holder or Scattering Rights Holder may be given personally, or by regular mail to the last known address of the Interment Rights Holder, Scattering Rights Holder or their heir or representative;
- (b) the Director or Hamilton Municipal Cemeteries may be given by registered mail, by fax or in person during a business day at the Administrative Office of Hamilton Municipal Cemeteries.

4.9 Director Permission

Where approval of any type from the Director is required under this By-law, such permission may be refused or withdrawn by the Director at any time in his or her sole discretion.

Part 5 - INTERMENT RIGHTS and SCATTERING RIGHTS

Sale and Purchase

5.1 Sale

No person shall sell Interment Rights or Scattering Rights except a person authorized by the Director.

5.2 Single-in-a-Row Grave

The purchaser of a single-in-a-row grave, as set out in the Tariff of Charges, may not:

- (a) choose the location of the grave; or
- (b) be a Pre-Need purchaser.

5.3 Preferred Single Grave

The purchaser of a preferred single grave, as set out in the Tariff of Charges, may:

- (a) choose the location of the grave;
- (b) be a Pre-Need purchaser; and
- (c) pay in installments, as determined by the Director in accordance with the Funeral, Burial and Cremation Services Act, 2002 and the Tariff of Charges.

5.4 Interment Rights/Scattering Rights Contract

At the time Interment Rights or Scattering Rights are purchased and paid in full, the Director or his or her designate shall provide the Interment Rights Holder with a copy of the Interment Rights/Scattering Rights Contract signed by the Director and the Interment Rights or Scattering Rights Holder and a copy of the Hamilton Municipal Cemeteries By-law.

5.5 Interment Rights Certificate and Scattering Rights Certificate

At the time Interment Rights or Scattering Rights are paid for in full, the Director shall provide the Interment Rights Holder with a Certificate of Interment Rights or Certificate of Scattering Rights or a Prepayment Certificate.

5.6 Change of Address

An Interment Rights Holder or Scattering Rights Holder shall inform Hamilton Municipal Cemeteries forthwith of any changes to the information contained in their Interment Rights/Scattering Rights Contract, including changes to their address or telephone number.

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Transfer

5.7 Transfer to Others

An Interment Rights Holder or Scattering Rights Holder may transfer their Interment Rights or Scattering Rights by:

- (a) giving written notice to Hamilton Municipal Cemeteries of the name and address of the transferee and the date of the transfer; and
- (b) paying the transfer fee as set out in the Tariff of Charges.

5.8 Transfer by Heirs

An heir or representative of a deceased Interment Rights Holder may transfer the deceased Interment Rights Holder's Interment Rights or deceased Scattering Right Holder's Scattering Rights by:

- (a) giving proof in writing satisfactory to the Director that they have the right to transfer the Interment Rights or Scattering Rights.
- (b) giving notice to Hamilton Municipal Cemeteries of the name and address of the transferee and the date of the transfer; and
- (c) paying the transfer fee as set out in the Tariff of Charges.

Third-Party Resale

5.9 Re-Sale of Rights – Third Party:

An Interment Rights Holder or a Scattering Rights Holder may re-sell their Interment Rights or Scattering Rights to a third party before the Interment Rights or Scattering Rights are exercised for no more than the current price listed on the Tariff of Charges.

5.10 Re-sale of Rights Requirements:

Interment Rights or Scattering Rights are transferred to a third party only when:

- (a) all of the following, if applicable, have been provided to the satisfaction of the Director:
 - (i) written confirmation from the Interment Rights Holder or the Scattering Rights Holder of their intent to sell the Interment Rights or the Scattering Rights to a named purchaser.
 - (ii) written proof that the person intending to sell Interment Rights or Scattering Rights is the Interment Rights Holder or the Scattering Rights Holder;
 - (iii) the original Interment Rights Certificate or Scattering Rights Certificate endorsed by the current Interment Rights Holder or Scattering Rights Holder
 - (iv) payment of the administration fee as set out in the Tariff of Charges;
 - (v) any other documentation in the Interment Rights Holder's or the Scattering Rights Holder's possession relating to the Interment Rights or Scattering Rights.
- (b) a new Interment Rights Certificate or Scattering Rights Certificate has been issued to the named purchaser.

Cancellation of Interment Rights or Scattering Rights:

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5.11 Cancellation of Interment Rights within 30-Days:

An Interment Rights/Scattering Rights Contract may be cancelled within 30 days of signing if the purchaser provides written notice of the cancellation to the Director. A refund of all monies paid by the purchaser will be made in accordance with the Funeral, Burial and Cremation Services Act, 2002. If any portion of the Interment Rights or Scattering Rights have been exercised, the purchaser or the Interment Rights Holder or Scattering Rights Holder is not entitled to cancel the Interment Rights/Scattering Rights Contract or re-sell the Interment Rights or Scattering Rights.

5.12 No Cancellation of Interment Rights After 30-Days: (23-242)

An Interment Rights or Scattering Rights contract may not be cancelled after 30 days of signing. Notwithstanding this Section 5.12, an Interment Rights Holder or a Scattering Rights Holder may re-sell their Interment Rights or Scattering Rights to a third party in accordance with section 5.9 and 5.10 of this By-law and in accordance with the Act and the Regulations made thereunder.

5.13 Rights Abandoned:

The City of Hamilton may apply for a declaration that Interment Rights are abandoned and then resell the Interment Rights in accordance with the Funeral, Burial and Cremation Services Act, 2002.

Corrections

5.14 Corrections:

The Director may correct any error made in the sale, purchase, transfer, repurchase or resale of Interment Rights or Scattering Rights and in correcting such error he or she may substitute a lot of equal value and similar location or cancel the transaction and refund all payments. The Director shall give notice to the Interment Rights Holder or Scattering Rights Holder of both the error and the correction to the error, provided that no notice shall be required to be given in regard to a typographical error, error of calculation or similar error.

Part 6- INTERMENTS AND DISINTERMENTS

General

6.1 Director Approval

The Director:

- (a) may decide that an interment or disinterment:
 - (i) may take place despite any other provision of this By-law provided that any other applicable statute, regulation or by-law is complied with;
 - (ii) shall not take place due to weather or ground conditions; and
- (b) shall be in attendance at each interment or disinterment.

6.2 Opening a Lot

No person shall prepare a lot for interment or disinterment except a person authorized by the Director.

6.3 Damage to Containers

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Containers holding human remains may be damaged during interment or disinterment and the City of Hamilton shall not be responsible for repairing or replacing such containers or paying any compensation.

Interments

6.4 Notice in Advance

An Interment Rights Holder or Scattering Rights Holder, their heir or representative, or a Funeral Director shall, at least 1 business day in advance of an interment, give notice to Hamilton Municipal Cemeteries:

- (a) authorizing any interment in the Interment Rights Holder's lot or, for a Scattering Rights Holder, in a scattering ground; and,
- (b) requesting that the lot be prepared for the interment; and
- (c) giving the particulars as to the location, depth, width and length of the container holding the human remains to be interred.

6.5 Notice not Provided in Advance

Where an Interment Rights Holder or Scattering Rights Holder, their heir or representative, or a Funeral Director gives notice under section 6.4 less than 1 business day in advance, a lot may be prepared for the interment at the discretion of the Director.

6.6 Notice of Arrangements by Telephone:

An Interment Rights Holder or Scattering Rights Holder, their heir or representative, or a Funeral Director may make required interment arrangements with the Hamilton Municipal Cemetery Administrative Office via telephone (but not Voice Mail); or fax during regular business hours provided that adequate notice is given under section 6.4.

6.7 Authorization

Notice under section 6.4 or section 6.5 shall be given by all of the Interment Rights Holders for a lot or Scattering Rights Holder for a scattering ground and, if one or more of the Interment Rights Holder or Scattering Rights Holder are dead, notice shall instead be given by their heir or representative. In the alternative, notice under section 6.4 or section 6.5 may be given by a Funeral Director.

6.8 Human Remains (21-024)

Only human remains shall be interred in a lot, unless the interment takes place in a designated Pet Burial Section of the cemetery.

6.9 No Interment

No interment shall take place except where:

- (a) a burial permit or Certificate of Cremation under the *Vital Statistics Act* has been issued;
- (b) all applicable fees under the Tariff of Charges have been paid; and
- (c) an Interment Rights/Scattering Rights Contract has been signed.

6.10 Limits – Cremation Grave

No more than 2 interments of cremated human remains shall take place in any 1 cremation grave purchased on or after the date this By-law is in force.

6.11 Limits – Preferred Single Grave

BY-LAW NO. 12-151 A BY-LAW RESPECTING THE CITY OF HAMILTON'S CEMETERIES

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No more than 2 interments of human remains that are not cremated and 2 interments of cremated human remains (for a maximum of 4 persons) shall take place in any 1 preferred single grave purchased on or after the date this By-law is in force.

6.12 Limits – Single-in-a-Row Grave

No more than 2 interments of human remains that are not cremated and 2 interments of cremated human remains (for a maximum of 4 persons) shall take place in any 1 preferred single grave purchased on or after the date this By-law is in force.

6.13 Limits – Columbarium Niche or Compartment

No more than 2 interments of cremated human remains shall take place in any 1 niche or compartment in a columbarium purchased on or after the date this By-law is in force.

6.14 Limits – Mausoleum Crypt

No more than 1 interment of human remains that are not cremated shall take place in any 1 crypt in a mausoleum purchased on or after the date this By-law is in force.

6.15 By-law Repeal

Notwithstanding the repeal of a by-law under Section 12.1, the by-law shall continue to apply in respect of the number of interments in any lot purchased before the date this By-law is in force.

6.16 Container Requirement

Human remains to be interred in a lot shall be in a container:

- (a) that is securely sealed;
- (b) of sufficient strength to remain intact during interment; and
- (c) of a size to permit interment within the lot.

6.16.1 Outer Interment Container- Material (21-024)

- (a) The Cemetery reserves the right to require an outer Interment container made of concrete or other comparable materials in certain areas of the Cemetery as noted on the Tariff of Charges and the Interment Rights Certificate at the time of sale.
- (b) Interments placed at extra depth require an outer Interment container made of concrete or other comparable materials, where space permits.

6.17 Hours for Interments (21-024)

Interments may take place between the hours of 9:00 a.m. and 3:00 p.m. from Monday to Friday and between the hours of 8:30 a.m. and 11:30 a.m. on Saturdays of three-day weekends. Notwithstanding the foregoing, an interment may take place on any day and at any time:

- (a) with the advance permission of the Director and for the applicable fee; or
- (b) set out in a certificate issued by the Ministry of Health or an order issued by the Coroner's Office.

6.18 Scattering (21-024)

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- (a) No person shall scatter cremated human remains in a cemetery. Notwithstanding the foregoing, if scattering grounds have been set aside, cremated human remains may be scattered in such scattering grounds with the advance notice; and,
 - (i) a Certificate of Cremation under the Vital Statistics Act has been issued;
 - (ii) all applicable fees under the Tariff of Charges have been paid; and,
 - (iii) a Scattering Rights Contract has been signed.
- (b) No person shall scatter cremated human remains on a cemetery lot containing human remains.
- (c) Where a scattering is permitted under this By-law, it shall be performed by a member of the cemetery staff, or a member of the cemetery staff shall be in attendance when the cremated remains are scattered within the designated Scattering Ground.
- (d) Each purchase of scattering rights shall be limited to one (1) scattering opportunity for one (1) set of cremated human remains.

6.18.1 Pets or Other Animals (21-024)

6.18.1.1 Requirements for Interment (21-024)

No pets or other animals are permitted to be interred on cemetery grounds, except where:

- (a) the interment takes place in a designated Pet Burial Section of the cemetery;
- (b) the applicable fee under the Tariff of Charges for an interment within the Pet Burial Section has been paid;
- (c) permission of the Director has been granted and is shown on the Certificate of Interment Rights; and
- (d) the pet or other animal is in the cremated form or, if not in the cremated form, enclosed within an approved container no larger than 24 inches in length and 18 inches in width and height.

6.18.1.2 Interment of Human Remains Provisions Apply (21-024)

The provisions of section 6.18.1 shall apply in addition to any other provision of this By-law that applies to the interment of human remains.

6.18.2 Natural Burial Sections (21-024)

6.18.2.1 Number of Interments (21-024)

A maximum of one (1) interment of human remains that are not cremated and one (1) interment of cremated human remains, or two (2) cremated remains may be buried in each lot within the Natural Burial Section. The interment of human remains that are not cremated shall be performed at standard depth, at least two feet beneath the natural level of the ground surface.

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6.18.2.2 Cremation Interment (21-024)

Where Interment Rights are purchased in the Natural Burial Section with the intent of having an interment of cremated human remains as the second Interment in the grave, the interment of the cremated human remains must not proceed until the interment of human remains that are not cremated have been completed.

6.18.2.3 Witnessing the Interment (21-024)

The Director may limit the number of witnesses to an interment service in the Natural Burial Section to preserve the environmental sanctity or health and safety of those persons attending the interment.

6.18.2.4 Caskets or Container for Full Body Interment (21-024)

A casket, shroud or container meeting the following criteria shall be provided by a licenced funeral establishment for the Interment of human remains that are not cremated within the Natural Burial Section:

- a) Composed of sustainable and full biodegradable fibers or materials;
- b) Free of non-biodegradable resins, glues or bonding agents;
- c) Composed of interior finishing fabricated from biodegradable fibers or material;
- d) Free from high gloss finish lacquers, paints or prepared surfaces that are non-biodegradable;
- e) Free of any interior liner, bag or wrapping that is fabricated from a non-biodegradable material;
- f) Free of any memento, article or personal belonging that is composed of non-biodegradable material;
- g) Fashioned to include a supportive bottom that is made from sustainable and biodegradable materials and that is stable and strong enough to be transported and placed on a grave lowering device; and
- h) Include handles in the event of a casket.

6.18.2.5 Container for Cremated Remains Interment (21-024)

A container meeting the following criteria shall be provided for the Interment of cremated remains within the Natural Burial Section:

- a) Composed of sustainable and fully biodegradable fibers and material;
- b) Free of non-biodegradable resins, glues or bonding agents;
- c) Composed of interior finishing fabricated from biodegradable fibers or bonding agents;
- d) Free from high gloss finish lacquers, paints or prepared surfaces that are non biodegradable;

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- e) Free of any interior liner, bag or wrapping that is fabricated from a non-biodegradable material; and
- f) Free of any memento, article or personal belonging that is composed of non-biodegradable material.

6.18.2.6 Outer Containers (21-024)

No concrete, metal vaults, or other outer containers will be permitted in Natural Burial Section.

6.18.2.7 Scattering of Cremated Remains (21-024)

The scattering of cremated remains will be permitted only within designated areas within the Natural Burial Section. Surface scattering is not permitted in any other area of the Natural Burial Section.

6.18.2.8 Removal of Caskets, Containers, or Cremated Remains (21-024)

Interments performed within the Natural Burial Section will be regarded as permanent and irreversible from the interment date as all Interments are performed using biodegradable containers. The Cemetery shall have no obligation to disinter any remains within the Natural Burial Section unless required to do so by applicable law or court order. Where ordered to disinter human remains that are not cremated or cremated human remains, the requesting party shall be responsible to pay any and all fees associated with the disinterment.

6.18.2.9 Human Remains (21-024)

Human remains to be interred within the Natural Burial Section shall be free from embalming solutions, prosthetics and any other non-naturally occurring elements.

6.18.2.10 General Care of Natural Burial Graves (21-024)

In order to preserve the natural environment, the use of pesticides within the Natural Burial Section will not be permitted.

6.18.2.11 Planting Restrictions (21-024)

No person shall place live or artificial plant material on a grave within the Natural Burial Section.

6.18.2.12 Tributes of Remembrance (21-024)

To preserve the natural setting, no person shall place an article of any kind within the Natural Burial Section.

6.18.2.13 Memorialization (21-024)

To preserve the natural surroundings of the Natural Burial Section, no person shall place a memorial on a grave within the Natural Burial Section.

6.18.2.14 Inscription on Communal Memorial (21-024)

Inscriptions on a communal memorial feature within the Natural Burial Section as provided by Hamilton Municipal Cemeteries may be purchased by paying the applicable fee under the Tariff of Charges.

6.18.3 Pallbearers (21-024)

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For safety reasons, municipal cemetery staff are not permitted to act as pallbearers during a funeral service. All funeral service providers shall contract out pallbearer services to companies with staff specifically trained and insured for this purpose or use their internal staff.

Disinterments

6.19 Disinterment

No disinterment shall take place except where:

- (a) a certificate issued by the Medical Officer of Health and the Director, confirming the Funeral, Burial and Cremation Services Act, 2002 has been complied with, is affixed to the container holding the disinterred human remains;
- (b) all applicable fees under the Tariff of Charges have been paid; and
- (c) the disinterred human remains are placed in a concrete crypt or vault after disinterment and before reinterment.

6.20 Corrections

The Director may correct any error made in an interment. The Director shall give notice to the Interment Rights Holder or Scattering Rights Holder of both the error and the correction to the error once the error has been corrected, provided that no notice shall be required to be given in regard to a typographical error, error of calculation or similar error. In the event an error may involve the disinterment of human remains, the Direction shall first obtain the approval of any regulatory authority and the Interment Rights Holder or Scattering Rights Holder.

Part 7 - MONUMENTS, MARKERS AND MAUSOLEA

7.1 Schedule A

All monuments, markers and mausolea, where installed, altered, repaired or removed by a person other than an employee or contractor of Hamilton Municipal Cemeteries, shall be installed, altered, repaired or removed in accordance with Schedule A.

7.2 Prohibition

No person shall install or continue to install, alter, repair or remove a monument, marker or mausoleum while an interment or disinterment is taking place in the vicinity until the conclusion of the interment or disinterment.

Part 8 - CARE OF LOTS

8.1 Schedule B

All lots, where cared for by a person other than an employee or contractor of Hamilton Municipal Cemeteries, shall be cared for in accordance with Schedule B.

Part 9 - RULES

Entry

9.1 Cemetery Hours

No person:

- (a) shall enter or exit a cemetery except through established gates and roadways;
- (b) shall enter or remain in a cemetery before sunrise or after sundown except:

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- (i) for employees or contractors of Hamilton Municipal Cemeteries and emergency personnel including, but not limited to, police and firefighters; or
- (ii) with the advance permission of the Director;
- (c) responsible for the care of a child under the age of 12 years, shall permit such child to enter or remain in a cemetery unless they are accompanied and supervised by an adult; or
- (d) shall permit an animal to enter or remain in a cemetery except an animal that is leashed and under the control of a person in accordance with any applicable animal control by-law or legislation.

General Conduct

9.2 Rules for Visitors

While in a cemetery, no person shall:

Injury or Damage

- (a) engage in activity that may cause injury to any person or damage to any property including any vegetation, monument, marker, mausoleum, columbarium or other structure or building;

Climbing

- (b) climb any vegetation, monument, marker, mausoleum, columbarium or other structure;

Sports

- (c) play any game or sport including, but not limited to, skateboarding, roller-blading or tobogganing;

Firearms

- (d) discharge any firearm, except with the advance, written permission of the Director for a funeral or to control wildlife;

Disturbance

- (e) disturb any person attending an interment;

Nuisance

- (f) commit a nuisance or create a disturbance;

Rubbish

- (g) throw or deposit or cause to be deposited any rubbish, refuse, waste or litter, except in receptacles provided for the purpose;

Food and Drink

- (h) consume any food or drink, except food or drink consumed as part of a religious or cultural interment rite; or

Alcohol

- (i) have or consume an alcoholic beverage.

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Commercial Activity

9.3 Rules for Commercial Activities

While in a cemetery, no person shall

Filming

- (a) undertake or permit the undertaking of a filming event without a valid film permit issued for the filming event under the Hamilton Film Permit By-law;

Solicitation

- (b) solicit work of any kind; or

Gratuities

- (c) give a gratuity to any employee or contractor of Hamilton Municipal Cemeteries.

Vehicles

9.4 Vehicular Activity

While in a cemetery, no person shall:

Recreational Vehicles

- (a) drive, stop or park a motorized snow vehicle or off-road vehicle;

Speed Limit

- (b) drive a vehicle at a speed of more than 10 kilometres per hour or a speed as otherwise posted;

Grass or Flower Beds

- (c) drive, stop or park a vehicle on the grass or a flower bed except with the advance, written permission of the Director; or

Heavy Loads

- (d) drive, stop or park a heavy load in a cemetery except with the advance, written permission of the Director.

Part 10 - ENFORCEMENT

10.1 Enforcement

The By-law may be enforced by an Officer.

10.2 Authority

Cemetery staff authorized by the Director and Officers have authority to direct any person who does not comply with this By-law to leave a cemetery.

10.3 Offence

Every person who contravenes any provision of this By-law is, upon conviction, guilty of an offence and is liable to a fine of not more than:

- (a) \$5,000 for a first offence;
- (b) \$25,000 for a second offence; or
- (c) \$100,000 for a third or subsequent offence.

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10.4 Penalty

Where a person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy or penalty provided for by law, make an order prohibiting the continuation or repetition of the offence by the person convicted.

PART 11 - GENERAL PROVISIONS

11.1 By-law Name

This By-law may be referred to as the Hamilton Municipal Cemeteries By-law.

11.2 Validity of By-law

If a court of competent jurisdiction declares any subsection, section or part of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

PART 12 - REPEALS & ENACTMENTS

12.1 By-laws Repealed

The following by-laws, all as amended, are repealed.

- (i) By-law 81-91 – Town of Ancaster
- (ii) By-law 4459-98 – Town of Dundas
- (iii) By-law 91-16-C – Town of Flamborough
- (iv) By-law 500-94 – Township of Glanbrook
- (v) By-law 95-125 – City of Hamilton
- (vi) By-law 4402-96 – City of Stoney Creek

12.2 By-law in Force

This By-law shall come into force on the day the Registrar approves it.

PASSED this 27th day of June, 2012.

R. Bratina
Mayor

R. Caterini
City Clerk

CONSOLIDATED HAMILTON'S CEMETERIES BY-LAW 12-151

SCHEDULE A

MONUMENTS, MARKERS AND MAUSOLEA
DELIVERY, INSTALLATION, ALTERATION, REPAIR AND REMOVAL

General

1.1 Authorization

The installation of a monument, marker or mausoleum shall be arranged by the Interment Rights Holder or Scattering Rights Holder or their heir or representative with Hamilton Municipal Cemeteries.

1.2 Contracts and Fees

Before a monument, marker or mausoleum is installed, all contracts shall be signed and all fees, including fees for the installation of a foundation, paid as required under this By-law and the Tariff of Charges.

1.3 Foundation/Marker Permit

A monument, marker or mausoleum shall be delivered to the cemetery with a Foundation/Marker Permit that includes:

- (a) the name and address of the Interment Rights Holder or Scattering Rights Holder or their heir or representative;
- (b) instructions for the placement of the monument, marker or mausoleum;
- (c) for a monument:
 - (i) the height, width and length of the die;
 - (ii) the height, width and length of the base;
 - (iii) the overall size; and
 - (iv) the design and inscription;
- (d) for a marker, the width and length;
- (e) for a mausoleum, a work plan including the building specifications approved in advance by the Director; and
- (f) the fee as required under the Tariff of Charges.

1.4 Composition

A monument, marker or mausoleum:

- (a) shall be constructed of granite or other industry standard material that is free from defects affecting durability, provided that where bronze is used:
 - (i) it shall be used only for the fixtures such as doors, window grilles or statuary of mausoleums or for tablets attached to markers;
 - (ii) it shall meet industry standards for bronze; and
 - (iii) its casting shall be true and without any sand-like roughness; and
- (b) shall not be constructed of veneered marble, wood, iron or artificial stone.

1.5 Inscriptions

Any inscription on a monument, marker or mausoleum:

- (a) shall be in keeping with the dignity and decorum of the cemetery. If, in the opinion of the Director, an inscription is not in keeping with the dignity and decorum of the cemetery, he or she may have such inscription removed at the cost of the Interment Rights Holder or Scattering Rights Holder or their heir or representative;

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- (b) where monuments are located back-to-back, shall not be on the back of a monument; and
- (c) where monuments are not located back-to-back, may be on the back of a monument with the advance, written permission of the Director. In giving or refusing his or her permission, the Director may consider, amongst other things, the number, size, location and character of existing monuments, markers or mausoleums on the lot and adjoining lots.

1.6 Time of Installation

All foundations for monuments and mausoleums shall be installed by the employees or contractors of Hamilton Municipal Cemeteries from April 1 to November 15 of each year and shall not be installed by any other person

1.7 Alteration

A monument, marker or mausoleum shall not be altered or removed without the advance, written permission of the Director.

1.8 Surface Protection

A monument, marker or mausoleum shall not be installed, altered or removed unless plywood is laid over the ground to protect the surface from damage.

1.9 Safety

If, in the opinion of the Director, any monument, marker or mausoleum is or could become hazardous to any person in a cemetery, such monument, marker or mausoleum may be repaired, reset or laid down by the employees or contractors of Hamilton Municipal Cemeteries.

1.10 Risk

Any person other than an employee or contractor of Hamilton Municipal Cemeteries installing, altering or removing a monument, marker or mausoleum does so entirely at their own risk, including assuming the risk for any loss of or damage to a monument, marker or mausoleum or any injury to themselves occurring during or after installation or repair.

1.10.1 Memorial benches and Memorial Niche benches (21-024)

Memorial benches and memorial niche benches shall be purchased through the Hamilton Municipal Cemetery office by paying the applicable fee under the Tariff of Charges. Memorial benches and a concrete pad with a minimum size of 3' x 6' x 4" shall be installed by Cemetery staff.

Monuments

1.11 Monument Delivery

A monument shall not be delivered to a cemetery for installation unless the foundation has been completed.

1.12 Monument Installation

In addition to meeting the applicable requirements of Part 1 of this Schedule:

Monument Placement

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- (a) for a single-grave lot in locations designated by the Director or for a two-grave plot, no more than 1 monument shall be placed at the head of a lot or plot;

Thickness

- (b) for a monument of a height of 123 centimetres (48 inches) or less, the die shall be no less than 20.50 centimetres (8 inches) thick;
- (c) for a monument of a height more than 123 centimetres (48 inches), the die shall be no less than 25.40 centimetres (10 inches) thick;

Dowels

- (d) a monument shall have dowels made of a non-corrosive material (preferably 300 series stainless steel or bronze) of no less than 1.27 centimetres (1/2 inch) in diameter, 7.63 centimetres (3 inches) in length inserted in a hole no more than .32 centimetres (1/8 inch) larger than the dowel;

Bases

- (e) a monument shall have a base of at least 20.32 centimetres (8 inches) in height, that is wider and longer than the die providing a border of at least 7.6 centimetres (3 inches) on all sides, shall be smooth sawn on the bottom, and shall be no more than 7.6 centimetres (3 inches) from the side lot lines of the grave;

Height

- (f) for a two-grave plot, a monument shall have a height of no more than 122.98 centimetres (48 inches) including the base; a base of no more than 96.52 by 35.56 centimetres (38 by 14 inches);

Horizontal Force

- (g) a monument shall be able to withstand a minimum of 45.36 kilograms (100 pounds) of horizontal force without toppling before caulking;

Vertical Joints

- (h) a monument shall have no exposed vertical joints; and

Overall Restriction

- (i) notwithstanding any other provision of this By-law, a monument shall cover no more than 10 percent of a lot.

1.12.1 Pictures, Etchings and Photographs on Monuments and Markers (21-024)

- (a) Prior to the placement of any picture, etching or photograph on a monument or marker, the written consent of the Interment Rights Holder(s) shall be provided to cemetery staff.
- (b) Pictures, etchings and photographs shall be in keeping with the dignity and decorum of the cemetery. If, in the opinion of the Director, a picture, etching or photograph is not in keeping with the dignity and decorum of the cemetery, they may have such inscription removed at the cost of the Interment Rights Holder or their heir or representative.
- (c) Pictures or photographs must be manufactured in a permanent, weather resistant material.

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- (d) Pictures, etchings or photographs of a non-permanent material will be removed and disposed of by the Cemetery without notification and at the cost of the Interment Rights Holder or their heir or representative.
- (e) The Cemetery assumes no responsibility or liability for a picture, photograph or etching on a monument or marker that becomes lost, faded, cracked, damaged, or needs to be removed.

Markers

1.13 Time of Installation

Markers shall be delivered to cemeteries for installation between April 1 and November 1 of each year.

1.14 Marker Installation

In addition to meeting the applicable requirements of Part I of this Schedule:

Marker Sizes

- (a) for a lot with no monument, no more than 1 marker shall be placed at the head of a lot and:

Adult Grave

- (i) for an adult grave, a marker shall have a surface area of no more than 60.96 by 45.72 centimetres (24 by 18 inches) or 10 percent of the lot, whichever is less;

Cremation Grave

- (ii) for a cremation grave, a marker shall have a surface area no more than 30.48 by 24.40 centimetres (12 by 10 inches); and

Child or Infant Grave

- (iii) for a child or infant grave, a marker shall have a surface area of no more than 30.48 by 24.40 centimetres (12 by 10 inches) to 45.72 by 35.56 centimetres (18 by 14 inches) depending on the size of the grave;

Marker Sizes for Plots

- (b) for 2, 3 or 4 grave plots, no more than 1 marker shall be placed at the foot of each grave and the marker shall have a surface area of no more than 60.96 by 45.72 centimetres (24 by 18 inches);

Cornerstones for Plots

- (c) for 2, 3 or 4 grave plots, no more than 4 cornerstones shall be placed on a plot and each cornerstone shall have a surface area of no more than 15.24 by 15.24 centimetres (6 by 6 inches);

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Set Level

- (d) a marker shall be flat on top and flush with the ground so that a lawn mower can pass safely over it; and

Use of Bronze

- (e) where a marker is bronze:
 - (i) the marker shall be cast with integral bosses on the back as specified by Hamilton Municipal Cemeteries such bosses being capable of receiving anchor lugs, supplied by the dealer, of brass or bronze of .95 centimetres (3/8 inch) in diameter and maximum size of 7.6 centimetres (3 inches) in length; and,
 - (ii) the marker shall be bolted through granite having a surface area of 45.72 by 60.96 centimetres (18 by 24) inches and a thickness of 10.16 centimetres (4 inches).

Mausolea

1.15 Delivery

In addition to meeting the applicable requirements of Part 1 of this Schedule, a mausoleum shall not be delivered to a cemetery unless:

- (a) a work plan including the building specifications has first been submitted to and approved by the Director;
- (b) the foundation has been completed; and
- (c) the mausoleum has no exposed vertical joints.

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SCHEDULE B

CARE OF LOTS

General

Risk

Any person other than an employee or contractor of Hamilton Municipal Cemeteries, including an Interment Rights Holder or Scattering Rights Holder or their heir or representative, caring for a lot does so entirely at their own risk, including assuming the risk for any loss of or damage to an item placed, planted or installed on a lot or attached to a monument or any injury to themselves.

Restrictions

Nothing, including but not limited to nails, wire, glass, pottery or a container that retains water, that is or could become hazardous to any person in a cemetery, shall be placed, planted or installed on a lot or attached to a monument, marker or mausolea.

12.1

CITY OF HAMILTON

MOTION

Public Works Committee: April 2, 2024

MOVED BY COUNCILLOR M. FRANCIS.....

SECONDED BY COUNCILLOR

Installation of Speed Cushions as a Traffic Calming Measure on Owen Place and Kenora Avenue (Ward 5)

WHEREAS, the City of Hamilton has adopted Vision Zero approach which considers human error as part of the roadway safety equation;

WHEREAS, Ward 5 residents advocate for the installation of speed cushions on various roadways throughout their neighbourhoods to address roadway safety concerns as a result of speeding and cut-through traffic; and

WHEREAS, signatures were collected from residents resulting in support by 34 of 40 homes on Owen Place between King Street East and Cromwell Crescent for the installation of speed cushions as a traffic calming measure.

THEREFORE, BE IT RESOLVED:

- (a) That the Transportation Division be authorized and directed to install 1 speed cushion as a traffic calming measure on Owen Place between King Street East and Cromwell Crescent and 1 speed cushion on Kenora Avenue between Janet Court and Village Drive as part of the 2024 Traffic Calming program’s spring application;
- (b) That all costs associated with the installation of 1 speed cushions on Owen Place and 1 speed cushion of Kenora Avenue be funded from the CP Minor Maintenance Ward 5 Account (#4031911605) at an upset limit, including contingency, not to exceed \$14,000.00; and
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

12.2

CITY OF HAMILTON

MOTION

Public Works Committee: April 2, 2024

MOVED BY COUNCILLOR M. WILSON

SECONDED BY COUNCILLOR

Installation of Speed Cushions as a Traffic Calming Measure on Various Streets (Ward 1)

WHEREAS, the City of Hamilton has adopted Vision Zero approach which considers human error as part of the roadway safety equation;

WHEREAS, roads adjacent to parks and schools frequently see the greatest number of young pedestrians and cyclists at risk by speeding motorists; and

WHEREAS, Ward 1 residents have repeatedly advocated for the installation of speed cushions on various roadways throughout their neighbourhoods to address roadway safety concerns as a result of speeding and cut-through traffic.

THEREFORE, BE IT RESOLVED:

- (a) That the Transportation Division be authorized and directed to install traffic calming measures on the following roadways as part of the 2024 Traffic Calming program’s spring application, as follows:
 - (i) Greig Street between Little Grieg Street and Barton Street West (1 speed cushion);
 - (ii) Lamoreaux Street between Strathcona Avenue North and Dundurn Street South (2 speed cushions);
 - (iii) Kent Street between Aberdeen Avenue and Glenfern Avenue (2 speed cushions);
 - (iv) Dromore Crescent between Sterling Street and Paisley Avenue North (3 speed cushions);
 - (v) Bowman Street between Main Street West and Baxter Street (3 speed cushions); and
 - (vi) Paradise Road North between Edgevale Road and Franklin Avenue (2 speed cushions).

- (b) That all costs associated with the installation of traffic calming measures from (i) through (vi) be paid for through the Ward 1 Special Capital Re-Investment Reserve Fund #108051 at an upset limit, including contingency, not to exceed \$65,000; and
- (c) That the General Manager of Public Works and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.