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**NOTICE OF  
AMENDING BY-LAW NO. 2014-100**

**PURSUANT TO THE PROVISIONS OF  
THE ONTARIO HERITAGE ACT R.S.O. 1990, SECTION 30.1,**

**AND IN THE MATTER OF THE LANDS AND PREMISES KNOWN MUNICIPALLY AS**

**Copper Beech Tree  
(Drummond Hill Cemetery) Lundy's Lane**

**TAKE NOTICE that the Council of the Corporation of the City of Niagara Falls passed a by-law amending Designating By-law 2003-136 on the 12th day of August, 2014.**

**PURPOSE AND EFFECT OF THE AMENDMENT**

The amendment to the designating by-law has updated the legal description contained in Schedule A and the Reasons for Designation contained in Schedule B.

**EXPLANATION OF AMENDMENT**

The 2003 by-law described the heritage attributes of the property in general terms. Schedule B, Reasons for Designation has been revised to describe the associative and architectural value of the property including the setting and also updated to reflect a more detailed description of the property and the heritage attributes contained within.

Dated at the City of Niagara Falls this 11th day of November, 2014.

A handwritten signature in cursive script, reading "Alex Herlovitch".

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Alex Herlovitch  
Director of Planning, Building & Development  
City of Niagara Falls  
4310 Queen Street, P.O. Box 1023  
Niagara Falls, ON L2E 6X5

I, the undersigned, Deputy Clerk of The Corporation of the City of Niagara Falls, hereby certify the foregoing to be a true and correct copy of.....  
By-law No. 2014-100  
Given under my hand and the seal of the said Corporation this ..... day of August, 2014.  
..... Deputy Clerk

**CITY OF NIAGARA FALLS**

**By-law No. 2014 - 100**

A by-law to amend By-law No. 2002-134, being a by-law to designate the Copper Beech Tree, located within the Drummond Hill Cemetery, to be of cultural heritage value and significance.

**WHEREAS** By-law No. 2002-134 designated the Copper Beech Tree located within the Drummond Hill Cemetery to be of cultural heritage value and interest;

**AND WHEREAS** pursuant to Section 30.1 (2) (a), the council of a municipality may by by-law amend a by-law designating property under Section 29 of the *Ontario Heritage Act* to clarify or correct the statement explaining the property's cultural heritage value or interest or the description of the property's heritage attributes;

**AND WHEREAS** the requirement for Council to consult with its Municipal Heritage Committee pursuant to Section 30.1 (5) has been fulfilled;

**AND WHEREAS** The Corporation of the City of Niagara Falls has caused to be served on the owner and the Ontario Heritage Trust, a Notice of the proposed Amendment;

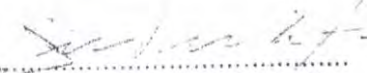
**AND WHEREAS** no objections have been filed with the Clerk of the Municipality;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:**

1. That By-law 2002-134 be amended by deleting Schedule "B" thereto and substituting Schedule "B" attached hereto.
2. The City Solicitor is hereby authorized to cause a copy of this by-law to be registered against the property described in Schedule "A" hereto in the proper Land Registry Office.
3. The City Clerk is hereby authorized to cause a copy of this by-law to be served upon the owner of the property and upon the Ontario Heritage Trust.

Passed this twelfth day of August, 2014.

  
.....  
DEAN IORFIDA, CITY CLERK

  
.....  
JAMES M. DIODATI, MAYOR

|                 |                 |
|-----------------|-----------------|
| First Reading:  | August 12, 2014 |
| Second Reading: | August 12, 2014 |
| Third Reading:  | August 12, 2014 |

**SCHEDULE "A" to BY-LAW NO. 2014- 100**

Part of Lot 6, Plan 653, designated as Part 1 on Reference Plan 59R-11813; City of  
Niagara Falls, in the Regional Municipality of Niagara.



## **SCHEDULE "B" to BY-LAW NO. 2014-100**

### **Description of Property – Copper Beech Tree, 6110 Lundy's Lane**

The Copper Beech Tree is located within the Drummond Hill Cemetery and is marked with a granite marker beside the tree that tells the story that it was planted in 1914 to mark the 100<sup>th</sup> anniversary of the Battle of Lundy's Lane.

### **Statement of Cultural Heritage Value**

The City of Niagara Falls is indeed fortunate to have a tree such as the Copper Beech Tree, in our community. It has strong historical significance and is known to be planted in 1914 to commemorate the 100<sup>th</sup> anniversary of the Battle of Lundy's Lane which took place on July 25, 1814.

Drummond Hill was the focal point during the battle which began at twilight on July 25, 1814. It was described as being the most fiercely fought and the bloodiest battle of the War of 1812. The action centred on the heights of Lundy's Lane, now known as Drummond Hill, where the British artillery was set up. The fighting ceased around midnight but not before 900 soldiers had perished and 60 deceased horses fell upon the battleground. Hundreds of the dead were burned in a funeral pyre on the north side of the hill where they collapsed in battle.

The location of the Copper Beech is a contributing factor for why this tree has become a cultural icon. The Lundy's Lane Battlefield Master Plan says of the copper beech tree, "... it dominates the hilltop and provides a sense of repose and grandeur ...". It is the most purposeful of the landscape features and provides a focus to the site.

The Copper Beech Tree at Drummond Hill Cemetery has become a local and regional cultural icon due to its historical association with the War of 1812 and in particular, the Battle of Lundy's Lane. Its colour symbolizes the blood that was shed while its dominant size and shape demonstrates the overall importance of the battle. The designation of the Copper Beech Tree not only raises public awareness of the importance of trees but also the importance of the history and heritage of Niagara Falls and to the events as well as the individuals who participated in the war of 1812.

Key elements that reflect the heritage value of the copper beech tree include:

- The strong cultural associations the city has for the tree including the memorializing of the War of 1812, more particularly, the Battle of Lundy's Lane in 1814.
- The orientation to Drummond Hill, enhancing the tree's visibility and marking the location of a significant battle.
- Bark with elephant hide appearance
- Tree's rounded form with branches close to the ground
- Deciduous aspect of the tree resulting in leaves unfurling in the spring as soft green, gradually changing to a rich russet colour in the summer and ultimately to a tawny bronze colour in the fall.

- Its species, (*Fagus sylvatica*) which is not commonly found in the Niagara Peninsula or elsewhere in Southern Ontario.
- Longevity of the tree at this particular location.