



<b>Policy Name: Civil Marriage Solemnization</b>	<b>Policy No: S203-18</b>
Committee approval date:	-
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Department/Division:	Clerk's

### 1. Purpose

1.1. The purpose of this policy is to provide guidelines and expectations as they relate to the performance of civil marriage solemnizations.

### 2. Policy Statement

2.1. This policy applies to person(s) provided delegated authority to solemnize civil marriage ceremonies as well as applicants purchasing civil marriage solemnization services.

2.2. The policy is meant as a supplement to any by-law adopted by Council authorizing civil marriage solemnization services.

### 3. Definitions

**“Civil Marriage Ceremony”** means a non-religious, legal marriage ceremony officiated by an Ontario Judge, Justice of the Peace or a Municipal Clerk under the authority of a marriage licence and in accordance with the *Marriage Act*, R.S.O. 1990, c. M.3 (“the Act”).

**“Solemnizer” or “Officiant”** is a person who solemnizes a Civil Marriage Ceremony.

**“Town” or “Town of Pelham”** means The Corporation of the Town of Pelham.

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



#### **4. Authority**

- 4.1. Ontario Regulation 285/04 under the Act states that the Clerk of a local municipality is authorized to solemnize marriages under the authority of a licence.
- 4.2. Council has adopted a by-law authorizing the solemnization of marriages throughout the Town.

#### **5. Delegated Authority**

- 5.1. The Town Clerk may appoint a member(s) of the public to solemnize civil marriage ceremonies on behalf of the Town. Such appointment must be approved by the Ontario Office of the Registrar General.
- 5.2. Member(s) of the public who are delegated the authority to solemnize civil marriages are not employees of the Town. However, for the purpose of carrying out their solemnization duties, will report directly to the Town Clerk.
- 5.3. Delegation of authority will not be provided to a member of the public for a one-time purpose.
- 5.4. Solemnizers who are delegated the authority to solemnize civil marriages represent the Town and as such, shall conduct themselves in accordance with all Town policies and by-laws.
- 5.5. Member(s) of the public who are delegated authority to solemnize civil marriages shall be required to sign a Memorandum of Understanding with the Town which outlines the expected behaviors and other requirements to become and continue to be a Solemnizer.
- 5.6. Any Civil Marriage Ceremony performed by a Solemnizer acting of behalf of the Town without the knowledge of the Town Clerk will be grounds for removal of the delegated authority.



## **6. Location and Availability**

6.1. Civil marriage ceremonies will be conducted by the Town Clerk, or designate, subject to their availability.

6.2. Ceremonies may take place at either:

- a. An agreed upon location of the applicants choosing, in the Province of Ontario, that is a setting conducive for a ceremony; or
- b. A Town of Pelham municipal facility.

## **7. Application for Civil Marriage Ceremony**

7.1. The application for a civil marriage ceremony is to be received by the Town Clerk's Department at least four (4) weeks prior to the intended ceremony date.

7.2. Prior to submitting the application, the applicant(s) must confirm the date and time with the Town Clerk.

7.3. The application must be accompanied by full payment for solemnization services.

## **8. Fees and Payment**

8.1. Solemnizers must not ask for or accept additional fees for the performance of their duties, other than those contemplated by the Town's Fees and Services Bylaw and applicable Town Policy, as per sections 8.2, 8.3 and 8.4.

8.2. The fee charged for a Civil Marriage Ceremony shall be established by Council and included in the annual Town of Pelham Fees and Charges By-law, as amended.

8.3. Additional costs associated with the use of a municipal facility or use of municipal staff as witnesses shall be the responsibility of the applicant(s).



8.4. Civil Marriage Ceremonies conducted outside of a municipal facility or Town land may be subject to additional fees to cover the travel expenses of the Solemnizer.

## **9. Civil Marriage Ceremony**

9.1. All Civil Marriage Ceremonies shall be non-denominational. No reference will be made to God or any Supreme or Superior Being, nor shall the ceremony contain religious or spiritual connotations of any kind.

9.2. The mandatory declarations under the Act will be incorporated into all Civil Marriage Ceremonies.

9.3. Personal vows, readings, music and/or decorations will be permitted, subject to the approval of the Town Clerk.

9.4. If the Somnizer believes that alcohol or other stimulants have been used, the Civil Marriage Ceremony will not proceed.

## **10. General Provisions**

10.1. Municipal facilities and Town land may be used for photographs if the Civil Marriage Ceremony was solemnized through the Town.