




CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Environmental Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	February 19, 2021
SUBJECT/REPORT NO:	City of Hamilton's Cemeteries By-law Update (PW21005) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	John Perrotta (905) 546-2424 Ext. 4402
SUBMITTED BY:	Craig Murdoch 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, be amended as detailed in Appendix "A" attached to Report PW21005.

EXECUTIVE SUMMARY

The City of Hamilton (City) owns and operates 69 municipal cemeteries. To properly regulate and manage the cemeteries system, the City has a by-law respecting the City of Hamilton's Cemeteries (By-law 12-151). The purpose of Report PW21005 is to amend the by-law to add provisions relating to natural burials, the interment of pet remains and to make other housekeeping amendments relating to cemetery operations. The addition of the new provisions for natural burials and interment of pets will permit Hamilton Municipal Cemeteries to offer these services. The other housekeeping amendments relating to cemetery operations will modernize the by-law to address changes and best practice within the cemetery industry. By-law 12-151 was last updated in 2012.

Alternatives for Consideration – See Page 4

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.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Amendments to By-law 12-151 will permit additional opportunities for revenue.

Staffing: Not Applicable

Legal: Not Applicable

HISTORICAL BACKGROUND

The City last updated its by-law respecting the City of Hamilton's Cemeteries in 2012. There have been changes in the types of burials offered by cemeteries and cemetery practices in the last 9 years, leaving Hamilton Municipal Cemeteries By-law No. 12-151 outdated.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The City has an existing Cemetery By-law that governs the operation of the City's cemeteries, as per the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), Ontario Regulation 30/11, Section 150. The recommendation in Report PW21005 is compliant with this legislation. The by-law amendment will also require the approval from the Registrar of the Bereavement Authority of Ontario as per the FBCSA, 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

Planning and Economic Development Department – Licensing and By-law Enforcement
Division – Licensing and By-law Services

ANALYSIS AND RATIONALE FOR RECOMMENDATION

In 2018, as per the recommendation in the Cemetery Business Plan Assessment completed by cemetery planners Lees and Associates, a master plan was developed for Mount Hamilton Cemetery, which planned for a Natural Burial Section and a Pet Burial Section. In order to create regulations for these new burial options, a by-law

amendment is required to establish the regulations that will govern these new burial options.

The following housekeeping items were changed for the following reasons:

New additions to By-Law:

- 1) Pallbearers:
To reduce the risk and liability to municipal cemetery staff, we will no longer provide this service, which is outside our standard level of service.
- 2) Memorial Benches and Memorial Niche Benches:
For liability and aesthetic reasons, memorial benches and memorial cremation niche benches are to be purchased and supplied by the City of Hamilton.
- 3) Pictures, Etchings and Photographs on Monuments and Markers:
To clarify requirements and regulations pertaining to the installation of pictures, etchings and photographs on memorials and reduce the City's liability for damages that may occur.
- 4) Outer Interment Container – Material:
To require a casket to be placed in a concrete outer container for burials in certain sections within our cemeteries, and when caskets are interred at extra depth for the health and safety of cemetery operational staff, and to maintain the integrity of the casket during the excavation of future casket burials in the same lot. This does not apply to the Natural Burial Section.

Changes to By-Law:

- 1) Definitions:
To establish definitions for the Natural Burial and Pet Burial Sections and repeal the existing definition of cemetery to include both new burial options.
- 2) Hours of Interment:
To revise the last scheduled booking time a burial is permitted from Monday to Friday from 3:30pm to 3:00pm, to avoid unnecessary overtime costs for cemetery operational staff.
- 3) Scattering:
To clarify requirements and regulations on the scattering of human remains. This amendment will not permit the scattering of cremated remains on burial lots, restricting this method of disposition to designated scattering grounds. Each

scattering right purchased shall be limited to one scattering opportunity for one set of cremated human remains.

The by-law amendments proposed will permit the Parks and Cemeteries Section to establish a Natural Burial and Pet Burial Section. The housekeeping items will assist in the daily cemetery operations and bring our operations in line with industry best practises.

ALTERNATIVES FOR CONSIDERATION

Council could decide to not approve the full recommendation of Report PW21005 and direct staff to remove the provisions relating to natural burials and/or the interment of pets or any of the housekeeping/best practice revisions. This would require staff to revise Appendix "A" attached to Report PW21005 and present a new By-law respecting the City's Cemeteries to the Public Works Committee for approval.

Financial: This could result in lost revenue opportunities

Staffing: Not Applicable

Legal: Not Applicable

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state-of-the-art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PW21005 – Proposed Amendment to the City of Hamilton Cemeteries By-law 12-151