

**Authority:** Item 5, Public Works Committee Report 24-004 (PW24023)  
CM: April 10, 2024 Ward: City Wide  
Written approval for this by-law was given by Mayoral Decision MDE-2024 10  
Dated April 10, 2024

**Bill No. 045**

**CITY OF HAMILTON**

**BY-LAW NO. 24-045**

**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":

<b>Name:</b>	<b>Location:</b>
White Brick Church Cemetery	99 Garners Rd. 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" and 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 10<sup>th</sup> day of April, 2024

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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk