

REGULAR COUNCIL AGENDA

C-21/2024

Wednesday, December 18, 2024

9:00 AM

Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

The Town of Pelham is holding hybrid meetings of Council and Committee in accordance with Procedure By-law 4507(2022). Public access to meetings will be provided in-person at the location indicated on the agenda, via Livestream: www.youtube.com/townofpelham/live and subsequent publication to the Town's website at www.pelham.ca.

Pages

1. **Call to Order and Declaration of Quorum**
2. **National Anthem**
3. **Land Recognition Statement**

The Town of Pelham is situated on treaty land, steeped in the rich history of the First Nations such as the Hatiwendaronk, Haudenosaunee and the Anishinaabe, including the Mississaugas of the Credit First Nation. This territory is covered by the Upper Canada Treaties and is protected by the Dish With One Spoon Wampum Agreement. Today, many First Nations, Métis, and Inuit people from across Turtle Island live and work in Niagara. The Town of Pelham stands in solidarity with all Indigenous peoples, past and present, acknowledging that our high standard of living is a result of the resources and lasting friendship of Indigenous peoples.

4. **Approval of the Agenda**

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11.2	Staff Reports Requiring Action	
11.2.1	Cemeteries By-law Revisions Required for Registrar Approval, 2024-0289-Town Solicitor	83 - 118
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12.1	Pelham Summerfest 2024 Final Report , 2024-0281-Recreation	119 - 128
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13.	New Business	
14.	Presentation and Consideration of By-Laws	137 - 200
	1. By-law 03-2024 - Being a By-law to regulate the operation of cemeteries by the Corporation of the Town of Pelham and to repeal By-law No. 3012(2019).	
	2. By-law 88-2024 - Being a By-law to amend By-law No. 3728(2016), to establish 2025 Fees and Charges to be collected by the Corporation of the Town of Pelham.	
	3. By-law 89-2024 - Being a By-law to amend Town of Pelham By-law No. 68-2023, being the Administrative Penalty Process By-law for Non-Parking By-laws, to repeal and replace Schedule "A".	
	4. By-law 90-2024 - Being a By-law to appoint a Deputy Mayor for a term of two (2) years, or until the end of the Council Term, whichever comes first, commencing on January 9, 2025, and ending on November 14, 2026, or such other date on which a successor is appointed and to repeal and replace By-law 03-2023.	
15.	Motions and Notices of Motion	

15.1 Councillor Olson Motion re: 'Lest We Forget' Crosswalks

Mover: Councillor Olson

Seconder: Councillor Hildebrandt

WHEREAS the Town of Pelham honours the contributions and sacrifices of Canadian Veterans;

AND WHEREAS year-round visual representations, such as commemorative crosswalks, foster community recognition and remembrance;

AND WHEREAS "Lest We Forget" crosswalks in Fonthill and Fenwick, or other suitable locations, would provide a tribute to the Veterans who have sacrificed their lives to serve our country;

NOW THEREFORE BE IT RESOLVED THAT Council directs staff to prepare a report exploring the feasibility of implementing at least two "Lest We Forget" commemorative crosswalks;

AND THAT the report consider factors including community safety, appropriate locations, design concepts, material durability, associated costs, and implementation timelines;

AND THAT staff make their best efforts to have the crosswalks installed as expeditiously as possible, and if temperatures permit, to have at least one of the crosswalks installed by May 5, 2025 to coincide with Liberation Day in the Netherlands;

AND FURTHER THAT staff report back to Council with recommendations and next steps by Q1 of 2025.

15.2 Mayor Junkin Motion re Procedure for National Anthem Performances at Regular Council Meetings

Mover: Mayor Junkin

Seconder: Councillor Niznik

WHEREAS the National Anthem is played prior to each Regular Council Meeting;

AND WHEREAS Council has an opportunity to showcase community talent through pre-recorded performances of the National Anthem, providing residents of Pelham, or those with close personal ties to the community with opportunities for talent development, civic engagement, and the enhancement community pride;

NOW THEREFORE BE IT RESOLVED THAT Council directs Clerk's staff to prepare a Procedure for National Anthem Performances for Regular Council Meetings by the end of Q4 2024, with the intent to roll out the program in 2025;

AND THAT the finalized Procedure and application for National Anthem Performances at Regular Council Meetings, as approved by the Chief Administrative Officer, be published on the Town's website and promoted through the Town's regular communication channels;

AND THAT Council directs the Clerk's Office to implement any necessary enhancements to the Procedure for National Anthem Performances at Regular Council Meetings to maximize operational efficiency.

16. Resolution to Move In Camera

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider the following:

(b) - personal matters about an identifiable individual, including municipal employees and (d) - labour relations or employee negotiations - 1 items (Non-Unionized Staff)

(c) a proposed or pending acquisition or disposition of land by the municipality or local board - 3 items (Ward 1)

17. Rise From In Camera

18. Confirming By-Law

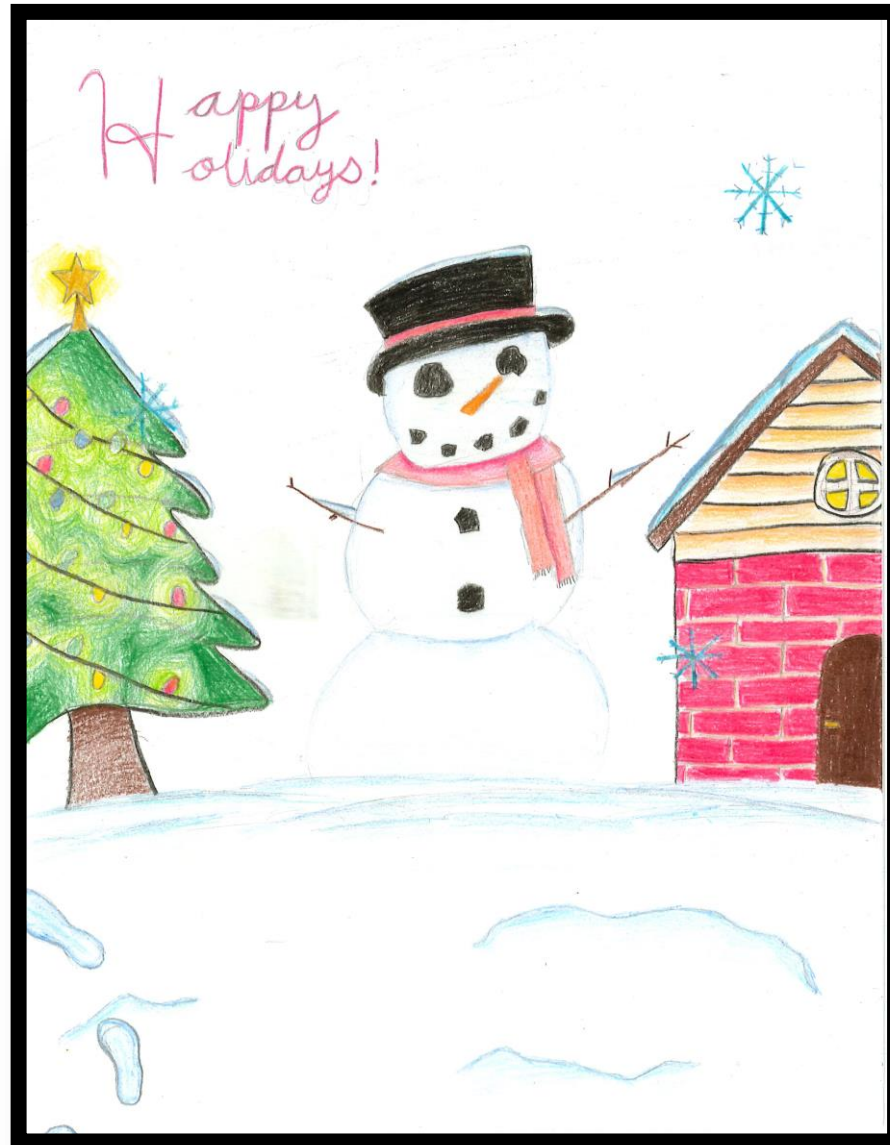
201 - 201

19. Adjournment

2024 Annual Holiday Card Winners

Olivia

St. Alexander

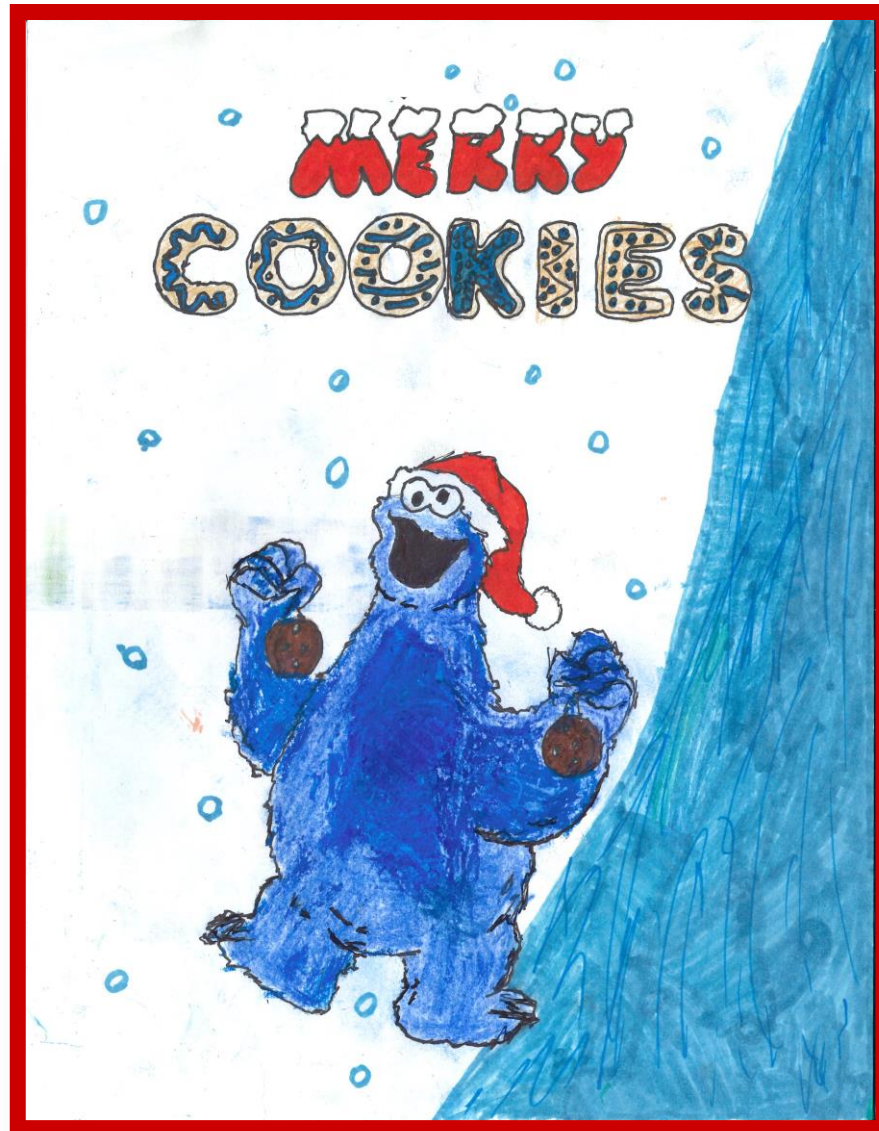


Izzy Maple Crest

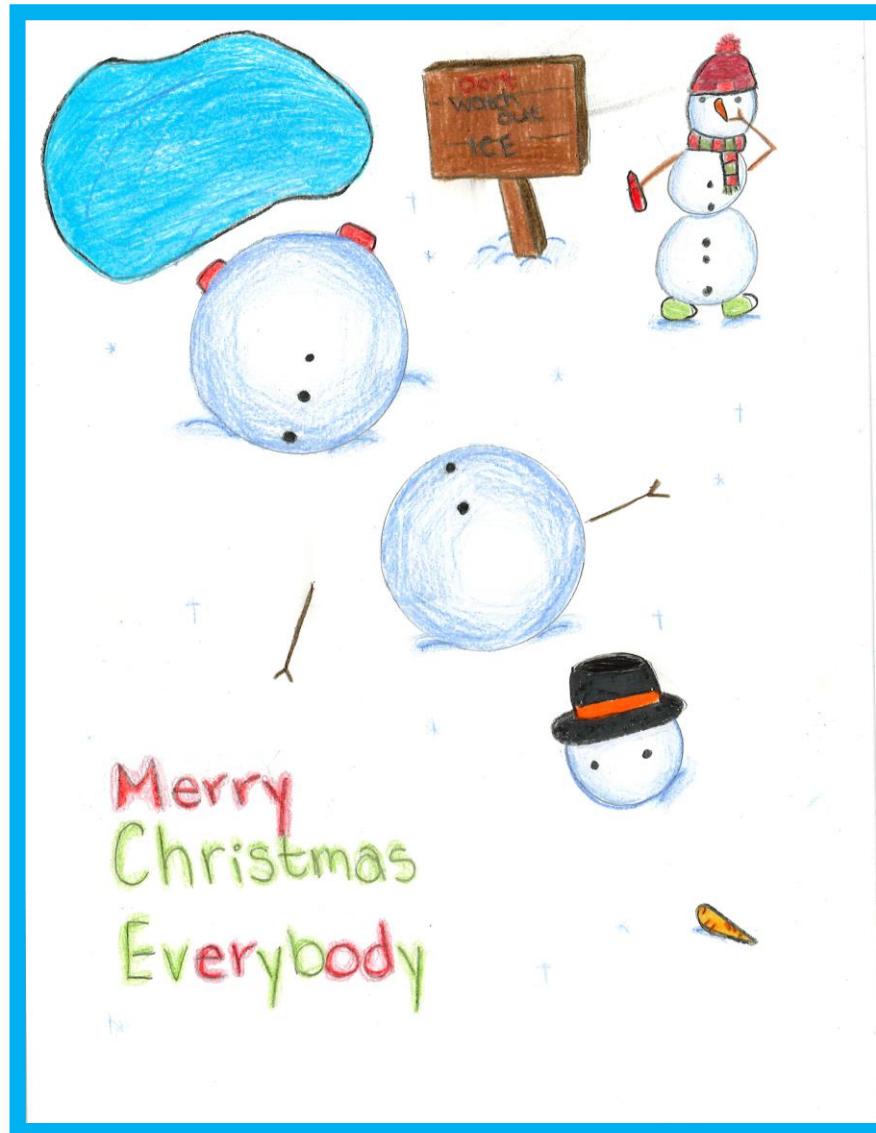


Colton

Glynn A. Green



Laura
St. Alexander



Alyssia

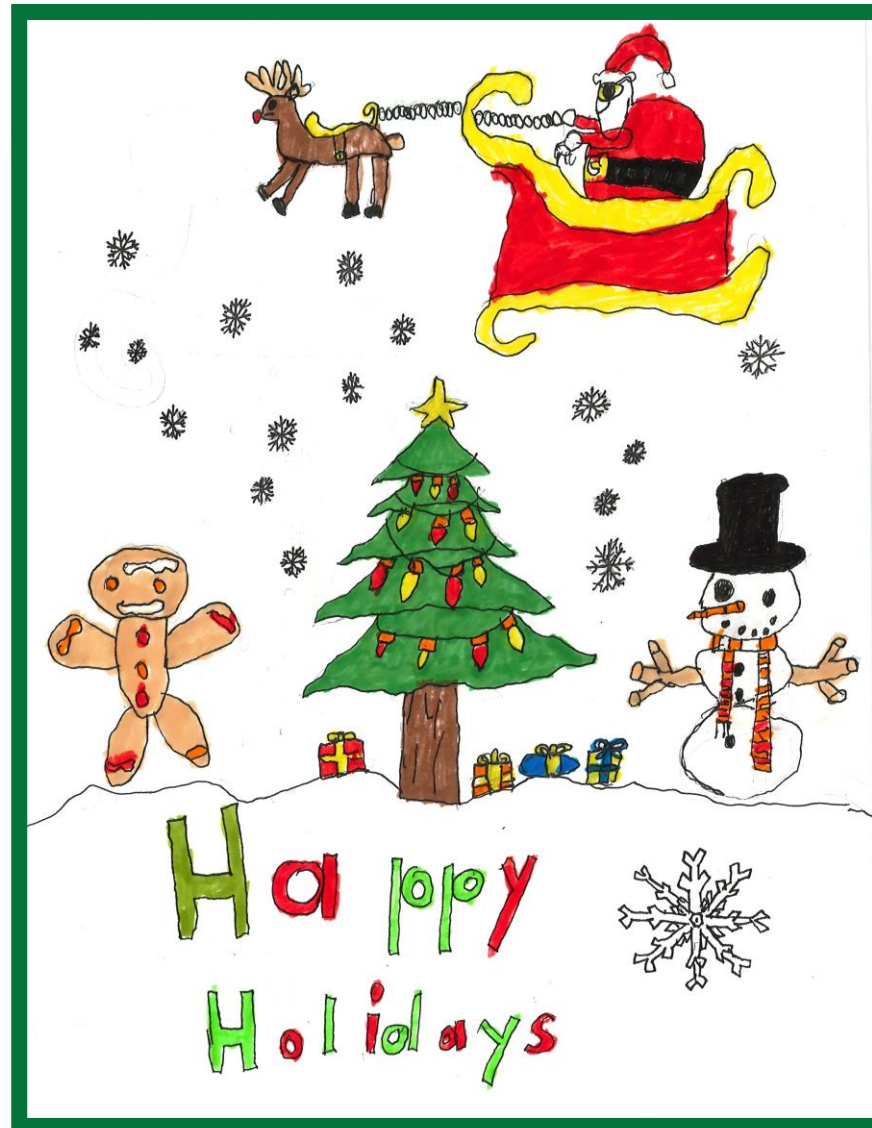
Glynn A. Green



Aaron
Glynn A. Green



Simon
A.K. Wigg



Capreece Glynn A. Green



Jayda
Glynn A. Green





Congratulations to all and thank you
for taking part in this much loved
holiday tradition!

REGULAR COUNCIL MINUTES

Meeting #: C-20/2024
Date: Wednesday, December 4, 2024
Time: 9:00 AM
Location: Town of Pelham Municipal Office - Council
Chambers
20 Pelham Town Square, Fonthill

Members Present: Mayor Marvin Junkin
Councillor Bob Hildebrandt
Councillor Wayne Olson
Councillor John Wink
Councillor Kevin Ker
Councillor Shellee Niznik
Councillor Brian Eckhardt

Staff Present: David Cribbs
Bob Lymburner
Jason Marr
Teresa Quinlin-Murphy
Jennifer Stirton
Vickie vanRavenswaay
Sarah Leach
Pamela Duesling
Sarah Conidi
Usama Seraj
Ryan Cook

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 9:00 am.

2. National Anthem

3. Land Recognition Statement

Councillor Olson read the land recognition statement into the record.

4. Approval of the Agenda

Moved By Councillor Bob Hildebrandt
Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT the agenda for the December 4, 2024 Regular meeting of Council be adopted, as circulated.

Carried

5. Disclosure of Pecuniary Interests and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

6. Hearing of Presentation, Delegations, Regional Report

6.1 Presentations

6.1.1 Parks and Recreation User Fee Study, Report and Presentation by Watson & Associates Economists Ltd.

Presentation by Sean-Michael Stephen, Watson & Associates Economists Ltd.

Moved By Councillor John Wink

Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT Council receive the Parks and Recreation User Fee Study and presentation by Watson and Associates Economists Ltd.

Carried

6.2 Staff Report Requiring Action

6.2.1 2025 User Fee Approval, 2024-0275-Corporate Services

A friendly amendment was proposed to increase the Peace Park rental fee within the Clerk's Schedule to \$27.00, aligning with the proposed fee contained within the Recreation, Culture and Wellness Schedule.

A friendly amendment was proposed to increase the photocopy fee within the Clerk's Schedule to \$0.30, aligning with the proposed fee contained within the Community Planning and Development Schedule.

Teresa Quinlin-Murphy, Treasurer, identified a correction to page 37 of the Schedule, being:

- Road Closure/Open Fees - Overtime – Closure /Open increasing from \$312.00 to \$321.00
- Road Closure/Open Fees - Double Time Sunday and Holidays – Closure /Open increasing from \$383.00 to \$395.00

Main motion:

Moved By Councillor Kevin Ker

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive Report #2025-0275
– 2025 User Fees and Charges Report, for information;

AND THAT Council approve the 2025 User Fees and
Charges;

AND THAT Council direct staff to prepare and present the
2025 User Fees and Charges By-law for consideration at
the next regular meeting of Council.

Amendment:

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Kevin Ker

**THAT the Clerk's Fee Schedule be amended to
increase the Affidavit/Commissioner fees from
\$15.00 to \$20.00;**

**AND THAT a non-resident fee of \$30.00 be added to
the Affidavit/Commissioner schedule;**

**AND THAT the Clerk's Fee Schedule be amended to
increase the Burial Permits/Death Registrations fee
from \$10.00 to \$20.00;**

**AND THAT the Clerk's Fee Schedule be amended to
increase the retrieval of records fee to \$20.00.**

Carried

Amendment:

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Brian Eckhardt

THAT the Recreation, Culture and Wellness Schedule be
amended to increase the prime-time adult arena rental fee
by 5%.

Defeated

Amendment:

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Kevin Ker

THAT the Recreation, Culture and Wellness Schedule be amended to create and increase the non-resident, prime-time adult summer arena rental fee by 5%.

Defeated

Amendment:

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Brian Eckhardt

THAT the Recreation, Culture and Wellness Schedule be amended to increase the Event Electrical System, including ESA Inspection fee from \$1150.00 to \$1200.00.

Carried

Amendment:

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Wayne Olson

THAT the Recreation, Culture and Wellness Schedule be amended to increase the baseball diamond lighting (per hour) to \$32.00;

AND THAT the soccer field lighting remain at \$32.00 per hour.

Carried

Motion as Amended:

Moved By Councillor Brian Eckhardt

Seconded By Councillor Kevin Ker

BE IT RESOLVED THAT Council receive Report #2025-0275 – 2025 User Fees and Charges Report, for information;

AND THAT Council approve the 2025 User Fees and Charges, as amended;

AND THAT Council direct staff to prepare and present the 2025 User Fees and Charges By-law for consideration at the next regular meeting of Council.

Carried

6.3 Delegations

6.3.1 2024 Summerfest Final Report Presentation

Delegation by Bea Clark, Chair of the Summerfest Working Group.

Moved By Councillor John Wink

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive the 2024 Summerfest final report and presentation from Bea Clark, Chair of the Summerfest Working Group, for information.

Carried

6.3.2 Kaiser and Associates Inc. re: Proposed Development Charges By-law

Delegation by Stephen Kaiser of Kaiser & Associates Inc. regarding the proposed Development Charges By-Law.

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT Council receive the delegation from Stephen Kaiser of Kaiser & Associates Inc. regarding the proposed Development Charges By-Law, for information.

Carried

6.3.3 Niagara Home Builders Association re: Proposed Development Charges By-Law

Delegation by Chuck McShane of Niagara Home Builders Association regarding the proposed Development Charges By-Law.

Moved By Councillor Wayne Olson

Seconded By Councillor Kevin Ker

BE IT RESOLVED THAT Council receive the delegation from Chuck McShane of Niagara Home Builders Association regarding the proposed Development Charges By-Law, for information.

Carried

7. Presentation and Consideration of Development Charges By-Law

Moved By Councillor Brian Eckhardt
Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-law do now read a first, second and third time and do pass same, and

THAT the Mayor and Clerk be and are hereby authorized to sign and seal the by-law:

1. By-law 83-2024 - Being a By-law for the Imposition of Development Charges and to Repeal By-law 4023 (2018) and amending By-laws 4149 (2019), 4314 (2021), and 4431 (2022)

Carried

8. Adoption of Council Minutes

Moved By Councillor Shellee Niznik
Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT the following minutes be adopted as printed, circulated and read:

1. C-19/2024 Regular Council Meeting - November 20, 2024

Carried

9. Staff Report Requiring Action

**9.1 Fonthill Branch Library Renovations, 2024-0283-
Corporate Services**

Main Motion:

Moved By Councillor Wayne Olson
Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive Report 2024-0283-Fonthill Branch Library Renovation, for information;

AND THAT Council approve the Town's contribution of \$934,394 for funding the library renovations and include it in the 2025 Capital Budget;

AND THAT Council approve Project Scenario # _____;

AND THAT Council approve Option # _____ for debt funding.

Motion to Defer:

Moved By Councillor Wayne Olson
Seconded By Councillor Shellee Niznik

THAT Council defer the decision of the Fonthill Branch Library Renovations;

AND THAT staff be directed to consult with the Lincoln Pelham Public Library Board, to gain a more thorough understanding of their priorities and requests at varying price points;

AND THAT staff, in conjunction with the Lincoln Pelham Public Library Board, be directed to report back to Council on the matter.

Carried

9.2 2025 Capital Budget for Approval, 2024-0280-Corporate Services

Main Motion:

Moved By Councillor Shellee Niznik
Seconded By Councillor John Wink

BE IT RESOLVED THAT Council receive Report # 2024-0280-Corporate Services, for information;

AND THAT Council approve the 2025 Capital Budget including all motions made by Council at the Committee of the Whole meeting on November 18, 2024;

AND THAT Council approve the Town's contribution to the library renovation, as selected through report 2024-0270 - Fonthill Branch Library Renovation.

Amendment:

Moved By Councillor Shellee Niznik
Seconded By Councillor Wayne Olson

THAT the motion be amended to add:

AND THAT Council red circle the budget request from the Pelham Minor Baseball Association for batting cage lighting at Centennial Park in the amount of \$75,000.

Carried

Amendment:

Moved By Councillor Bob Hildebrandt
Seconded By Councillor Wayne Olson

THAT the motion be amended to add:

AND THAT Council move Project 301154 - MCC Hot Water Tank from the 10-year plan to the 2025 Capital budget and reduce the budgeted amount from \$18,000 to \$10,000.

Carried

Amendment:

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Brian Eckhardt

THAT the motion be amended to add:

AND THAT Council red circle project FAC 05-25 Town Hall – Window Replacement, in the 2025 Capital Budget, in the amount of \$115,000.

Carried

Amendment:

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Kevin Ker

THAT the motion be amended to add:

AND THAT Council increase the budget for project FAC 07-25 OPTH – Furnace Replacement from \$6,000 to \$12,000.

Carried

Motion As Amended:

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Kevin Ker

BE IT RESOLVED THAT Council receive Report #2024-0280-Corporate Services, for information;

AND THAT Council approve the 2025 Capital Budget including all motions made by Council at the Committee of the Whole meeting on November 18, 2024;

AND THAT Council red circle the budget request from the Pelham Minor Baseball Association for batting cage lighting at Centennial Park in the amount of \$75,000;

AND THAT Council move Project 301154 - MCC Hot Water Tank from the 10-year plan to the 2025 Capital budget

and reduce the budgeted amount from \$18,000 to \$10,000;

AND THAT Council red circle project FAC 05-25 Town Hall – Window Replacement, in the 2025 Capital Budget, in the amount of \$115,000;

AND THAT Council increase the budget for project FAC 07-25 OPTH – Furnace Replacement from \$6,000 to \$12,000.

Carried

10. Request(s) to Lift Consent Agenda Item(s) for Separate Consideration

Councillor Hildebrandt lifted items 11.1.1 (now listed as item 12.1 in minutes) and 11.3.3 (now listed as item 12.1 in minutes).

Councillor Niznik lifted item 11.1.2 (now listed as item 12.3 in minutes).

11. Consent Agenda Items to be Considered in Block

Moved By Councillor Shellee Niznik

Seconded By Councillor John Wink

BE IT RESOLVED THAT the Consent Agenda items as listed on the December 4, 2024, Council Agenda be received and the recommendations contained therein be approved, save and except items 11.1.1, 11.1.2, and 11.3.3:

Consent Agenda Items to be Considered in Block

~~11.1 Presentation of Recommendations Arising from Committee of Council, for Council Approval~~

~~11.1.1 SCOW 01/2024 Special Committee of the Whole, Capital Budget Meeting – November 18, 2024~~

~~BE IT RESOLVED THAT Council hereby approves the Recommendations Resulting from:~~

- ~~1. SCOW 01/2024 Special Committee of the Whole, Capital Budget Meeting – November 18, 2024.~~

~~11.1.2 SCOW 02/2024 Special Committee of the Whole, Operating Budget Meeting – November 27, 2024~~

~~BE IT RESOLVED THAT Council hereby approves the Recommendations Resulting from:~~

- ~~1. SCOW 02/2024 Special Committee of the Whole, Operating Budget Meeting – November 27, 2024.~~

11.2 Minutes Approval - Committee of Council

11.2.1 SCOW-01/2024 Special Committee of the Whole, Capital Budget Meeting - November 18, 2024

BE IT RESOLVED THAT the following minutes be adopted as printed, circulated and read:

- 1. SCOW-01/2024 Special Committee of the Whole, Capital Budget Meeting - November 18, 2024**

11.2.2 SCOW-02/2024 Special Committee of the Whole, Operating Budget Meeting - November 27, 2024

BE IT RESOLVED THAT the following minutes be adopted as printed, circulated and read:

- 1. SCOW-02/2024 Special Committee of the Whole, Operating Budget Meeting - November 27, 2024**

11.3 Staff Reports of a Routine Nature for Information or Action

11.3.1 Ontario Arts Council Mural , 2024-0247-Recreation

BE IT RESOLVED THAT Council receive Report #2024-0247 - Ontario Arts Council Mural Report, for information.

11.3.2 2024 Tree Maintenance Program Summary , 2024-0271-Public Works

BE IT RESOLVED THAT Council receive Report #2024-0271 – 2024 Tree Maintenance Program Summary Report, for information.

~~**11.3.3 Structural Repair and Inspection of the Pelham Arches, 2024-0274 Public Works**~~

~~**BE IT RESOLVED THAT Council receive Report #2024-0274 Structural Repair and Inspection of the Pelham Arches, for information.**~~

11.4 Information Correspondence

11.4.1 John Delisio Comments re: Proposed Development Charge By-law

BE IT RESOLVED THAT Council receive the comments from John Delisio of Sterling Realty (Niagara) Inc regarding the proposed Development Charge By-law, for information.

11.5 Regional Municipality of Niagara Correspondence for Information or Action

11.5.1 Niagara Region 2025 Water and Wastewater Operating Budget, Rate Setting and Requisition
BE IT RESOLVED THAT Council receive Niagara Region's correspondence regarding 2025 Water and Wastewater Operating Budget, Rate Setting and Requisition, for information.

Carried

12. Consent Agenda Item(s) Lifted for Separate Consideration, if any

12.1 SCOW-01/2024 Special Committee of the Whole, Capital Budget Meeting - November 18, 2024

Main Motion:

BE IT RESOLVED THAT Council hereby approves the Recommendations Resulting from:

1. SCOW-01/2024 Special Committee of the Whole, Capital Budget Meeting - November 18, 2024.

Amendment:

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Brian Eckhardt

THAT the motion be amended to add:

as amended through report 2024-0280 2025 Capital Budget for Approval, approved December 4, 2024.

Carried

Motion as Amended:

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council hereby approves the Recommendations Resulting from:

1. SCOW-01/2024 Special Committee of the Whole, Capital Budget Meeting - November 18, 2024, as amended through report 2024-0280 2025 Capital Budget for Approval, approved December 4, 2024.

Carried

12.2 SCOW-02/2024 Special Committee of the Whole, Operating Budget Meeting - November 27, 2024

Moved By Councillor Shellee Niznik

Seconded By Councillor Kevin Ker

BE IT RESOLVED THAT Council hereby approves the Recommendations Resulting from:

1. SCOW-02/2024 Special Committee of the Whole, Operating Budget Meeting - November 27, 2024.

Carried

12.3 Structural Repair and Inspection of the Pelham Arches, 2024-0274-Public Works

Council directed staff to provide an update report detailing the costs associated with the proposed rehabilitation strategies for the Pelham Arches and to submit a forensic report analyzing the causes of the Pelham Arches' failure.

Moved By Councillor Bob Hildebrandt

Seconded By Councillor John Wink

BE IT RESOLVED THAT Council receive Report #2024-0274 Structural Repair and Inspection of the Pelham Arches, for information.

Carried

Moved By Councillor Kevin Ker

Seconded By Councillor Shellee Niznik

THAT THE agenda be reorganized to consider Item 16 - Election of the Deputy Mayor and Item 17 - Presentation of By-laws, prior to Staff Reports Requiring Action.

Carried

16. Election of Deputy Mayor – 2 Year Term

16.1 Call for Nominations

The Town Clerk called for nominations a total of three (3) times.

Councillor Niznik nominated Councillor Eckhardt.

Councillor Hildebrandt nominated Councillor Olson.

16.2 Nominees Acceptance/Refusal of Nomination

Councillor Eckhardt and Councillor Olson accepted their nomination.

16.3 Nominees Speech – 2 Minutes

Councillor Eckhardt and Councillor Olson each provided a two-minute speech declaring their suitability for the Deputy Mayor position.

16.4 Vote by Secret Ballot

Council conducted their vote by secret ballot.

16.5 Recess for Town Clerk and Deputy Clerk to Tally Votes

The Clerk and Deputy Clerk temporarily recessed to tally the ballots.

16.6 Appointment of Deputy Mayor by Resolution

The Town Clerk verbally announced Councillor Eckhardt's success in the vote for Deputy Mayor.

Moved By Councillor Shellee Niznik

Seconded By Councillor Wayne Olson

BE IT RESOLVED that pursuant to section 238 of the *Municipal Act, 2001, S.O. 2001, c. 25* and Town of Pelham By-law No. 4107(2019), as amended or replaced from time to time, Council for the Town of Pelham appoints Councillor Eckhardt as Deputy Mayor for a term of two (2) years commencing on the date on which the Deputy Mayor is appointed by by-law or until a successor is appointed;

AND THAT the Deputy Mayor shall be the presiding officer at all meetings of Council including any Regular, Special or Emergency meeting of Council or Committee of Council from which the Mayor is absent or at which the Mayor is unable or refuses to act;

AND THAT at any such meetings the Deputy Mayor shall act in the place and stead of the Mayor and shall exercise all the rights, powers and authority of the Mayor;

AND THAT Council Direct the Town Clerk to prepare and present a Deputy Mayor appointment by-law, at the next Regular Meeting of Council.

Carried

17. Presentation and Consideration of By-Laws

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Kevin Ker

BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-law(s) do now read a first, second and third time and do pass same, and

THAT the Mayor and Clerk be and are hereby authorized to sign and seal the by-law(s):

1. By-law 84-2024 - Being a By-law to Redivide the Wards in the Town of Pelham and to repeal and replace By-Law No. 3402(2013).

2. By-law 85-2024 - Being a By-law to exempt Blocks 174 and 175, 59M-505, municipally known as 2, 4, 6, 8, 12, 14, 16, and 18 Arsenault Crescent, from Part Lot Control. Saffron Meadows Phase 3 (Rinaldi Homes Niagara Inc.) File No. PLC-06-2024

3. By-law 86-2024 - Being a By-law to amend Zoning By-law 4481(2022), as amended, for lands on the south side of Quaker Road east of Pelham Street and west of Clare Avenue legally described as Part of Lot 237, Geographic Township of Thorold, Town of Pelham, Regional Municipality Of Niagara from the Residential 1 (R1) and Residential Multiple 1-133 Holding (RM1-133 (H)) zones to the amended Residential Multiple 1 – 133 Holding (RM1-133(H)) zone. Bauer Landing (701 & 717 Quaker Road) File No. AM-07-2024

Carried

13. Presentation and Consideration of Reports

13.1 Members of Council Reports

13.2 Staff Reports Requiring Action

13.2.1 Pelham Summerfest 2024 Final Report , 2024-0281-Recreation

Deferred to December 18, 2024.

13.2.2 2024 Summer Chill Series Final Report, 2024-0266-Recreation

Deferred to December 18, 2024.

13.2.3 Administrative Penalty By-law - 2024 Update to Schedule A, 2024-0277-Town Solicitor

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive Report # 2024-0277 Administrative Penalty By-law 2024 Schedule "A" Update, for information;

AND THAT Council approve the proposed updated Schedule "A" to By-law No. 68-2023, being the Administrative Penalty Process By-law for Non-Parking By-laws;

AN THAT Council direct staff to prepare a by-law to amend By-law No. 68-2023 to repeal the existing Schedule "A" and replace it with the proposed updated Schedule "A" attached hereto;

AND THAT Council direct the proposed updated Schedule "A" and the by-law to amend By-law No. 68-2023 to be finalized and presented to Council for consideration at the next regular meeting of Council.

Carried

13.2.4 Pelham Street Sanitary Spot Repairs Between Church Hill and Highway 20 East, 2024-0272-Public Works

Moved By Councillor Shellee Niznik

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive Report # 2024-0272 – Pelham Street Sanitary Spot Repairs Between Church Hill and Highway 20 East, for information;

AND THAT Council approve an estimated budget of \$100,000.00 funded from the Wastewater Reserve to complete the Emergency Repairs Sanitary Spot Repairs Between Church Hill and Highway 20 East project;

AND THAT Council approve the immediate procurement of goods and services for this repair in accordance with Section H(e) of Procurement Policy S402-00, as it is deemed an emergency.

Carried

14. Unfinished Business

15. New Business

18. Motions and Notices of Motion

18.1 Notice of Motion - Councillor Olson re: 'Lest We Forget' Crosswalks

Motion to be considered December 18, 2024.

18.2 Mayor Junkin Motion re Procedure for National Anthem Performances at Regular Council Meetings

Deferred to December 18, 2024.

19. Resolution to Move In Camera

20. Rise From In Camera

21. Confirming By-Law

Moved By Councillor John Wink

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT the following By-law be read a first, second and third time and passed:

Being a By-law No. 87-2024 to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 4th day of December, 2024.

Carried

22. Adjournment

The meeting adjourned at 1:30 pm.

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT all remaining agenda items, being 13.2.1, 13.2.2, 18.1 and 18.2, be deferred to the next regular meeting of Council;

AND THAT this regular Meeting of Council be adjourned until the next regular meeting scheduled for December 18, 2024, at 9:00 am.

Carried

Mayor: Marvin Junkin

Acting Town Clerk: Sarah Leach

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

777, rue Bay, 17^e étage
Toronto (Ontario) M7A 2J3
Tél. : 416 585-7000



234-2024-5434

November 28, 2024

Dear Head of Council:

Through the *More Homes Built Faster Act, 2022*, changes were made to the *Planning Act* to accelerate implementation of the province's additional residential unit (ARU) framework. These changes allowed "as-of-right" (without the need to apply for a rezoning) the use of up to 3 units per lot in many existing residential areas (i.e., up to 3 units allowed in the primary building, or up to 2 units allowed in the primary building and 1 unit allowed in an ancillary building such as a garage).

To support implementation of ARUs, the *Cutting Red Tape to Build More Homes Act, 2024*, made further changes to the *Planning Act* to provide me, as the Minister of Municipal Affairs and Housing, with broader regulation-making authority to remove municipal zoning by-law barriers that may be limiting the development of ARUs.

Following consultation on the Environmental Registry of Ontario, our government has taken further action to tackle the housing supply crisis and reach our goal of building more homes by amending [Ontario Regulation 299/19 – Additional Residential Units](#) to remove certain municipal zoning by-law barriers. These changes took effect upon filing.

These changes will help to facilitate the creation of ARUs, such as basement suites and garden suites, by eliminating barriers including maximum lot coverage, angular planes, floor space index (FSI), minimum separation distances and minimum lot sizes on parcels of urban residential land subject to the ARU framework in the *Planning Act*. More information on these changes can be found through [Environmental Registry of Ontario posting 019-9210](#).

It is my expectation that municipalities will respect these regulatory changes and the intent behind them. I will not hesitate to use my available powers to ensure these changes to the *Planning Act* are allowed to support our goal of building more homes.

We will continue working with our municipal partners to achieve our goal of building the homes that Ontarians need.

Sincerely,



Hon. Paul Calandra
Minister of Municipal Affairs and Housing

c. Martha Greenberg, Deputy Minister

Jessica Lippert, Chief of Staff to Minister Calandra

Chief Administrative Officer
Office of The Clerk



Sam Oosterhoff

Member of Provincial Parliament
Niagara West

Queen's Park Office
22nd Floor, Mowat Block
900 Bay Street, Toronto, ON M7A 1L2
Tel: 416-326-1697
Email: sam.oosterhoff@pc.ola.org

Constituency Office
Unit M1, 4961 King Street East
Beamsville, ON L0R 1B0
Tel: 905-563-1755
Email: sam.oosterhoffco@pc.ola.org

Dear Members of the Community Sport and Recreation Infrastructure Fund Committee,

As MPP for Niagara West, I am writing to express my full support for the application (Case Number 2024-08-1-2988672999) by the Town of Pelham to the Repair and Rehabilitation Stream of the Community Sport and Recreation Infrastructure Fund. The Town of Pelham is a vibrant community located in the heart of Niagara and is a growing municipality and preferred settlement area in the Regional Municipality of Niagara.

The Town of Pelham is proposing several key upgrades at Centennial Park in Fenwick that would rehabilitate critical assets, including ball and soccer fields, tennis courts, walkway networks and enhanced LED lighting.

This application supports the objectives of the Repair and Rehabilitation Stream of the Community Sport and Recreation Infrastructure Fund to extend the lifespan, maximize use and improve the health and safety, accessibility and environment standards of an existing recreational facility.

Thank you for your consideration of the application by the Town of Pelham to the Repair and Rehabilitation Stream of the Community Sport and Recreation Infrastructure Fund.

Sincerely,

Sam Oosterhoff, MPP
Niagara West



Sam Oosterhoff

Member of Provincial Parliament
Niagara West

Queen's Park Office
22nd Floor, Mowat Block
900 Bay Street, Toronto, ON M7A 1L2
Tel: 416-326-1697
Email: sam.oosterhoff@pc.ola.org

Constituency Office
Unit M1, 4961 King Street East
Beamsville, ON L0R 1B0
Tel: 905-563-1755
Email: sam.oosterhoffco@pc.ola.org

Dear Members of the Community Sport and Recreation Infrastructure Fund Committee,

As MPP for Niagara West, I am writing to express my full support for the application (Case Number 2024-08-1-2988673059) by the Town of Pelham to the Build New and Transformative Sport and Recreation Facilities Stream of the Community Sport and Recreation Infrastructure Fund. The Town of Pelham is a vibrant community located in the heart of Niagara and is a growing municipality and preferred settlement area in the Regional Municipality of Niagara.

The Town of Pelham is proposing to build a new pavilion at Centennial Park in Fenwick. The new recreational facility will feature change rooms, accessible washrooms and storage and office spaces for use by local sports organizations, as well as a covered picnic area.

This application supports the objectives of the Build New and Transformative Sport and Recreation Facilities of the Community Sport and Recreation Infrastructure Fund addressing a demonstrated community need, transforming local infrastructure and attracting investment and economic growth.

Thank you for your consideration of the application by the Town of Pelham to the Build New and Transformative Sport and Recreation Facilities of the Community Sport and Recreation Infrastructure Fund.

Sincerely,

Sam Oosterhoff, MPP
Niagara West

Meeting #: 10-2024
Date: Monday, October 7, 2024
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Colin McCann
 John Cappa
 Sue Sarko

Members Absent Brenda Stan
 Isaiah Banach

Staff Present Jodi Legros
 Sarah Leach
 Andrew Edwards
 Pam Duesling
 Derek Young

1. Attendance

Applicants, Agents and viewing members of the public via hybrid in-person and live-stream through the Town of Pelham YouTube Channel.

2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff

Noting that a quorum was present, Chair Cappa called the meeting to order at approximately 4:00 pm. The Chair read the opening remarks to inform those present on the meeting protocols and he introduced the hearing panel and members of staff present.

3. Land Recognition Statement

Ms. Jodi Legros, Assistant Secretary-Treasurer, recited the land recognition statement.

4. Approval of Agenda

Moved By Colin McCann

Seconded By Sue Sarko

THAT the agenda for the October 7, 2024 Committee of Adjustment meeting be adopted, as circulated.

Carried

5. Disclosure of Pecuniary Interest and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

6. Requests for Withdrawal or Adjournment

Ms. Jodi Legros, Assistant Secretary-Treasurer stated no requests for withdrawal or adjournment have been made.

7. Applications for Minor Variance

7.1 A31-2024P - 13 Accursi Crescent

File A31-2024P was heard concurrently with Files A32-2024P and A33-2024P.

Purpose of the Application

Application for relief is made, to facilitate the construction of a block townhouse dwelling unit from the following section(s) of the Zoning By-law:

- A31-2024P – To permit a maximum lot coverage of 51.38% whereas the By-law permits a maximum lot coverage of 50%.
- A32-2024P – To permit a maximum lot coverage of 56.48% whereas the By-law permits a maximum lot coverage of 50%.
- A33-2024P – To permit a maximum lot coverage of 52.98% whereas the By-law permits a maximum lot coverage of 50%.

Representation

The Applicant, Antony Candeloro was present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building

Applicants Comments

Mr. Antony Candeloro of Centennial Homes informed the committee that the development was acquired with the designs from the previous owner and was unaware that the maximum lot coverage was not met. However, they intend to build with the proposed designs as they fit well within the neighbourhood. Mr. Candeloro informed the committee that the stormwater management report has been submitted to the Director of Public Works.

Public Comments

None

Ms. Legros, Assisant Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:14 pm and confirmed no e-mails have been received concerning the subject application. Ms. Legros indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By Colin McCann

Seconded By Sue Sarko

THAT the public portion of the meeting be closed.

Carried

Member Comments

None

Moved By Sue Sarko

Seconded By Colin McCann

Application for relief of Section 6.4.4 “Zone Requirements for a Block Townhouse Dwelling” – to permit a maximum lot coverage of 51.38% whereas the By-law permits a maximum lot coverage of 50%, is hereby: GRANTED.

Application for relief of Section 6.4.4 “Zone Requirements for a Block Townhouse Dwelling” – to permit a maximum lot coverage of 56.48% whereas the By-law permits a maximum lot coverage of 50%, is hereby: GRANTED.

Application for relief of Section 6.4.4 “Zone Requirements for a Block Townhouse Dwelling” – to permit a maximum lot coverage of 52.98% whereas the By-law permits a maximum lot coverage of 50%, is hereby: GRANTED.

The above decisions are based on the following reasons:

- 1. The variances are minor in nature as the increased coverage will not significantly alter the built environment or impact neighbouring properties. The increased coverage will maintain a generous portion of the lot as open space, ensuring the property’s character remains consistent with the surrounding area.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposals are desirable for the appropriate development and/or use of the land because it will permit design flexibility while maintaining adequate amenity area.**
- 5. The applications are granted without prejudice to any other application in the Town of Pelham.**
- 6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that the applications meet the Planning Act tests for minor variance.**

The above decisions are subject to the following conditions:

- 1. That all necessary building permits are obtained prior to construction commencing, to the satisfaction of the Chief Building Official.**

Prior to Building Permit:

1. To the Satisfaction of the Director of Public Works

- 1. That a revised stormwater management report indicating revised calculations with respect to surface run-off due to increased impervious surfaces be provided to the satisfaction of the Director of Public Works.**
- 2. That a Comprehensive Lot Grading and Drainage Plan be provided demonstrating overland flow routes, identifying swales and roof leader discharge locations, and showing neither parcel relies on the other for drainage, to the satisfaction of the Director of Public Works. Please be advised that no sideyard walkways that impede sideyard swales shall be permitted.**

Carried

7.2 A32-2024P - 11 Accursi Crescent

File A32-2024P was considered concurrently with file A31-2024P.

7.3 A33-2024P 9 Accursi Crescent

File A33-2024P was considered concurrently with file A31-2024P.

8. Applications for Consent

8.1 B15-2024P - 6 Elizabeth Drive

Purpose of the Application

Application B15-2024P is made for consent to partial discharge of mortgage and consent to convey 698.4 square metres of land (Part 1), for future construction of a single detached dwelling. Part 2 is to be retained for the future construction of a single detached dwelling.

Representation

The Agent, Ethan Laman was present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building

4. Hydro One
5. Vince and Carla Andronico

Applicants Comments

The agent, Ethan Laman, shared a presentation and noted agreement with the staff recommendation report and acceptance of the conditions for approval.

In response to a Committee member's inquiry regarding the offset of the buildings' front, the Agent clarified that the building envelope shown on the sketch is for demonstrative purposes with the intention of achieving a consistent streetscape.

Public Comments

Paula Berketo, representing neighbouring property owners, addressed the Committee regarding the proposed consent. She shared her deep connection to the neighbourhood and expressed significant concerns about the application, highlighting its potential to negatively impact the neighbourhood's established character. She described the area as one defined by its generous lot sizes, unique mid-century to modern styles, and mature treed landscapes which have remained largely unchanged over the decades.

Ms. Berketo explained the proposed severance would disrupt this character and undermine the visual and physical cohesion of the neighbourhood. The neighbourhood's architectural style is characterized by horizontal proportions, low-pitched roofs, and spacious front and back yards, features that would not be reflected in the proposed development. Ms. Berketo elaborated that the proposed development would result in homes that are out of scale with their surroundings disrupting the established streetscape.

Ms. Berketo also raised concerns about potential damage to mature trees and foundations during construction and the negative impact on privacy and sunlight for adjacent properties. Ms. Berketo commented that demolition of the original home was demolished prior to the application noting it created an unnecessary landfill and destroyed a home that contributed to the streetscape. She further emphasized the potential for environmental damage, including harm to mature trees on adjacent properties and two significant street trees.

While acknowledging the Town's goal to increase density, she argued that this particular proposal does not align with the neighbourhood's established built form and is better suited for newer subdivisions. She concluded that the proposal does not align with the policies and objectives outlined in the Town's Official Plan, Provincial Policy Statement, or Planning Act.

Another member of the public raised concerns about traffic, specifically the yield sign at the corner, and suggested that adding a house at this location could worsen the issue and asked if town staff could review the traffic situation. The Chair explained that while major developments undergo comprehensive traffic reviews, the impact of a single additional house is typically minimal.

Ms. Legros, Assistant Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:48 pm and confirmed no e-mails have been received concerning the subject application. Ms. Legros indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By Colin McCann

Seconded By John Cappa

THAT the public portion of the meeting be closed.

Carried

Member Comments

A Member clarified that the purpose of this application is to gather comments on the proposed lot severance. While the developer has suggested potential buildings, comments are speculative, and discussion should remain focused on the lot severance. The Chair noted that the demolition of the house on the lot is not part of this application.

Public Works staff provided answers to Committee Member inquiries explaining the tree preservation plan, which includes planting trees for every tree removed and establishing exclusion zones around tree canopies to prevent disturbance. Questions were raised regarding the driveway location relative to the existing yield sign, and Public Works confirmed this would be reviewed once driveway locations are defined, ensuring compliance with sightline requirements.

Public Works also addressed the functional servicing report, noting the property previously operated as a single home with water service on the north side and sanitary service on the south side. After severance, one lot will retain water service, while the other lot will have sanitary service.

Regarding the retaining wall on the west side of the property, Public Works stated it would remain unless grading onto the property is required, in which case it would extend to the development area.

Moved By Colin McCann

Seconded Sue Sarko

Application is made for consent to partial discharge of mortgage and consent to convey 698.4 square metres of land (Part 1), for future construction of a single detached dwelling. Part 2 is to be retained for the future construction of a single detached dwelling: GRANTED

The above decision is subject to the following conditions:

To the Satisfaction of the Director of Public Works

- 1. Prepare and submit a Site Servicing Plan/Functional servicing report, to the satisfaction of the Director of Public Works, or designate.**
- 2. Submit a comprehensive Lot Grading & Drainage Plan for all parcels demonstrating that the drainage neither relies, nor negatively impacts neighboring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works, or designate. Please be advised that no side yard walkways that impede side yard swales shall be permitted.**
- 3. Confirm that no existing utilities cross the proposed lot lines. Should any services cross these lot lines, the applicant shall be responsible for costs associated with their relocation and / or removal.**
- 4. Obtain a Driveway Access and Culvert Permit from the Town for the construction of a new driveway or any modifications to existing driveways/entrance. Installation and/or modification of new entrances shall be completed in accordance with Town Standards.**

5. **Lots are to be individually serviced with its own sanitary and water connections and constructed in accordance with Town of Pelham Engineering Standards. Installation of any services will require a Temporary Works Permit obtained through the Public Works Department. These works are to be completed prior to consent and the applicant shall bear all costs associated with these works. Locate cards are to be provided to the Town once works are complete.**
6. **That the applicant prepare and provide a Tree Preservation Plan to the satisfaction of the Directors of Public Works and Director of Community Planning and Development, and that the Owner conform with Town Tree Maintenance Policy S802-01.**

To the Satisfaction of the Director of Community Planning & Development

1. **That the Owner provide the Ministry of Citizenship and Multiculturalism clearance letter and acknowledge no demolition, grading or other soil disturbances shall take place on the subject land prior to the issuance of a Ministry letter confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.**
2. **Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.**

To the Satisfaction of the Secretary-Treasurer

1. **That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.**
2. **That the final certification fee of \$436, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.**

This decision is based on the following reasons:

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
- 2. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
- 3. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**
- 4. The applicant is aware they must comply with the Town Tree Maintenance Policy S802-01.**

Carried

9. Minutes for Approval

Moved By Colin McCann
Seconded By John Cappa

THAT the Committee of Adjustment minutes dated August 6, 2024, be approved.

Carried

10. Adjournment

The hearing was adjourned at 5:01 pm.

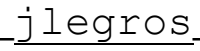
Moved By Sue Sarko
Seconded By Colin McCann

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for November 4, 2024 at 4:00 p.m.

Carried



John Cappa, Chair



Jodi Legros, Assistant Secretary-Treasurer

Meeting #: 11-2024
Date: Monday, November 4, 2024
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Brenda Stan
Isaiah Banach
Sue Sarko

Members Absent Colin McCann
John Cappa

Staff Present Jodi Legros
Sarah Leach
Sarah Conidi
Andrew Edwards
Shannon Larocque
Gim Ledesma

1. Attendance

Applicants, Agents and viewing members of the public via hybrid in-person and live-stream through the Town of Pelham YouTube Channel.

2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff

Noting that a quorum was present, Chair Banach called the meeting to order at approximately 4:00 pm. The Chair read the opening remarks to inform those present on the meeting protocols and he introduced the hearing panel and members of staff present.

3. Land Recognition Statement

Ms. Jodi Legros, Assistant Secretary-Treasurer, recited the land recognition statement.

4. Approval of Agenda

Moved By Brenda Stan

Seconded By Sue Sarko

THAT the agenda for the November 4, 2024 Committee of Adjustment meeting be adopted, as circulated.

Carried

5. Disclosure of Pecuniary Interest and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

6. Requests for Withdrawal or Adjournment

Ms. Jodi Legros, Assistant Secretary-Treasurer advised the Committee and the interested public that the agent for minor variance file A34-2024P requested deferral to satisfy staff concerns. J.Legros stated that the file will be brought back before the Committee in the near future, and a revised notice of hearing will be circulated.

7. Applications for Minor Variance

7.1 A18-2024P - 1522 Pelham Street

Purpose of the Application

Application for relief is made to facilitate the construction of a 4-storey residential building, consisting of 27 units. The applicant seeks relief from the following section(s) of the Zoning By-law:

Exception VC-125 "Maximum Lot Coverage" – to permit a maximum lot coverage of 64.34% whereas the By-law permits a maximum lot coverage of 50%; and

Exception VC-125 "Maximum Building Height" – to permit a maximum building height of 13.72m whereas the By-law permits a maximum building height of 13.0m; and

Exception VC-125 "Parking Requirements" – to permit a ratio of 1.14 parking spaces per dwelling unit (31 spaces) whereas the By-law requires a ratio of 1.2 parking spaces per dwelling unit (33 spaces); and

Section 8.1.4 (Zone Requirements) "Minimum Front Yard" – to permit a minimum front yard setback of 0.27m whereas the By-law requires that the

main front wall of the structure shall be built between 1.0-5.0m from the front lot line; and

Section 8.1.4 (Zone Requirements) "Minimum Side Yard" – to permit a minimum side yard setback of 0m whereas the By-law requires that the minimum side yard shall be 0.6m and a maximum of 1.2m.

Representation

The Agent, William Heikoop and the Applicant, John Passero were present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building

Applicants Comments

The Agent, William Heikoop, provided a verbal presentation.

The Agent and Town Planner responded to Committee members' questions regarding the increase in the minimum setback requirement under the new Comprehensive Zoning By-law, noting that the current application is requesting a return to the original 0-meter setback.

Public Comments

None

J. Legros, Assistant Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:26 pm and confirmed no e-mails have been received concerning the subject application. J. Legros indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By Brenda Stan

Seconded By Sue Sarko

THAT the public portion of the meeting be closed.

Carried

Member Comments

The Chair indicated that the application appeared to satisfy the requirements of the Planning Act. The members offered no additional comments or concerns.

Moved By Brenda Stan

Seconded By Sue Sarko

Application for relief of Section Exception VC-125 “Maximum Lot Coverage” – to permit a maximum lot coverage of 64.34% whereas the By-law permits a maximum lot coverage of 50%, is hereby: GRANTED.

The above decision is based on the following reasons:

1. The variance is minor in nature as the site maintains adequate amenity space for the use of future residents.
2. The general purpose and intent of the Zoning By-Law is maintained.
3. The intent of the Official Plan is maintained.
4. The proposal is desirable for the appropriate development and/or use of the land because the site maintains adequate amenity space for the use of future residents. Additionally, the increased lot coverage will provide space for parking at grade that will be screened from Pelham Street which is desirable from an urban design perspective.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

Application for relief of Section Exception VC-125 “Maximum Building Height” – to permit a maximum building height of 13.72m whereas the By-law permits a maximum building height of 13.0m, is hereby: GRANTED.

1. The variance is minor in nature is not anticipated to have significant impacts on neighbouring land uses and is generally in character

with surrounding land uses, including the adjacent three storey mixed use and residential retirement home buildings.

2. The general purpose and intent of the Zoning By-Law is maintained.
3. The intent of the Official Plan is maintained.
4. The proposal is desirable for the appropriate development and/or use of the land as it will permit the construction of a building with a massing and design that is typical in a Downtown context.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

Application for relief of Section Exception VC-125 “Parking Requirements” – to permit a ratio of 1.14 parking spaces per dwelling unit (31 spaces) whereas the By-law requires a ratio of 1.2 parking spaces per dwelling unit (33 spaces), is hereby: GRANTED.

The above decision is based on the following reasons:

1. The variance is minor in nature as each residential unit has a dedicated parking space, with four (4) additional spaces that can be dedicated for visitor parking. In addition, on-street parking is available in the surrounding area.
2. The general purpose and intent of the Zoning By-Law is maintained.
3. The intent of the Official Plan is maintained.
4. The proposal is desirable for the appropriate development and/or use of the land as it will facilitate an appropriate development, including an adequate amount of parking to service the development.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and

recommendation that this application meets the Planning Act tests for minor variance.

Application for relief of Section 8.1.4 (Zone Requirements) “Minimum Front Yard” – to permit a minimum front yard setback of 0.27m whereas the By-law requires that the main front wall of the structure shall be built between 1.0-5.0m from the front lot line, is hereby: GRANTED.

The above decision is based on the following reasons:

1. The variance is minor in nature as it is compatible with the Downtown character of the site and will not detract from the streetscape of Pelham Street.
2. The general purpose and intent of the Zoning By-Law is maintained.
3. The intent of the Official Plan is maintained.
4. The proposal is desirable for the appropriate development and/or use of the land because it contributes to an active pedestrian and human scaled development.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

Application for relief of Section 8.1.4 (Zone Requirements) “Minimum Side Yard” – to permit a minimum side yard setback of 0m whereas the By-law requires that the minimum side yard shall be 0.6m and a maximum of 1.2m, is hereby: GRANTED.

The above decision is based on the following reasons:

1. The variance is minor in nature as reducing the sideyard setback will contribute to a continuous street wall along Pelham Street, contributing to a more engaging and active frontage.
2. The general purpose and intent of the Zoning By-Law is maintained.
3. The intent of the Official Plan is maintained.

4. The proposal is desirable for the appropriate development and/or use of the land as reducing the sideyard setback will contribute to a continuous street wall along Pelham Street, contributing to a more engaging and active frontage.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

The above decisions are subject to the following conditions:

1. That all necessary building permits are obtained prior to construction commencing, to the satisfaction of the Chief Building Official.

Prior to Building Permit:

2. To the Satisfaction of the Director of Community Planning and Development
 - a. That the applicant enter into an amending site plan agreement with the Town of Pelham.
3. To the Satisfaction of the Director of Public Works
 - a. Obtain approval for a Driveway Entrance & Culvert Permit, as applicable, issued through the Public Works department, to Town standards. The applicant shall bear all costs associated with these works.
 - b. Obtain approval for a Temporary Works Permit, as applicable, issued through the Public Works department, to Town standards. The applicant shall bear all costs associated with these works.

Carried

7.2 A35-2024P - 415 Sumbler Road

Purpose of the Application

Application for relief is made, to facilitate the construction of an accessory structure (pole barn for equipment storage). The applicant seeks relief from the following section(s) of the Zoning By-law:

Section 5.14 (Zone Requirements for Buildings and Structures Accessory to a single Detached Dwelling on an Existing Vacant Lot of Record) “Maximum Lot Coverage” – to permit a maximum lot coverage of 2.55% for accessory structures whereas the By-law permits a maximum lot coverage of 1%.

Representation

The Applicant, Mike Janas was present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building

Applicants Comments

The Applicant explained the purpose of the shed is to house and maintain equipment and he confirmed to the members that the driveway would be extended to the shed.

Public Comments

None

J. Legros, Assistant Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:37 pm and confirmed no e-mails have been received concerning the subject application. J. Legros indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By Sue Sarko

Seconded By Brenda Stan

THAT the public portion of the meeting be closed

Carried

Member Comments

Considering the impact for an accessory structure the Chair indicated that the application appeared to satisfy the requirements of the Planning Act. The members offered no additional comments or concerns.

Moved By Sue Sarko

Seconded By Isaiah Banach

Application for relief of Section 5.14 (Zone Requirements for Buildings and Structures Accessory to a single Detached Dwelling on an Existing Vacant Lot of Record) “Maximum Lot Coverage” – to permit a maximum lot coverage of 2.55% for accessory structures whereas the By-law permits a maximum lot coverage of 1%, is hereby: GRANTED.

The above decision is based on the following reasons:

1. The variance is minor in nature as no negative impacts are anticipated on adjacent properties in terms of drainage, visual impacts, or with respect to the ability of the site to maintain adequate land area for private servicing.
2. The general purpose and intent of the Zoning By-Law is maintained.
3. The intent of the Official Plan is maintained.
4. The proposal is desirable for the appropriate development and/or use of the land because it will facilitate an additional accessory building for storage, which is an appropriate development for the site.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

The above decision is subject to the following conditions:

1. That all necessary building permits are obtained prior to construction commencing, to the satisfaction of the Chief Building Official.

Carried

7.3 A36-2024P - 114 Lametti Drive

Purpose of the Application

Application for relief is made to facilitate the installation of an external staircase to the basement of the existing dwelling. The applicant seeks relief from the following section(s) of the Zoning By-law:

Section 10 (Exception R2-145) "Minimum Exterior Side Yard" – to permit a minimum exterior side yard setback of 1.26m whereas the By-law requires a minimum exterior side yard setback of 3.0m.

Representation

The Applicant, Dale Kenney was present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building

Applicants Comments

The Applicant explained the purpose for the variance.

Public Comments

None

J. Legros, Assistant Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:47 pm and confirmed no e-mails have been received concerning the subject application. J. Legros indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By Brenda Stan

Seconded By Sue Sarko

THAT the public portion of the meeting be closed.

Carried

Member Comments

The Chair indicated that the application appeared to satisfy the requirements of the Planning Act. The members offered no additional comments or concerns.

Moved By Brenda Stan

Seconded By Isaiah Banach

Application for relief of Section 10 (Exception R2-145) “Minimum Exterior Side Yard” – to permit a minimum exterior side yard setback of 1.26m whereas the By-law requires a minimum exterior side yard setback of 3.0m, is hereby: GRANTED.

The above decision is based on the following reasons:

1. The variance is minor in nature as the reduction to the setback is not anticipated to result in a negative impact on the adjacent uses, drainage, streetscape, or substantially remove amenity space on the lot.
2. The general purpose and intent of the Zoning By-Law is maintained.
3. The intent of the Official Plan is maintained.
4. The proposal is desirable for the appropriate development and/or use of the land because the construction would be in character of the area which includes residential uses and accessory uses.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

The above decision is subject to the following conditions:

1. That all necessary building permits are obtained prior to construction commencing, to the satisfaction of the Chief Building Official.

Prior to Building Permit:

1. To the Satisfaction of the Director of Public Works

1. That the applicant prepare and submit a revised site plan with full details to the satisfaction of the Director of Public Works.

Carried

8. Applications for Consent

8.1 B16-2024P - 889 Canboro Road

Purpose of the Application

Application is made for consent to convey 2023.4 square metres of land (Part 1), to be added to the abutting property to the south (Part 3 – 905 Canboro Road), for the purpose of providing adequate land area for the future replacement of the existing septic system contained on Part 3. Part 2 is to be retained for continued agricultural/residential use of the property known municipally as 889 Canboro Road.

Representation

The Agent, Lisa Scolaro was present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Niagara Region
5. Hydro One

Applicants Comments

The Agent noted she is representing the owners and is the owner of 905 Canboro Road. She explained the consent is required to increase her lot size to one acre to accommodate future septic system needs.

Public Comments

None

J. Legros, Assistant Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:56 pm and confirmed no e-mails have been received concerning the subject application. J. Legros indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By Brenda Stan
Seconded By Sue Sarko

THAT the public portion of the meeting be closed.

Carried

Member Comments

None

Moved By Sue Sarko
Seconded By Brenda Stan

Application is made for consent to convey 2023.4 square metres of land (Part 1), to be added to the abutting property to the south (Part 3 – 905 Canboro Road) for the purpose of providing adequate land area for the future replacement of the existing septic system contained on Part 3. Part 2 is to be retained for continued agricultural/residential use of the property known municipally as 889 Canboro Road., is hereby: GRANTED.

The above decision is subject to the following conditions:

To the Satisfaction of the Director of Public Works

1. Confirm that no existing utilities cross the proposed lot lines. Should any services cross these lot lines, the applicant shall be responsible for costs associated with their relocation and / or removal.

To the Satisfaction of the Director of Community Planning & Development

1. Pursuant to Section 50(12) of the Planning Act, R.S.O. 1990, as amended, it is hereby stipulated that Section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, once the subject parcel of land has been conveyed to the owner of the parcel abutting to the south (Part 3 on sketch), the subject parcel and the said abutting parcel shall merge in title and become one contiguous parcel of land. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance will be taken.

To the Satisfaction of the Secretary-Treasurer

1. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That the final certification fee of \$436, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

This decision is based on the following reasons:

1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.
2. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.
3. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.

Carried

9. Minutes for Approval

Moved By Brenda Stan

Seconded By Sue Sarko

THAT the Committee of Adjustment minutes dated September 3, 2024, be approved.

Carried

10. Adjournment

The hearing was adjourned at 5:00 pm.

Moved By Isaiah Banach

Seconded By Brenda Stan

THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for December 2, 2024 at 4:00 p.m.

Carried



Isaiah Banach, Chair

jlegros

Jodi Legros, Assistant Secretary-Treasurer

Date: 28 October 2024
Time: 10:00a.m. – 11:30a.m.
Location: Council Chambers – Meeting Room

Attendance: Wayne Olson, Ward One Councillor
Jackie Oblak, Committee Chair
Pam Duesling, Director of Com-Planning & Development
Mike Jones, Committee Member
Ryan Taylor, Committee Member
Sydney Van Leeuwen, Evn. Compliance Analyst
Gimuel Ledesma, Engineering Technologist
Jason Marr, Director of Public Works
Samantha Witkowski, Environmental Coordinator
Mike Hoch, Committee Member
Jordan Wilton, Committee Member
Natalie Seniuk, Committee Member

Regrets: N/A

1. Call to Order and Declaration of Quorum

Noting that quorum was present, Chair Jackie Oblak called the meeting to order at approximately 10:03 a.m.

2. Land Recognition Statement

Chair Jackie Oblak recited the land recognition statement.

3. Approval of Agenda

Moved by: Mike Jones
Seconded by: Mike Hoch

BE IT RESOLVED THAT the agenda for the October 28, 2024, regular meeting of the Environmental and Climate Adaption Advisory Committee be adopted.

Carried

4. Approval of the August 26, 2024, Minutes

Moved by: Mike Jones

Seconded by: Mike Hoch

BE IT RESOLVED THAT the Minutes for the August 26, 2024, regular meeting of the Environmental and Climate Adaption Advisory Committee be approved.

Carried

5. Declarations of Pecuniary Interest and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

6. Welcome and Committee Member Introductions to New Member Jordan Wilton

Chair Jackie Oblak welcomed Jordan of behalf of the committee and Jordan introduced herself noting she is currently studying Environmental Resources and Sustainability at the University of Waterloo.

Erin McCormick, Administrative Assistant for Public Works briefly introduced herself as the new recording Secretary.

7. Presentation by Sydney Van Leeuwen on her New Role

Sydney Van Leeuwen outlined her responsibilities as Environmental Compliance Analyst, which include overseeing water-related compliance, with a focus on sanitary and stormwater systems in line with ministry legislation. Key tasks involve program development and maintenance, and ensuring policies and practices are current with regulatory requirements and addressing concerns.

8. Official Plan Update- Pam Duesling

Pam Duesling, Director of Community Planning and Development provided an update on the Official Plan on behalf of Lindsay Richardson, Policy Planner. The Committee was asked to review and provide feedback, particularly on the Environment and Climate section. A draft of

the plan is available for review on Engaging Pelham, where various sections can be accessed. Public information sessions will be held on November 12, 13, and 14, from 2-4 p.m. and 5-7 p.m., during which the Official Plan will be presented.

Chair Jackie Oblak inquired about the best method for submitting comments. Pam advised that comments could be sent directly to Lindsay Richardson or shared at the public sessions. Pam highlighted Section 4 on the environment, noting that feedback on this section would be especially valuable to the Town.

The Committee discussed the desired readability of the Official Plan (OP), with differing opinions on whether it should be simplified or more detailed. Pam Duesling noted that Lindsay Richardson would be distributing a brochure to the public, highlighting key points of the OP.

Ryan Taylor suggested creating a summary of the OP, potentially for the website, and volunteered to assist with this. The Committee discussed bridging the gap between the high-level OP document and the key highlights brochure for better public accessibility.

9. Discussion- Recommendations to Council of Inclusion- Marlene Steward Streit Property Management Plan

Chair Jackie Oblak presented information from her research on the Natural Assets Document, which advocates for assessing publicly owned properties and developing plans to identify and protect natural assets. Jackie highlighted the Marlene Steward Streit property as a key area for this initiative. She shared insights from a representative at the Niagara Peninsula Conservation Authority (NPCA), who emphasized the importance of this work. Jackie recommended that the Committee initiate and support the development of a plan to protect the natural assets at the Marlene Steward Streit property.

Mike Jones highlighted the need to protect a flowering dogwood tree (*Cornus florida*), an endangered species within the Marlene Steward Streit Property. The Committee discussed the potential benefits of conducting an inventory of trees in the park and whether this should be undertaken by the Committee or through a third party, possibly a consultant or

volunteer. Samantha Witkowski suggested reaching out to a contact at Brock University for support with this initiative.

The Committee also expressed interest in discussing invasive species at the January meeting.

Motion: The Committee requests that the Town explore options to protect the endangered species within the Marlene Steward Streit Property.

Moved By: Mike Jones

Seconded: Natalie Seniuk

Carried

10. Action Items- ECAAC

Chair Jackie Oblak presented a list of action items for follow-up and completion. She requested that committee members report on the status of completed items or review the list to work on outstanding tasks.


Action Item: Jackie Oblak will send the Action Item Document to Erin McCormick for updates on the action items from committee meetings.

11. Arbour Week Activities

Mike Jones provided an update from Pelham Path. They held a photo contest featuring significant trees, which successfully engaged the community on their Facebook page, receiving over 100 submissions. Additionally, they organized a hike through the Steve Baur Trail, which had approximately 10 participants.

12. Upcoming Items

Ward One Councillor Wayne Olson informed the Committee about an upcoming event on October 30th: the Dedication/Commissioning of the 12 Mile Creek Rehabilitation Project. He noted that the project was completed on time and within budget, which could serve as a valuable model for the Committee. The event may also provide networking opportunities. Parking will be available at the Lyons Club, and participants are advised to wear boots.

13. Adjournment**Moved by:** Mike Jones**Seconded by:** Natalie Seniuk**THAT this Regular Meeting of the Environmental and Climate
Adaption Advisory Committee be adjourned at 11:32 a.m.****Next meeting is scheduled for Monday, November 25, 2024.****Carried**

Chair, Jackie Oblak

Administrative Assistant, Erin McCormick

Date: 23 October 2024
Time: 4:00pm to 5:30pm
Location: Meridian Community Centre – 100 Meridian Way -Main
Floor Meeting Room

Attendance:

Brian Baty (Committee Chair)
Lori Lehne (Committee Member)
Adam Carter (Committee Member)
Patrick O’Hara (Committee Member)
Thom Hounsell (Committee Member)
Diana Huson (Regional Councillor)
Jason Marr (Director, Public Works)
Brian Eckhardt (Councillor Ward Two)
Nicholas Palomba (Engineering Technologist, Public Works)
Erin McCormick (Administrative Assistant, Public
Works)

Regrets: Frank Adamson (Committee Member)

1. Call to Order and Declaration of Quorum

Chair Baty called the meeting to order at 4:05 pm

2. Land Recognition Statement

Chair Baty recited the land recognition statement.

3. Approval of Agenda

Moved by: Adam Carter
Seconded by: Lori Lehne

**BE IT RESOLVED THAT the agenda for the October 23, 2024,
regular meeting of the Pelham Active Transportation Committee
be adopted.**

Carried

4. Declaration of Pecuniary Interest and General Nature

There were no pecuniary interests disclosed by any of the members present.

5. Approval of Minutes

BE IT RESOLVED THAT the minutes of the September 25, 2024, Pelham Active Transportation Committee be approved.

Moved by: Thom Hounsell

Seconded by: Lori Lehne

Carried

6. Regular Business

6.1. Fonthill Spurline Rail Trail Project

Chair Brian Baty provided a brief update, mentioning that he and Frank Adamson attended the Open House to present the Committee's prioritized projects, including the Spurline Rail Trail. Further discussion on this topic was deferred until Frank can attend and provide a full report on the outcome.

6.2. PATC Banners – Discussion

The committee discussed whether this issue has been completed and should therefore be removed from the agenda. No final decision was reached.

6.3. Bicycle Signage- Summersides Boulevard

Jason Marr reported on his discussion with Ryan Cook, Manager of Public Works. According to Ryan, the final pathways outlined in the Fonthill Secondary Plan will accommodate both cyclists and pedestrians, with line markings to designate separate areas. Staff will explore options for these markings.

In the interim, "Share the Road" signage can be installed, with the potential to add "Share the Road" symbols following the completion of final paving.

Lori Lehne inquired about multi-use path signage on the paved pathway along Summersides. Jason clarified that the current paths are temporary and will ultimately be replaced with a 3-meter concrete pathway on both sides.

6.4. Bicycle Loop Signage

Chair Brian Baty discussed the need for signage related to the bicycle loop, emphasizing that it should indicate locations for cyclists traveling in both clockwise and counterclockwise directions. He proposed larger signs at both parks to show specific loop locations and directional guidance.

Brian suggested installing street signs at the top of the stop signs to indicate loop locations. He identified specific areas for these installations at both park entrances and along the trail branches. Additionally, he suggested that staff prepare a mock-up of the signage for review at the next meeting so that it can be completed in this budget year.

6.5. 2025 Budget Submission

Brian provided an update on items submitted for the budget meeting. He noted the current budget of \$2,500 per year and proposed maintaining the same amount for the upcoming year. He has asked Council for a separate inclusion of \$750 to apply for the Bicycle Friendly Award, a cost that was not previously incurred.

6.6. Share the Road- Bicycle Friendly Application-October

The Chair discussed the due date for the Bicycle Friendly application, which is set for October 2025. This timeline provides the committee with a full year to conduct research and gather information for consideration of the award.

6.7. 5 Criteria for Bicycle Friendly Status- Research

Chair Brian Baty presented the five E's required for the Bicycle Friendly Application: Engineering, Education, Encouragement, Evaluation and Planning, and Equity and Accessibility. He requested that each committee member select one of the E's, research exemplary programs related to it, and prepare their findings for submission for the award.

Adam Carter requested a copy of the former application for reference purposes. Brian Baty will call the former Chair to ask if she still has a copy of the previous application.

6.8. 2024 Budget Expenditures, Banners, Bike Facility at Town Hall, Other

Chair Brian Baty investigated the remaining budget for the Pelham Active Transportation Committee by contacting staff to determine what funds are still available. He discovered that less than \$200 has been spent, contrary to his previous belief that banners, and other bike repair stations had been funded from this budget. Brian proposed considering the installation of a bike repair station at Town Hall.

6.9. 2025 Bicycle Light Project

Chair Brian Baty reported that the deadline to order bicycle lights was September 24, 2024. He will contact the supplier tomorrow to confirm if additional orders can still be placed. The committee discussed options for the distribution of the lights, considering both the potential for sale and the original plan to provide them to migrant workers who ride at night if they can be acquired.

Patrick O'Hara shared an update on his efforts to determine the number of migrant workers in the area. He has not yet obtained an exact figure but will continue to investigate. The committee engaged in a discussion about the most effective ways to connect with migrant workers. Notable suggestions included utilizing the Public Library as a resource and collaborating with the Public Health Bus, which offers Spanish-speaking services.

Motion: For the consideration of the expenditure of \$1,500 from the 2024 budget to purchase bicycle lights from the Share the Road Coalition.

Moved: Lori Lehne
Seconded: Patrick O'Hara

Carried

7. Other Business

7.1. Upcoming Agenda Items – Committee Discussion

The committee reviewed action items from the previous minutes and noted that it would be beneficial to include a dedicated discussion section for action items on the next agenda.

Action: Erin McCormick will add an "Action Items Discussion" section to the next agenda.

Regional Councillor Diana Huson updated the committee on a new roundabout planned for the intersection of Balfour Street and Highway 20. The project will soon enter the design phase, with installation anticipated in the 2026.

Further discussion took place regarding the proposed lowering of the speed limit on Effingham Road between Weber Road and River Road. The Region's findings recommend reducing the limit to 70 km/h, rather than 60 km/h. There was a mix of opinions among committee members, with some in favour and others opposed to the recommendation.

Chair Brian Baty proposed canceling the December Pelham Active Transportation meeting due to the holidays. This discussion will take place at the November meeting.

7.2. Next meeting is scheduled for November 27, 2024

8. Adjournment

Moved: Adam Carter
Seconded: Thom Hounsell

**THAT this Regular Meeting of the Pelham Active Transportation
Committee be adjourned at 5:17 p.m.**

Carried



Chair, Brian Baty



Administrative Assistant, Erin McCormick

Niagara Road 12 Engineered Landfill Site Update

Subject: Update on Tonnage and Diversion Activities at Niagara Road 12 Landfill Site

Report Purpose: To provide Council with an update on the inbound and outbound tonnage at the Niagara Road 12 Landfill Site, including a summary of the ongoing diversion efforts aimed at reducing the volume of waste directed to the landfill.

Background: The Niagara Road 12 Landfill Site serves as a critical waste management facility for the region, handling significant volumes of municipal waste. An integral part of the operations at the site is the focus on waste diversion and material reuse to extend the lifespan of the landfill and support environmental sustainability goals.

Inbound and Outbound Tonnage:

- **Inbound Tonnage:** The site continues to receive a steady volume of waste from municipal sources, with annual inbound tonnage being carefully monitored to ensure efficient handling and processing.
- **Outbound Tonnage:** Waste processed at the site is also managed for outbound movement, either for final disposal or diversion, ensuring compliance with regional waste management protocols.

Diversion for Reuse:

A key initiative at the Niagara Road 12 Landfill is the **Diversion for Reuse** program. This initiative focuses on identifying and processing materials that can be diverted from the landfill and repurposed for other uses.

- Annually, **40-50 tons** of materials are successfully diverted from the landfill. These materials are processed and redirected for reuse, significantly contributing to the reduction of waste going into the landfill.
- This diversion not only extends the operational life of the landfill but also supports the region's waste reduction and sustainability objectives.

Conclusion: The Niagara Road 12 Landfill Site continues to perform an essential role in the region's waste management strategy. The successful diversion of 40-50 tons of material annually through the Diversion for Reuse program highlights the site's commitment to sustainability and responsible waste management practices.

Data Source	Landfill
Report Group	(Multiple Items)
Site	Niagara Road Curbside Collection - Emterra,GFL and Miller
In Out Flag	I
Destination Facility	All

EOW Collection Oct 2020-current

Net WT TONNES SUM	Year										
Material	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
1 Mixed Waste	10440.67	10454.645	10381.005	10435.26	9581.18	10381.935	10359	8988.8	8861.9	8895.625	6440.86
Grand Total	10440.67	10454.645	10381.005	10435.26	9581.18	10381.935	10359	8988.8	8861.9	8895.625	6440.86
Average from 2014 to 2019		10279									
EOW Average -2021-2023		8915									
Reduction in Tonnages/year		1364									

Data Source	Landfill
Report Group	(Multiple Items)
Site	Niagara Road 12 Landfill
Material Source Location	All All Other to Landfill - Residential, Commercial
In Out Flag	I
Destination Facility	All

EOW Collection Oct 2020-current

Net WT TONNES SUM	Year										
Material	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
1 Mixed Waste	5561.91	8940.629	9841.191	9204.495	9958.5	9063.481	7784.8	8824.4	8247.4	8154.731	5699.35
Grand Total	5561.91	8940.629	9841.191	9204.495	9958.5	9063.481	7784.8	8824.4	8247.4	8154.731	5699.35

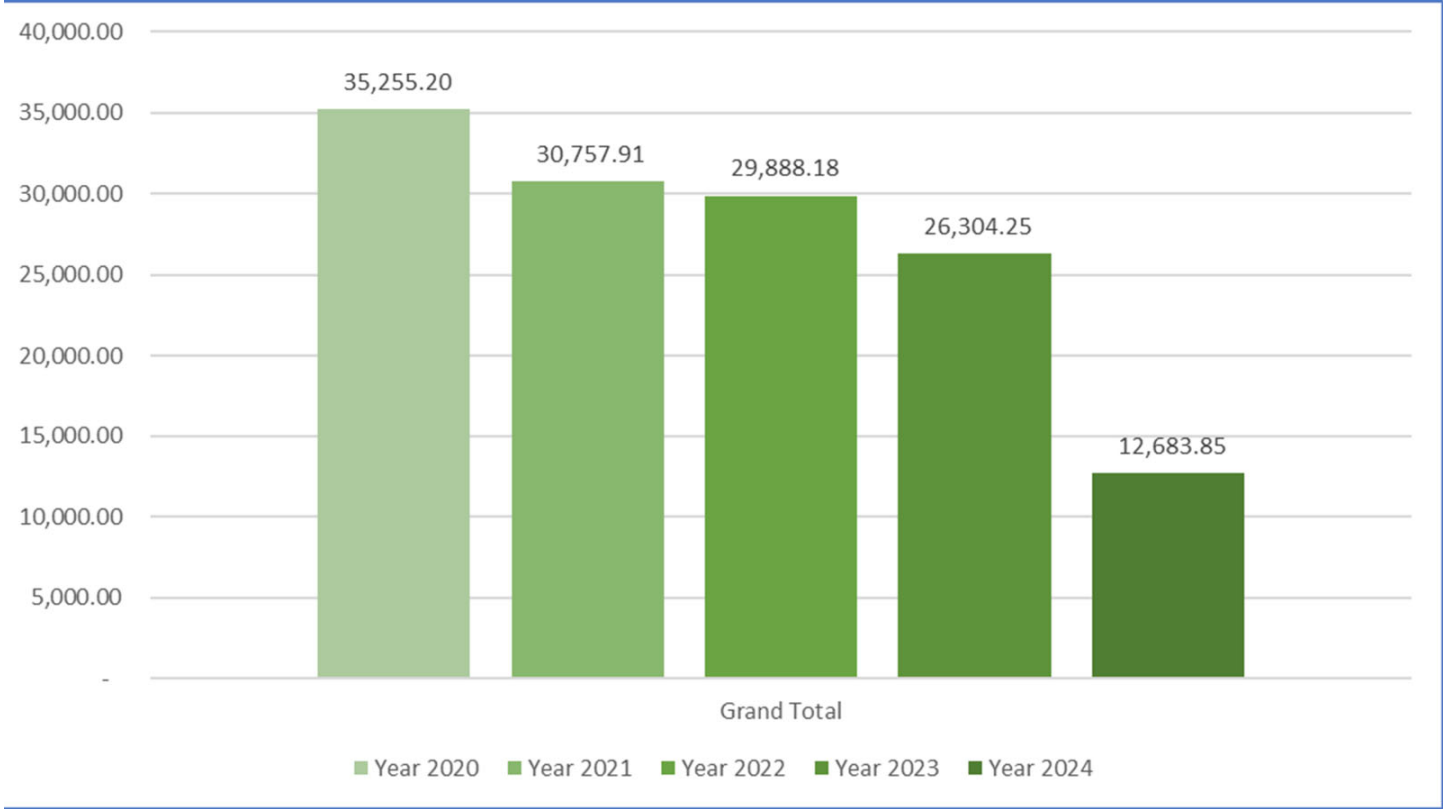
Average from 2014 to 2019	9402
EOW Average -2021-2023	8409
Reduction in Tonnages/year	993

Total Reduction in Tonnages	2356
By Percentage	16%

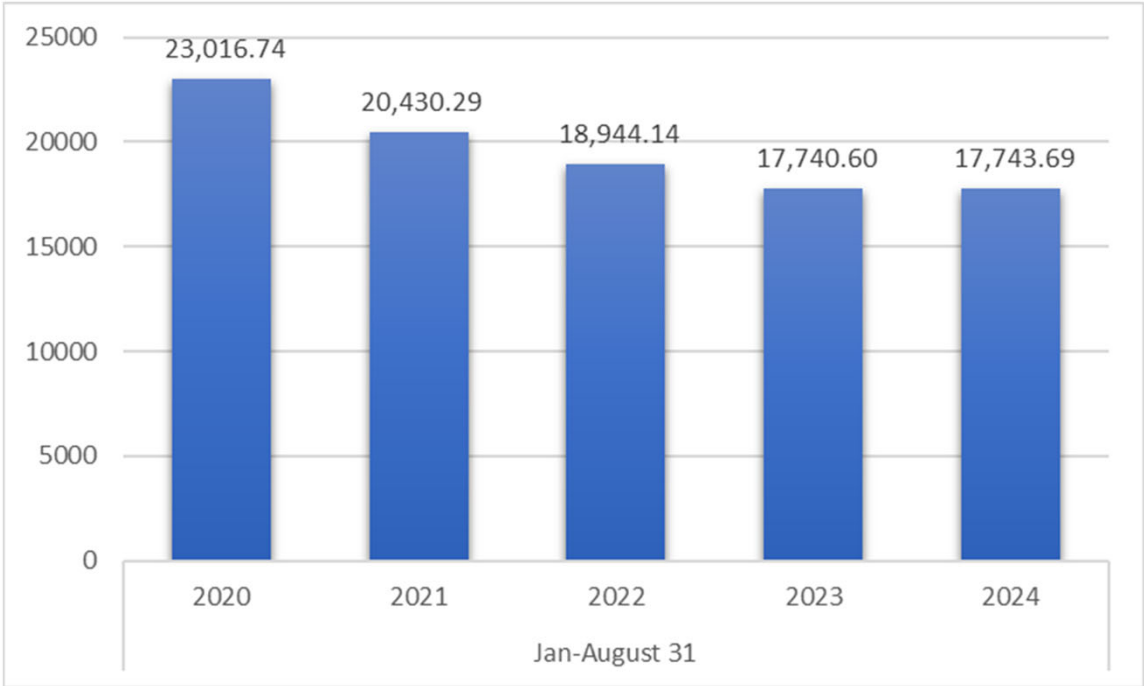
Niagara Road 12

September 2024 tonnage update

Annual Inbound Tonnage

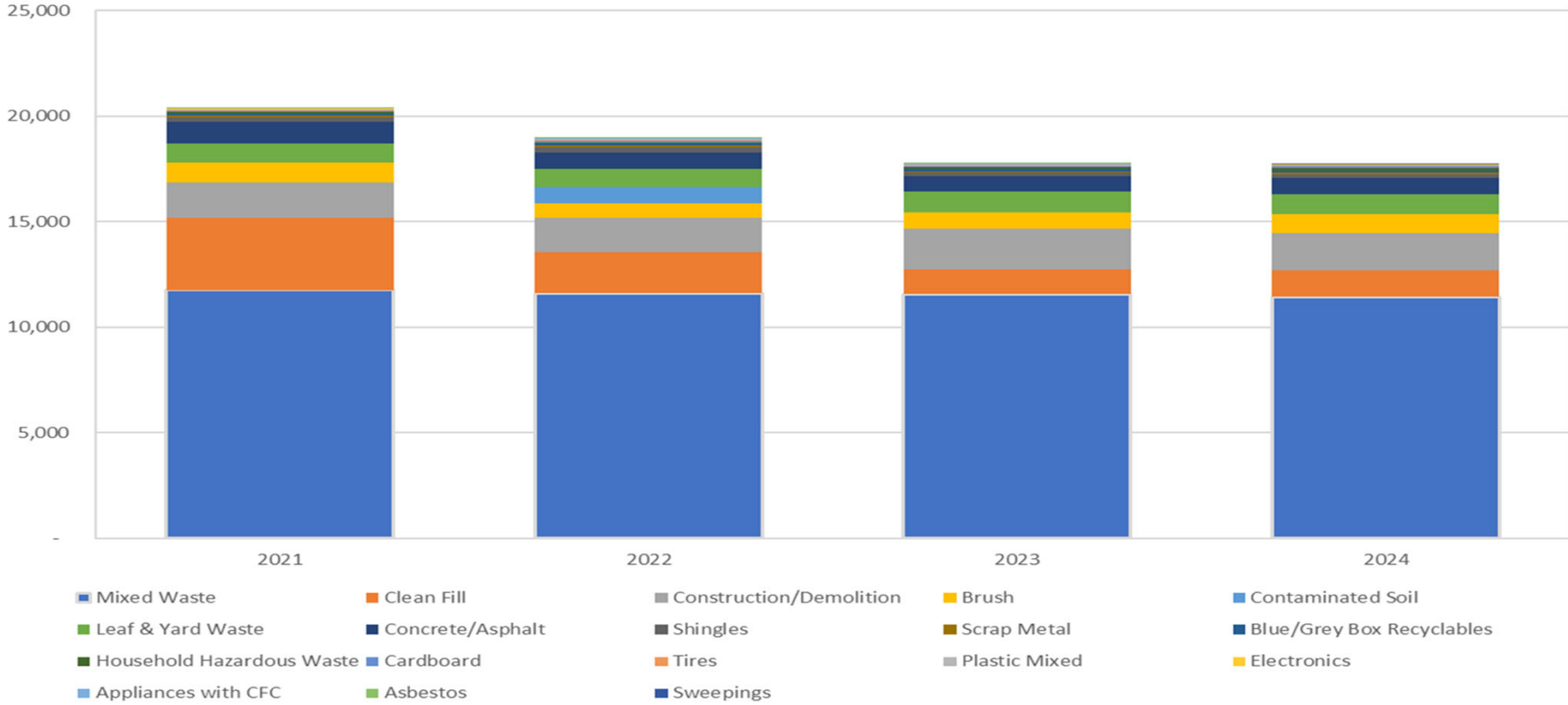


Annual Inbound Tonnage Jan-Aug



2020	2021	2022	2023	2024
23,017	20,430	18,944	17,741	17,744

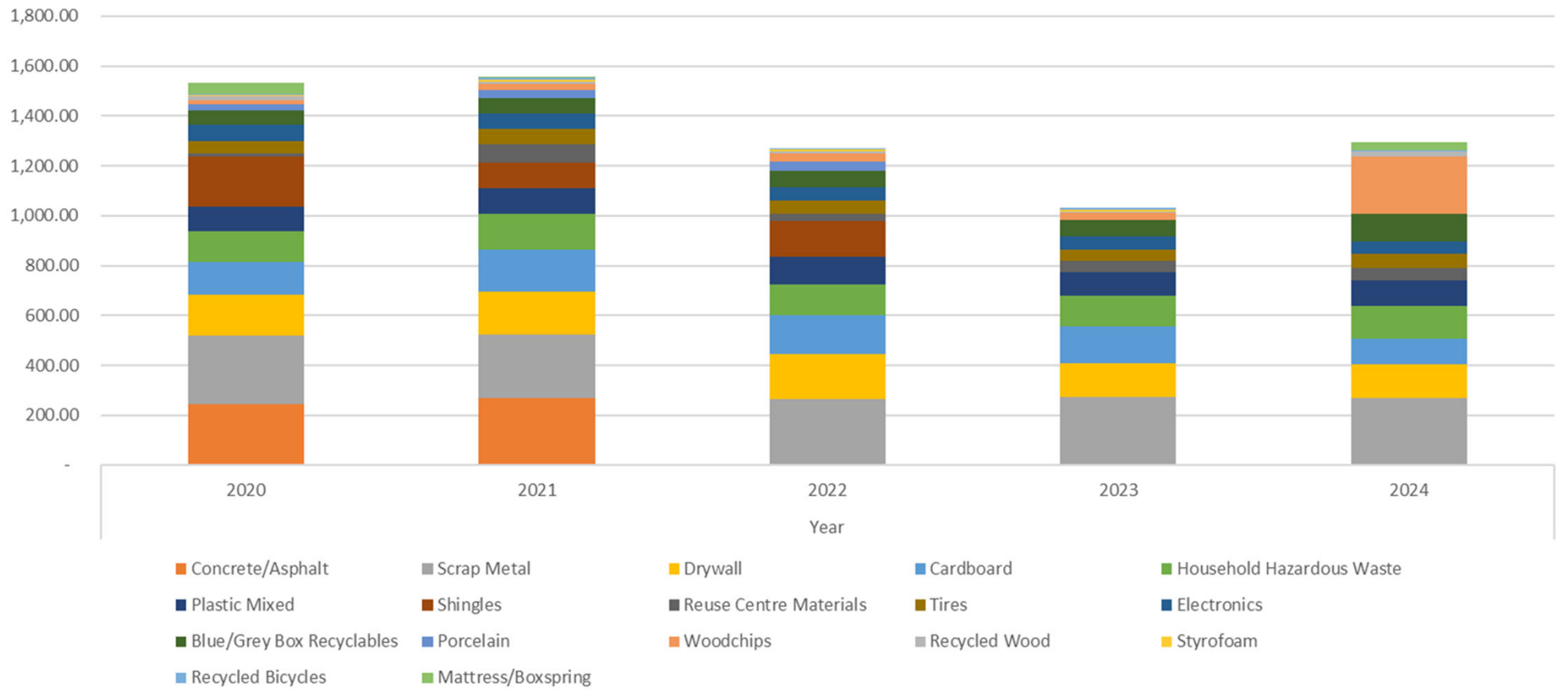
Inbound by material type Jan-Sept



Inbound by Material Type

Material	2020	2021	2022	2023	2024	4 Year Average
Mixed Waste	12,147	11,765	11,608	11,563	11,436	11,703
Clean Fill	4,296	3,436	1,940	1,178	1,259	2,422
Construction/Demolition	1,735	1,639	1,641	1,904	1,735	1,731
Brush	1,102	942	690	811	907	891
Contaminated Soil	916		773			845
Leaf & Yard Waste	828	906	850	984	960	906
Concrete/Asphalt	751	1,046	748	695	774	803
Shingles	292	220	276	189	184	232
Scrap Metal	100	82	73	62	85	80
Blue/Grey Box Recyclables	85	76	85	97	93	87
Household Hazardous Waste	79	84	67	89	118	87
Cardboard	57	59	67	57	58	60
Tires	34	53	47	41	45	44
Plastic Mixed	28	32	30	25	30	29
Electronics	28	29	26	27	27	27
Appliances with CFC	17	25	21	17	19	20
Asbestos	3	2	1	0	2	2
Sweepings					10	10
Grand Total	23,017	20,430	18,944	17,741	17,744	19,575

Outbound by material type Jan-Aug



Material	2020	2021	2022	2023	2024	4 Year Average
Grand Total	1,532.98	1,567.53	1,284.35	1,032.18	1,305.86	1,345
Concrete/Asphalt	246.10	268.64				257
Scrap Metal	273.03	253.20	264.95	271.61	270.58	267
Drywall	163.34	173.22	180.52	135.71	135.04	158
Cardboard	130.85	169.55	156.57	148.18	102.23	141
Household Hazardous Waste	124.57	143.68	122.33	125.59	129.62	129
Plastic Mixed	97.77	101.33	112.50	94.58	103.99	102
Shingles	201.83	101.27	142.39			148
Reuse Centre Materials	10.74	76.21	27.51	41.70	49.40	41
Tires	52.51	61.43	54.80	46.90	57.76	55
Electronics	63.43	61.05	52.70	51.55	50.33	56
Blue/Grey Box Recyclables	57.99	60.14	65.29	67.02	108.67	72
Porcelain	26.25	34.34	35.34			32
Woodchips	16.43	22.56	35.93	29.04	231.45	67
Recycled Wood	13.36	11.67	7.85	5.96	17.64	11
Styrofoam	4.60	6.65	7.41	7.89	0.54	5
Recycled Bicycles	5.07	6.11	5.35	6.46	6.23	6
Mattress/Boxspring	45.12	3.90			31.50	27
Grand Total	23,017	20,430	18,944	17,741	17,744	19,575

Subject: Cemeteries By-law Revisions Required for Registrar Approval

Recommendation:

BE IT RESOLVED THAT Council receive Report #2024-0289 - Cemeteries By-law Revisions Required for Registrar Approval, for information;

AND THAT Council consider and approve proposed revised By-law No. 03-2024, being the Cemeteries By-law, subject to approval by the Registrar appointed under the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c. 33;

AND THAT Council direct staff to submit the proposed revised Cemeteries By-law, as considered and approved by Council, approved by the Registrar as set out above.

Background:

In February 2024, Council approved a new Cemeteries By-law to regulate the operation of cemeteries in Pelham. The *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c. 33 ("*FBCSA*") requires cemetery by-laws to be approved by the Registrar appointed under the FBCSA before they come into effect.

In March 2024, staff submitted the Cemeteries By-law to the Bereavement Authority of Ontario (BAO), which is the Registrar appointed under the *FBCSA*, for approval. In mid-October 2024, the BAO provided commentary on the Cemeteries By-law. Staff modified the by-law in accordance with the direction of the BAO and have been advised that the proposed revised Cemeteries By-law, once approved by Council, is acceptable to the BAO.

Analysis:

The revised Cemeteries By-law is appended to this report and the modifications made under the guidance of the BAO have been highlighted for ease of identification.

The changes are largely aimed at increasing clarity through the addition or revision of several definitions. In addition, the BAO recommended against referencing a Town policy for repurchasing interment rights where interment rights certificates cannot be located. Finally, the BAO advised that the Town cannot require the use of vaults in all cases or provide that corrective work will be done at the expense of interment rights holders.

Financial Considerations:

The proposed revised Cemeteries By-law has no direct financial implications.

Alternatives Reviewed:

None.

Strategic Plan Relationship: Community Development and Growth

Establishing clear guidance for cemetery operations is beneficial to the community.

Consultation:

The BAO was consulted in the preparation of the proposed revised Cemeteries By-law, which was also reviewed by the Senior Leadership Team and staff involved in cemetery operations.

Other Pertinent Reports/Attachments:

Report # 2024-0015 – Proposed Replacement of Cemeteries By-law (not attached)

Report # 2024-0039 – Revisions to Proposed Cemeteries By-law (not attached)

Proposed revised Cemeteries By-law No. 03-2024 – highlighted

Proposed revised Cemeteries By-law No. 03-2024 – not highlighted

Prepared and Recommended by:

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Town Solicitor

Approved and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer



The Corporation of the Town of Pelham

By-law No. 03-2024

Being a By-law to regulate the operation of cemeteries by the Corporation of the Town of Pelham and to repeal By-law No. 3012(2019).

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that the powers of a municipality under any statute shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate;

AND WHEREAS section 4 of the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c. 33 ("*FBCSA*") prohibits the operation of a cemetery without a licence to do so;

AND WHEREAS the Corporation of the Town of Pelham owns and operates three cemeteries in the Town of Pelham as a licensee under the *FBCSA*;

AND WHEREAS section 150 of Ontario Regulation 30/11 under the *FBCSA* authorizes a cemetery operator to make by-laws governing the operation of the cemetery;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary and desirable to regulate cemeteries owned and operated by the Corporation of the Town of Pelham and to enact this By-law for that purpose;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1. Purpose

- 1.1. The purpose of this By-law is to provide rules and regulations to govern the operations of cemeteries owned and operated by the Corporation of the Town of Pelham.
- 1.2. This By-law does not apply to cemeteries that are not owned or operated by the Town.

2. Definitions

2.1. In this By-law:

"Active Cemetery" means a Cemetery at which Interment Rights for one (1) or more Lots are available for purchase.

"BAO" means the Bereavement Authority of Ontario, being the not-for-profit corporation and government delegated authority responsible for administration of the *FBCSA* and associated regulations.

"By-laws" means the rules and regulations in this By-law under which a Cemetery operates.

"Casket" means a container intended to hold Human Remains for funeral, cremation, hydrolysis or Interment purposes but does not include a Vault.

"Care and Maintenance Fund" is a fund established and administered by the Town in accordance with the *FBCSA* to generate income for the care and maintenance of a Cemetery, including Markers and Monuments, in perpetuity. The *FBCSA* requires that an amount of money, being the greater of a minimum prescribed amount and a percentage of the purchase price (excluding tax) of all Interment Rights sold, transferred or assigned, be contributed to the Care and Maintenance Fund.

"Cemetery" means any cemetery owned and operated by the Town, being Fonthill Cemetery, Hillside Cemetery and Hansler Cemetery, and any other cemetery that may be acquired by the Town.

"Cemetery Path" means a road or a walkway within a Cemetery that has a paved or gravel surface and up to thirty (30) centimetres on either side of the road or walkway provided that no portion of any Lot or Plot is located within thirty (30) centimetres of the paved or gravel surface.

"Cemetery Staff" means Town employees who work at a Cemetery and any other Person designated by the Director to do work on behalf of the Cemetery.

"Columbarium" means a Cemetery structure designed for Interment of Cremated Remains in sealed compartments.

"Companion Urn" means an urn or similar vessel designed to contain two (2) sets of Cremated Remains in a single container.

"Contract" means a written agreement between a Purchaser and the Town detailing the obligations of the parties and acknowledging receipt and acceptance by the Purchaser of a copy of this By-law, a price list for Cemetery services offered by the Town, and the Consumer Information Guide published by BAO.

"Council" means the Council of the Town.

"Cremated Remains" means all recoverable remains of a dead human body after cremation in a crematorium as defined in the *FBCSA* or all recoverable skeletal bone of a dead human body after hydrolysis, being a process in which bones are mechanically processed to reduce them to small particle size similar that of cremated remains, in a hydrolysis facility.

"Cremation Urn" means an urn or similar vessel designed to contain one (1) set of Cremated Remains.

"Crypt" means a compartment in a Mausoleum for Interment of a Casket.

"Director" means the Director of Public Works of the Town or designate.

"Disinter" means the removal of Interred Human Remains or Cremated Remains from a Lot and **"Disinterred"** and **"Disinterment"** have corresponding meanings.

"FBCSA" means the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c. 33 and all regulations made thereunder.

"Fees and Charges By-law" means Town of Pelham By-law No. 4411 (2022), as updated or amended from time to time.

"Human Remains" means a dead human body.

“Inactive Cemetery” means a Cemetery at which no Lots for which Interment Rights can be purchased are available.

“Inter” means the burial or placement of Human Remains or Cremated Remains in a Lot and **“Interred”** and **“Interment”** have corresponding meanings.

“Interment Rights” means the right to require or direct Interment of Human Remains or Cremated Remains in a Lot, including a Crypt or Niche, and to authorize the installation and inscription of a Marker or Monument.

“Interment Rights Certificate” means the document issued by the Town to a Purchaser of Interment Rights for a Lot once the purchase price is paid in full, which identifies the Purchaser as the Interment Rights Holder.

“Interment Rights Holder” means a Person who holds Interment Rights for a Lot and includes the Purchaser of Interment Rights and a Person to whom Interment Rights are transferred in accordance with this By-law.

“Lot” means an area of land in a Cemetery containing, or set aside to contain, Interred Human Remains and/or Cremated Remains and, where the context so requires, includes any Crypt or Niche contained in a Columbarium or Mausoleum.

“Lot Decoration” means any structure, ornament, planting, article or item placed on any Lot or Plot for purposes of adornment and does not include a Marker, Monument or Niche Plaque.

“Marker” means any permanent memorial structure including but not limited to a headstone, plaque or other structure, which is affixed to or intended to be affixed to a Lot to mark its location and that is installed parallel to and flush with the level of the ground.

“Mausoleum” means a Cemetery structure designed for Interment of Human Remains and Cremated Remains in sealed compartments.

“Monument” means any permanent memorial structure including but not limited to a headstone, plaque or other structure, which is affixed to or intended to be affixed to a Lot to mark its location and that projects above the level of the ground in any direction.

“Niche” means a compartment in a Columbarium or Mausoleum for Interment of an Urn.

“Niche Plaque” means a memorial plaque, which is affixed to or intended to be affixed to a Niche to mark its location and that is installed flat against the wall of the Columbarium or Mausoleum that contains the Niche.

“Person” means an individual of at least eighteen (18) years of age, a corporation and/or an association.

“Plot” means two (2) or more Lots in respect of which Interment Rights have been sold as a unit.

“Purchaser” means a Person that enters into a Contract with the Town to purchase Interment Rights.

“Town” means the Corporation of the Town of Pelham or the geographic area of the municipality, as the context requires.

“Town Clerk” means the Clerk of the Town or designate.

“Urn” means a Cremation Urn or a Companion Urn.

“Vault” means a permanent outer container into which a Casket, Urn or other vessel holding Human Remains or Cremated Remains is placed prior to Interment.

3. Sale and Transfer of Interment Rights

- 3.1. The Town may sell Interment Rights for an available Lot in an Active Cemetery to any Person. The rates charged by the Town shall be established in the Fees and Charges By-law and shall include the amount to be deposited in the Care and Maintenance Fund as prescribed by the *FBCSA*.
- 3.2. Purchasers of Interment Rights acquire only the right to direct the Interment of Human Remains or Cremated Remains and the installation of Markers and Monuments on a Lot, subject to the provisions of this By-law.
- 3.3. Upon receipt of full payment for a purchase of Interment Rights, the Town shall provide each Purchaser with the Contract and issue an Interment Rights Certificate to each Purchaser.
- 3.4. Subject to subsection 3.7 of this By-law, a Purchaser has the right to cancel a Contract within thirty (30) days after signing by giving written notice of cancellation to the Director. The Purchaser shall be entitled to a refund of the full amount paid under the Contract.
- 3.5. Subject to subsection 3.7 of this By-law, where a Purchaser gives notice of cancellation more than thirty (30) days after signing, the Town shall cancel the Contract. The Purchaser shall be entitled to a refund of the amount paid under the Contract less the amount required to be deposited into the Care and Maintenance Fund.
- 3.6. Refunds issued pursuant to subsections 3.4 and 3.5 of this By-law are contingent upon the Purchaser surrendering any Interment Rights Certificate(s) issued by the Town. The Town shall issue the refund within thirty (30) days after the return of the Interment Rights Certificate(s).
- 3.7. Notwithstanding subsections 3.4 to 3.6 of this By-law, a Contract cannot be cancelled if the Interment Rights that are the subject of the Contract have been exercised in whole or in part.
- 3.8. No Interment or installation of a Marker, Monument or Niche Plaque is permitted until the purchase price for the Interment Rights has been paid in full.
- 3.9. The Town prohibits the resale of Interment Rights by an Interment Rights Holder. The Town will repurchase Interment Rights at the rate established in the Fees and Charges By-law less the amount deposited in the Care and Maintenance Fund when the Interment Rights were purchased, subject to the following conditions:
 - (a) the Interment Rights Holder submits a repurchase request in the form determined by the Director from time to time;
 - (b) the Interment Rights Holder surrenders the Interment Rights Certificate(s) issued by the Town for the Lot;

- (c) the Interment Rights are for a Lot in an Active Cemetery;
 - (d) the Interment Rights for the Lot have not been exercised in whole or in part;
 - (e) in the case of a Plot, no Interment has occurred in any Lot that forms part of the Plot; and
 - (f) no Marker, Monument or Niche Plaque has been installed upon the Lot or, alternatively, any such Marker, Monument or Niche Plaque has been removed and the Lot has been restored to the satisfaction of the Director.
- 3.10. An Interment Rights Holder may transfer those rights to another Person by gift or testamentary bequest, subject to the following conditions:
- (a) the Interment Rights Holder submits written notice of the proposed transfer in the form determined by the Director from time to time;
 - (b) the Interment Rights Holder surrenders the Interment Rights Certificate(s) issued by the Town;
 - (c) the Interment Rights Holder pays the transfer fee established in the Fees and Charges By-law.
- 3.11. Where the conditions of subsection 3.10 of this By-law are met, the Town shall issue an Interment Rights Certificate to each transferee of the Interment Rights.
- 3.12. No Person shall purchase, transfer or exercise Interment Rights for any purpose other than Interment of Human Remains or Cremated Remains.

4. Interment

- 4.1. The Interment Rights Holder(s) must provide written authorization prior to any Interment. Should any Interment Rights Holder be deceased, written authorization must be provided by the personal representative of the deceased as defined in the *Succession Law Reform Act*, R.S.O. 1990, c. S.26.
- 4.2. A burial permit issued by the Registrar General in accordance with the *Vital Statistics Act*, R.S.O. 1990, c. V.4 and associated regulations, or an equivalent document for deaths that occur outside the Province of Ontario, establishing that the death has been registered with the Province of Ontario, must be provided to the Director prior to the Interment of Human Remains.
- 4.3. A certificate of cremation or hydrolysis issued by a licensed crematorium or alternative disposition (hydrolysis) operator must be provided to the Director prior to the Interment of Cremated Remains.
- 4.4. Interments are available only for Human Remains and Cremated Remains. Animal remains shall not be Interred in any Cemetery.
- 4.5. Caskets and Urns may be placed in a Vault for Interment.

- 4.6. In accordance with the *FBCSA*, the Interment Rights Holder(s) must enter into a cemetery contract with the Town providing such information as may be required by the Director for the completion of the contract and the public register prior to each Interment.
- 4.7. No Interment may take place until the price for the applicable Cemetery service(s), as established by the Fees and Charges By-law, has been paid in full.
- 4.8. All opening and closing of Lots and all opening and sealing of Niches shall be conducted only by Cemetery Staff.
- 4.9. The Director shall be given at least twenty-four (24) working hours' notice of an Interment. Verbal requests must be confirmed in writing at least twelve (12) working hours prior to the Interment.
- 4.10. While the Director shall make efforts to accommodate scheduling requests, Interments shall be scheduled based on weather and ground conditions, the availability of Cemetery Staff, and the nature and extent of Cemetery services requested.
- 4.11. All Interments shall take place from Monday to Saturday between 9:00 a.m. and 3:00 p.m. Any Interment that extends past 3:00 p.m. is subject to additional fees as established by the Fees and Charges By-law.
- 4.12. Interments shall not take place on Sundays or statutory holidays unless the Interment is ordered by the Medical Officer of Health.
- 4.13. The following rules apply to Interments in a Lot other than a Niche:
 - (a) the Lot shall be used for a maximum of one (1) Interment of Human Remains;
 - (b) if Human Remains are placed in a Vault more than eighty-five (85) centimetres wide or more than two hundred and forty (240) centimetres long, the Vault shall not be placed in a Lot unless the Director is satisfied that there is sufficient space to accommodate it;
 - (c) where a Lot contains Human Remains, it may be used for additional Interments of Urns provided that they are Interred subsequent to and on top of the Human Remains and subject to the following conditions:
 - i. if any Interment Rights for the Lot have been exercised as of the date on which this By-law comes into effect, no more than two (2) sets of Cremated Remains, whether contained in Cremation Urns or a Companion Urn, may be Interred unless the Director is satisfied that the existing placement of Human Remains in the Lot is such that the Lot can accommodate the Interment of three (3) sets of Cremated Remains;
 - ii. if no Interment Rights for the Lot have been exercised as of the date on which this By-law comes into effect, no more than three (3) sets of Cremated Remains, whether contained in Cremation Urns or Companion Urns may be Interred; and

- iii. the dimensions of all Cremation Urns and Companion Urns Interred in the Lot and any Vaults containing them shall not exceed a combined total of fifty-three (53) centimetres in height, forty-eight (48) centimetres in width, and forty-eight (48) centimetres in length; and
- (d) where a Lot does not contain Human Remains, it may be used for multiple Interments of Urns subject to the following conditions:
 - i. if any Interment Rights for the Lot have been exercised as of the date on which this By-law comes into effect, no more than three (3) sets of Cremated Remains, whether contained in Cremation Urns or a Companion Urn, may be Interred unless the Director is satisfied that the existing placement of all Cremated Remains in the Lot is such that the Lot can accommodate the Interment of four (4) sets of Cremated Remains;
 - ii. if no Interment Rights for the Lot have been exercised as of the date on which this By-law comes into effect, no more than four (4) sets of Cremated Remains, whether contained in Cremation Urns or a Companion Urn, may be Interred; and
 - iii. the dimensions of all Cremation Urns and Companion Urns Interred in the Lot and any Vaults containing them shall not exceed a combined total of fifty-three (53) centimetres in height, forty-eight (48) centimetres in width, and forty-eight (48) centimetres in length.

4.14. The following rules apply to Interments in a Niche:

- (a) a Niche in a Columbarium shall be used for a maximum of two (2) Interments of Cremated Remains, which may be contained in two (2) Cremation Urns or in one (1) Companion Urn;
- (b) the dimensions of the Cremation Urns or the Companion Urn and any Vault(s) containing them shall not exceed a combined total of thirty (30) centimetres in height, thirty (30) centimetres in width, and thirty-five (35) centimetres in length;
- (c) a Niche in a Mausoleum may be used for up to three (3) Interments of Cremated Remains, whether contained in Cremation Urns or a Companion Urn, provided that the dimensions of the Cremation Urn(s) or the Companion Urn and any Vault(s) containing them shall not exceed a combined total of thirty (30) centimetres in height, thirty (30) centimetres in width, and thirty-five (35) centimetres in length.

5. Disinterment

- 5.1. No Person shall Disinter Human Remains or Cremated Remains except in accordance with the *FBCSA* and this By-law.
- 5.2. Subject to subsection 5.4 of this By-law, Human Remains or Cremated Remains shall not be Disinterred unless prior consent is obtained from the Interment Rights Holder(s) and for Human Remains, prior notification is given to the Medical Officer of Health.

- 5.3. Subject to subsection 5.4 of this By-law, the Director must receive a certificate from the Medical Officer of Health prior to the removal of Disinterred Human Remains from any Cemetery. A certificate is not required for Disinterment of Cremated Remains from a Lot or their removal from the Cemetery.
- 5.4. Notwithstanding subsections 5.2 and 5.3 of this By-law, in some circumstances, the Disinterment or removal of Human Remains may be ordered by certain public officials and will take place without the consent of the Interment Rights Holder(s) and/or any next of kin.
- 5.5. No Disinterment may take place until the price for the applicable Cemetery service(s), as established by the Fees and Charges By-law, has been paid in full.
- 5.6. Cemetery Staff shall be present during any Disinterment.
- 5.7. The Director shall be given at least ten (10) working days' notice of a Disinterment request. The Person requesting Disinterment shall provide written confirmation that all applicable requirements of subsections 5.2, 5.3 and/or 5.4 of this By-law have been met.
- 5.8. While the Director shall make efforts to accommodate scheduling requests, Disinterment shall be scheduled based on notification requirements, weather and ground conditions, the availability of Cemetery Staff and the extent of services required.
- 5.9. During a Disinterment the Cemetery may, at the discretion of the Director, be closed to visitors not associated with the Disinterment.
- 5.10. The Town is not responsible for damage to any Casket, Urn, or Vault that may occur during a Disinterment. In addition, due to the length of time that a Casket, Urn, or Vault has been Interred and the conditions to which it has been exposed, the Town cannot guarantee that it can retrieve the complete Casket, Urn, or Vault Interred. Should a new Casket or Urn be required at the time of Disinterment, it shall be at the expense of the Person authorizing the Disinterment.
- 5.11. Any Marker or Monument designating an Interment location shall be removed upon Disinterment and the Lot shall be restored to the satisfaction of the Director.
- 5.12. Other than a Disinterment requested under subsection 5.4 of this By-law, the cost of supplying a new Casket or Urn, removing a Marker or Monument and/or restoring the Lot shall be paid by the Person authorizing the Disinterment.
- 5.13. The Town assumes no responsibility whatsoever for any damage to any Casket, Urn, Vault, container, vessel or other structure that occurs during the course of a Disinterment.

6. Markers, Monuments and Niche Plaques

- 6.1. No Marker, Monument or Niche Plaque shall be installed, erected or permitted on a Lot until the applicable price, as established by the Fees and Charges By-law, has been paid in full.

- 6.2. No Marker, Monument or Niche Plaque shall be installed, erected or permitted on a Lot without the consent of the Interment Rights Holder(s) and the Director.
- 6.3. No Marker, Monument or Niche Plaque shall be moved, altered or removed without the permission of the Director.
- 6.4. Markers, Monuments and Niche Plaques are the property of the Interment Rights Holder(s) and must be protected by the insurance coverage of the Interment Rights Holder(s).
- 6.5. The Town shall take reasonable precautions to protect Markers, Monuments and Niche Plaques but assumes no liability whatsoever for any loss of or damage to a Marker, Monument or Niche Plaque or part thereof. Without limiting the generality of the foregoing, minor damage due to Cemetery operations is considered normal wear and tear and shall not be compensable, except to the extent, if any, that such minor damage was caused by negligence on the part of Cemetery Staff.
- 6.6. The Interment Rights Holder(s) shall maintain Markers, Monuments and Niche Plaques in a safe and stable condition. Should a Marker, Monument or Niche Plaque present a safety risk because it has become unstable, the Town shall complete any work required to remove this risk.
- 6.7. The Town reserves the right to make rules with respect to the size, number, composition and location of Markers, Monuments and/or Niche Plaques on a Lot.
- 6.8. The following rules apply to Markers:
 - (a) no more than two (2) Markers are permitted on a Lot;
 - (b) every Marker shall be made of granite or other durable hard stone or of any sufficiently durable and non-corrosive metal;
 - (c) every Marker shall have a minimum thickness of ten (10) centimetres;
 - (d) every Marker shall be placed on a base of at least ten (10) centimetres of gravel or crushed stone;
 - (e) every Marker shall be installed flush to the ground;
 - (f) no Marker shall occupy more than ten percent (10%) of the total ground area of the Lot;
 - (g) the placement of a Marker shall not interfere with future Interments;
 - (h) the proposed placement of a Marker shall be submitted to the Director for approval at least ten (10) working days prior to the proposed date of installation;
 - (i) the Town and the Interment Rights Holder(s) shall enter into a written Marker placement agreement prior to installation;
 - (j) the Director shall schedule Marker installations based on weather and ground conditions and the availability of Cemetery Staff; and
 - (k) all Markers shall be installed by Cemetery Staff or under their supervision at the expense of the Interment Rights Holder(s).

- 6.9. The following rules apply to Monuments:
- (a) no more than one (1) Monument is permitted on a Lot;
 - (b) every Monument shall be made of granite or other durable hard stone with no vertical joint(s) and no stone, metal or other material attached;
 - (c) every Monument shall be installed on a concrete foundation constructed by Cemetery Staff at the expense of the Interment Rights Holder(s);
 - (d) every Monument shall be situated at the centre and head of a Lot except where alignment with existing Monuments in the vicinity requires or justifies a different placement;
 - (e) the placement of a Monument shall not interfere with future Interments;
 - (f) the proposed placement of a Monument shall be submitted to the Director for approval at least ten (10) working days prior to the proposed date for construction of the foundation;
 - (g) the height of a Monument including the foundation shall not exceed one hundred and twenty (120) centimetres;
 - (h) no Monument shall occupy more than ten percent (10%) of the total ground area of the Lot;
 - (i) no Monument shall be delivered to the Cemetery until the foundation has been completed and the Director has notified the Interment Rights Holder(s);
 - (j) the Director shall schedule Monument installations based on weather and ground conditions and the availability of Cemetery Staff; and
 - (k) all Monuments shall be installed under the supervision of Cemetery Staff at the expense of the Interment Rights Holder(s).
- 6.10. The following rules apply to Niche Plaques:
- (a) no more than one (1) Niche Plaque is permitted for a Niche;
 - (b) every Niche Plaque shall be made of granite with a dark finish and ribbon-style lettering;
 - (c) every Niche Plaque shall list the first name(s), last name(s), year of birth and year of death of the person(s) Interred in the Niche;
 - (d) additional proposed inscription(s) on a Niche Plaque shall be submitted to the Director for approval at least ten (10) working days prior to the proposed installation date;
 - (e) all Niche Plaques will be installed by Cemetery staff;
 - (f) the Director shall schedule Niche Plaque installations based on weather conditions and the availability of Cemetery Staff; and
 - (g) all Niche Plaques shall be installed by Cemetery Staff at the expense of the Interment Rights Holder(s).

- 6.11. No Person shall install or cause or permit the installation of any Marker, Monument or Niche Plaque that does not comply with the provisions of this By-law or that is not in keeping with the dignity and decorum of the Cemetery.
- 6.12. The Town reserves the right to remove any Marker, Monument or Niche Plaque that contravenes any provision of this By-law or that is not in keeping with the dignity and decorum of the Cemetery, without notice or compensation to the Interment Rights Holder(s).

7. Lot Decoration

- 7.1. The Town reserves the right to regulate Lot Decorations and to remove any structure, ornament, planting, article or item placed on any Lot that poses a threat to the safety of any Person, interferes with the operations of the Cemetery or Cemetery Staff, or is not in keeping with the dignity and decorum of the Cemetery, without notice or compensation to the Interment Rights Holder(s).
- 7.2. The following Lot Decorations are prohibited and shall be removed and disposed of without notice:
 - (a) any structure, planting or item delineating the boundaries or confines of a Lot;
 - (b) stone chips, gravel, sand or loose stones;
 - (c) walls, fences, railings, steps, curbs or coping;
 - (d) trellises or arches;
 - (e) furniture of any kind including chairs or benches;
 - (f) light fixtures including solar lights;
 - (g) memorial statues;
 - (h) in-ground vases;
 - (i) crosses made of wood or metal;
 - (j) flower display stands;
 - (k) protective wreath boxes;
 - (l) articles made of wood or other perishable materials;
 - (m) articles made of glass, ceramic or other fragile materials;
 - (n) articles made of corrosive or hazardous materials;
 - (o) any Lot Decoration that is unsightly or neglected; and
 - (p) any Lot Decoration that is not in keeping with the dignity and decorum of the Cemetery.
- 7.3. Flowers may be placed on a Lot for a funeral or burial service at the Cemetery. Such flowers shall be removed by Cemetery Staff after a reasonable time to protect the sod and maintain the tidy appearance of the Cemetery.
- 7.4. Wreaths and artificial flowers may be placed on a Lot only between the first (1st) day of November and the first (1st) day of April. Any wreaths or artificial flowers remaining on a Lot after the first (1st) day of April shall be removed and disposed of without notice.

- 7.5. Potted plants may be placed on a Lot only between the first (1st) day of April and the first (1st) day of November. Any potted plants remaining on a Lot after the first (1st) day of November shall be removed and disposed of without notice.
- 7.6. Without limiting subsections 7.3, 7.4 and 7.5 of this By-law, the Town reserves the right to disallow or to remove quantities of cut flowers, wreaths, artificial flowers and/or potted plants considered to be excessive or that diminish the otherwise tidy appearance of the cemetery.
- 7.7. No tree, shrub or flower shall be planted in any part of a Cemetery other than a Lot without the consent of the Director. Unauthorized plantings shall be removed and disposed of without notice.
- 7.8. No tree or shrub shall be planted on a Lot without the consent of the Director and full compliance with any conditions imposed by the Director. Unauthorized plantings shall be removed and disposed of without notice.
- 7.9. Flowers may be planted on a Lot with the consent of the Interment Rights Holder(s).
- 7.10. The following rules apply to flowers planted on a Lot:
- (a) flowers shall be planted in a flower bed;
 - (b) no more than one (1) flower bed is permitted on a Lot;
 - (c) the flower bed shall be within thirty (30) centimetres of the Marker or Monument on the Lot;
 - (d) the flower bed shall be wholly contained within the Lot;
 - (e) the flower bed shall not occupy more than five percent (5%) of the total ground area of the Lot;
 - (f) the flowers shall be annual and/or perennial varieties suitable for prevailing weather and climate conditions;
 - (g) the flowers shall not extend beyond the maximum allowable planted area; and
 - (h) the flowers shall not encroach on any other Lot.
- 7.11. Lot Decorations are the property of the Interment Rights Holder(s) and are placed on a Lot at their sole risk. Where appropriate, Lot Decorations shall be protected by the insurance coverage of the Interment Rights Holder(s).
- 7.12. The Interment Rights Holder(s) shall maintain Lot Decorations in a safe, neat and proper condition and in keeping with the dignity and decorum of the Cemetery.
- 7.13. The Town shall take reasonable care to protect Lot Decorations but assumes no liability whatsoever for any loss of or damage to a Lot Decoration or any part thereof.
- 7.14. No Person shall place or cause or permit the placement of any Lot Decoration that does not comply with the provisions of this By-law.

8. Care and Maintenance

- 8.1. A portion of the purchase price for Interment Rights is deposited into the Care and Maintenance Fund. Income generated from this fund is used to maintain, secure and preserve Active Cemetery and Inactive Cemetery grounds.
- 8.2. Services that can be provided through the Care and Maintenance Fund may include:
 - (a) re-levelling and sodding or seeding of Cemetery grounds;
 - (b) maintenance of Cemetery landscaping;
 - (c) maintenance of Cemetery infrastructure including roads, water systems and sewer systems;
 - (d) maintenance of perimeter walls and fences;
 - (e) maintenance and repair of Cemetery buildings and structures including any Columbarium or Mausoleum;
 - (f) maintenance and repair of Cemetery equipment; and
 - (g) to the extent that income from the Care and Maintenance Fund permits, stabilization and securement of Markers and Monuments, with priority given to those presenting a safety risk as described in subsection 6.6 of this By-law.

9. Conduct of Cemetery Staff, Contractors and the Public

- 9.1. All Persons working within a Cemetery in any capacity, including Cemetery Staff and contractors retained by the Town or Interment Rights Holders to install or repair any Marker, Monument or Niche Plaque, shall comply with the provisions of this By-law and are subject to the direction and control of the Director.
- 9.2. Any contract work to be performed within the Cemetery, including but not limited to the delivery of Markers and Monuments, requires the written pre-approval of the Interment Rights Holder(s) and the Director before the work may begin.
- 9.3. Prior to the start of any contracted work within the Cemetery, the contractor shall provide to the Director:
 - (a) plans and detailed specifications relating to the work;
 - (b) the location of the work;
 - (c) proof of all applicable government approvals and permits for the work;
 - (d) proof of WSIB coverage and compliance with occupational health and safety standards; and
 - (e) confirmation of liability insurance coverage for the contracted work with limits of not less than two million dollars (\$2,000,000) per occurrence.
- 9.4. All Persons working within a Cemetery in any capacity shall strictly adhere to all applicable health and safety requirements and shall report any work-related incident or injury to the Director.
- 9.5. Contractors shall not enter a Cemetery outside the regular business hours of the Cemetery without the prior approval of the Director.

- 9.6. No work shall be performed at a Cemetery outside the regular business hours of the Cemetery.
- 9.7. Contractors and Cemetery Staff engaged in the installation of any Marker or Monument shall place temporary planking on Cemetery grounds to protect the grounds from damage and shall remove the planking upon completion of the installation.
- 9.8. Contractors and Cemetery Staff engaged in the placement of any Vault in a Lot shall ensure that no damage is caused to adjacent Lots and/or any installations on those Lots.
- 9.9. Contractors working within a Cemetery shall remove all equipment and materials from the Cemetery upon completion of the work and shall leave the site of the work in a safe, neat and proper condition. Contractors shall restore the site and repair any damage caused by the work to the satisfaction of the Director.
- 9.10. Contractors and Cemetery Staff shall temporarily cease operations if they are working within one hundred (100) metres of a funeral or burial service at the Cemetery. In addition, the Town reserves the right to require temporary cessation of operations where the noise of such operations is deemed to be a disturbance to any funeral or burial service or public gathering within the Cemetery.
- 9.11. Cemetery Staff employed by the Town shall not accept any form of gratuity for providing Cemetery services.
- 9.12. The Town recognizes that Cemeteries are a valuable public space and permits the public to access and use Cemeteries in accordance with this By-law.
- 9.13. No Person shall enter or leave any Cemetery except through an established entrance or exit.
- 9.14. No Person shall enter or be within any Cemetery between dusk and dawn.
- 9.15. No Person shall advertise or solicit for business of any kind within a Cemetery.
- 9.16. No Person shall damage, destroy, remove or deface any structure or property within a Cemetery including but not limited to Markers, Monuments, Niche Plaques, Lot Decorations, signs, landscaping, fences and gates.
- 9.17. No Person shall deposit rubbish or debris on Cemetery grounds except in the receptacles provided.
- 9.18. No Person shall bring any alcoholic beverage into a Cemetery or consume any alcoholic beverage within a Cemetery.
- 9.19. No Person shall bring any animal into a Cemetery except:
 - (a) a dog that is leashed and under the control of the Person in accordance with Town of Pelham By-law No. 97-2010 and that is kept at all times on Cemetery Paths; or
 - (b) a service animal as defined in the *Provincial Animal Welfare Services Act, 2019, S.O. 2019, c. 13.*

- 9.20. Any Person who brings a leashed dog into a Cemetery pursuant to paragraph 9.19(a) of this By-law shall ensure that the dog remains on Cemetery Paths at all times.
- 9.21. Any Person who brings a leashed dog or service animal into a Cemetery shall ensure that animal waste is cleaned up immediately and deposited in an appropriate waste container or removed from the Cemetery.
- 9.22. No Person shall engage in conduct that disrupts or disturbs the quiet and good order of a Cemetery or that is not in keeping with the decorum and dignity of the Cemetery.
- 9.23. Motor vehicles as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8 may be operated within a Cemetery as follows:
 - (a) motor vehicles shall travel exclusively over or upon the paved roads of the Cemetery;
 - (b) motor vehicles shall not use roads in the Fonthill Cemetery as a thoroughfare between Highland Avenue and Brock Street; and
 - (c) motor vehicles shall not exceed a speed of twenty (20) kilometres per hour.
- 9.24. Where the Director determines that roads within a Cemetery are susceptible to damage due to weather conditions or for any other reason, the Director may restrict motor vehicle traffic at the Cemetery.
- 9.25. Motorized vehicles that are primarily for leisure or recreational use, including but not limited to snowmobiles, mini-bikes, ATVs, dune buggies and similar vehicles, shall not be operated in a Cemetery.

10. Enforcement

- 10.1. This By-law shall be administered and enforced by the Town Clerk, the Director and any Person appointed or otherwise delegated the authority of administration and enforcement.
- 10.2. Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to such penalties as are provided for in the *FBCSA* and the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

11. Cemetery Operations

- 11.1. The Town reserves full control over all Cemetery operations and management of land within all Cemetery grounds. Administrative services for all Cemeteries are provided at Town Hall during regular business hours at that location.
- 11.2. Fonthill Cemetery shall be open to conduct business as follows:
 - (a) Interments: 9:00 a.m. to 3:00 p.m. on Monday to Saturday
 - (b) Visitation other than Mausoleum: daily from dawn to dusk
 - (c) Mausoleum Visitation: as soon as practicable upon receipt of a request made to Town Hall during regular business hours

- 11.3. Hillside Cemetery shall be open to conduct business as follows:
 - (a) Interments: 9:00 a.m. to 3:00 p.m. on Monday to Saturday
 - (b) Visitation: daily from dawn to dusk
- 11.4. Hansler Cemetery shall be open to conduct business as follows:
 - (a) Interments: N/A
 - (b) Visitation: daily from dawn to dusk
- 11.5. All Cemeteries shall be governed by this By-law and in accordance with the *FBCSA*, as amended or updated from time to time.
- 11.6. All amendments to this By-law shall be:
 - (a) published once in a newspaper with general circulation in the Town;
 - (b) conspicuously posted on a sign at the main entrance to each Cemetery; and
 - (c) delivered to each supplier of Markers and Monuments that has delivered a Marker or Monument to any Cemetery during the previous year if the amendment pertains to Markers or Monuments or their installation.
- 11.7. This By-law and all amendments to this By-law are subject to the approval of the BAO or such other Registrar as is appointed under the *FBCSA*.
- 11.8. The Town shall maintain a register as required by section 110 of Ontario Regulation 30/11 under the *FBCSA* and shall make the said register available for inspection by the public without charge.
- 11.9. The Town shall have the right at any time to re-survey, enlarge, diminish, re-plot, change or remove plantings, grade, close paths or roads, alter in shape or size, or otherwise change all or any part of a Cemetery, subject to approval by the appropriate authorities.

12. General

- 12.1. The short title of this By-law is the "Cemeteries By-law".
- 12.2. If any provision of this By-law is found by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, the balance of the By-law shall not be affected and shall remain in full force and effect.
- 12.3. If there is a conflict between a provision of this By-law and a provision of any other By-law of the Town, the provision that establishes the higher standard shall prevail.
- 12.4. This By-law shall be read with all changes in number or gender as are required by context.
- 12.5. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.

- 12.6. The Town Clerk is hereby authorized to effect any minor modifications or corrections solely of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this By-law as are determined to be necessary.

13. Repeal and Enactment

- 13.1. By-law No. 3012(2019), being a By-law respecting cemeteries owned by the Corporation of the Town of Pelham, is hereby repealed and replaced.

14. Effective Date

- 14.1. This By-law shall come into force upon being approved by the BAO or such other Registrar as is appointed under the *FBCSA*.

Read, signed and sealed this 18th day of December, 2024.

Marvin Junkin, Mayor

Sarah Leach, Town Clerk



The Corporation of the Town of Pelham

By-law No. 03-2024

Being a By-law to regulate the operation of cemeteries by the Corporation of the Town of Pelham and to repeal By-law No. 3012(2019).

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that the powers of a municipality under any statute shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate;

AND WHEREAS section 4 of the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c. 33 ("*FBCSA*") prohibits the operation of a cemetery without a licence to do so;

AND WHEREAS the Corporation of the Town of Pelham owns and operates three cemeteries in the Town of Pelham as a licensee under the *FBCSA*;

AND WHEREAS section 150 of Ontario Regulation 30/11 under the *FBCSA* authorizes a cemetery operator to make by-laws governing the operation of the cemetery;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary and desirable to regulate cemeteries owned and operated by the Corporation of the Town of Pelham and to enact this By-law for that purpose;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1. Purpose

- 1.1. The purpose of this By-law is to provide rules and regulations to govern the operations of cemeteries owned and operated by the Corporation of the Town of Pelham.
- 1.2. This By-law does not apply to cemeteries that are not owned or operated by the Town.

2. Definitions

2.1. In this By-law:

"Active Cemetery" means a Cemetery at which Interment Rights for one (1) or more Lots are available for purchase.

"BAO" means the Bereavement Authority of Ontario, being the not-for-profit corporation and government delegated authority responsible for administration of the *FBCSA* and associated regulations.

"By-laws" means the rules and regulations in this By-law under which a Cemetery operates.

"Casket" means a container intended to hold Human Remains for funeral, cremation, hydrolysis or Interment purposes but does not include a Vault.

"Care and Maintenance Fund" is a fund established and administered by the Town in accordance with the *FBCSA* to generate income for the care and maintenance of a Cemetery, including Markers and Monuments, in perpetuity. The *FBCSA* requires that an amount of money, being the greater of a minimum prescribed amount and a percentage of the purchase price (excluding tax) of all Interment Rights sold, transferred or assigned, be contributed to the Care and Maintenance Fund.

"Cemetery" means any cemetery owned and operated by the Town, being Fonthill Cemetery, Hillside Cemetery and Hansler Cemetery, and any other cemetery that may be acquired by the Town.

"Cemetery Path" means a road or a walkway within a Cemetery that has a paved or gravel surface and up to thirty (30) centimetres on either side of the road or walkway provided that no portion of any Lot or Plot is located within thirty (30) centimetres of the paved or gravel surface.

"Cemetery Staff" means Town employees who work at a Cemetery and any other Person designated by the Director to do work on behalf of the Cemetery.

"Columbarium" means a Cemetery structure designed for Interment of Cremated Remains in sealed compartments.

"Companion Urn" means an urn or similar vessel designed to contain two (2) sets of Cremated Remains in a single container.

"Contract" means a written agreement between a Purchaser and the Town detailing the obligations of the parties and acknowledging receipt and acceptance by the Purchaser of a copy of this By-law, a price list for Cemetery services offered by the Town, and the Consumer Information Guide published by BAO.

"Council" means the Council of the Town.

"Cremated Remains" means all recoverable remains of a dead human body after cremation in a crematorium as defined in the *FBCSA* or all recoverable skeletal bone of a dead human body after hydrolysis, being a process in which bones are mechanically processed to reduce them to small particle size similar that of cremated remains, in a hydrolysis facility.

"Cremation Urn" means an urn or similar vessel designed to contain one (1) set of Cremated Remains.

"Crypt" means a compartment in a Mausoleum for Interment of a Casket.

"Director" means the Director of Public Works of the Town or designate.

"Disinter" means the removal of Interred Human Remains or Cremated Remains from a Lot and **"Disinterred"** and **"Disinterment"** have corresponding meanings.

"FBCSA" means the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c. 33 and all regulations made thereunder.

"Fees and Charges By-law" means Town of Pelham By-law No. 4411 (2022), as updated or amended from time to time.

"Human Remains" means a dead human body.

"Inactive Cemetery" means a Cemetery at which no Lots for which Interment Rights can be purchased are available.

"Inter" means the burial or placement of Human Remains or Cremated Remains in a Lot and **"Interred"** and **"Interment"** have corresponding meanings.

"Interment Rights" means the right to require or direct Interment of Human Remains or Cremated Remains in a Lot, including a Crypt or Niche, and to authorize the installation and inscription of a Marker or Monument.

"Interment Rights Certificate" means the document issued by the Town to a Purchaser of Interment Rights for a Lot once the purchase price is paid in full, which identifies the Purchaser as the Interment Rights Holder.

"Interment Rights Holder" means a Person who holds Interment Rights for a Lot and includes the Purchaser of Interment Rights and a Person to whom Interment Rights are transferred in accordance with this By-law.

"Lot" means an area of land in a Cemetery containing, or set aside to contain, Interred Human Remains and/or Cremated Remains and, where the context so requires, includes any Crypt or Niche contained in a Columbarium or Mausoleum.

"Lot Decoration" means any structure, ornament, planting, article or item placed on any Lot or Plot for purposes of adornment and does not include a Marker, Monument or Niche Plaque.

"Marker" means any permanent memorial structure including but not limited to a headstone, plaque or other structure, which is affixed to or intended to be affixed to a Lot to mark its location and that is installed parallel to and flush with the level of the ground.

"Mausoleum" means a Cemetery structure designed for Interment of Human Remains and Cremated Remains in sealed compartments.

"Monument" means any permanent memorial structure including but not limited to a headstone, plaque or other structure, which is affixed to or intended to be affixed to a Lot to mark its location and that projects above the level of the ground in any direction.

"Niche" means a compartment in a Columbarium or Mausoleum for Interment of an Urn.

"Niche Plaque" means a memorial plaque, which is affixed to or intended to be affixed to a Niche to mark its location and that is installed flat against the wall of the Columbarium or Mausoleum that contains the Niche.

"Person" means an individual of at least eighteen (18) years of age, a corporation and/or an association.

"Plot" means two (2) or more Lots in respect of which Interment Rights have been sold as a unit.

"Purchaser" means a Person that enters into a Contract with the Town to purchase Interment Rights.

"Town" means the Corporation of the Town of Pelham or the geographic area of the municipality, as the context requires.

“Town Clerk” means the Clerk of the Town or designate.

“Urn” means a Cremation Urn or a Companion Urn.

“Vault” means a permanent outer container into which a Casket, Urn or other vessel holding Human Remains or Cremated Remains is placed prior to Interment.

3. Sale and Transfer of Interment Rights

- 3.1. The Town may sell Interment Rights for an available Lot in an Active Cemetery to any Person. The rates charged by the Town shall be established in the Fees and Charges By-law and shall include the amount to be deposited in the Care and Maintenance Fund as prescribed by the *FBCSA*.
- 3.2. Purchasers of Interment Rights acquire only the right to direct the Interment of Human Remains or Cremated Remains and the installation of Markers and Monuments on a Lot, subject to the provisions of this By-law.
- 3.3. Upon receipt of full payment for a purchase of Interment Rights, the Town shall provide each Purchaser with the Contract and issue an Interment Rights Certificate to each Purchaser.
- 3.4. Subject to subsection 3.7 of this By-law, a Purchaser has the right to cancel a Contract within thirty (30) days after signing by giving written notice of cancellation to the Director. The Purchaser shall be entitled to a refund of the full amount paid under the Contract.
- 3.5. Subject to subsection 3.7 of this By-law, where a Purchaser gives notice of cancellation more than thirty (30) days after signing, the Town shall cancel the Contract. The Purchaser shall be entitled to a refund of the amount paid under the Contract less the amount required to be deposited into the Care and Maintenance Fund.
- 3.6. Refunds issued pursuant to subsections 3.4 and 3.5 of this By-law are contingent upon the Purchaser surrendering any Interment Rights Certificate(s) issued by the Town. The Town shall issue the refund within thirty (30) days after the return of the Interment Rights Certificate(s).
- 3.7. Notwithstanding subsections 3.4 to 3.6 of this By-law, a Contract cannot be cancelled if the Interment Rights that are the subject of the Contract have been exercised in whole or in part.
- 3.8. No Interment or installation of a Marker, Monument or Niche Plaque is permitted until the purchase price for the Interment Rights has been paid in full.
- 3.9. The Town prohibits the resale of Interment Rights by an Interment Rights Holder. The Town will repurchase Interment Rights at the rate established in the Fees and Charges By-law less the amount deposited in the Care and Maintenance Fund when the Interment Rights were purchased, subject to the following conditions:
 - (a) the Interment Rights Holder submits a repurchase request in the form determined by the Director from time to time;
 - (b) the Interment Rights Holder surrenders the Interment Rights Certificate(s) issued by the Town for the Lot;

- (c) the Interment Rights are for a Lot in an Active Cemetery;
 - (d) the Interment Rights for the Lot have not been exercised in whole or in part;
 - (e) in the case of a Plot, no Interment has occurred in any Lot that forms part of the Plot; and
 - (f) no Marker, Monument or Niche Plaque has been installed upon the Lot or, alternatively, any such Marker, Monument or Niche Plaque has been removed and the Lot has been restored to the satisfaction of the Director.
- 3.10. An Interment Rights Holder may transfer those rights to another Person by gift or testamentary bequest, subject to the following conditions:
- (a) the Interment Rights Holder submits written notice of the proposed transfer in the form determined by the Director from time to time;
 - (b) the Interment Rights Holder surrenders the Interment Rights Certificate(s) issued by the Town;
 - (c) the Interment Rights Holder pays the transfer fee established in the Fees and Charges By-law.
- 3.11. Where the conditions of subsection 3.10 of this By-law are met, the Town shall issue an Interment Rights Certificate to each transferee of the Interment Rights.
- 3.12. No Person shall purchase, transfer or exercise Interment Rights for any purpose other than Interment of Human Remains or Cremated Remains.

4. Interment

- 4.1. The Interment Rights Holder(s) must provide written authorization prior to any Interment. Should any Interment Rights Holder be deceased, written authorization must be provided by the personal representative of the deceased as defined in the *Succession Law Reform Act*, R.S.O. 1990, c. S.26.
- 4.2. A burial permit issued by the Registrar General in accordance with the *Vital Statistics Act*, R.S.O. 1990, c. V.4 and associated regulations, or an equivalent document for deaths that occur outside the Province of Ontario, establishing that the death has been registered with the Province of Ontario, must be provided to the Director prior to the Interment of Human Remains.
- 4.3. A certificate of cremation or hydrolysis issued by a licensed crematorium or alternative disposition (hydrolysis) operator must be provided to the Director prior to the Interment of Cremated Remains.
- 4.4. Interments are available only for Human Remains and Cremated Remains. Animal remains shall not be Interred in any Cemetery.
- 4.5. Caskets and Urns may be placed in a Vault for Interment.

- 4.6. In accordance with the *FBCSA*, the Interment Rights Holder(s) must enter into a cemetery contract with the Town providing such information as may be required by the Director for the completion of the contract and the public register prior to each Interment.
- 4.7. No Interment may take place until the price for the applicable Cemetery service(s), as established by the Fees and Charges By-law, has been paid in full.
- 4.8. All opening and closing of Lots and all opening and sealing of Niches shall be conducted only by Cemetery Staff.
- 4.9. The Director shall be given at least twenty-four (24) working hours' notice of an Interment. Verbal requests must be confirmed in writing at least twelve (12) working hours prior to the Interment.
- 4.10. While the Director shall make efforts to accommodate scheduling requests, Interments shall be scheduled based on weather and ground conditions, the availability of Cemetery Staff, and the nature and extent of Cemetery services requested.
- 4.11. All Interments shall take place from Monday to Saturday between 9:00 a.m. and 3:00 p.m. Any Interment that extends past 3:00 p.m. is subject to additional fees as established by the Fees and Charges By-law.
- 4.12. Interments shall not take place on Sundays or statutory holidays unless the Interment is ordered by the Medical Officer of Health.
- 4.13. The following rules apply to Interments in a Lot other than a Niche:
 - (a) the Lot shall be used for a maximum of one (1) Interment of Human Remains;
 - (b) if Human Remains are placed in a Vault more than eighty-five (85) centimetres wide or more than two hundred and forty (240) centimetres long, the Vault shall not be placed in a Lot unless the Director is satisfied that there is sufficient space to accommodate it;
 - (c) where a Lot contains Human Remains, it may be used for additional Interments of Urns provided that they are Interred subsequent to and on top of the Human Remains and subject to the following conditions:
 - i. if any Interment Rights for the Lot have been exercised as of the date on which this By-law comes into effect, no more than two (2) sets of Cremated Remains, whether contained in Cremation Urns or a Companion Urn, may be Interred unless the Director is satisfied that the existing placement of Human Remains in the Lot is such that the Lot can accommodate the Interment of three (3) sets of Cremated Remains;
 - ii. if no Interment Rights for the Lot have been exercised as of the date on which this By-law comes into effect, no more than three (3) sets of Cremated Remains, whether contained in Cremation Urns or Companion Urns may be Interred; and

- iii. the dimensions of all Cremation Urns and Companion Urns Interred in the Lot and any Vaults containing them shall not exceed a combined total of fifty-three (53) centimetres in height, forty-eight (48) centimetres in width, and forty-eight (48) centimetres in length; and
- (d) where a Lot does not contain Human Remains, it may be used for multiple Interments of Urns subject to the following conditions:
 - i. if any Interment Rights for the Lot have been exercised as of the date on which this By-law comes into effect, no more than three (3) sets of Cremated Remains, whether contained in Cremation Urns or a Companion Urn, may be Interred unless the Director is satisfied that the existing placement of all Cremated Remains in the Lot is such that the Lot can accommodate the Interment of four (4) sets of Cremated Remains;
 - ii. if no Interment Rights for the Lot have been exercised as of the date on which this By-law comes into effect, no more than four (4) sets of Cremated Remains, whether contained in Cremation Urns or a Companion Urn, may be Interred; and
 - iii. the dimensions of all Cremation Urns and Companion Urns Interred in the Lot and any Vaults containing them shall not exceed a combined total of fifty-three (53) centimetres in height, forty-eight (48) centimetres in width, and forty-eight (48) centimetres in length.

4.14. The following rules apply to Interments in a Niche:

- (a) a Niche in a Columbarium shall be used for a maximum of two (2) Interments of Cremated Remains, which may be contained in two (2) Cremation Urns or in one (1) Companion Urn;
- (b) the dimensions of the Cremation Urns or the Companion Urn and any Vault(s) containing them shall not exceed a combined total of thirty (30) centimetres in height, thirty (30) centimetres in width, and thirty-five (35) centimetres in length;
- (c) a Niche in a Mausoleum may be used for up to three (3) Interments of Cremated Remains, whether contained in Cremation Urns or a Companion Urn, provided that the dimensions of the Cremation Urn(s) or the Companion Urn and any Vault(s) containing them shall not exceed a combined total of thirty (30) centimetres in height, thirty (30) centimetres in width, and thirty-five (35) centimetres in length.

5. Disinterment

- 5.1. No Person shall Disinter Human Remains or Cremated Remains except in accordance with the *FBCSA* and this By-law.
- 5.2. Subject to subsection 5.4 of this By-law, Human Remains or Cremated Remains shall not be Disinterred unless prior consent is obtained from the Interment Rights Holder(s) and for Human Remains, prior notification is given to the Medical Officer of Health.

- 5.3. Subject to subsection 5.4 of this By-law, the Director must receive a certificate from the Medical Officer of Health prior to the removal of Disinterred Human Remains from any Cemetery. A certificate is not required for Disinterment of Cremated Remains from a Lot or their removal from the Cemetery.
- 5.4. Notwithstanding subsections 5.2 and 5.3 of this By-law, in some circumstances, the Disinterment or removal of Human Remains may be ordered by certain public officials and will take place without the consent of the Interment Rights Holder(s) and/or any next of kin.
- 5.5. No Disinterment may take place until the price for the applicable Cemetery service(s), as established by the Fees and Charges By-law, has been paid in full.
- 5.6. Cemetery Staff shall be present during any Disinterment.
- 5.7. The Director shall be given at least ten (10) working days' notice of a Disinterment request. The Person requesting Disinterment shall provide written confirmation that all applicable requirements of subsections 5.2, 5.3 and/or 5.4 of this By-law have been met.
- 5.8. While the Director shall make efforts to accommodate scheduling requests, Disinterment shall be scheduled based on notification requirements, weather and ground conditions, the availability of Cemetery Staff and the extent of services required.
- 5.9. During a Disinterment the Cemetery may, at the discretion of the Director, be closed to visitors not associated with the Disinterment.
- 5.10. The Town is not responsible for damage to any Casket, Urn, or Vault that may occur during a Disinterment. In addition, due to the length of time that a Casket, Urn, or Vault has been Interred and the conditions to which it has been exposed, the Town cannot guarantee that it can retrieve the complete Casket, Urn, or Vault Interred. Should a new Casket or Urn be required at the time of Disinterment, it shall be at the expense of the Person authorizing the Disinterment.
- 5.11. Any Marker or Monument designating an Interment location shall be removed upon Disinterment and the Lot shall be restored to the satisfaction of the Director.
- 5.12. Other than a Disinterment requested under subsection 5.4 of this By-law, the cost of supplying a new Casket or Urn, removing a Marker or Monument and/or restoring the Lot shall be paid by the Person authorizing the Disinterment.
- 5.13. The Town assumes no responsibility whatsoever for any damage to any Casket, Urn, Vault, container, vessel or other structure that occurs during the course of a Disinterment.

6. Markers, Monuments and Niche Plaques

- 6.1. No Marker, Monument or Niche Plaque shall be installed, erected or permitted on a Lot until the applicable price, as established by the Fees and Charges By-law, has been paid in full.

- 6.2. No Marker, Monument or Niche Plaque shall be installed, erected or permitted on a Lot without the consent of the Interment Rights Holder(s) and the Director.
- 6.3. No Marker, Monument or Niche Plaque shall be moved, altered or removed without the permission of the Director.
- 6.4. Markers, Monuments and Niche Plaques are the property of the Interment Rights Holder(s) and must be protected by the insurance coverage of the Interment Rights Holder(s).
- 6.5. The Town shall take reasonable precautions to protect Markers, Monuments and Niche Plaques but assumes no liability whatsoever for any loss of or damage to a Marker, Monument or Niche Plaque or part thereof. Without limiting the generality of the foregoing, minor damage due to Cemetery operations is considered normal wear and tear and shall not be compensable, except to the extent, if any, that such minor damage was caused by negligence on the part of Cemetery Staff.
- 6.6. The Interment Rights Holder(s) shall maintain Markers, Monuments and Niche Plaques in a safe and stable condition. Should a Marker, Monument or Niche Plaque present a safety risk because it has become unstable, the Town shall complete any work required to remove this risk.
- 6.7. The Town reserves the right to make rules with respect to the size, number, composition and location of Markers, Monuments and/or Niche Plaques on a Lot.
- 6.8. The following rules apply to Markers:
 - (a) no more than two (2) Markers are permitted on a Lot;
 - (b) every Marker shall be made of granite or other durable hard stone or of any sufficiently durable and non-corrosive metal;
 - (c) every Marker shall have a minimum thickness of ten (10) centimetres;
 - (d) every Marker shall be placed on a base of at least ten (10) centimetres of gravel or crushed stone;
 - (e) every Marker shall be installed flush to the ground;
 - (f) no Marker shall occupy more than ten percent (10%) of the total ground area of the Lot;
 - (g) the placement of a Marker shall not interfere with future Interments;
 - (h) the proposed placement of a Marker shall be submitted to the Director for approval at least ten (10) working days prior to the proposed date of installation;
 - (i) the Town and the Interment Rights Holder(s) shall enter into a written Marker placement agreement prior to installation;
 - (j) the Director shall schedule Marker installations based on weather and ground conditions and the availability of Cemetery Staff; and
 - (k) all Markers shall be installed by Cemetery Staff or under their supervision at the expense of the Interment Rights Holder(s).

- 6.9. The following rules apply to Monuments:
- (a) no more than one (1) Monument is permitted on a Lot;
 - (b) every Monument shall be made of granite or other durable hard stone with no vertical joint(s) and no stone, metal or other material attached;
 - (c) every Monument shall be installed on a concrete foundation constructed by Cemetery Staff at the expense of the Interment Rights Holder(s);
 - (d) every Monument shall be situated at the centre and head of a Lot except where alignment with existing Monuments in the vicinity requires or justifies a different placement;
 - (e) the placement of a Monument shall not interfere with future Interments;
 - (f) the proposed placement of a Monument shall be submitted to the Director for approval at least ten (10) working days prior to the proposed date for construction of the foundation;
 - (g) the height of a Monument including the foundation shall not exceed one hundred and twenty (120) centimetres;
 - (h) no Monument shall occupy more than ten percent (10%) of the total ground area of the Lot;
 - (i) no Monument shall be delivered to the Cemetery until the foundation has been completed and the Director has notified the Interment Rights Holder(s);
 - (j) the Director shall schedule Monument installations based on weather and ground conditions and the availability of Cemetery Staff; and
 - (k) all Monuments shall be installed under the supervision of Cemetery Staff at the expense of the Interment Rights Holder(s).
- 6.10. The following rules apply to Niche Plaques:
- (a) no more than one (1) Niche Plaque is permitted for a Niche;
 - (b) every Niche Plaque shall be made of granite with a dark finish and ribbon-style lettering;
 - (c) every Niche Plaque shall list the first name(s), last name(s), year of birth and year of death of the person(s) Interred in the Niche;
 - (d) additional proposed inscription(s) on a Niche Plaque shall be submitted to the Director for approval at least ten (10) working days prior to the proposed installation date;
 - (e) all Niche Plaques will be installed by Cemetery staff;
 - (f) the Director shall schedule Niche Plaque installations based on weather conditions and the availability of Cemetery Staff; and
 - (g) all Niche Plaques shall be installed by Cemetery Staff at the expense of the Interment Rights Holder(s).

- 6.11. No Person shall install or cause or permit the installation of any Marker, Monument or Niche Plaque that does not comply with the provisions of this By-law or that is not in keeping with the dignity and decorum of the Cemetery.
- 6.12. The Town reserves the right to remove any Marker, Monument or Niche Plaque that contravenes any provision of this By-law or that is not in keeping with the dignity and decorum of the Cemetery, without notice or compensation to the Interment Rights Holder(s).

7. Lot Decoration

- 7.1. The Town reserves the right to regulate Lot Decorations and to remove any structure, ornament, planting, article or item placed on any Lot that poses a threat to the safety of any Person, interferes with the operations of the Cemetery or Cemetery Staff, or is not in keeping with the dignity and decorum of the Cemetery, without notice or compensation to the Interment Rights Holder(s).
- 7.2. The following Lot Decorations are prohibited and shall be removed and disposed of without notice:
 - (a) any structure, planting or item delineating the boundaries or confines of a Lot;
 - (b) stone chips, gravel, sand or loose stones;
 - (c) walls, fences, railings, steps, curbs or coping;
 - (d) trellises or arches;
 - (e) furniture of any kind including chairs or benches;
 - (f) light fixtures including solar lights;
 - (g) memorial statues;
 - (h) in-ground vases;
 - (i) crosses made of wood or metal;
 - (j) flower display stands;
 - (k) protective wreath boxes;
 - (l) articles made of wood or other perishable materials;
 - (m) articles made of glass, ceramic or other fragile materials;
 - (n) articles made of corrosive or hazardous materials;
 - (o) any Lot Decoration that is unsightly or neglected; and
 - (p) any Lot Decoration that is not in keeping with the dignity and decorum of the Cemetery.
- 7.3. Flowers may be placed on a Lot for a funeral or burial service at the Cemetery. Such flowers shall be removed by Cemetery Staff after a reasonable time to protect the sod and maintain the tidy appearance of the Cemetery.
- 7.4. Wreaths and artificial flowers may be placed on a Lot only between the first (1st) day of November and the first (1st) day of April. Any wreaths or artificial flowers remaining on a Lot after the first (1st) day of April shall be removed and disposed of without notice.

- 7.5. Potted plants may be placed on a Lot only between the first (1st) day of April and the first (1st) day of November. Any potted plants remaining on a Lot after the first (1st) day of November shall be removed and disposed of without notice.
- 7.6. Without limiting subsections 7.3, 7.4 and 7.5 of this By-law, the Town reserves the right to disallow or to remove quantities of cut flowers, wreaths, artificial flowers and/or potted plants considered to be excessive or that diminish the otherwise tidy appearance of the cemetery.
- 7.7. No tree, shrub or flower shall be planted in any part of a Cemetery other than a Lot without the consent of the Director. Unauthorized plantings shall be removed and disposed of without notice.
- 7.8. No tree or shrub shall be planted on a Lot without the consent of the Director and full compliance with any conditions imposed by the Director. Unauthorized plantings shall be removed and disposed of without notice.
- 7.9. Flowers may be planted on a Lot with the consent of the Interment Rights Holder(s).
- 7.10. The following rules apply to flowers planted on a Lot:
 - (a) flowers shall be planted in a flower bed;
 - (b) no more than one (1) flower bed is permitted on a Lot;
 - (c) the flower bed shall be within thirty (30) centimetres of the Marker or Monument on the Lot;
 - (d) the flower bed shall be wholly contained within the Lot;
 - (e) the flower bed shall not occupy more than five percent (5%) of the total ground area of the Lot;
 - (f) the flowers shall be annual and/or perennial varieties suitable for prevailing weather and climate conditions;
 - (g) the flowers shall not extend beyond the maximum allowable planted area; and
 - (h) the flowers shall not encroach on any other Lot.
- 7.11. Lot Decorations are the property of the Interment Rights Holder(s) and are placed on a Lot at their sole risk. Where appropriate, Lot Decorations shall be protected by the insurance coverage of the Interment Rights Holder(s).
- 7.12. The Interment Rights Holder(s) shall maintain Lot Decorations in a safe, neat and proper condition and in keeping with the dignity and decorum of the Cemetery.
- 7.13. The Town shall take reasonable care to protect Lot Decorations but assumes no liability whatsoever for any loss of or damage to a Lot Decoration or any part thereof.
- 7.14. No Person shall place or cause or permit the placement of any Lot Decoration that does not comply with the provisions of this By-law.

8. Care and Maintenance

- 8.1. A portion of the purchase price for Interment Rights is deposited into the Care and Maintenance Fund. Income generated from this fund is used to maintain, secure and preserve Active Cemetery and Inactive Cemetery grounds.
- 8.2. Services that can be provided through the Care and Maintenance Fund may include:
 - (a) re-levelling and sodding or seeding of Cemetery grounds;
 - (b) maintenance of Cemetery landscaping;
 - (c) maintenance of Cemetery infrastructure including roads, water systems and sewer systems;
 - (d) maintenance of perimeter walls and fences;
 - (e) maintenance and repair of Cemetery buildings and structures including any Columbarium or Mausoleum;
 - (f) maintenance and repair of Cemetery equipment; and
 - (g) to the extent that income from the Care and Maintenance Fund permits, stabilization and securement of Markers and Monuments, with priority given to those presenting a safety risk as described in subsection 6.6 of this By-law.

9. Conduct of Cemetery Staff, Contractors and the Public

- 9.1. All Persons working within a Cemetery in any capacity, including Cemetery Staff and contractors retained by the Town or Interment Rights Holders to install or repair any Marker, Monument or Niche Plaque, shall comply with the provisions of this By-law and are subject to the direction and control of the Director.
- 9.2. Any contract work to be performed within the Cemetery, including but not limited to the delivery of Markers and Monuments, requires the written pre-approval of the Interment Rights Holder(s) and the Director before the work may begin.
- 9.3. Prior to the start of any contracted work within the Cemetery, the contractor shall provide to the Director:
 - (a) plans and detailed specifications relating to the work;
 - (b) the location of the work;
 - (c) proof of all applicable government approvals and permits for the work;
 - (d) proof of WSIB coverage and compliance with occupational health and safety standards; and
 - (e) confirmation of liability insurance coverage for the contracted work with limits of not less than two million dollars (\$2,000,000) per occurrence.
- 9.4. All Persons working within a Cemetery in any capacity shall strictly adhere to all applicable health and safety requirements and shall report any work-related incident or injury to the Director.
- 9.5. Contractors shall not enter a Cemetery outside the regular business hours of the Cemetery without the prior approval of the Director.

- 9.6. No work shall be performed at a Cemetery outside the regular business hours of the Cemetery.
- 9.7. Contractors and Cemetery Staff engaged in the installation of any Marker or Monument shall place temporary planking on Cemetery grounds to protect the grounds from damage and shall remove the planking upon completion of the installation.
- 9.8. Contractors and Cemetery Staff engaged in the placement of any Vault in a Lot shall ensure that no damage is caused to adjacent Lots and/or any installations on those Lots.
- 9.9. Contractors working within a Cemetery shall remove all equipment and materials from the Cemetery upon completion of the work and shall leave the site of the work in a safe, neat and proper condition. Contractors shall restore the site and repair any damage caused by the work to the satisfaction of the Director.
- 9.10. Contractors and Cemetery Staff shall temporarily cease operations if they are working within one hundred (100) metres of a funeral or burial service at the Cemetery. In addition, the Town reserves the right to require temporary cessation of operations where the noise of such operations is deemed to be a disturbance to any funeral or burial service or public gathering within the Cemetery.
- 9.11. Cemetery Staff employed by the Town shall not accept any form of gratuity for providing Cemetery services.
- 9.12. The Town recognizes that Cemeteries are a valuable public space and permits the public to access and use Cemeteries in accordance with this By-law.
- 9.13. No Person shall enter or leave any Cemetery except through an established entrance or exit.
- 9.14. No Person shall enter or be within any Cemetery between dusk and dawn.
- 9.15. No Person shall advertise or solicit for business of any kind within a Cemetery.
- 9.16. No Person shall damage, destroy, remove or deface any structure or property within a Cemetery including but not limited to Markers, Monuments, Niche Plaques, Lot Decorations, signs, landscaping, fences and gates.
- 9.17. No Person shall deposit rubbish or debris on Cemetery grounds except in the receptacles provided.
- 9.18. No Person shall bring any alcoholic beverage into a Cemetery or consume any alcoholic beverage within a Cemetery.
- 9.19. No Person shall bring any animal into a Cemetery except:
 - (a) a dog that is leashed and under the control of the Person in accordance with Town of Pelham By-law No. 97-2010 and that is kept at all times on Cemetery Paths; or
 - (b) a service animal as defined in the *Provincial Animal Welfare Services Act, 2019*, S.O. 2019, c. 13.

- 9.20. Any Person who brings a leashed dog into a Cemetery pursuant to paragraph 9.19(a) of this By-law shall ensure that the dog remains on Cemetery Paths at all times.
- 9.21. Any Person who brings a leashed dog or service animal into a Cemetery shall ensure that animal waste is cleaned up immediately and deposited in an appropriate waste container or removed from the Cemetery.
- 9.22. No Person shall engage in conduct that disrupts or disturbs the quiet and good order of a Cemetery or that is not in keeping with the decorum and dignity of the Cemetery.
- 9.23. Motor vehicles as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8 may be operated within a Cemetery as follows:
 - (a) motor vehicles shall travel exclusively over or upon the paved roads of the Cemetery;
 - (b) motor vehicles shall not use roads in the Fonthill Cemetery as a thoroughfare between Highland Avenue and Brock Street; and
 - (c) motor vehicles shall not exceed a speed of twenty (20) kilometres per hour.
- 9.24. Where the Director determines that roads within a Cemetery are susceptible to damage due to weather conditions or for any other reason, the Director may restrict motor vehicle traffic at the Cemetery.
- 9.25. Motorized vehicles that are primarily for leisure or recreational use, including but not limited to snowmobiles, mini-bikes, ATVs, dune buggies and similar vehicles, shall not be operated in a Cemetery.

10. Enforcement

- 10.1. This By-law shall be administered and enforced by the Town Clerk, the Director and any Person appointed or otherwise delegated the authority of administration and enforcement.
- 10.2. Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to such penalties as are provided for in the *FBCSA* and the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

11. Cemetery Operations

- 11.1. The Town reserves full control over all Cemetery operations and management of land within all Cemetery grounds. Administrative services for all Cemeteries are provided at Town Hall during regular business hours at that location.
- 11.2. Fonthill Cemetery shall be open to conduct business as follows:
 - (a) Interments: 9:00 a.m. to 3:00 p.m. on Monday to Saturday
 - (b) Visitation other than Mausoleum: daily from dawn to dusk
 - (c) Mausoleum Visitation: as soon as practicable upon receipt of a request made to Town Hall during regular business hours

- 11.3. Hillside Cemetery shall be open to conduct business as follows:
(a) Interments: 9:00 a.m. to 3:00 p.m. on Monday to Saturday
(b) Visitation: daily from dawn to dusk
- 11.4. Hansler Cemetery shall be open to conduct business as follows:
(a) Interments: N/A
(b) Visitation: daily from dawn to dusk
- 11.5. All Cemeteries shall be governed by this By-law and in accordance with the *FBCSA*, as amended or updated from time to time.
- 11.6. All amendments to this By-law shall be:
(a) published once in a newspaper with general circulation in the Town;
(b) conspicuously posted on a sign at the main entrance to each Cemetery; and
(c) delivered to each supplier of Markers and Monuments that has delivered a Marker or Monument to any Cemetery during the previous year if the amendment pertains to Markers or Monuments or their installation.
- 11.7. This By-law and all amendments to this By-law are subject to the approval of the BAO or such other Registrar as is appointed under the *FBCSA*.
- 11.8. The Town shall maintain a register as required by section 110 of Ontario Regulation 30/11 under the *FBCSA* and shall make the said register available for inspection by the public without charge.
- 11.9. The Town shall have the right at any time to re-survey, enlarge, diminish, re-plot, change or remove plantings, grade, close paths or roads, alter in shape or size, or otherwise change all or any part of a Cemetery, subject to approval by the appropriate authorities.

12. General

- 12.1. The short title of this By-law is the "Cemeteries By-law".
- 12.2. If any provision of this By-law is found by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, the balance of the By-law shall not be affected and shall remain in full force and effect.
- 12.3. If there is a conflict between a provision of this By-law and a provision of any other By-law of the Town, the provision that establishes the higher standard shall prevail.
- 12.4. This By-law shall be read with all changes in number or gender as are required by context.
- 12.5. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.

12.6. The Town Clerk is hereby authorized to effect any minor modifications or corrections solely of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this By-law as are determined to be necessary.

13. Repeal and Enactment

13.1. By-law No. 3012(2019), being a By-law respecting cemeteries owned by the Corporation of the Town of Pelham, is hereby repealed and replaced.

14. Effective Date

14.1. This By-law shall come into force upon being approved by the BAO or such other Registrar as is appointed under the *FBCSA*.

Read, signed and sealed this 18th day of December, 2024.

Marvin Junkin, Mayor

Sarah Leach, Town Clerk

Subject: Pelham Summerfest 2024 Final Report

Recommendation:

BE IT RESOLVED THAT Council receive Report # 2024-0281 Pelham Summerfest 2024 Final Report, for information;

AND THAT the Clerk be authorized to make an application for a Special Occasion Permit for Pelham Summerfest 2025 on Thursday, July 17, 2025, Friday, July 18, 2025, Saturday, July 19, 2025, and Sunday July 20, 2025;

AND THAT staff be directed to bring the necessary festival licensing by-laws for Council's consideration at a regular meeting of Council in 2025;

AND THAT Council authorize a variance to Town of Pelham Noise Control Bylaw 4454(2022) for the purpose of facilitating the Summerfest musical venues from 4:00pm Friday, July 18, 2025, until 1:00am on Sunday, July 20, 2025;

AND THAT Council authorize the following road closures:

Pelham Town Square from the rear entrance to the Fonthill Plaza to 60m west from 4:00pm to 10:00pm on Thursday, July 17, 2025;

Pelham Town Square entrance off Pelham Street from 7:00am Friday, July 18, 2025, to noon, Monday, July 21, 2025;

Pelham Street from Regional Road #20 (Hwy 20) to the south property line of 1419 Pelham Street from 7:00am Friday, July 18, 2025 to 12:00pm on Sunday, July 20, 2025;

Pelham Street from the south property line of 1419 Pelham Street to College Street from 7:00 am Saturday, July 19, 2025, to 12:00am Sunday, July 20, 2025;

Pelham Town Square from 150m west of Station Street to its termination at the Fonthill Plaza entrance from 7:00am to 5:00pm on Sunday, July 20, 2025.

Background:

In 2011, Pelham Summerfest began as a one-day event to boost and support local businesses upon completion of the Downtown Fonthill streetscaping project, and to promote a car free pedestrian event as advocated by the Pelham Active Transportation Committee. Since then, Summerfest has continued to grow into a four-day festival and has been recognized as one of the TOP 100 Festivals and Events in Ontario every year since 2015.

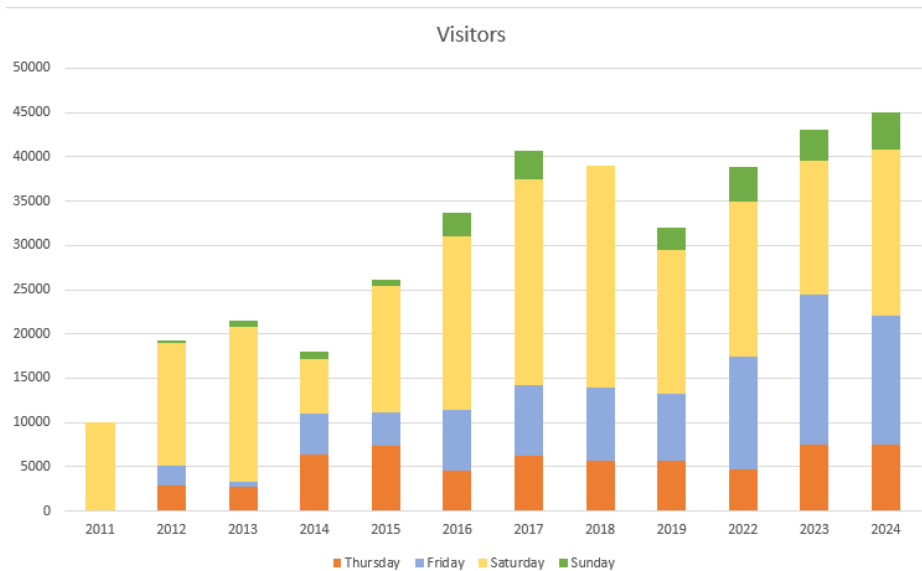
Pelham Summerfest celebrated its twelfth year under the arches in Downtown Fonthill from Thursday, July 18th to Sunday July 21st, 2024. Summerfest continues to be a major economic driver for both Pelham businesses and Pelham entertainers. This year, Summerfest had three festival licensing agreements with Pelham Street restaurants to allow the serving of alcohol and for attendees to roam freely around the festival footprint with their purchased beverages.

This year, the Pelham Summerfest Working Group revamped the sponsorship package, to offer local businesses more for their sponsorship dollars. In doing this, the Working Group generated the largest number of sponsorship dollars in the festival's history, bringing in \$64,000 from twenty-five local businesses.

In keeping with the festival's "local first" mentality, staff and the working group ensured to book local entertainment, use local suppliers where possible and feature a wide variety of Pelham based food and artisan vendors.

Since the inception of Pelham Summerfest, the committee identified and funded several legacy items for our community, including upgrades to electrical systems on Pelham Street, supporting and promoting transit, increased safety measures such as improvements to lighting and the purchase of high-quality cord covers for use at all events, the shade pavilion in Peace Park and the original installation of the "Arches". In 2019, the Committee, at the request of the Rotary Club, committed up to \$36,000 from its reserves to the "Raise the Arches" campaign. The arches were erected in August 2022, and the \$36,000 that had been committed in 2019 was paid in 2022. The Rotary Club, with support from the Summerfest Working Group and Town of Pelham are proud of this important community project with several fundraising events over the last 4 years. The official grand opening for the reconstructed arches was held on Thursday September 7, 2023.

2024 Pelham Summerfest saw record attendance of 45,006 people over the four days. Of those attendees, 55.5% of the people call Pelham home, 35.6% of attendees live in the Niagara Region, and 8.9% live outside of the Niagara Region.



Analysis:

Pelham Summerfest experienced warm, sunny weather and clear skies all weekend long. Thursday’s Opener started strong with a large crowd of 7,600 people that came out to enjoy the weekly Summer Chill Series, including the Bandshell Concert “Forever Young – Tribute to Rod Stewart”, the wide selection of weekly Farmers’ Market vendors, and the food and beverages in the Supper Market area.





On Friday, after a day of transforming Pelham Street, Country Night kicked off at 4:00 pm, hosting musical performances from Kendra Gabrielle, Chippawa Dirty, the Country Junkies and the Blackstones. In addition to the musical performances, attendees were encouraged to join in on a learn to line dance session with Rhea Daniels. Making an exciting return this year was Tom Bishop and his rope tricks!



Saturday brought another day of warm temperatures and sunshine for the Kids Zone, Rockin' on Pelham, and the new Pelham Street Games!

The Kids Zone featured 10 vendors, an array of inflatables, reptiles, magic tricks, balloon twisting, stilt walking, mad science, superhero training and musical performances!



Saturday on Pelham Street featured a Rockin' line-up of performances from Craig McNair, Dynamic Trio, Brandon Agnew, North Fire Circus, Ryan Thomas Smelle Trio, Figure Four, Mage, The Madhatters and The Chimps.



The Pelham Street Games was a new addition to Pelham Summerfest this year and featured 10 lifesize games that residents and visitors could play during the event. The Pelham Street Games were sponsored by 9 local businesses and provided another exciting and interactive element to the festival.



The Sunday of Summerfest hosted a car show and entertainment in Peace Park. The car show attendance hit an all-time high with 120 registrants displaying their vehicles. For the second year in a row, Summerfest partnered with Storm the Falls who assisted with the organization, promotion, and volunteering for the car show. The Summerfest working group continued the partnership with Jim Casson, and hosted Jimmy’s Juke Joint Blue’s party in the Bandshell for the second year in a row. With the grant funding from the Ontario Cultural Attractions Fund, the Summerfest Working Group prioritized the enhancement of the Kids Zone on the Sunday of Summerfest. This enhancement featured extra inflatables, a second day of Superhero training and additional children’s entertainment. The enhancement of the inflatables and kids’ entertainment in the park was very well received and the demand is there to continue the expansion of Family activities on the Sunday of Summerfest.





Pelham Summerfest Attendance Breakdown:

Total Attendance: 45,006

Breakdown:

Thursday: 7,447

Friday: 14,569

Saturday: 18,857

Sunday: 4,133

Financial Considerations:

The 2024 Pelham Summerfest budget was discussed early in the event planning process with the Summerfest Working Group. Based on the financial situation of Summerfest 2023 and with the continued rising cost of goods and services, the Working Group prioritized sponsorship enhancement for the 2024 event. With that, the Working Group recreated the sponsorship package to offer additional sponsorship opportunities. This included the Main stage, the Volunteer Program, the Car Show, the Pelham Street Games, the Community Leaders, and Community Partners. The creation of the new sponsorship package allowed for additional sponsorable elements and in turn resulted in a 41% increase in sponsorship dollars, with a total of \$68,862 for the 2024 event, in comparison to \$40,634 in 2023.

The Pelham Summerfest Working Group made the decision to apply for the Ontario Cultural Attractions Fund grant, which directly supports the marketing and communications elements of an event. Summerfest was successful in receiving a \$40,000 grant from the Ontario Cultural Attractions Fund, with a repayment of \$12,00 based on event earnings.

With the additional funding, staff and the Summerfest Working Group made the decision to invest in a new Pelham Summerfest website, to enhance the user accessibility and to allow for staff to easily update the website, saving a significant amount of staff time. Additionally, the group chose to invest in a social and graphic designer to enhance the Summerfest social media presence as well as a videographer to create content with sponsors and on site at the event. In addition to these elements, the grant allowed for purchasing of enhanced stage signage, entrance signage and a direct mailer that was mailed out to over 6,000 Pelham residents. Receiving the Ontario Cultural Attractions Fund allowed staff and the Working Group to enhance various elements of the festival for Summerfest 2024 and future years of the event.

Members from local service clubs, including the Fonthill Lions Club, Fonthill Lionettes Club, the Kinsmen Club, and the Rotary Club, generously dedicated their time on the Saturday of Summerfest. The organizations and their members played pivotal roles in various event activities such as tending the bar, managing wristbands at the entrances, overseeing the bike valet service, and acting as Summerfest Ambassadors. Pelham Summerfest paid a total of \$2,600 in honourariums to our Service Clubs.

In addition to the Service Clubs' contributions to our event, volunteers from many other groups, organizations, businesses, the public, and the Summerfest Working Group volunteered a total of 1,750 hours in planning, preparation, delivery, and day of at the event. The volunteer valuation totaled \$43,750. Further, in-kind contributions of supplies, materials and expertise was valued at \$30,000 from our generous community members and sponsors that assisted their time and materials to help to make Summerfest 2024 a great success.

With the use of the Tourism Regional Economic Impact Model (TREIM), from the Government of Ontario, the economic impact of Pelham Summerfest, based on the visitor spending model is \$4,977,011.

Through the enhanced sponsorship dollars, the Summerfest Working Group was able to alleviate a portion of the financial burden for both hard costs and entertainment costs, which are essential expenses to ensure the event is safe,

clean, and enjoyable. Like 2023, we saw an increase in both the hard costs and the entertainment costs. In addition to the enhanced sponsorship dollars, Pelham Summerfest was fortunate enough to see four days of warm temperatures and sunshine, which resulted in additional beverage sales. The total amount earned from beverage sales was \$106,186.72. Both the increased sponsorship dollars and the beverage sales worked to alleviate a portion of the continued rising costs surrounding festivals and events.

With the enhanced sponsorship dollars and beverage sales, Pelham Summerfest saw a surplus of roughly \$50,000, which is the highest surplus amount that Pelham Summerfest has seen since Covid-19.

Please see below for an unaudited Pelham Summerfest Budget.

Summerfest 2024 - Working Budget		
Cost Centre: 500039		11/25/2024 16:36
Revenues:		2024 Actual
1-3-50505-2503	Rental Spaces - Vendor Fees (including Hydro in 2024)	\$22,890.00
1-3-50505-2507	Rental Spaces - Hydro Fees	
1-3-50505-2831	Alcohol Sales	\$106,186.72
1-3-50505-2802	Donations	\$68,862.00
1-3-50505-2807	Other Revenues	
1-3-50505-????	Grants - Provincial	\$28,000.00
1-3-50505-2834	Sales-Other	\$1,686.00
	Town Budgeted Contribution	\$15,000.00
	Total Revenues	\$242,624.72
Expenses:		2024 Actual
1-4-50505-4205	Materials & Supplies	\$12,695.15
1-4-50505-4236	Advertising / OCAF	\$35,469.41
1-4-50505-4259	Special Events - Other	\$4,727.45
1-4-50505-4262	Special Event Rentals - Entertainment	\$40,296.59
1-4-50505-4263	Special Events Rentals - Infrastructure	\$7,253.86
1-4-50505-4265	Inventory to Sell	\$39,661.46
1-4-50505-5021	Contract Services - Other	\$28,727.93
1-4-50505-5500	Contract Services - Entertainers	\$23,186.04
	Total expenses	\$192,017.89
	Net Surplus/Loss	\$50,606.83

Alternatives Reviewed:

No Alternatives Reviewed.

Strategic Plan Relationship: Community Development and Growth

Pelham Summerfest prioritizes Community Development and Growth through the opportunity for Pelham vendors, entertainers, businesses, and residents to participate in and visit the festival. The “local first” mentality allows for Pelham Summerfest to directly give back to the community and enhance development and growth. Summerfest serves as a unique introduction to the Pelham Community, allowing new residents to immerse themselves into the community through local food and artisan vendors, local businesses, local entertainers and connecting with their fellow Pelham residents and neighbours.

Consultation:

Pelham Summerfest Working Group Volunteers

Financial Services

Public Works

Fire & By-Law Services

Town of Pelham Council

Other Pertinent Reports/Attachments:

TREIM Model Review (Tourism Regional Economic Impact Model)

Prepared and Recommended by:

Lauren Phillips, Special Events & Festivals Programmer

Vickie vanRavenswaay, CRFP
Director of Recreation, Culture and Wellness

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer



Recreation, Culture and Wellness Department

Wednesday, December 04, 2024

Subject: 2024 Summer Chill Series Final Report

Recommendation:

BE IT RESOLVED THAT Council receive Report #2024-0266 2024 Summer Chill Series Final Report, for information;

AND THAT Council designate Pelham Summer Chill Supper Market, to be held on Thursdays between June – September 2025 in Peace Park, as a Municipally Significant Event on the following dates:

**June 12, 2025 – 4:00pm-11:00pm
June 19, 2025 – 4:00pm-11:00pm
June 26, 2025 – 4:00pm-11:00pm
July 3, 2025 - 4:00pm-11:00pm
July 10, 2025 – 4:00pm-11:00pm
July 17, 2025 - 4:00pm-11:00pm
July 24, 2025 – 4:00pm-11:00pm
July 31, 2025 – 4:00pm-11:00pm
August 7, 2025 – 4:00pm-11:00pm
August 14, 2025 – 4:00pm-11:00pm
August 21, 2025 – 4:00pm-11:00pm
August 28, 2025 – 4:00pm-11:00pm
September 4, 2025 – 4:00pm-11:00pm
September 11, 2025 – 4:00pm-11:00pm**

AND THAT the Clerk be authorized to make an application for a Special Occasion Permit for Pelham Summer Chill Supper Market;

AND THAT Council approve road closures on Thursday nights from June 12, 2025 – September 11, 2025, from 5:00 p.m. – 9:00 p.m. between 39 Pelham Town Square and 31 Pelham Town Square.

Background:

The Summer Chill Series unites three distinct weekly cultural events: the Pelham Farmers' Market, Fonthill Bandshell Concerts, and the Pelham Supper Market. Every Thursday night, Pelham becomes a hub of activity, attracting food and retail vendors, professional and amateur entertainers, as well as residents from across the Niagara Region.

Established in 2003, the Pelham Farmers' Market proudly celebrated its 21st anniversary this season. This market came to fruition when local farmers wanted a community space to sell their produce. In response, a volunteer executive committee was established by Council, and a Recreation staff member has served on the committee ever since. The executive convenes four times annually: in January to approve the vendor application form and operating procedures, in March to approve participating vendors, in April for an informational session for vendors, and in November for the Annual General Meeting, where the executive board is elected. The Farmers' Market Executive for the 2025 season will be selected on November 21, 2024.

The Fonthill Bandshell Concerts began in 2006 as part of Fonthill's 150th Anniversary celebrations, coinciding with the construction of the bandshell in Peace Park. A volunteer committee was formed by Council, initially offering concerts on Thursday nights and Sunday afternoons. After one season, it was decided to focus solely on Thursday evenings to complement the Farmers' Market. The bandshell remains a major attraction on Thursday nights, with some evenings drawing over 5,000 attendees. As attendance at the Fonthill Bandshell Concerts and Farmers' Market grew, parking challenges in the downtown area emerged. Local restaurants raised concerns with Town Council, prompting several problem-solving sessions with stakeholders. This collaboration led to the establishment of the Supper Market in 2014, providing local culinary and beverage establishments, as well as service clubs and volunteers, an opportunity to showcase their offerings and expertise to serve the many attendees.

Together, these three elements create a dynamic cultural landscape in Pelham, fostering community engagement and supporting local businesses.

How the Town of Pelham Supports the Summer Chill Series:

The Town of Pelham assisted in the creation of the Farmers' Market Executive and continues to provide administrative and marketing support. In support of the Fonthill Bandshell Concerts, Council approves the Bandshell Committee's municipal grant application including their in-kind requests of park maintenance, picnic tables, garbage/recycling bins, musician change rooms and the waived fees of the rental of the Bandshell.

The Town of Pelham oversees the Supper Market and holds the Special Occasions Permit in support of the local culinary establishments. To ensure the success of this

weekly event, the Town supplies all necessary logistical elements including security, parking plan, shuttle services, road closures, and washroom facilities. Funding for these logistics is generated through the revenues raised through the Supper Market.

2024 Summer Chill Series Season:

Each year, the main objective of the Pelham Summer Chill Series is to support Niagara-based businesses by providing visitors and residents an opportunity to support local artisans, culinary establishments, and entertainers each Thursday night from June to September.

Throughout its 13-week duration, the Summer Chill Series showcased a diverse lineup of local entertainment from Pelham, Niagara Region, and Ontario. A Niagara-based sound technician was utilized throughout the season. The Bandshell Concerts and opening acts in the Supper Market area allowed attendees to enjoy performances by local bands, fostering an appreciation for the region's musical diversity and generating positive and lasting economic impact. This initiative not only creates job opportunities for local musicians and performers but also supports sound technicians in the community.

The Summer Chill Supper Market featured local culinary establishments from Pelham and the Niagara Region, directly contributing to employment within the culinary sector and allowing these businesses to showcase their offerings and expertise. As a result, the Summer Chill Series plays a significant role in generating positive economic impacts while supporting local culinary establishments.

The Summer Chill Series aims to support local farmers and businesses through the Farmers' Market, support local culinary establishments within the Supper Market, and promote local entertainers during the concerts and opening acts. Overall, the weekly Summer Chill experience offers a unique platform for artists to share their talents with residents and visitors alike.

Per the TREIM report, the 2024 Summer Chill Series had an economic impact of \$969,657 for the 13-week season with an attendance of 44,215.

The three elements of the Summer Chill Series operated on the following dates for the 2024 season:

Farmers' Market: May 2 – October 10, 2024

Supper Market: June 13 – September 5, 2024

Fonthill Bandshell Concerts: June 20 – September 5, 2024

Prior to the beginning of the season, Town of Pelham staff began email correspondence with both the Bandshell and Farmers' Market Committees to discuss logistics and operations. The Bandshell Committee requested continued use

of the Council Chambers as a dressing room for the musicians, prompting the hiring of an additional security guard to oversee this area during events.

The Pelham Farmers' Market featured a total of 18 seasonal vendors, along with a non-profit booth utilized by various organizations. This year, the Farmers' Market Committee introduced creative programming, including the installation of "Walley", a garden rock worm, in the flowerbed near the Farmers' Market sign. Attendance figures for the Farmers' Market averaged 140 per week in May, 237 per week in June, 414 per week in July, 362 per week in August, and 138 per week in September. The decline in attendance during May and September is consistent with previous years, attributed to the timing of the Bandshell concerts.

The Supper Market included six local food vendors, a variety of beverage options, and local entertainment from 5:30 to 6:45 PM prior to the Bandshell concerts. For the second consecutive year, an Indigenous Market was featured on June 21 in celebration of National Indigenous Peoples Day. Throughout the Summer Chill season, Pelham service clubs had the opportunity to serve beverages under the sail. Participants included the Kinsmen Club of Fonthill, Rotary Club of Fonthill, Pelham Cares, Pelham Firefighters, and the EL Crossley Rowing Parents, who collectively served for ten weeks. A total of \$3,100 in honorariums were distributed to these service clubs for their contributions.

In terms of sustainability, the Niagara Region's Special Events Recycling and Organics Collection program reported that the Supper Market generated 70 kilograms of recyclable materials and 190 kilograms of organic materials during the season, diverting these materials from landfill.

Below is a summary chart of the Summer Chill Series attendees as well as the usage of the Bike Valet from 2022 to present. Attendance figures were monitored by security personnel stationed at the entrances of the Supper Market area.

Date		# of attendee's 2024	# of attendee's 2023	# of attendee's 2022	Bike Valet #'s 2024	Bike Valet #'s 2023	Bike Valet #'s 2022
Week 1	13-Jun	600	133	-	-	0	-
week 2	20-Jun	3000	166	411	-	1	0
week 3	27-Jun	5312	3661	1941	0	9	5
week 4	4-Jul	5895	2412	2374	13	8	9
week 5	11-Jul	2957	2310	2879	7	10	21
week 6	18-Jul	7447	7500	2903	20	13	20
week 7	25-Jul	2770		4697	6		11
week 8	1-Aug	2432	2810	2174	4	11	12
week 9	8-Aug	3901	1710	1406	6	0	2
week 10	15-Aug	2077	3574	2033	4	2	0
week 11	22-Aug	3260	1416	2215	7	3	4
week 12	29-Aug	2511	1676	7195	6	4	9
week 13	5-Sep	2053	2092	3678	4	2	0
week 14		-	2788	3601	-	11	6
week 15		-	407	-	-	1	-
week 16		-	199	-	-	0	-
Totals		44215	32,854	37,507	77	75	99

Explanations for the Chart Numbers:

- Shaded boxes under attendance means no Bandshell Concerts on those evenings.
- The pink box indicates that the Summer Chill Series was shut down prior to the beginning of the Bandshell Concert due to heavy rain and thunderstorms.
- The green box indicates that the Supper Market and Bandshell Concert was shut down early due to thunderstorms and inclement weather.
- Fluctuations in the attendance numbers over the years can be attributed to a few factors such as weather, type of band playing, other town events and inflation.
- Bike Valet: Bike Valet continues to be offered as part of the Thursday Night Parking Plan.

Analysis:

In October 2024, representatives from the Pelham Farmers' Market Committee and the Fonthill Bandshell Committee engaged in email correspondence with staff to

review operations and plan for the 2025 season. The dates for the upcoming seasons are as follows:

- **Pelham Farmers' Market:** May 1, 2025– October 9, 2025
- **Fonthill Bandshell Concerts:** June 19, 2025 – September 11, 2025
- **Supper Market:** June 12, 2025 – September 11, 2025

The discussions focused on various logistical aspects of the events, including the weekly shuttle service, parking arrangements, signage, facility access, security, extended licensed area, accessibility, and park maintenance.

Feedback regarding the 2024 season was largely positive. Both committees expressed satisfaction with how the season ran and noted it was another successful year.

Several points of improvement were raised:

- A need to enhance awareness of the parking and shuttle options through increased distribution of informational handouts and expanded use of social media.
- Need to continue park landscaping improvements and maintenance
- Reminders to security personnel to monitor crowds

These points will be taken into consideration as plans for the 2025 season are finalized.

Full Park Licensing

The 2024 season marked the first year that Peace Park was fully licensed for the duration of the season. This year there were fewer instances of resistance from patrons regarding security enforcement of alcohol consumption outside the designated licensed area, and no reports of bands consuming alcohol inside Town Hall. Several bands even purchased drinks under the Sail prior to their performances.

However, the Bandshell Committee noted in their feedback that the full park licensing was met with mixed reviews and may have had an impact on the park's family-friendly atmosphere. They expressed concerns that the broader alcohol licensing led to a shift in the park's ambiance, citing increased chatter and more people coming and going during concerts.

Town staff acknowledged these concerns; however, the feedback regarding the new extended licensed area received by Town Staff was overwhelmingly positive, with no notable issues raised regarding any changes to the park's atmosphere.

Financial Considerations:

All staffing costs are funded through current Operating Budgets. Revenues generated from vendors fees and beverage sales, totaling \$61,598.67, were used to offset expenses including bus shuttles, security, St. John's First Aid, bar material & supplies, entertainment for the supper market, promotional costs, and service club honorariums, which amounted to \$56,654.21. Despite the additional expenses, the 2024 Summer Chill Series ended with a surplus of \$4,944.46. The Bandshell Committee volunteers pass donation buckets throughout the entire park to offset the Band and AV costs.

Surplus funds will be reinvested into the continued sustainability of the Summer Chill Series, supporting items such as new signage for all three elements, updated beverage tubs, and other general improvements.

Alternatives Reviewed:

N/A

Strategic Plan Relationship: Community Development and Growth

The Summer Chill Series aims to create a family friendly atmosphere with great community spirit, local entertainment, beverages, food, and artisans that contributes to building strong communities and supporting our local cultural assets.

Consultation:

Fred Arbour, Pelham Farmers' Market Clerk

Gayle Baltjes-Chataway, Fonthill Bandshell Committee Representative

Senior Leadership Team

Other Pertinent Reports/Attachments:

Karen Blake,
Culture and Community Enhancement Programmer

Vickie vanRavenswaay, CRFP
Director of Recreation, Culture and Wellness

Prepared and Recommended by:

Vickie vanRavenswaay, CRFP
Director of Recreation, Culture and Wellness

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer



The Corporation of the Town of Pelham

By-law No. 03-2024

Being a By-law to regulate the operation of cemeteries by the Corporation of the Town of Pelham and to repeal By-law No. 3012(2019).

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that the powers of a municipality under any statute shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate;

AND WHEREAS section 4 of the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c. 33 ("*FBCSA*") prohibits the operation of a cemetery without a licence to do so;

AND WHEREAS the Corporation of the Town of Pelham owns and operates three cemeteries in the Town of Pelham as a licensee under the *FBCSA*;

AND WHEREAS section 150 of Ontario Regulation 30/11 under the *FBCSA* authorizes a cemetery operator to make by-laws governing the operation of the cemetery;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary and desirable to regulate cemeteries owned and operated by the Corporation of the Town of Pelham and to enact this By-law for that purpose;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1. Purpose

- 1.1. The purpose of this By-law is to provide rules and regulations to govern the operations of cemeteries owned and operated by the Corporation of the Town of Pelham.
- 1.2. This By-law does not apply to cemeteries that are not owned or operated by the Town.

2. Definitions

2.1. In this By-law:

"Active Cemetery" means a Cemetery at which Interment Rights for one (1) or more Lots are available for purchase.

"BAO" means the Bereavement Authority of Ontario, being the not-for-profit corporation and government delegated authority responsible for administration of the *FBCSA* and associated regulations.

"By-laws" means the rules and regulations in this By-law under which a Cemetery operates.

"Casket" means a container intended to hold Human Remains for funeral, cremation, hydrolysis or Interment purposes but does not include a Vault.

"Care and Maintenance Fund" is a fund established and administered by the Town in accordance with the *FBCSA* to generate income for the care and maintenance of a Cemetery, including Markers and Monuments, in perpetuity. The *FBCSA* requires that an amount of money, being the greater of a minimum prescribed amount and a percentage of the purchase price (excluding tax) of all Interment Rights sold, transferred or assigned, be contributed to the Care and Maintenance Fund.

"Cemetery" means any cemetery owned and operated by the Town, being Fonhill Cemetery, Hillside Cemetery and Hansler Cemetery, and any other cemetery that may be acquired by the Town.

"Cemetery Path" means a road or a walkway within a Cemetery that has a paved or gravel surface and up to thirty (30) centimetres on either side of the road or walkway provided that no portion of any Lot or Plot is located within thirty (30) centimetres of the paved or gravel surface.

"Cemetery Staff" means Town employees who work at a Cemetery and any other Person designated by the Director to do work on behalf of the Cemetery.

"Columbarium" means a Cemetery structure designed for Interment of Cremated Remains in sealed compartments.

"Companion Urn" means an urn or similar vessel designed to contain two (2) sets of Cremated Remains in a single container.

"Contract" means a written agreement between a Purchaser and the Town detailing the obligations of the parties and acknowledging receipt and acceptance by the Purchaser of a copy of this By-law, a price list for Cemetery services offered by the Town, and the Consumer Information Guide published by BAO.

"Council" means the Council of the Town.

"Cremated Remains" means all recoverable remains of a dead human body after cremation in a crematorium as defined in the *FBCSA* or all recoverable skeletal bone of a dead human body after hydrolysis, being a process in which bones are mechanically processed to reduce them to small particle size similar that of cremated remains, in a hydrolysis facility.

"Cremation Urn" means an urn or similar vessel designed to contain one (1) set of Cremated Remains.

"Crypt" means a compartment in a Mausoleum for Interment of a Casket.

"Director" means the Director of Public Works of the Town or designate.

"Disinter" means the removal of Interred Human Remains or Cremated Remains from a Lot and **"Disinterred"** and **"Disinterment"** have corresponding meanings.

"FBCSA" means the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c. 33 and all regulations made thereunder.

"Fees and Charges By-law" means Town of Pelham By-law No. 4411 (2022), as updated or amended from time to time.

"Human Remains" means a dead human body.

"Inactive Cemetery" means a Cemetery at which no Lots for which Interment Rights can be purchased are available.

"Inter" means the burial or placement of Human Remains or Cremated Remains in a Lot and **"Interred"** and **"Interment"** have corresponding meanings.

"Interment Rights" means the right to require or direct Interment of Human Remains or Cremated Remains in a Lot, including a Crypt or Niche, and to authorize the installation and inscription of a Marker or Monument.

"Interment Rights Certificate" means the document issued by the Town to a Purchaser of Interment Rights for a Lot once the purchase price is paid in full, which identifies the Purchaser as the Interment Rights Holder.

"Interment Rights Holder" means a Person who holds Interment Rights for a Lot and includes the Purchaser of Interment Rights and a Person to whom Interment Rights are transferred in accordance with this By-law.

"Lot" means an area of land in a Cemetery containing, or set aside to contain, Interred Human Remains and/or Cremated Remains and, where the context so requires, includes any Crypt or Niche contained in a Columbarium or Mausoleum.

"Lot Decoration" means any structure, ornament, planting, article or item placed on any Lot or Plot for purposes of adornment and does not include a Marker, Monument or Niche Plaque.

"Marker" means any permanent memorial structure including but not limited to a headstone, plaque or other structure, which is affixed to or intended to be affixed to a Lot to mark its location and that is installed parallel to and flush with the level of the ground.

"Mausoleum" means a Cemetery structure designed for Interment of Human Remains and Cremated Remains in sealed compartments.

"Monument" means any permanent memorial structure including but not limited to a headstone, plaque or other structure, which is affixed to or intended to be affixed to a Lot to mark its location and that projects above the level of the ground in any direction.

"Niche" means a compartment in a Columbarium or Mausoleum for Interment of an Urn.

"Niche Plaque" means a memorial plaque, which is affixed to or intended to be affixed to a Niche to mark its location and that is installed flat against the wall of the Columbarium or Mausoleum that contains the Niche.

"Person" means an individual of at least eighteen (18) years of age, a corporation and/or an association.

"Plot" means two (2) or more Lots in respect of which Interment Rights have been sold as a unit.

"Purchaser" means a Person that enters into a Contract with the Town to purchase Interment Rights.

"Town" means the Corporation of the Town of Pelham or the geographic area of the municipality, as the context requires.

“Town Clerk” means the Clerk of the Town or designate.

“Urn” means a Cremation Urn or a Companion Urn.

“Vault” means a permanent outer container into which a Casket, Urn or other vessel holding Human Remains or Cremated Remains is placed prior to Interment.

3. Sale and Transfer of Interment Rights

- 3.1. The Town may sell Interment Rights for an available Lot in an Active Cemetery to any Person. The rates charged by the Town shall be established in the Fees and Charges By-law and shall include the amount to be deposited in the Care and Maintenance Fund as prescribed by the *FBCSA*.
- 3.2. Purchasers of Interment Rights acquire only the right to direct the Interment of Human Remains or Cremated Remains and the installation of Markers and Monuments on a Lot, subject to the provisions of this By-law.
- 3.3. Upon receipt of full payment for a purchase of Interment Rights, the Town shall provide each Purchaser with the Contract and issue an Interment Rights Certificate to each Purchaser.
- 3.4. Subject to subsection 3.7 of this By-law, a Purchaser has the right to cancel a Contract within thirty (30) days after signing by giving written notice of cancellation to the Director. The Purchaser shall be entitled to a refund of the full amount paid under the Contract.
- 3.5. Subject to subsection 3.7 of this By-law, where a Purchaser gives notice of cancellation more than thirty (30) days after signing, the Town shall cancel the Contract. The Purchaser shall be entitled to a refund of the amount paid under the Contract less the amount required to be deposited into the Care and Maintenance Fund.
- 3.6. Refunds issued pursuant to subsections 3.4 and 3.5 of this By-law are contingent upon the Purchaser surrendering any Interment Rights Certificate(s) issued by the Town. The Town shall issue the refund within thirty (30) days after the return of the Interment Rights Certificate(s).
- 3.7. Notwithstanding subsections 3.4 to 3.6 of this By-law, a Contract cannot be cancelled if the Interment Rights that are the subject of the Contract have been exercised in whole or in part.
- 3.8. No Interment or installation of a Marker, Monument or Niche Plaque is permitted until the purchase price for the Interment Rights has been paid in full.
- 3.9. The Town prohibits the resale of Interment Rights by an Interment Rights Holder. The Town will repurchase Interment Rights at the rate established in the Fees and Charges By-law less the amount deposited in the Care and Maintenance Fund when the Interment Rights were purchased, subject to the following conditions:
 - (a) the Interment Rights Holder submits a repurchase request in the form determined by the Director from time to time;
 - (b) the Interment Rights Holder surrenders the Interment Rights Certificate(s) issued by the Town for the Lot;

- (c) the Interment Rights are for a Lot in an Active Cemetery;
 - (d) the Interment Rights for the Lot have not been exercised in whole or in part;
 - (e) in the case of a Plot, no Interment has occurred in any Lot that forms part of the Plot; and
 - (f) no Marker, Monument or Niche Plaque has been installed upon the Lot or, alternatively, any such Marker, Monument or Niche Plaque has been removed and the Lot has been restored to the satisfaction of the Director.
- 3.10. An Interment Rights Holder may transfer those rights to another Person by gift or testamentary bequest, subject to the following conditions:
- (a) the Interment Rights Holder submits written notice of the proposed transfer in the form determined by the Director from time to time;
 - (b) the Interment Rights Holder surrenders the Interment Rights Certificate(s) issued by the Town;
 - (c) the Interment Rights Holder pays the transfer fee established in the Fees and Charges By-law.
- 3.11. Where the conditions of subsection 3.10 of this By-law are met, the Town shall issue an Interment Rights Certificate to each transferee of the Interment Rights.
- 3.12. No Person shall purchase, transfer or exercise Interment Rights for any purpose other than Interment of Human Remains or Cremated Remains.

4. Interment

- 4.1. The Interment Rights Holder(s) must provide written authorization prior to any Interment. Should any Interment Rights Holder be deceased, written authorization must be provided by the personal representative of the deceased as defined in the *Succession Law Reform Act*, R.S.O. 1990, c. S.26.
- 4.2. A burial permit issued by the Registrar General in accordance with the *Vital Statistics Act*, R.S.O. 1990, c. V.4 and associated regulations, or an equivalent document for deaths that occur outside the Province of Ontario, establishing that the death has been registered with the Province of Ontario, must be provided to the Director prior to the Interment of Human Remains.
- 4.3. A certificate of cremation or hydrolysis issued by a licensed crematorium or alternative disposition (hydrolysis) operator must be provided to the Director prior to the Interment of Cremated Remains.
- 4.4. Interments are available only for Human Remains and Cremated Remains. Animal remains shall not be Interred in any Cemetery.
- 4.5. Caskets and Urns may be placed in a Vault for Interment.

- 4.6. In accordance with the *FBCSA*, the Interment Rights Holder(s) must enter into a cemetery contract with the Town providing such information as may be required by the Director for the completion of the contract and the public register prior to each Interment.
- 4.7. No Interment may take place until the price for the applicable Cemetery service(s), as established by the Fees and Charges By-law, has been paid in full.
- 4.8. All opening and closing of Lots and all opening and sealing of Niches shall be conducted only by Cemetery Staff.
- 4.9. The Director shall be given at least twenty-four (24) working hours' notice of an Interment. Verbal requests must be confirmed in writing at least twelve (12) working hours prior to the Interment.
- 4.10. While the Director shall make efforts to accommodate scheduling requests, Interments shall be scheduled based on weather and ground conditions, the availability of Cemetery Staff, and the nature and extent of Cemetery services requested.
- 4.11. All Interments shall take place from Monday to Saturday between 9:00 a.m. and 3:00 p.m. Any Interment that extends past 3:00 p.m. is subject to additional fees as established by the Fees and Charges By-law.
- 4.12. Interments shall not take place on Sundays or statutory holidays unless the Interment is ordered by the Medical Officer of Health.
- 4.13. The following rules apply to Interments in a Lot other than a Niche:
 - (a) the Lot shall be used for a maximum of one (1) Interment of Human Remains;
 - (b) if Human Remains are placed in a Vault more than eighty-five (85) centimetres wide or more than two hundred and forty (240) centimetres long, the Vault shall not be placed in a Lot unless the Director is satisfied that there is sufficient space to accommodate it;
 - (c) where a Lot contains Human Remains, it may be used for additional Interments of Urns provided that they are Interred subsequent to and on top of the Human Remains and subject to the following conditions:
 - i. if any Interment Rights for the Lot have been exercised as of the date on which this By-law comes into effect, no more than two (2) sets of Cremated Remains, whether contained in Cremation Urns or a Companion Urn, may be Interred unless the Director is satisfied that the existing placement of Human Remains in the Lot is such that the Lot can accommodate the Interment of three (3) sets of Cremated Remains;
 - ii. if no Interment Rights for the Lot have been exercised as of the date on which this By-law comes into effect, no more than three (3) sets of Cremated Remains, whether contained in Cremation Urns or Companion Urns may be Interred; and

- iii. the dimensions of all Cremation Urns and Companion Urns Interred in the Lot and any Vaults containing them shall not exceed a combined total of fifty-three (53) centimetres in height, forty-eight (48) centimetres in width, and forty-eight (48) centimetres in length; and
- (d) where a Lot does not contain Human Remains, it may be used for multiple Interments of Urns subject to the following conditions:
 - i. if any Interment Rights for the Lot have been exercised as of the date on which this By-law comes into effect, no more than three (3) sets of Cremated Remains, whether contained in Cremation Urns or a Companion Urn, may be Interred unless the Director is satisfied that the existing placement of all Cremated Remains in the Lot is such that the Lot can accommodate the Interment of four (4) sets of Cremated Remains;
 - ii. if no Interment Rights for the Lot have been exercised as of the date on which this By-law comes into effect, no more than four (4) sets of Cremated Remains, whether contained in Cremation Urns or a Companion Urn, may be Interred; and
 - iii. the dimensions of all Cremation Urns and Companion Urns Interred in the Lot and any Vaults containing them shall not exceed a combined total of fifty-three (53) centimetres in height, forty-eight (48) centimetres in width, and forty-eight (48) centimetres in length.

4.14. The following rules apply to Interments in a Niche:

- (a) a Niche in a Columbarium shall be used for a maximum of two (2) Interments of Cremated Remains, which may be contained in two (2) Cremation Urns or in one (1) Companion Urn;
- (b) the dimensions of the Cremation Urns or the Companion Urn and any Vault(s) containing them shall not exceed a combined total of thirty (30) centimetres in height, thirty (30) centimetres in width, and thirty-five (35) centimetres in length;
- (c) a Niche in a Mausoleum may be used for up to three (3) Interments of Cremated Remains, whether contained in Cremation Urns or a Companion Urn, provided that the dimensions of the Cremation Urn(s) or the Companion Urn and any Vault(s) containing them shall not exceed a combined total of thirty (30) centimetres in height, thirty (30) centimetres in width, and thirty-five (35) centimetres in length.

5. Disinterment

- 5.1. No Person shall Disinter Human Remains or Cremated Remains except in accordance with the *FBCSA* and this By-law.
- 5.2. Subject to subsection 5.4 of this By-law, Human Remains or Cremated Remains shall not be Disinterred unless prior consent is obtained from the Interment Rights Holder(s) and for Human Remains, prior notification is given to the Medical Officer of Health.

- 5.3. Subject to subsection 5.4 of this By-law, the Director must receive a certificate from the Medical Officer of Health prior to the removal of Disinterred Human Remains from any Cemetery. A certificate is not required for Disinterment of Cremated Remains from a Lot or their removal from the Cemetery.
- 5.4. Notwithstanding subsections 5.2 and 5.3 of this By-law, in some circumstances, the Disinterment or removal of Human Remains may be ordered by certain public officials and will take place without the consent of the Interment Rights Holder(s) and/or any next of kin.
- 5.5. No Disinterment may take place until the price for the applicable Cemetery service(s), as established by the Fees and Charges By-law, has been paid in full.
- 5.6. Cemetery Staff shall be present during any Disinterment.
- 5.7. The Director shall be given at least ten (10) working days' notice of a Disinterment request. The Person requesting Disinterment shall provide written confirmation that all applicable requirements of subsections 5.2, 5.3 and/or 5.4 of this By-law have been met.
- 5.8. While the Director shall make efforts to accommodate scheduling requests, Disinterment shall be scheduled based on notification requirements, weather and ground conditions, the availability of Cemetery Staff and the extent of services required.
- 5.9. During a Disinterment the Cemetery may, at the discretion of the Director, be closed to visitors not associated with the Disinterment.
- 5.10. The Town is not responsible for damage to any Casket, Urn, or Vault that may occur during a Disinterment. In addition, due to the length of time that a Casket, Urn, or Vault has been Interred and the conditions to which it has been exposed, the Town cannot guarantee that it can retrieve the complete Casket, Urn, or Vault Interred. Should a new Casket or Urn be required at the time of Disinterment, it shall be at the expense of the Person authorizing the Disinterment.
- 5.11. Any Marker or Monument designating an Interment location shall be removed upon Disinterment and the Lot shall be restored to the satisfaction of the Director.
- 5.12. Other than a Disinterment requested under subsection 5.4 of this By-law, the cost of supplying a new Casket or Urn, removing a Marker or Monument and/or restoring the Lot shall be paid by the Person authorizing the Disinterment.
- 5.13. The Town assumes no responsibility whatsoever for any damage to any Casket, Urn, Vault, container, vessel or other structure that occurs during the course of a Disinterment.

6. Markers, Monuments and Niche Plaques

- 6.1. No Marker, Monument or Niche Plaque shall be installed, erected or permitted on a Lot until the applicable price, as established by the Fees and Charges By-law, has been paid in full.

- 6.2. No Marker, Monument or Niche Plaque shall be installed, erected or permitted on a Lot without the consent of the Interment Rights Holder(s) and the Director.
- 6.3. No Marker, Monument or Niche Plaque shall be moved, altered or removed without the permission of the Director.
- 6.4. Markers, Monuments and Niche Plaques are the property of the Interment Rights Holder(s) and must be protected by the insurance coverage of the Interment Rights Holder(s).
- 6.5. The Town shall take reasonable precautions to protect Markers, Monuments and Niche Plaques but assumes no liability whatsoever for any loss of or damage to a Marker, Monument or Niche Plaque or part thereof. Without limiting the generality of the foregoing, minor damage due to Cemetery operations is considered normal wear and tear and shall not be compensable, except to the extent, if any, that such minor damage was caused by negligence on the part of Cemetery Staff.
- 6.6. The Interment Rights Holder(s) shall maintain Markers, Monuments and Niche Plaques in a safe and stable condition. Should a Marker, Monument or Niche Plaque present a safety risk because it has become unstable, the Town shall complete any work required to remove this risk.
- 6.7. The Town reserves the right to make rules with respect to the size, number, composition and location of Markers, Monuments and/or Niche Plaques on a Lot.
- 6.8. The following rules apply to Markers:
 - (a) no more than two (2) Markers are permitted on a Lot;
 - (b) every Marker shall be made of granite or other durable hard stone or of any sufficiently durable and non-corrosive metal;
 - (c) every Marker shall have a minimum thickness of ten (10) centimetres;
 - (d) every Marker shall be placed on a base of at least ten (10) centimetres of gravel or crushed stone;
 - (e) every Marker shall be installed flush to the ground;
 - (f) no Marker shall occupy more than ten percent (10%) of the total ground area of the Lot;
 - (g) the placement of a Marker shall not interfere with future Interments;
 - (h) the proposed placement of a Marker shall be submitted to the Director for approval at least ten (10) working days prior to the proposed date of installation;
 - (i) the Town and the Interment Rights Holder(s) shall enter into a written Marker placement agreement prior to installation;
 - (j) the Director shall schedule Marker installations based on weather and ground conditions and the availability of Cemetery Staff; and
 - (k) all Markers shall be installed by Cemetery Staff or under their supervision at the expense of the Interment Rights Holder(s).

- 6.9. The following rules apply to Monuments:
- (a) no more than one (1) Monument is permitted on a Lot;
 - (b) every Monument shall be made of granite or other durable hard stone with no vertical joint(s) and no stone, metal or other material attached;
 - (c) every Monument shall be installed on a concrete foundation constructed by Cemetery Staff at the expense of the Interment Rights Holder(s);
 - (d) every Monument shall be situated at the centre and head of a Lot except where alignment with existing Monuments in the vicinity requires or justifies a different placement;
 - (e) the placement of a Monument shall not interfere with future Interments;
 - (f) the proposed placement of a Monument shall be submitted to the Director for approval at least ten (10) working days prior to the proposed date for construction of the foundation;
 - (g) the height of a Monument including the foundation shall not exceed one hundred and twenty (120) centimetres;
 - (h) no Monument shall occupy more than ten percent (10%) of the total ground area of the Lot;
 - (i) no Monument shall be delivered to the Cemetery until the foundation has been completed and the Director has notified the Interment Rights Holder(s);
 - (j) the Director shall schedule Monument installations based on weather and ground conditions and the availability of Cemetery Staff; and
 - (k) all Monuments shall be installed under the supervision of Cemetery Staff at the expense of the Interment Rights Holder(s).
- 6.10. The following rules apply to Niche Plaques:
- (a) no more than one (1) Niche Plaque is permitted for a Niche;
 - (b) every Niche Plaque shall be made of granite with a dark finish and ribbon-style lettering;
 - (c) every Niche Plaque shall list the first name(s), last name(s), year of birth and year of death of the person(s) Interred in the Niche;
 - (d) additional proposed inscription(s) on a Niche Plaque shall be submitted to the Director for approval at least ten (10) working days prior to the proposed installation date;
 - (e) all Niche Plaques will be installed by Cemetery staff;
 - (f) the Director shall schedule Niche Plaque installations based on weather conditions and the availability of Cemetery Staff; and
 - (g) all Niche Plaques shall be installed by Cemetery Staff at the expense of the Interment Rights Holder(s).

- 6.11. No Person shall install or cause or permit the installation of any Marker, Monument or Niche Plaque that does not comply with the provisions of this By-law or that is not in keeping with the dignity and decorum of the Cemetery.
- 6.12. The Town reserves the right to remove any Marker, Monument or Niche Plaque that contravenes any provision of this By-law or that is not in keeping with the dignity and decorum of the Cemetery, without notice or compensation to the Interment Rights Holder(s).

7. Lot Decoration

- 7.1. The Town reserves the right to regulate Lot Decorations and to remove any structure, ornament, planting, article or item placed on any Lot that poses a threat to the safety of any Person, interferes with the operations of the Cemetery or Cemetery Staff, or is not in keeping with the dignity and decorum of the Cemetery, without notice or compensation to the Interment Rights Holder(s).
- 7.2. The following Lot Decorations are prohibited and shall be removed and disposed of without notice:
 - (a) any structure, planting or item delineating the boundaries or confines of a Lot;
 - (b) stone chips, gravel, sand or loose stones;
 - (c) walls, fences, railings, steps, curbs or coping;
 - (d) trellises or arches;
 - (e) furniture of any kind including chairs or benches;
 - (f) light fixtures including solar lights;
 - (g) memorial statues;
 - (h) in-ground vases;
 - (i) crosses made of wood or metal;
 - (j) flower display stands;
 - (k) protective wreath boxes;
 - (l) articles made of wood or other perishable materials;
 - (m) articles made of glass, ceramic or other fragile materials;
 - (n) articles made of corrosive or hazardous materials;
 - (o) any Lot Decoration that is unsightly or neglected; and
 - (p) any Lot Decoration that is not in keeping with the dignity and decorum of the Cemetery.
- 7.3. Flowers may be placed on a Lot for a funeral or burial service at the Cemetery. Such flowers shall be removed by Cemetery Staff after a reasonable time to protect the sod and maintain the tidy appearance of the Cemetery.
- 7.4. Wreaths and artificial flowers may be placed on a Lot only between the first (1st) day of November and the first (1st) day of April. Any wreaths or artificial flowers remaining on a Lot after the first (1st) day of April shall be removed and disposed of without notice.

- 7.5. Potted plants may be placed on a Lot only between the first (1st) day of April and the first (1st) day of November. Any potted plants remaining on a Lot after the first (1st) day of November shall be removed and disposed of without notice.
- 7.6. Without limiting subsections 7.3, 7.4 and 7.5 of this By-law, the Town reserves the right to disallow or to remove quantities of cut flowers, wreaths, artificial flowers and/or potted plants considered to be excessive or that diminish the otherwise tidy appearance of the cemetery.
- 7.7. No tree, shrub or flower shall be planted in any part of a Cemetery other than a Lot without the consent of the Director. Unauthorized plantings shall be removed and disposed of without notice.
- 7.8. No tree or shrub shall be planted on a Lot without the consent of the Director and full compliance with any conditions imposed by the Director. Unauthorized plantings shall be removed and disposed of without notice.
- 7.9. Flowers may be planted on a Lot with the consent of the Interment Rights Holder(s).
- 7.10. The following rules apply to flowers planted on a Lot:
- (a) flowers shall be planted in a flower bed;
 - (b) no more than one (1) flower bed is permitted on a Lot;
 - (c) the flower bed shall be within thirty (30) centimetres of the Marker or Monument on the Lot;
 - (d) the flower bed shall be wholly contained within the Lot;
 - (e) the flower bed shall not occupy more than five percent (5%) of the total ground area of the Lot;
 - (f) the flowers shall be annual and/or perennial varieties suitable for prevailing weather and climate conditions;
 - (g) the flowers shall not extend beyond the maximum allowable planted area; and
 - (h) the flowers shall not encroach on any other Lot.
- 7.11. Lot Decorations are the property of the Interment Rights Holder(s) and are placed on a Lot at their sole risk. Where appropriate, Lot Decorations shall be protected by the insurance coverage of the Interment Rights Holder(s).
- 7.12. The Interment Rights Holder(s) shall maintain Lot Decorations in a safe, neat and proper condition and in keeping with the dignity and decorum of the Cemetery.
- 7.13. The Town shall take reasonable care to protect Lot Decorations but assumes no liability whatsoever for any loss of or damage to a Lot Decoration or any part thereof.
- 7.14. No Person shall place or cause or permit the placement of any Lot Decoration that does not comply with the provisions of this By-law.

8. Care and Maintenance

- 8.1. A portion of the purchase price for Interment Rights is deposited into the Care and Maintenance Fund. Income generated from this fund is used to maintain, secure and preserve Active Cemetery and Inactive Cemetery grounds.
- 8.2. Services that can be provided through the Care and Maintenance Fund may include:
 - (a) re-levelling and sodding or seeding of Cemetery grounds;
 - (b) maintenance of Cemetery landscaping;
 - (c) maintenance of Cemetery infrastructure including roads, water systems and sewer systems;
 - (d) maintenance of perimeter walls and fences;
 - (e) maintenance and repair of Cemetery buildings and structures including any Columbarium or Mausoleum;
 - (f) maintenance and repair of Cemetery equipment; and
 - (g) to the extent that income from the Care and Maintenance Fund permits, stabilization and securement of Markers and Monuments, with priority given to those presenting a safety risk as described in subsection 6.6 of this By-law.

9. Conduct of Cemetery Staff, Contractors and the Public

- 9.1. All Persons working within a Cemetery in any capacity, including Cemetery Staff and contractors retained by the Town or Interment Rights Holders to install or repair any Marker, Monument or Niche Plaque, shall comply with the provisions of this By-law and are subject to the direction and control of the Director.
- 9.2. Any contract work to be performed within the Cemetery, including but not limited to the delivery of Markers and Monuments, requires the written pre-approval of the Interment Rights Holder(s) and the Director before the work may begin.
- 9.3. Prior to the start of any contracted work within the Cemetery, the contractor shall provide to the Director:
 - (a) plans and detailed specifications relating to the work;
 - (b) the location of the work;
 - (c) proof of all applicable government approvals and permits for the work;
 - (d) proof of WSIB coverage and compliance with occupational health and safety standards; and
 - (e) confirmation of liability insurance coverage for the contracted work with limits of not less than two million dollars (\$2,000,000) per occurrence.
- 9.4. All Persons working within a Cemetery in any capacity shall strictly adhere to all applicable health and safety requirements and shall report any work-related incident or injury to the Director.
- 9.5. Contractors shall not enter a Cemetery outside the regular business hours of the Cemetery without the prior approval of the Director.

- 9.6. No work shall be performed at a Cemetery outside the regular business hours of the Cemetery.
- 9.7. Contractors and Cemetery Staff engaged in the installation of any Marker or Monument shall place temporary planking on Cemetery grounds to protect the grounds from damage and shall remove the planking upon completion of the installation.
- 9.8. Contractors and Cemetery Staff engaged in the placement of any Vault in a Lot shall ensure that no damage is caused to adjacent Lots and/or any installations on those Lots.
- 9.9. Contractors working within a Cemetery shall remove all equipment and materials from the Cemetery upon completion of the work and shall leave the site of the work in a safe, neat and proper condition. Contractors shall restore the site and repair any damage caused by the work to the satisfaction of the Director.
- 9.10. Contractors and Cemetery Staff shall temporarily cease operations if they are working within one hundred (100) metres of a funeral or burial service at the Cemetery. In addition, the Town reserves the right to require temporary cessation of operations where the noise of such operations is deemed to be a disturbance to any funeral or burial service or public gathering within the Cemetery.
- 9.11. Cemetery Staff employed by the Town shall not accept any form of gratuity for providing Cemetery services.
- 9.12. The Town recognizes that Cemeteries are a valuable public space and permits the public to access and use Cemeteries in accordance with this By-law.
- 9.13. No Person shall enter or leave any Cemetery except through an established entrance or exit.
- 9.14. No Person shall enter or be within any Cemetery between dusk and dawn.
- 9.15. No Person shall advertise or solicit for business of any kind within a Cemetery.
- 9.16. No Person shall damage, destroy, remove or deface any structure or property within a Cemetery including but not limited to Markers, Monuments, Niche Plaques, Lot Decorations, signs, landscaping, fences and gates.
- 9.17. No Person shall deposit rubbish or debris on Cemetery grounds except in the receptacles provided.
- 9.18. No Person shall bring any alcoholic beverage into a Cemetery or consume any alcoholic beverage within a Cemetery.
- 9.19. No Person shall bring any animal into a Cemetery except:
 - (a) a dog that is leashed and under the control of the Person in accordance with Town of Pelham By-law No. 97-2010 and that is kept at all times on Cemetery Paths; or
 - (b) a service animal as defined in the *Provincial Animal Welfare Services Act, 2019*, S.O. 2019, c. 13.

- 9.20. Any Person who brings a leashed dog into a Cemetery pursuant to paragraph 9.19(a) of this By-law shall ensure that the dog remains on Cemetery Paths at all times.
- 9.21. Any Person who brings a leashed dog or service animal into a Cemetery shall ensure that animal waste is cleaned up immediately and deposited in an appropriate waste container or removed from the Cemetery.
- 9.22. No Person shall engage in conduct that disrupts or disturbs the quiet and good order of a Cemetery or that is not in keeping with the decorum and dignity of the Cemetery.
- 9.23. Motor vehicles as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8 may be operated within a Cemetery as follows:
 - (a) motor vehicles shall travel exclusively over or upon the paved roads of the Cemetery;
 - (b) motor vehicles shall not use roads in the Fonthill Cemetery as a thoroughfare between Highland Avenue and Brock Street; and
 - (c) motor vehicles shall not exceed a speed of twenty (20) kilometres per hour.
- 9.24. Where the Director determines that roads within a Cemetery are susceptible to damage due to weather conditions or for any other reason, the Director may restrict motor vehicle traffic at the Cemetery.
- 9.25. Motorized vehicles that are primarily for leisure or recreational use, including but not limited to snowmobiles, mini-bikes, ATVs, dune buggies and similar vehicles, shall not be operated in a Cemetery.

10. Enforcement

- 10.1. This By-law shall be administered and enforced by the Town Clerk, the Director and any Person appointed or otherwise delegated the authority of administration and enforcement.
- 10.2. Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to such penalties as are provided for in the *FBCSA* and the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

11. Cemetery Operations

- 11.1. The Town reserves full control over all Cemetery operations and management of land within all Cemetery grounds. Administrative services for all Cemeteries are provided at Town Hall during regular business hours at that location.
- 11.2. Fonthill Cemetery shall be open to conduct business as follows:
 - (a) Interments: 9:00 a.m. to 3:00 p.m. on Monday to Saturday
 - (b) Visitation other than Mausoleum: daily from dawn to dusk
 - (c) Mausoleum Visitation: as soon as practicable upon receipt of a request made to Town Hall during regular business hours

- 11.3. Hillside Cemetery shall be open to conduct business as follows:
 - (a) Interments: 9:00 a.m. to 3:00 p.m. on Monday to Saturday
 - (b) Visitation: daily from dawn to dusk
- 11.4. Hansler Cemetery shall be open to conduct business as follows:
 - (a) Interments: N/A
 - (b) Visitation: daily from dawn to dusk
- 11.5. All Cemeteries shall be governed by this By-law and in accordance with the *FBCSA*, as amended or updated from time to time.
- 11.6. All amendments to this By-law shall be:
 - (a) published once in a newspaper with general circulation in the Town;
 - (b) conspicuously posted on a sign at the main entrance to each Cemetery; and
 - (c) delivered to each supplier of Markers and Monuments that has delivered a Marker or Monument to any Cemetery during the previous year if the amendment pertains to Markers or Monuments or their installation.
- 11.7. This By-law and all amendments to this By-law are subject to the approval of the BAO or such other Registrar as is appointed under the *FBCSA*.
- 11.8. The Town shall maintain a register as required by section 110 of Ontario Regulation 30/11 under the *FBCSA* and shall make the said register available for inspection by the public without charge.
- 11.9. The Town shall have the right at any time to re-survey, enlarge, diminish, re-plot, change or remove plantings, grade, close paths or roads, alter in shape or size, or otherwise change all or any part of a Cemetery, subject to approval by the appropriate authorities.

12. General

- 12.1. The short title of this By-law is the "Cemeteries By-law".
- 12.2. If any provision of this By-law is found by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, the balance of the By-law shall not be affected and shall remain in full force and effect.
- 12.3. If there is a conflict between a provision of this By-law and a provision of any other By-law of the Town, the provision that establishes the higher standard shall prevail.
- 12.4. This By-law shall be read with all changes in number or gender as are required by context.
- 12.5. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.

12.6. The Town Clerk is hereby authorized to effect any minor modifications or corrections solely of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this By-law as are determined to be necessary.

13. Repeal and Enactment

13.1. By-law No. 3012(2019), being a By-law respecting cemeteries owned by the Corporation of the Town of Pelham, is hereby repealed and replaced.

14. Effective Date

14.1. This By-law shall come into force upon being approved by the BAO or such other Registrar as is appointed under the *FBCSA*.

Read, signed and sealed this 18th day of December, 2024.

Marvin Junkin, Mayor

Sarah Leach, Town Clerk



The Corporation of the Town of Pelham

By-law No. 88-2024

Being a By-law to amend By-law No. 3728(2016), to establish 2025 Fees and Charges to be collected by the Corporation of the Town of Pelham.

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*" or "the statute") provides that the powers of a municipality under the statute or any other Act shall be interpreted broadly so as to confer broad authority to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the statute or any other Act;

AND WHEREAS the *Municipal Act, 2001* provides that a municipality may pass by-laws imposing fees or charges on persons;

AND WHEREAS the *Planning Act*, R.S.O. 1990, c. P.13 provides that Council may prescribe a tariff of fees for the processing of applications made in respect of planning matters;

AND WHEREAS the *Building Code Act, 1992*, S.O 1992 c. 23 as amended, authorizes Council to impose fees related to applications for and the issuance of building permits, and to prescribe the amounts of such fees;

AND WHEREAS the *Line Fences Act*, R.S.O. 1990 c. L. 17, provides that Council may fix its reasonable administrative fees to be paid to the municipality in relations to the proceedings of the Act;

AND WHEREAS the Corporation of the Town of Pelham deems it expedient to consolidate and update the fees and charges to be collected by the various departments of the Corporation of the Town of Pelham;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1. THAT Council hereby establishes the fees and charges for 2025 as set out in the Schedule to this By-law for The Corporation of the Town of Pelham. The 2024 fees and charges will be subject to Harmonized Sales Tax ("HST") and Retail Sales Tax ("RST"), where applicable.

2. Repeal and Enactment

2.1. By-law 71-2023, as amended, being by-law(s) to establish 2024 fees and charges, are hereby repealed and replaced.

3. Effective Date

3.1. This By-law shall come into force on January 1, 2025.

Read, enacted, signed and sealed this 18th day of December, 2024.

Marvin Junkin, Mayor

Sarah leach, Acting Town Clerk

Town of Pelham User Fees and Charges 2025



Overview

An experience at a summer camp or swim program, a requirement to obtain duplicate billing information or a new beginning obtaining a house permit, all of these experiences and more are realized within this guide.

User fees and charges are established to ensure that services specific to individuals are not subsidized by all ratepayers within the Town of Pelham.

The Town of Pelham is proud to offer the experiences outlined in this guide at a minimal cost to the community members that require them.

The user fees and charges outlined in this document are regulated by By-law 88 - 2024.

Disclaimer

Where it is found that a fee in this schedule is different than an approved bylaw or policy, the latter shall prevail.

All fees and charges do not include applicable taxes. Where fees and charges are subject to taxes, they will be added at point of sale.

Contact

For more information about content found within this guide, please contact:



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Clerk's Department



Corporate Services



Fire & By-Law Services



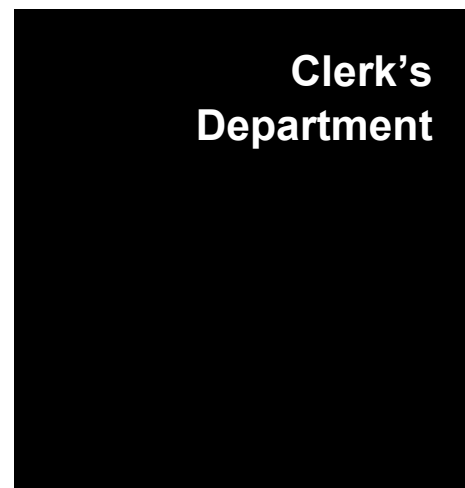
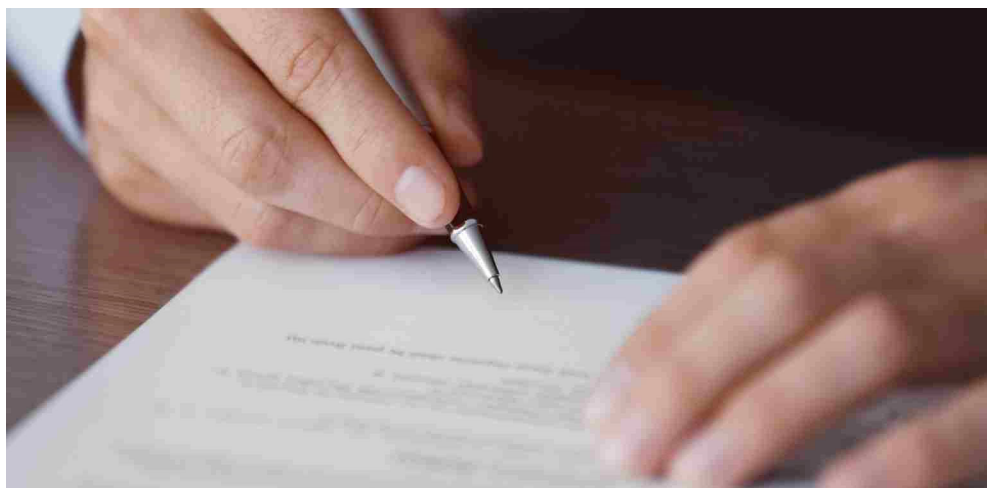
Planning & Development Services



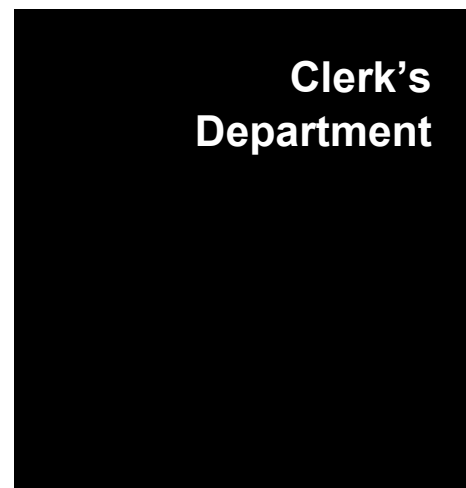
Recreation & Cultural



Public Works



	2025
Business Licensing	
Annual Vendor License	\$250.00
Limited Vendor License	\$25.00
Bed and Breakfast, Fee Per Bedroom	\$150.00
Short Term Accommodation, Fee Per Bedroom	\$300.00
Affidavits /Commissioner of Oath	
Signature for all documents	\$20.00
Non-resident Signature for all documents	\$30.00
Registrar Statement/Travel Letter	\$20.00
Burial Permits/Death Registrations	\$20.00
Burial Permits/Death Registrations – After hours	\$100.00
Photocopies per page	\$0.30
Retrieval of Archived Records from Off-Site Storage	\$20.00
Lottery Licensing	
Bingo License % of prizes not exceeding \$5,500.00	3%
Raffle Lotteries % of prizes not exceeding \$50,000.00	3%
Bazaar Lotteries % of prizes not exceeding \$500.00	3%
Bazaar Lotteries – per wheel	\$10.00
Break Open Ticket (Nevada) Lottery % of prizes each occasion	3%
Break Open Ticket (Nevada) Lottery Home Base % of total prizes	2.25%
Line Fences Administrative Fee	
Muzzle Order Appeal Hearing Fee	\$425.00
	\$275.00

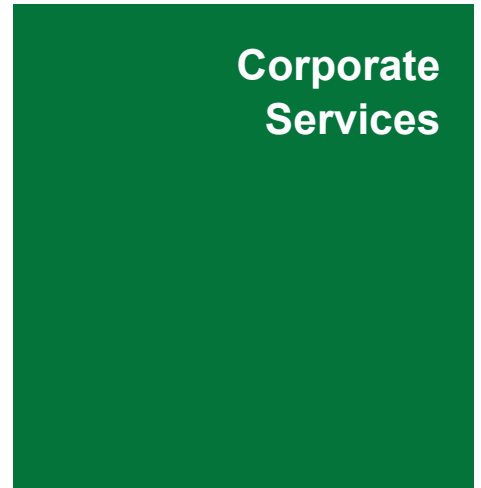


		2025
Marriage Licensing		
License Fee		\$130.00
Ceremony Fee – On Site – Business Hours*		\$200.00
Rental of Peace Park Bandshell applies		\$27.00
*Rental Fee – Town Hall Council Chambers p/hr		\$25.00
*Rental Fee – Business Hours – MCC Accursi Lounge (25 people) p/hr		\$27.00
*Rental Fee – Business Hours – MCC ½ Accursi (50 people) p/hr		\$37.00
		\$53.50
Ceremony Fee – Off Site and After Hours (Plus Expenses)		\$300.00
Rehearsal Fee		\$75.00
Witness Fee – Municipal Staff – Normal Business Hours – Each		\$25.00
Cleaning Fees, if required		\$100.00
Municipal Property Damage – Billable	Full Cost Recovery	
Note 1: For weddings not officiated by the Town of Pelham, separate MCC Rental Fees and requirements apply.		
Temporary Outdoor Patio on Municipal Property Permit		\$150.00
Freedom of Information		
Application Fee		\$5.00
Photocopies – per page		\$0.20
Manual search, each 15 minutes		\$7.50
Preparation of record for disclosure – each 15 minutes		\$7.50
Retrieval of Archived Records in Off-Site Storage		\$20.00



**Clerk's
Department**

	2025
Integrity Commissioner Complaint Filing Fee(s) *Per Term of	
First Complaint	No Fee
Second Complaint	\$100.00
Three or More Complaints	\$300.00
*Please contact the Clerks Department for applicable exemptions	



		2025
General Tax Services Fees		
Statement of Tax Account		\$10.00
Reprint of Tax Bill		\$10.00
Tax Certificate – Mailed		\$55.00
Tax Certificate – Verbal		\$25.00
Interest and Penalty on Tax Arrears		1.25%
NSF Charge		\$35.00
New Roll Creation		\$40.00
Ownership Change		\$40.00
Mortgage Company Administration Fee		\$15.00
Tax Registration Fees		
Tax Registration	Actual fees charged plus 25%	
After Final Notice	Actual fees charged plus 25%	
Sale by Tender/Auction		\$2,200.00
Preparation of Extension Agreement		\$500.00
POA add to taxes		\$50.00
General Accounts Receivable		
Interest on Accounts Receivable		1.25%
NSF Charge on Accounts Receivable		\$35.00
Administrative Fee for Adding Arrears to Tax		\$30.00
S. 357/358 Application Fee		\$30.00



**Fire &
By-Law
Services**

	2025
Prevention, Protection and Inspection Fees	
File Search	\$75.00
Request for Reports/Copies	\$75.00
Photographs	\$10.00
Fireworks Permits	
Sales	\$100.00
Storage	\$100.00
Display	\$100.00
Fire Route Application	
Administration Fee	\$100.00
Residential Requests	
Mortgage Clearance	\$100.00
Change of Ownership	\$100.00
Multi Residential after two units (each)	\$25.00
Burn Permit (annual)	\$25.00
Burn Permit (new requiring an inspection)	\$50.00
Commercial & Industrial Requests	
First 2000 square meters	\$200.00
Each additional 100 square meters (each)	\$50.00
Tenant Space Individual (each)	\$50.00
L.L.B.O. Licenses Requests	
Premises	\$100.00



**Fire &
By-Law
Services**

	2025
Prevention, Protection and Inspection Fees (continued)	
Patio (each)	\$50.00
Special Occasions (each)	\$50.00
Hen License Application Fee	\$100.00
Hotels-Motels Requests	
1-10 units	\$200.00
Over 10 units (per unit)	\$10.00
Day Care Requests	
Day Nurseries/Home Day Care Licenses	\$150.00
Fire Safety Plans	
Approvals	\$100.00
Inspection for Trade Shows	
Home Shows/Special Functions	\$150.00
Installation of Rural 911 Sign	\$100.00
Issuance of Occupant	
Loads sign – 60 persons or less	\$50.00
Loads sign – 61 persons or more	\$100.00
Vacation Rental Inspection Fee	\$150.00
Accreditation Inspections	
Nursing Homes	\$150.00
Rest Homes	\$150.00
Seniors Apartments	\$150.00
Care Facilities	\$150.00



**Fire &
By-Law
Services**

		2025
Prevention, Protection and Inspection Fees (continued)		
Fire Drills		
Fire drill observation by (an) inspector(s) assigned by the chief fire official of any subsequent fire drill within the same calendar year		\$500.00
Municipal Property Damage	Full Cost Recovery	
Discretionary Fees		
Equipment, Labour and/or Materials used at an incident	Full Cost Recovery	
False Alarm Response		
Per hour per Fire Department Vehicle		\$580.00
Per additional ½ hour per Fire Department Vehicle		\$290.00
<i>Note: False Alarm Fees will only be implemented when it is determined by the Fire Chief that the false alarm was preventable or the fire alarm system was improperly installed, maintained or resulted from a malicious act by an individual. See By-Law 3085(2010) for details.</i>		
Response to an unauthorized Open Air Burn		
Per hour per Fire Department Vehicle		\$550.00
Per additional ½ hour per Fire Department Vehicle		\$275.00
Motor Vehicle Fires and Collisions – Non-Resident		
Per hour per Fire Department Vehicle		\$550.00
Per additional ½ hour per Fire Department Vehicle		\$275.00
Fail to Comply with an Ontario Regulation causing an Emergency Response OR 210/01		



Fire & By-Law Services

	2025
Response to an unauthorized Open Air Burn (Continued)	
Per hour per Fire Department Vehicle	\$550.00
Per additional ½ hour per Fire Department Vehicle	\$275.00
Note: Motor Vehicle fires and Collisions – Non-Resident MAY be charged where the Pelham Fire Department has responded to an emergency situation, including motor vehicle accidents and fire, in which a non-resident person is involved.	
Sign Fees	
Ground Signs up to 50 square feet	\$100.00
Ground Signs over 50 square feet	\$150.00
Menu Board Signs	\$150.00
Mobile Signs with Modifiable Copy	\$100.00
Pole Signs	\$150.00
Projecting Signs	\$150.00
Roof Signs	\$150.00
Temporary Signs	\$100.00
Wall Signs	\$100.00
Signs Exceeding Sign Face Area or Height Requirements	\$150.00
Applications and Permits for Signs requiring Council Approval	
Applications to Council for Variance	\$250.00
Property Standards & Clean Yard (default not remedied)	
Administrative Fee	\$200.00



**Fire &
By-Law
Services**

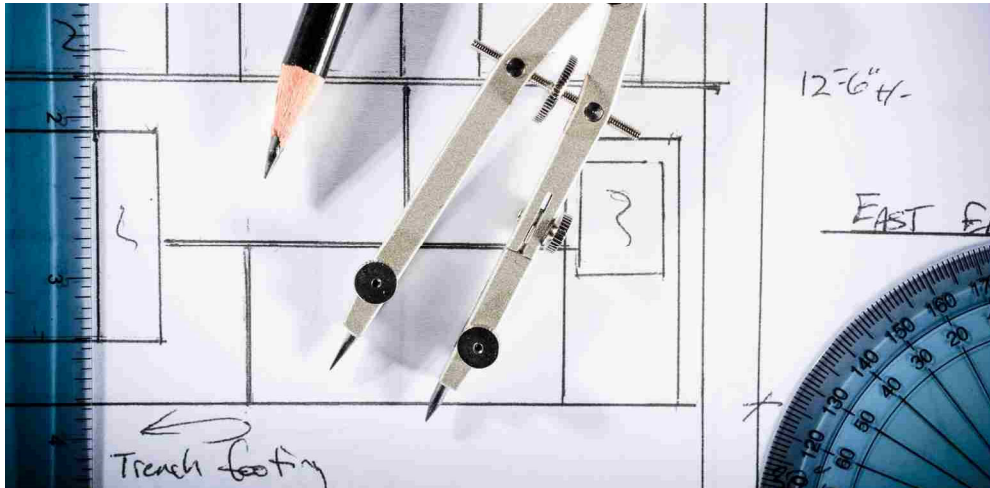
	2025
Property Standards & Clean Yard (default not remedied) Continued	
Initial Inspection Fee	\$100.00
Re-Inspection Fee	\$100.00
Mailing Fee	\$30.00
Remedial Action taken to correct default (total cost)	+ 30%
Notice to comply	\$95.00
Fencing	
Application to Council for Fencing Variance	\$150.00
Kennel License	\$100.00
Notice to comply (all by-laws)	\$95.00
Municipal Orders (all by-laws)	\$110.00



		2025
Planning Fees		
Minor Pre-Consultation (Zoning/ Official Plan Amendments & Site Plan Control)		\$250.00
Major Pre-Consultation (Subdivision, Condominiums)		\$500.00
no pre-consultation fees are required for Committee of Adjustment Applications including Consents and Minor Variances or On-Farm Diversified Uses.		
Town Consultant Review Fee *Consultant review may include full application costs for a RPP consultant to undertake the application review in full/part and or specific consultant review expertise of studies and requirements.	Full Cost Recovery	
Draft Plan of Subdivision		\$10,110.00
Resubmission of Draft Plan Prior to Approval		\$1,194.00
Modification to Draft Plan of Subdivision		\$6,318.00
Extension to Approval of a Draft Plan of Subdivision		\$1,012.00
Final Approval of a Draft Plan of Subdivision		\$1,897.00
Subdivision Agreement		*
Amendment to a Subdivision Agreement		\$950.00
Draft Plan of Condominium		\$5,056.00
Resubmission of Draft Plan of Condominium Prior to Approval		\$1,194.00
Modification to Approval of a Draft Plan of Condominium		\$2,529.00
Extension to Approval of a Draft Plan of Condominium		\$1,012.00
Condominium Agreement		*
Amendment to Condominium Agreement		\$950.00
Development Agreement Application		*or**
Amendment to Development Agreement		\$950.00
Release of Development Agreement		\$1,140.00



	2025
Planning Fees (continued)	
Site Plan Approval Application **Note: separate fee for the agreement	\$4,423.00
Resubmission of Site Plan Prior to Approval	\$897.00
Site Plan Approval for Minor Development i.e. farm help house, triplex, building addition <100m2 etc.	\$1,254.00
Site Plan Amendment ***Note: Separate fee for the agreement	\$3,162.00
Release of Site Plan Agreement	\$1,140.00
*Subdivision Agreements, Site Plan Agreements and Development Agreements requiring the extension of municipal services	
Garden Suite Agreement	\$1,827.00
Encroachment Agreement	\$352.00
Zoning By-Law Amendment	\$5,056.00
APO Zoning By-Law Amendment	\$3,162.00
Official Plan Amendment	\$6,318.00
Combined Zoning By-Law & Official Plan Amendment	\$10,110.0
Extension of a Temporary Use By-Law	\$3,162.00
Removal of Holding Symbol	\$632.00
Repeal of Interim Control By-Law	\$1,263.00
Deeming By-Law	\$632.00
Lifting of Inhibiting Order	\$632.00
Lifting of One Foot Reserve	\$632.00
Removal of Part Lot Control	\$1,263.00
Communication Towers and Renewable Energy Application	\$1,263.00
Property Standards Appeal	\$632.00



Planning & Development Services

Planning Fees (continued)	2025
Aggregate Application Fees	Full Cost Recovery
Real Estate Compliance Letter (10 business day service)	\$153.00
Real Estate Compliance Letter (Expedited 4 business day service)	\$246.00
Zoning Information Letter (10 business day service)	\$114.00
* Subdivision Agreements, Site Plan Agreements and Development Agreements requiring the extension of municipal services	
\$12,147.00 where the cost of construction of all Work is less than \$100,000.00;	
\$12,147.00 plus 4.0% of the costs between \$100,000.00 and \$400,000.00;	
\$26,383.00 plus three and one-half percent (3.5%) of the costs exceeding four hundred thousand dollars (\$400,000.00);	
** Site Plan Agreements; and Development Agreements where municipal services are not required to be extended \$2,978.00 \$3,038.00	
*** Shall be paid in addition to the Official Plan Amendment, Zoning By-Law Amendment and other planning application fees	
Agreements for temporary Second Dwelling Units	\$1,170.00
Change of Address	\$135.00
Consent	\$1,688.00
Request for Change in Conditions	\$620.00
Rescheduling Fee	\$283.00
Final Certification	\$445.00
Recirculation Due to Change in Application	\$283.00
Special Hearing Fee (In Addition to Application Fee)	\$620.00
Minor Variance	\$1,237.00
Rescheduling Fee	\$283.00



Planning Fees (Continued)	2025
Recirculation Due to Change in Application	\$283.00
Special Hearing Fee (In Addition to Application Fee)	\$620.00
Cancel Consent Application Fee	\$432.00
Cancel Consent Certificate Fee	\$108.00
Region of Niagara Fees to Take Effect When Region Becomes Upper Tier Municipality Without Planning Authority (Note: Regional fees subject to fee increase change by the Region of Niagara)	
Official Plan Amendments	
Regional Official Plan Amendment Review	\$11,205.00
Regional OPA - Urban Boundary Expansion	\$11,205.00
Regional OPA – Establish or Expand Pit or Quarry	\$114,100.00
Major OPA Review (3 or more types of policy review)	\$4,775.00
Minor OPA Review (2 or less types of policy review)	\$2,450.00
Subdivision, Vacant Land or Common Element Condominium Fees	
Draft Plan Review Base Fee	\$1,790.00
Draft Plan Per Ha. Fee (Note: fee is Base fee + Per Ha. fee)	\$790.00
Revision of Submission by Applicant Prior to Draft Approval	\$1,925.00
Modification of Draft Approval	\$1,925.00
Extension of Draft Approval	\$1,395.00
Extension of Draft Approval Approved Prior to 2006	\$2,775.00
Clearance of Draft Plan Conditions (per Phase)	\$1,925.00
Standard Condominium Fees	
Standard Condominium Draft Plan Review	\$1,775.00
Revisions to Submission by Applicant Prior to Draft Approval	\$1,245.00



2025

Region of Niagara Fees to Take Effect When Region Becomes Upper Tier Municipality Without Planning Authority (Note: Regional fees subject to fee increase change by the Region of Niagara)

Standard Condominium Fees (Continued)

Modification to Standard Condominium Draft Approval	\$1,245.00
Extension of Standard Draft Condominium Approval	\$890.00
Extension of Standard Draft Condominium Approval Prior to 2006	\$890.00
Clearance of Standard Condominium Conditions	\$1,600.00

Zoning By-law Application Fees

Major Zoning By-law Amendment Review	\$2,500.00
Minor Zoning By-law Amendment Review	\$1,395.00
Agricultural Purposes Only (APO) Review	\$1,090.00
Revision to Submission by Applicant Prior to Approval (Major)	\$1,075.00
Removal of Holding Symbol	\$895.00

Consent to Sever Application Fees

Consent Review – Urban	\$510.00
Consent Review – Rural/Outside Urban	\$835.00
Final Certification Fee (active files under Regional Authority)	\$740.00

Site Plan Fees

Major Site Plan Review	\$1,345.00
Revision to Submission by Applicant Prior to Approval	\$780.00
Clearance of Conditions	\$995.00

Minor Variance Application

Minor Variance Review	\$760.00
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2025

Region of Niagara Fees to Take Effect When Region Becomes Upper Tier Municipality Without Planning Authority (Note: Regional fees subject to fee increase change by the Region of Niagara)

Niagara Escarpment Plan Applications

Development Permit Review	\$2,225.00
Minor Development Permit Review (no provincial/regional interests-pools/sheds)	\$830.00

Environmental Site Assessments, Request to Use Non-Potable Water, Site Conditions

Response to Request	\$410.00
Response to Request – Update Letter	\$150.00

Secondary Plan Review Fees

Secondary Plans Privately Initiated	\$6,935.00
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Pre-Consultation Fees

Pre-Consultation Review	\$500.00
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Special Studies Fees

Environmental Review	
Major EIS Review (2 features or more)	\$3,060.00
Minor EIS Review (1 feature)	\$1,530.00
Major Environmental Impact Study (EIS) Review (2 or more features) – No approved terms of reference	\$4,045.00
Minor EIS Review (1 feature) – No Approved Terms of Reference	\$2,355.00
EIS Terms of Reference Review	\$555.00
EIS Second Submission and Greater (Addendum) Review	Half the Original Fee
EIS Draft Review	\$555.00



Planning & Development Services

	2025
Special Studies Fees (Continued)	
Review of Restoration Plan	\$760.00
Review of Tree Preservation Plan	\$380.00
Review of Monitoring Plan	\$975.00
Urban Design	
Major Urban Design Review	\$1,000.00
Minor Urban Design Review	\$300.00
Building Permit Fees	
Minimum Permit Fee unless otherwise stated	\$293.00
New Construction – per square foot	
Assembly Occupancies – Group A	
School, church, restaurant, theatre, educational or recreational facility and similar occupancies	\$2.02
Preparation of record for disclosure – each 15 minutes	\$8.47
Institutional Occupancies – Group B	
Hospital, nursing home, reformatory, prison and similar occupancies	\$2.02
Residential Occupancies – Group C	
Single Family Dwelling, Semi-Detached Dwelling & Duplex Dwelling	\$1.66
Multiple Unit Dwelling i.e. apartment dwelling, townhouse dwelling, hotels, motels, other residential buildings or parts thereof	\$1.70
Residential Additions	\$1.47
Business/Personal Services Occupancies – Group D	
Office, bank, medical office/clinic and similar occupancies	\$2.02
Mercantile Occupancies – Group E	
Store, shopping mall/plaza, shop, market, retail outlet and similar	\$2.02



**Planning &
Development
Services**

	2025
New Construction – per square foot (Continued)	
Mercantile Occupancies – Group E	
Store, shopping mall/plaza, shop, market, retail outlet and similar occupancies	
Industrial Occupancies – Group F	
Industrial mall, plaza, garage, plant, factory, warehouse, manufacturing building and similar occupancies	\$1.88
Special Occupancies/Categories	
New Farm Buildings	\$.58
Tents	\$293.00
Special Occupancies/Categories per square foot	
Park Model Trailer, Mobile Home	\$293.00
Accessory Buildings/Structures	
Garage/Carport, Deck/Porch/Patio, Sunroom/Solarium, shed or other accessory building	\$293.00 \$.98> 300/ft ²
Private Swimming Pool	\$293.00
Public Swimming Pool or Spa	\$878.00
Designated Buildings/Structures	
Communication Tower, Solar Panels, Retaining Wall, Pedestrian Bridge, Wind Turbine, Crane Runway and similar buildings/structures	\$585.00
Alterations & Repairs – per square foot	
Interior Alterations/Repairs/Tenant Improvements	
Assembly occupancies – Group A	\$0.46
Institutional Occupancies – Group B	\$0.46
Residential Occupancies - Group C	\$0.36
Business/Personal Service - Group D	\$0.46



Planning & Development Services

	2025
Interior Alterations/Repairs/Tenant Improvements (Continued)	
Mercantile Occupancies - Group E	\$0.46
Industrial Occupancies - Group F	\$0.46
Alterations/Additions to existing Farm Buildings	\$0.32
Alter/Replace Roof Structure	\$.46
Fireplace, Woodstove, Insert, Chimney and similar construction	\$293.00
Demolition	
Part 9 Buildings/Structures	\$293.00
Other	\$878.00
Miscellaneous	
Partial Occupancy (does not apply to single family dwellings)	\$293.00
Change of use of a building or part thereof	\$293.00
Transfer of a Permit to a New Owner	\$293.00
Request for Deferral of Permit Revocation	\$293.00
Move a Building/Structure	\$293.00
Conditional Permit	\$702.00
Conditional Permit Agreement	\$293.00
Permit Renewal / Per Year	\$128.00
Re-inspection Fee	\$88.00
Clearance Letter	\$88.00
Building Code Order Compliance Letter	\$177.00
Hourly Rate	\$76.00
Occupant Load Inspection	\$293.00
Photocopying & printing per page	\$0.30



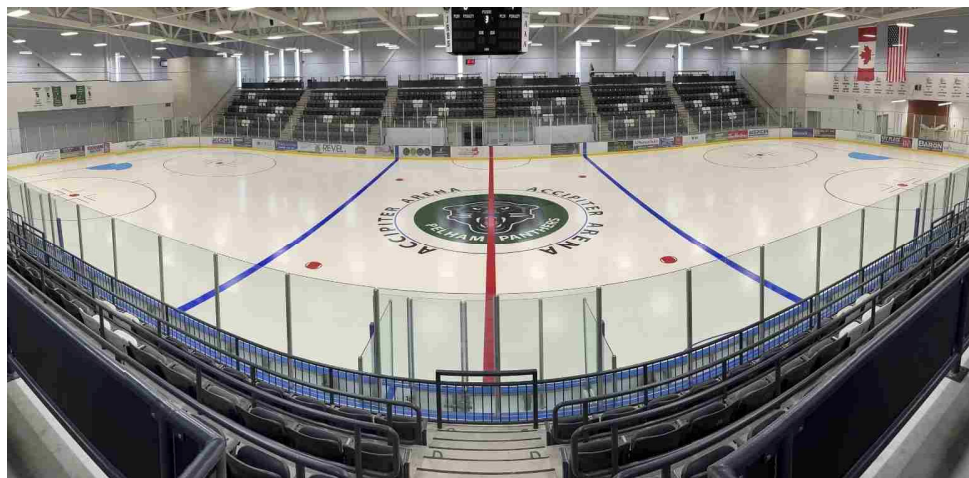
**Planning &
Development
Services**

	2025
Alternative Solution Review	\$585.00
Partial Permit/Staged Construction	
Building Foundation	15%
Building Shell	75%
Building Completion	10%
Plumbing	
For plumbing work not included in any of the above classes of permit	
First 6 fixtures	\$293.00
Each additional	\$11.71
Refund of Permit Fees	
Where only administrative functions have been completed (application received and cost analysis complete)	90%
Where only administrative and zoning functions have been completed	80%
Where administrative, zoning and plans examination functions have been performed	60%
Where the permit has been issued and no inspections performed	50%
Deduction for each inspection performed	5%
No fees shall be refunded after twelve (12) months from the date of permit issuance or when refund is less than \$100	
Construction Prior to Permit Issuance	
Where construction has commenced prior to the issuance of a permit for any class of permit described herein, the permit fee shall be doubled	
Municipal Property Damage	Full Cost Recovery



**Recreation
& Cultural
Services**

		2025
Arena Rentals		
Ice Time – per hour (50min)		
Prime Time - Weekdays 4pm – midnight & weekends		\$226.00
Prime Time - Youth		\$162.50
Non-Prime Time – Weekdays prior to 4pm	Y \$100.00/A	134.00
Prime Time Last Minute Ice (less than 24hrs notice)	Y \$85.00/A	\$134.00
Trainers Rate – 5 max		\$70.00
School Ice Rate		85.00
Spring/Summer Ice (April 1 – September 1)		
Non-Prime Time		\$134.00
Prime Time - Youth		\$162.50
Prime Time – Adult		\$226.00
Corporate Sponsor Free Skate Rates		
Prime Time Saturday Skate Sponsorship per occurrence		\$314.00
Prime Time Sunday Skate Sponsorship per occurrence		\$366.00
Non-Prime Public Skate Sponsorship per occurrence		\$180.00
Public Skating		
Adults		\$3.98
Students		\$3.54
Child		\$3.54
Family (up to 5 members)		\$11.95
Preschool Skate		\$3.54
Non-Profit Organized Group Rate		\$30.09



**Recreation
& Cultural
Services**

	2025
Arena Rentals (continued)	
Special Skating	
Shinny Hockey Drop-In	\$5.31
Shinny Membership (20)	\$88.50
Women’s Hockey – Learn To Play Drop-In	\$5.31
Women’s Hockey – Learn To Play Program + Shinny Combo	\$8.85
Adult Learn To Skate Program (per class)	8.85
Ticket Ice	\$5.31
Summer Floor Rates	
Hourly – Adult	\$100.00
Hourly – Youth	\$52.00
Daily Event	\$610.00
Daily - Youth	\$400.00
Event Electrical System Includes ESA inspection	\$1,200.00
Table/Chairs Rentals per item/per event	\$10.00 / \$5.00
MCC Arena Advertising	
Accipiter Arena	
Boards (Per Year)	\$1,000.00
Duliban Insurance Arena	
On Ice (Per Ice Season/Year)	\$1200.00
Boards (Per Year)	\$1,000.00
Wall Boards (Per Year)	\$600.00



**Recreation
& Cultural
Services**

		2025
Rentals (continued)		
Clip Frames		\$10.00/wk or \$25.00/mth
Ice Resurfacers (Per Side/Year)		\$2,000.00
Old Pelham Town Hall		
Monday – Thursday (Daily Rental)		\$200.00
Monday – Thursday (Hourly Rental)		\$45.00
Friday – Sunday & Holidays (Daily Rental)		\$320.00
Friday – Sunday & Holidays (Hourly Rental)		\$65.00
Youth/Multiple Use Rate (5+) (Daily Rental Mon to Thurs)		\$175.00
West Lounge		\$75.00
Stage Rental per set up		\$250.00
Refundable Security Deposit (taxes not applicable)		\$100.00
ENTANDEM – Socan/Resound Fees – without dancing per event	Full Cost Recovery	
ENTANDEM – Socan/Resound Fees – with dancing per event	Full Cost Recovery	
Meridian Community Centre Gymnasiums		
½ gymnasium rental (hourly) Licensed Users-Youth Rate/Service Club		\$16.00
Full size gymnasium rental (hourly)		\$52.00
Full size gymnasium rental daily (Service Club)		\$308.00
½ gymnasium rental (hourly)		\$28.00
Custodial Charge (hourly)		\$40.00



**Recreation
& Cultural
Services**

	2025
Rentals (continued)	
Team Chairs (per event)	\$129.00
Table/Chair Rentals (per item/per event)	\$10.00 / \$5.00
Set up & Use of Nets & Standards (Volleyball & Pickleball)	\$10.00
Equipment Rental (Volleyball, Pickleball Racket with ball)	\$3.00/event
Gym Floor Covering (Per Gym)	\$271.25/event
Meridian Community Centre – Kinsmen Community Room	
FULL ROOM	
Daily – Monday to Thursday	145.00
Hourly – Monday to Thursday	37.00
Daily – Friday to Sunday & Holidays	258.00
Hourly – Friday to Sunday & Holidays	53.50
HALF ROOM	
Daily – Monday to Thursday	71.50
Hourly – Monday to Thursday	20.00
Daily – Friday to Sunday & Holidays	129.00
Hourly – Friday to Sunday & Holidays	28.00
Meridian Community Centre – Dr. Gary & Mall Accursi	
Multipurpose Community Room	
FULL ROOM	
Daily – Monday to Thursday	\$216.00
Hourly – Monday to Thursday	\$55.00
Daily – Friday to Sunday & Holidays	\$388.00
Hourly – Friday to Sunday & Holidays	\$79.00



**Recreation
& Cultural
Services**

	2025
Rentals (continued)	
HALF ROOM	
Daily – Monday to Thursday	\$145.00
Hourly – Monday to Thursday	\$37.00
Daily – Friday to Sundays & Holidays	\$258.00
Hourly – Friday to Sundays & Holidays	\$53.50
Special Functions Area	
Hourly	\$24.00
Daily	\$90.00
Daily (with rental of Dr. Gary & Mall Accursi Multipurpose Comm Room)	\$56.00
Community Room – Kitchen	
Daily (with rental of Dr. Gary & Mall Accursi Multipurpose Comm Room)	\$56.00
Hourly (with rental of Dr. Gary & Mall Accursi Multipurpose Comm Room)	\$20.00
Atrium	
Table/Chairs Rentals (per item/per event)	\$10.00/ \$5.00
MCC Servery – Ciolfi’s Corner	
Hourly	\$36.00
MCC – Small Meeting Room (RCW Meeting Room & Main Floor)	
Monday to Thursday (Daily)	\$54.00
Friday to Sunday & Holidays (Daily)	\$85.50
Monday to Thursday (Hourly)	\$13.50
Friday to Sunday & Holidays (Hourly)	\$18.50



**Recreation
& Cultural
Services**

2025

Rentals (continued)

Miscellaneous

Refundable Security Deposit (taxes not applicable)	\$100.00
Last Minute Cancellation Fee (less than 24hrs)	Full Rate
ENTANDEM – Socan/Resound Fees - without dancing per event	Full Cost Recovery
ENTANDEM – Socan/Resound Fees – with dancing per event	Full Cost Recovery
Stage Rental per set up	\$130.00
Pelham Minor Hockey Association Courtyard (Hourly/Daily)	\$31.00/\$129.00
Portable Bar per rental	\$129.00
Serving Fee per event	-
Linen Rental Fees per Item	\$12.50
Propane Heaters Rental Fee per Heater	\$31.00

Summer Field Rate Schedule

Ball Diamonds

Level "A" groomed and lined games	\$26.00
Level "A" youth games	\$18.50
Level "C" no service Adult	\$15.50
Level "C" youth practice	\$11.50
Diamond Lights (per hour)	\$32.00

Tournaments

Level "A" 1 x groomed and lined	\$204.00
Level "A" youth 1 x groomed & lined per field per day	\$145.00



**Recreation
& Cultural
Services**

	2025
Summer Field Rate Schedule (Continued)	
Staff per hour per staff – additional groom & lining	\$40.00
Note: Fees do not include use of lights – apply per hour light fee if required	
Soccer Fields per hour	
Adult	\$25.00
Minor	\$19.50
Soccer Lights (per hour)	\$32.00
Tournament	
Adult	\$195.00
Minor	\$151.00
Soccer Field Lining – Non-Municipal Fields per facility per lining	\$206.00
Park Pavilions: Centennial Park & Harold Black Park & MSSP Park Pavilion	
Park Pavilion	\$60.00
Passive Areas: Centennial Park & Harold Black Park & MSSP	
Permit Fee + Insurance	\$52.00
Peace Park including Bandshell	
Pavilion Rate + Passive Area Rate (under 100 people)	\$115.00
Pavilion Rate + Passive Area Rate (over 100 people)	\$232.00
Per Hour Rate	\$27.00
ENTANDEM – Socan/Resound Fees	Full Cost Recovery
Town Staff fee (per hour)	\$40.00
Hydro Fee for One Time Events	\$46.00



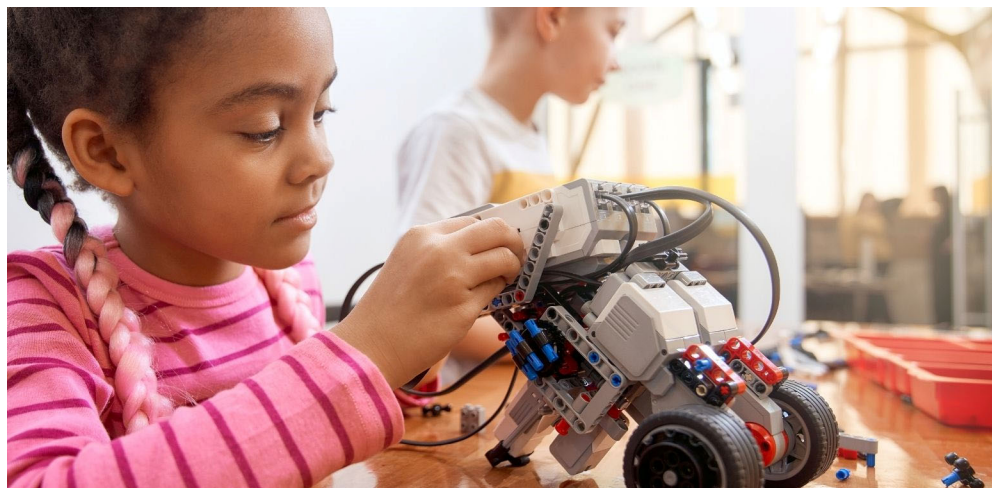
**Recreation
& Cultural
Services**

	2025
Centennial Park Tennis and Pickle Ball Courts	
Family Membership	\$150.00
Single Adult Membership	\$100.00
Single Student	\$50.00
Children (12 years and under)	Free
Outdoor Court Instructor Rental – per court/per day (up to 3 hrs)	\$20.00
Key Fob Deposit Fee (deposit returned upon return of Fob)	\$50.00
Lesson Fees will be determined based on competitive rates	
Storage Space Per Year	
Youth Organization Storage	\$500.00
Centennial/ H.B. Park	\$50.00
Supply Rentals (Daily Fee with Facility Rental)	
Picnic Table/Folding Table	\$25.00
Folding Cruiser Table	\$12.00
10 x 10 Tents with Weights	\$80.00
Kids Folding Table	\$12.00
Refundable Equipment Deposit (taxes not applicable)	\$100.00
Aquatic Rates	
Swimming Lessons	
Parent & Tot 1, 2, 3	\$72.00
Preschool 1-5	\$83.00
Swimmer 1, 2	\$83.00
Swimmer 3, 4, 5, 6	\$89.00
*Swim Discounts 25% off 3rd child (Pre 1 – Swimmer 7/8/9 in same session)	



**Recreation
& Cultural
Services**

	2025
Aquatic Rates (Continued)	
Patrol (Rookie, Ranger, Star)	\$97.00
Private Lessons (10)	\$190.00
Semi-Private Lessons (10)	\$160.00
Bronze Star	\$100.00
Bronze Medallion/Emergency First Aid CPR (Additional Fee for Materials)	\$177.00
Canadian Lifesaving Society Manual	Cost
Bronze Cross	\$150.00
Swim Team	\$125.00
Facility Charges	
Pool Rental per hour (includes 2 lifeguards) + Insurance	\$116.25
Lifeguard Fee Per hour	\$30.00
Public Swim Rates	
Adult	\$3.98
Child	\$3.54
Family	\$11.95
Swim Pass – Single	\$55.75
Swim Pass - Family	\$101.77
Aqua Zumba	\$6.20
Camp Rates	
March Break Camp	
Single Week	\$200.00



**Recreation
& Cultural
Services**

	2025
Camp Rates (Continued)	
Family Weekly Registration Discount Each Child after 2nd Child	(\$30.00)
Extended Care per week	\$38.00
Lunch per week (subject to change)	\$48.50
Lunch per day (subject to change)	\$10.00
Leaders in Training Program	\$115.50
Refund Administration Fee	\$20.00
Winter Break Camp (3 Day camp)	\$120.00
Summer Camp	
Single Week Registration	\$200.00
Multiple Week Registration discount each week after 2 weeks	(\$10.00)
Family Weekly Registration Discount Each Child after 2nd Child	15%
Extended Care per week	\$38.00
Extended Care Multiple weeks (3 weeks or more)	\$33.00
4 Day Camp Week (Due to Holiday)	\$160.00
Refund Admin Fee – before June 1	\$20.00
Refund Admin Fee – After June 1 – 2 weeks prior to camp week	\$50.00
Specialty Programs/Camps	
Single Week Registration	\$220.00 - \$400.00
Extended Care per week	\$38.00
Ballroom Dance Lessons (10 Classes) (50% off 2nd and 3rd class)	\$88.50
Ballroom Social Tickets	\$15.00



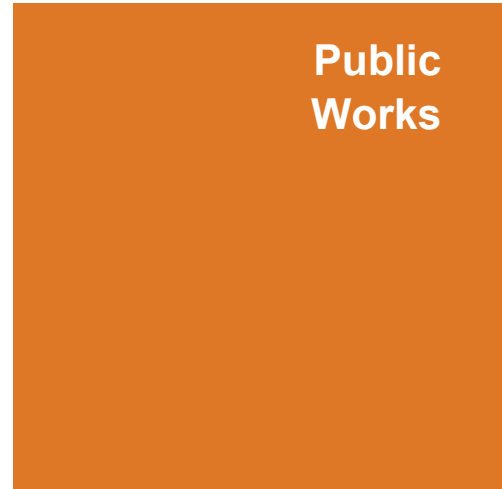
**Recreation
& Cultural
Services**

		2025
Specialty Programs/Camps (Continued)		
Activity Drop-in Fee Adult		\$5.31
Activity Membership (20) Adult		\$88.50
Activity Drop in Fee Youth		\$3.10
P.D Camp Registration includes lunch		\$65.00
Workshops per person	\$30.00 - \$125.00	
Brock Fit (12 weeks)		\$168.14
Pickleball Clinics (Per Person)	\$15.00 - \$20.00	
Spin classes 10-week session/Drop In	\$100.00/\$10.00	
Spin Room Membership (per month)		\$50.00
Municipal Property Damage	Full Cost Recovery	
Overnight Parking at the Meridian Community Centre		
Overnight Parking at the MCC per night (HONK)		\$10.00
Overnight Parking at the MCC per month (HONK)		\$100.00

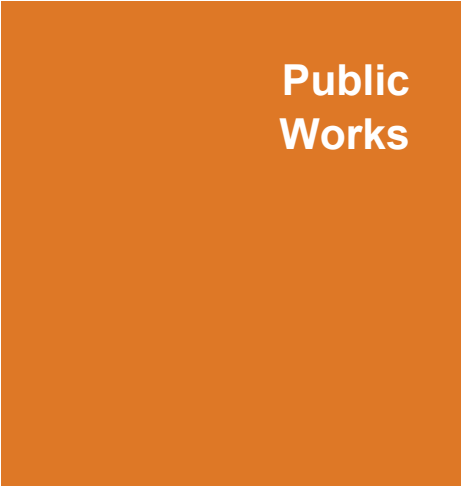
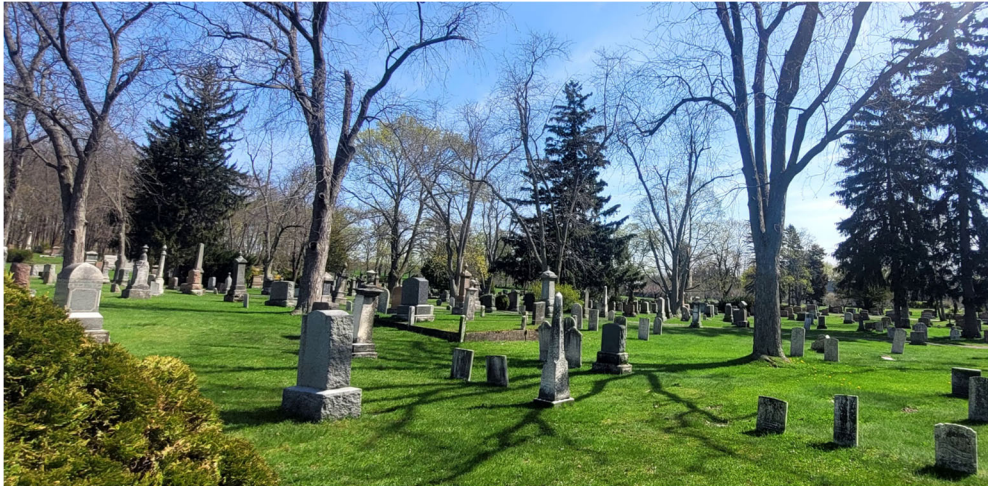


Public Works

	2025		
Culvert Fees	3m	6m	9m
250 mm Culvert + Coupler	Full Cost Recovery	Full Cost Recovery	Full Cost Recovery
300 mm Culvert + Coupler	Full Cost Recovery	Full Cost Recovery	Full Cost Recovery
375 mm Culvert + Coupler	Full Cost Recovery	Full Cost Recovery	Full Cost Recovery
450 mm Culvert + Coupler	Full Cost Recovery	Full Cost Recovery	Full Cost Recovery
525 mm Culvert + Coupler	Full Cost Recovery	Full Cost Recovery	Full Cost Recovery
600 mm Culvert + Coupler	Full Cost Recovery	Full Cost Recovery	Full Cost Recovery
*** larger or off sizes Full Cost Recovery			
Cemeteries			
Resident Rates			
Land Acquisition			
Adult Grave			\$863.00
Perpetual Care per Lot			\$567.00
Columbarium Niche			\$2,561.00
Perpetual Care per Niche (15%)			\$453.00
Non-Resident Rates			
Land Acquisition			
Adult Grave			\$1,632.00
Perpetual Care per Lot			\$1,088.00
Columbarium Niche			\$3,192.00
Perpetual Care per Niche (15%)			\$564.00
Interment Fees (not including Administrative Fee)			
Standard Burial			



		2025
Cemeteries (Continued)		
Adult		
Opening and Closing Weekdays		\$865.00
Opening and Closing Saturday Morning		\$1,240.00
Opening and Closing Saturday Afternoon		\$1,305.00
Infant		
Weekdays		\$406.00
Saturday		\$826.00
Non-Resident Fees (not including Administrative Fee)		
Standard Burial		
Adult		
Opening and Closing Weekdays		\$1,038.00
Opening and Closing Saturday Morning		\$1,488.00
Opening and Closing Saturday Afternoon		\$1,566.00
Infant		
Weekdays		\$488.00
Saturday		\$992.00
Cremated Remains		
Weekdays		\$320.00
Saturday		\$629.00
Columbarium Weekday		\$384.00
Columbarium Saturday		\$643.00



		2025
Cemeteries (Continued)		
Mausoleum		
Weekdays		\$352.00
Saturday		\$529.00
Disinterment Charges		
Adult/Child Disinterment Only		\$1,081.00
Infant/Stillborn Disinterment Only		\$359.00
Cremains Disinterment Only		\$781.00
Columbarium Removal Only		\$317.00
Foundation Charges		
Foundation Charge per Cubic Foot		\$48.00
Markers		\$104.00
Cornerstones		\$110.00
Administration Fees		
Interment Administrative Fee		\$31.00
Interment Rights Transfer		\$61.00
Interment Rights Exchange		\$61.00
Interment Rights Replacement/Duplicate		\$37.00
Cemetery Records Search – per Hour		\$32.00
Marker Perpetual Care and Maintenance		
Upright Marker Four Feet or Less in Height and Length		\$206.00
Upright Market More Than Four Feet in Height or Length		\$412.00



Public Works

	2025
Flat Marker Over 173 Square Inches	\$103.00
Other Fees	
Columbarium Plate (not including costs of engraving to Town specifications)	\$82.00
Overtime Rate per Hour	\$364.00
Archaeological Dig – per Hour (not including ministry charges)	\$99.00
Dedication Items with Plaque (includes engraving)	
Wheelchair Accessible Picnic Table	\$4,000.00
6-Foot “Pelham Bench”	\$3,000.00
Pride Bench	\$3,000.00
Bike Repair Station	\$4,500.00
Concrete Ping Pong Table	\$10,500.00
Chess/Checkers Games Table	\$4,000.00
Tree Dedication	\$750.00
Permit Fees	
Special Event Permits Inspection Fee	\$170.00
Municipal Permit and Inspection Fee	\$170.00
Road Closure/Open Fees	
Closure/Open (4 hours Minimum) Cost includes for one block closure and includes two road closed signs. Requests above this would be full cost recovery	\$260.00



Public Works

	<u>2025</u>
Road Closure / Open Fees (Continued)	
Overtime – Closure/Open Cost includes for one block closure and includes two road closed signs. Requests above this would be full cost recovery	\$321.00
Double Time Sunday and Holidays – Closure / Open Cost includes for one block closure and includes two road closed signs. Requests above this would be full cost recovery	\$395.00
Barricade/Cone/Barrel Deposit – Refundable	
Under 10 Units	\$112.00
10 – 20 Units	\$225.00
Over 20 Units	\$562.00
Unsolicited Request to Purchase Lands Due Diligence Fee	\$1339.00
Municipal Property Damage	Full Cost Recovery
Development Inspection per diem	Full Cost Recovery
Closed Road Allowance Disposal Charges	Full Cost Recovery
Special Customized Signage	Full Cost Recovery
Level 2 EV Charger (per hour)	\$2.00/hour
Level 3 EV Chargers (per hour)	\$22.00/hour

**Inquiries related to this user fee and charges guide
and requests for alternate formats can be directed to:**

The Corporation of the Town of Pelham
Attention: Corporate Services Department
Town of Pelham, Municipal Building
P.O. Box 400, 20 Pelham Town Square
Fonthill, Ontario
L0S 1E0





The Corporation of the Town of Pelham

By-law No. 89-2024

Being a By-law to amend Town of Pelham By-law No. 68-2023, being the Administrative Penalty Process By-law for Non-Parking By-laws, to repeal and replace Schedule "A".

WHEREAS Town of Pelham By-law No. 68-2023, being the Administrative Penalty Process By-law for Non-Parking By-laws, came into effect on December 20, 2023;

AND WHEREAS Schedule "A" to the Administrative Penalty Process By-law for Non-Parking By-laws identifies all non-parking by-laws designated by the Town of Pelham for inclusion in the administrative penalty system;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary and desirable to amend the list of designated by-laws and administrative penalty amounts in Schedule "A" and to enact this by-law for that purpose;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

- 1. THAT** Schedule "A" to By-law No. 68-2023 is hereby repealed and replaced with Schedule "A" attached hereto and forming part of this By-law.
- 2. THAT** this By-law comes into force and effect on the date it is enacted.

Read, enacted, signed and sealed this 18th day of December, 2024.

Marvin Junkin, Mayor

Sarah Leach, Acting Town Clerk

SCHEDULE "A"

Designated By-laws and Administrative Penalties

By-law	Provision	Administrative Penalty
Animal Control By-law No. 69-2024	12.3	\$250.00 for each day on which contravention occurs or continues unless otherwise provided for herein
	5.1	Animal at Large:
		First contravention: \$250.00 for each day on which contravention occurs or continues
		Second contravention: \$500.00 for each day on which contravention occurs or continues
		Third contravention: \$750.00 for each day on which contravention occurs or continues
	6.1	Fail to Obtain or Renew Dog Licence: \$50.00
	8.2	Fail to Remove Dog Waste:
First contravention: \$100.00		
Second contravention: \$250.00		
	Third contravention: \$500.00	
Backyard Hens By-law No. 44(2023)	6.3	\$250.00 for each day on which contravention occurs or continues
Clean Yards By-law No. 4496(2022)	9.3	First contravention: \$250.00 for each day on which contravention occurs or continues
		Second contravention: \$500.00 for each day on which contravention occurs or continues
		Third contravention: \$1000.00 for each day on which contravention occurs or continues
Depositing of Snow or Ice on Highways By-law No. 3013(2008)	8(b)	\$250.00 for each day on which contravention occurs or continues
Environmental Protection By-law No. 3357(2013)	23(b)	First contravention: \$500.00 for each day on which contravention occurs or continues
		Second contravention: \$1000.00 for each day on which contravention occurs or continues
		Third contravention: \$2000.00 for each day on which contravention occurs or continues
Fence By-law No. 4157(2019)	21.3	\$250.00 for each day on which contravention occurs or continues
Fireworks By-law No. 2951(2008)	10.2(b)	\$250.00 for each day on which contravention occurs or continues
Fortification of Land By-law No. 4158(2019)	25.1	\$500.00 for each day on which contravention occurs or continues
Noise By-law No. 4454(2022)	10.3	First contravention: \$250.00 for each day on which contravention occurs or continues
		Second contravention: \$500.00 for each day on which contravention occurs or continues
		Third contravention: \$750.00 for each day on which contravention occurs or continues

Nuisance By-law No. 4253(2020)	5.2	First contravention: \$250.00 for each day on which contravention occurs or continues
		Second contravention: \$500.00 for each day on which contravention occurs or continues
		Third contravention: \$1000.00 for each day on which contravention occurs or continues
Odour Management By-law No. 81-2024	9.3	First contravention: \$2500.00 for each day on which contravention occurs or continues
		Second contravention: \$5000.00 for each day on which contravention occurs or continues
		Third contravention: \$7500.00 for each day on which contravention occurs or continues
Open Air Burning By-law No. 4223(2020)	4.5(b)	\$250.00 for each day on which contravention occurs or continues
Parks and Recreational Areas By-law No. 26-2024	15.4	\$250.00 for each day on which contravention occurs or continues unless otherwise provided for herein
	11.4	Fail to Remove Dog Waste:
		First contravention: \$100.00
		Second contravention: \$250.00
Property Standards By-law No. 2025(1998)	6.2(b)	First contravention: \$250.00 for each day on which contravention occurs or continues
		Second contravention: \$500.00 for each day on which contravention occurs or continues
		Third contravention: \$1000.00 for each day on which contravention occurs or continues
Short-Term Accommodation Licensing By-law No. 4257(2020)	11(3)	First contravention: \$250.00 for each day on which contravention occurs or continues
		Second contravention: \$500.00 for each day on which contravention occurs or continues
		Third contravention: \$1000.00 for each day on which contravention occurs or continues
Sign By-law No. 48-2023	10.3	\$250.00 for each day on which contravention occurs or continues unless otherwise provided for herein
	6.1(u)	Display Congratulatory Sign more than seventy-two (72) hours: \$50.00
	7.16(a)	Display Special Event Lawn Sign more than thirty (30) days prior to event: \$75.00
	7.16(a)	Display Special Event Lawn Sign more than five (5) days after event: \$50.00
	7.18(a)	Display Real Estate Open House Sign on Public Road Allowance before 4:00 p.m. on non-holiday Friday: \$75.00
	7.18(a)	Display Real Estate Open House Sign on Public Road Allowance after 9:00 a.m. on a non-holiday Monday: \$75.00
	7.20(a)	Display Yard Sale Sign for more than one (1) day prior to event: \$50.00

	7.20(a)	Display Yard Sale Sign for more than one (1) day after event: \$50.00
Skateboarding By-law No. 3424(2013)	7.2(b)	\$250.00 for each day on which contravention occurs or continues
Special Event Permit By-law No. 78-2024	10.3	\$500.00 for each day on which contravention occurs or continues
Swimming Pool and Hot Tub By-law No. 60-2023	9.3	\$500.00 for each day on which contravention occurs or continues
Vendor Licensing By-law No. 77-2024	12.3	\$250.00 for each day on which contravention occurs or continues unless otherwise provided for herein
	5.2	Travelling Vendor Fail to Obtain Limited Vendor Licence for Special Event: \$100.00
	5.4	Local Vendor Fail to Obtain Limited Vendor Licence for Special Event: \$100.00



The Corporation of the Town of Pelham

By-law No. 90-2024

Being a By-law to appoint a Deputy Mayor for a term of two (2) years, or until the end of the Council Term, whichever comes first, commencing on January 9, 2025, and ending on November 14, 2026, or such other date on which a successor is appointed and to repeal and replace By-law 03-2023.

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (“*Municipal Act, 2001*” or “the statute”) provides that the powers of a municipality under the statute or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the statute or any other Act;

AND WHEREAS section 238 of the *Municipal Act, 2001* provides that Council may designate a member of council, other than the head of council, to preside at meetings of Council;

AND WHEREAS section 242 of the *Municipal Act, 2001* provides that a municipality may appoint a member of the council to act in the place of the head of council and to preside at a meeting when the head of council is absent or refuses to act or the office is vacant;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary and desirable to appoint a Deputy Mayor to exercise the powers prescribed by sections 238 and 242 of the statute and to enact this By-law for that purpose;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1. Appointment and Authorization of Deputy Mayor

- 1.1. Councillor Brian Eckhardt is hereby designated and appointed as Deputy Mayor for a term of two (2) years, or until the end of the Council Term, whichever occurs first, commencing on January 9, 2025, and ending on November 14, 2026, or such other date on which a successor is appointed (“the Term”).
- 1.2. During the Term, Councillor Brian Eckhardt shall be authorized to exercise all powers prescribed by sections 238 and 242 of the *Municipal Act, 2001* and, without limiting the generality of the foregoing, shall act in the place of the head of council and preside at meetings of Council where the head of council is absent or refuses to act or the office is vacant.

2. General

- 2.1. The short title of this By-law is the "Deputy Mayor By-law".
- 2.2. If any provision of this By-law is found by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, the balance of the By-law shall not be affected and shall remain in full force and effect.
- 2.3. If there is a conflict between a provision of this By-law and a provision of any other By-law of the Town, the provision that establishes the higher standard shall prevail.
- 2.4. This By-law shall be read with all changes in number or gender as are required by context.
- 2.5. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.
- 2.6. The Town Clerk is hereby authorized to effect any minor modifications or corrections solely of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this By-law as are determined to be necessary.

3. Repeal and Enactment

- 3.1. By-law 03-2023 is hereby repealed and replaced.

4. Effective Date

- 4.1. This By-law shall come into force on January 9, 2025.

Read, enacted, signed and sealed this 18th day of December, 2024.

Marvin Junkin, Mayor

Sarah Leach, Acting Town Clerk



The Corporation of the Town of Pelham

By-law No. 91-2024

Being a by-law to adopt, ratify and confirm the actions of the Council at its regular meeting held on the 18th day of December 2024.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*" or "the statute") provides that, unless otherwise authorized, the powers of Council shall be exercised by by-law;

AND WHEREAS it is deemed desirable and expedient that the actions of the Council as herein set forth be adopted, ratified and confirmed by by-law;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as Follows:

1. (a) The actions of the Council at its meeting held on the 18th day of December, 2024, including all resolutions or motions approved, are hereby adopted, ratified and confirmed as if they were expressly embodied in this by-law.
(b) The above-mentioned actions shall not include:
 - i. any actions required by-law to be taken by resolution; or
 - ii. any actions for which prior Ontario Municipal Board approval is required, until such approval is obtained.
2. The Mayor and proper officials of the Corporation of the Town of Pelham are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.
3. Unless otherwise provided, the Mayor and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of the Corporation of the Town of Pelham to all documents necessary to give effect to the above-mentioned actions.
4. This By-law shall come into force on the date that it is enacted.

Read, enacted, signed and sealed this 18th day of December, 2024.

Marvin Junkin, Mayor

Sarah Leach, Acting Clerk