

THE CORPORATION OF THE TOWNSHIP OF PELEE
BY-LAW NUMBER: 2020 - 33

“Solemnization of Civil Marriages”

(October 26, 2020)

Being a By-law to authorize the Solemnization of Civil Marriages by the Clerk or designates of the Clerk.

WHEREAS Ontario Regulation 284/04 provides for the authorization of the Clerk to solemnize marriages pursuant to the provisions of the Marriage Act, R.S.O. 1990, Chapter M. 3;

AND WHEREAS Council deems it necessary to provide civil marriage solemnization services;

AND WHEREAS the Township of Pelee, effective October 26, 2020, deems it desirable to pass a By-Law to authorize solemnization of marriages by the Clerk or designates of the Clerk.

THEREFORE, the Council of the Corporation of the Township of Pelee enacts as follows:

1. That the Council of the Corporation of the Township of Pelee hereby directs that the civil marriage solemnization service be implemented.
2. That Council recognizes that the Clerk is authorized to solemnize marriages as set out under Ontario Regulation 285-04 and the Marriage Act, R.S.O., 1990, Chapter M. 3 for the Province of Ontario.
3. That the Clerk delegate Kathy Long as a designate to solemnize civil marriages.
4. That Council recognizes that the Clerk shall have the authority to delegate to other qualified persons the authority to solemnize civil marriages.
5. That the agreement attached as Schedule ‘A’ forms part of this by-law.
6. That this by-law shall come into force and take effect on the date of passing thereof.
7. That By-Law 2015 – 47 is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 26TH DAY OF OCTOBER, 2020

Original Signed By:

Raymond Durocher
Mayor

Original Signed By:

Janice Hensel
Chief Administrative Officer & Clerk

Schedule A

Civil Marriage Solemnization Policy

Delegation of Authority

Under Section 228 (4) of the Municipal Act, the Clerk may delegate in writing to any person, other than a member of Council, any of the Clerk's powers and duties under this and any other Act. For the purposes of delegating authority for civil marriage solemnization, this policy allows for the delegation to the Deputy Clerk or other employees as deemed appropriate by the Clerk.

Form of Ceremonies

There are basic requirements of the Marriage Act that must be followed in every ceremony. Appropriate and dignified ceremonies will be developed accordingly. Applicants will be clearly informed of the style of ceremonies and that there will be no religious aspects included.

Guidelines and Criteria

- As outlined in Section 24 (1) of the Marriage Act, R.S.O. 1990, Chapter M.3, a judge, a justice of the peace or any other person of a class designated by the regulations may solemnize a marriage under the authority of a license.
- Ontario Regulation 285/04 amended the Marriage Act to include Municipal Clerks as a class of persons authorized to solemnize marriages. The authority is extended to designate who have been designated by the Clerk in accordance with Section 228 of the Municipal Act.
- Civil marriages will be conducted by the Clerk or designate subject to their availability; time and locations of ceremonies are not restricted by office hours or location.
- Scheduling a civil marriage must be made with the Clerk or designate at least 4 weeks prior to the intended date of the ceremony.
- A prearranged appointment and prior consultation meeting of the parties and the Clerk or designate is required at least 2 weeks prior to the intended date of the ceremony to go through the Civil Marriage Solemnization Checklist and finalize the contents of the ceremony.
- A standard civil marriage ceremony, incorporating all mandatory declarations under the Marriage Act will be used at all civil marriages.
- Personal vows, in addition to mandatory declaration, will be permitted during the ceremony.
- The Clerk or designate has the authority to refuse to solemnize the civil marriage of any person who he or she knows or has reasonable grounds to believe lacks the capacity to marry by reason of being mentally ill or mentally defective under the influence of intoxicating liquor or drugs.
- The parties must supply an interpreter in the event that they do not speak English and require language assistance if the Clerk or designate deems it necessary. The interpreter cannot be one of the parties getting married and

- must be at least 14 years or older.
- No alcoholic beverages are to be served during the civil marriage solemnization ceremony.
- The reaffirmation of vows will be offered as part of this service, subject to full fees.
- The services can only be provided within the boundaries of the Province of Ontario.

Entry in Marriage Register

Section 29 of the Marriage Act states that every person authorized to solemnize marriages may apply to the Minister for a marriage register.

The Clerk will apply for a marriage register for the purpose of registering all marriages performed the Clerk or designate. The marriage register will be kept in the care of the Clerk's Office and the said register remains the property of the Crown.

After the completion of a civil marriage, the designate shall return the marriage register to the Clerk's office and forward the license to the Registrar General within two (2) days following the marriage as per requirements of Section 2 (3) of Ontario Regulation 302/05.

Facilities and Fees for Marriages Conducted at the Municipal Office

- Civil marriages can be conducted at the Municipal Office, subject to availability during normal working hours.
- The following fees apply for civil marriage solemnization services:
 - \$275.00 per service, regardless of on or off site location

Solemnizes Discretion

The Clerk or designate may, at their sole discretion, waive the fee for the ceremony.

Training of Designates

The Province does not monitor the activities of the Clerk or designates, other than on a complaint basis. The Clerk will be responsible for training designates to perform civil marriage solemnization services to ensure that everyone is treated fairly and without discrimination.

The training shall cover all requirement under the Marriage Act R.5.0. 1990, Chapter M.3 and its associated Regulations as amended from time to time.