

**THE CORPORATION OF  
THE TOWNSHIP OF SOUTH ALGONQUIN  
BY-LAW NO. 21-646**

**BEING A BY-LAW TO ADOPT A CIVIL  
MARRIAGE SOLEMNIZATION POLICY**

**WHEREAS** Ontario Regulation 285/04 provides for the authorization of the Clerk to solemnize marriages with the authority of a license;

**AND WHEREAS** the Council of The Corporation of the Township of South Algonquin is authorizing civil marriage solemnization services to be implemented by the Municipality of Township of South Algonquin;

**NOW THEREFORE** the Council of The Corporation of the Township of South Algonquin hereby enacts the following as a By-Law;

1. **THAT** the Council for the Township of South Algonquin hereby adopts the Civil Marriage Solemnization Policy attached hereto as Schedule “A” and forming part of this By-Law;
2. **THAT** this By-Law shall come into force and take effect on the date of its final passing.
3. **THAT** the CAO / Clerk-Treasurer for the Township of South Algonquin is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the By-Law and Schedule, after the passage of the By-Law, where such modifications or corrections do not alter the intent of the By-Law.
4. **THAT** any other By-Law inconsistent with or antedating this By-Law is hereby repealed.

**COPY**

READ A FIRST & SECOND TIME this 7<sup>th</sup> day of July, 2021.

\_\_\_\_\_  
Jane A.E Dumas, Mayor

\_\_\_\_\_  
Bryan Martin, CAO Clerk-Treasurer

READ A THIRD TIME AND PASSED this 7<sup>th</sup> day of July, 2021

\_\_\_\_\_  
Jane A.E Dumas, Mayor

\_\_\_\_\_  
Bryan Martin, CAO Clerk-Treasurer

**BY-LAW NO. 21-646  
SCHEDULE "A"**

SECTION NAME: Administration	SECTION #ADM	POLICY #012-00
SUBJECT: <b>Civil Marriage Solemnization Policy</b>	Review: #	1 of 7 PAGES
EFFECTIVE DATE: July 7, 2021	REVISIONS:	
Approval Motion #:		

### 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.

### Form of Ceremonies

There are basic requirements of the Marriage Act to be followed. Appropriate and dignified ceremonies will be developed accordingly. Applicants will be clearly informed of the style of the ceremony and that there will be no religious aspects included. The applicants will be made aware that there are Clergy available in the community to perform marriage ceremonies with various levels of religious content should they wish a religious ceremony.

### 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 marriages 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 civil marriages. This authority is extended to designates who have been delegated the authority by the Clerk in accordance with Section 228 of the Municipal Act.
- Civil marriages will be conducted by the Clerk or designates subject to their availability. The Clerk, in their sole discretion, shall determine the days and times that civil marriages will be performed during office hours.
- Scheduling of a civil marriage must be made with the Clerk or designate at least 4 weeks prior to the intended date for the ceremony.
- A prearranged appointment and prior consultation meeting of the parties with the Clerk or designate is required at least 2 weeks prior to the intended date for the ceremony to go through the Civil Marriage Solemnization Check List. This consultation may be in person or virtual.
- 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 the mandatory declarations, will be permitted subject to the approval of the Clerk or designate.
- 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 capacity to marry by reason of being mentally ill or mentally defective or 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 witnesses.
- Witnesses for the purpose of signing the Registry of Marriage, must be 16 years of age or older.
- Flower arrangements or other decorations may be placed in the Council Chambers or on Municipal Land and must be removed immediately following the ceremony.
- No alcoholic beverages are to be served prior to or during the civil marriage solemnization ceremony on municipal property.
- 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 marriage registers for the purpose of registering all marriages performed by the Clerk or designates. The marriage register will be kept in a fire safe place and the said register is the property of the Township.

After the completion of a civil marriage, the designate shall ensure that the marriage license is promptly completed in order to ensure the license is forwarded to the Registrar General within two (2) days following the marriage as per the requirements of Section 2 (3) of Ontario Regulation 302/05.

## Civil Marriage Solemnization Service

1. Ceremonies will be conducted by appointed officiants of the Township of South Algonquin. Ceremonies can take place at either:

The Township of South Algonquin, Municipal Office, 7 Third Avenue. Whitney, ON, K0J2M0 (subject to its availability during regular working hours) or at an agreed upon location within the province of Ontario on weeknights, Saturday or Sundays depending upon availability of the officiate.

2. Fee: cash, money order or cheque to be paid to the Township of South Algonquin a minimum of five business days prior to the ceremony date

- \$250.00 + HST if ceremony is held in the Council Chambers
- \$350.00 + HST all other locations plus expenses/mileage
- A \$50.00 non-refundable deposit is required at the time of scheduling to secure the date

## Rehearsal Fee

\$75.00 plus Officiant's expenses/mileage + Any applicable taxes  
\$75.00 fee plus officiant's expenses/mileage + Any applicable taxes

Witness Fee

in Council Chamber during Township of South Algonquin Business Hours  
\$20.00 per employee

\$100.00 Marriage license – Resident of Township of South Algonquin

\$125.00 Marriage license – Non-Resident

Note:

Additional rental fees apply to other municipal facilities. Bookings for these facilities will need to be made through the Recreation Department.

An agreed upon civil marriage ceremony, incorporating all mandatory declarations under the Marriage Act, R.S.O., 1990 will be used at all civil marriages. The ceremony will take approximately 15 minutes. Plan to arrive at least 30 minutes prior to the ceremony to allow time to review final details.

Changes to date and/or time are allowed at no additional charge provided that the location and an officiant are available, and arrangements are made 2 days prior. No refund will be issued if the ceremony is cancelled on the day of the ceremony, or the applicant(s) and witnesses do not show up for the ceremony.

- Pre-ceremony meeting (approximately 30 minutes).
- To be scheduled a minimum of five business days prior to the ceremony.
- Ceremony information form to be completed.
- Marriage License to be presented (date issued to be within 3 months prior to the ceremony).
- To discuss other municipal locations for the ceremony.
- To select specific vows and/or music.
- Applicant is responsible to provide an interpreter if they do not speak English and/or require language assistance. The interpreter cannot be one of the witnesses. The interpreter will be required to sign a form that he/she has interpreted the wedding ceremony.
- Minimal decorations are permitted (e.g. flowers, balloons) within the municipal office for the ceremony. They may be placed 15 minutes prior to the ceremony and removed within 15

minutes of the conclusion of the ceremony. No confetti, rice, paper or similar celebratory materials can be used within the municipal office or on a municipal property.

- Cell phones & other communication devices are not permitted during the ceremony.
- The use of confetti, rice, bubbles, candles, incense, music and similar items are strictly prohibited within the Township of South Algonquin facility or grounds. Failure to comply will result in the following charges:
  - Cleaning the inside of the facility - \$100.00
  - Cleaning the outside of the facility - \$100.00
- The taking of photographs or video will be permitted by a designated photographer/videographer. The designated photographer may take photos throughout the entire ceremony. The designated photographer must be discreet and respectful at all times so as to not become a distraction (using a telephoto lens from a distance, limiting movement, etc.) Unless the wedding couple specifically requests "no cell phone photos or video," guests in attendance who wish to take photos/videos may do so, but they must remain in their seats at all times. Only the designated photographer/videographer is permitted to move around and take photos during the ceremony. Music will be permitted before and after the ceremony (applicants to provide equipment). When selecting the type of music consideration should be given to its appropriateness and contribution to the dignity of the occasion.

### Facility and Fees for marriages conducted outside of Township of South Algonquin:

If the ceremony takes place in a facility other than the chambers, it is the responsibility of the participants to make the appropriate arrangements and to pay for the facility.

If the ceremony takes place outside of the Municipal office, it is the responsibility of the participants to pay for the solemnizer's mileage expenses and shall be calculated using the rate established by the Municipal Expense Policy.

### Solemnizer's Discretion

The Municipality's portion of the fee is mandatory and shall not be waived by the Clerk or designates. The Clerk or designate may, at their sole discretion, waive the portion of the fees which would otherwise be payable to them.

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### Training of Designates

The province does not monitor the activities of the Clerk or designates, other than on a complaint basis. The Clerk and/or Deputy Clerk will be responsible for training the designates to perform civil marriage solemnization services to ensure that everyone is treated fairly and without discrimination. The training shall cover the requirements under the Marriage Act R.S.O. 1990, Chapter M.3 and its associated Regulations as amended from time to time.

### NOTES:

1. There is no minimum age requirement for a witness, however, it is suggested they should be at least sixteen years of age and able to understand and appreciate what is taking place and be able to give evidence of such later, if required.
2. If personal vows are to be made, they are to be reviewed by the officiant prior to the ceremony. A written copy of the vows must be brought to the pre-ceremony meeting.
3. If the officiate believes that, based on what he or she knows or has reasonable grounds to believe, that either parties lack mental capacity to marry by reason of being under the influence of intoxication alcohol or drugs or any other reason, the ceremony will not proceed, and the fee will not be refunded.
4. The Record of Solemnization of Marriage given at the ceremony is not a legal record. Approximately 12 weeks after the ceremony, you may apply to the Office of the Registrar General to obtain an official Certificate of Marriage; the appropriate form is included within the license.
5. Wedding venues outside the boundaries of the Township of South Algonquin may be subject to an additional fee to cover accommodations and travel expenses of the officiant.
6. Civil Marriage Solemnization Service guidelines are available on the Township of South Algonquin website.

I have read the above guidelines and agree that an officiant will conduct a civil marriage solemnization service on:

**COPY**

Wedding Date: \_\_\_\_\_

Time: \_\_\_\_\_

Location: \_\_\_\_\_

Rehearsal Date: \_\_\_\_\_

Time: \_\_\_\_\_

Location: \_\_\_\_\_

Applicant # 1 Name: \_\_\_\_\_

Applicant # 2 Name: \_\_\_\_\_

Witness # 1 Name: \_\_\_\_\_

Address of Witness #1: \_\_\_\_\_

Witness # 2 Name: \_\_\_\_\_

Address of Witness #2: \_\_\_\_\_

Marriage Licence Number: \_\_\_\_\_

Date Issued: \_\_\_\_\_

***Note: Marriage licences are valid for 3 months only.***

Deposit Received: \_\_\_\_\_ Date: \_\_\_\_\_ Initials:

Balance Paid: \_\_\_\_\_ Date: \_\_\_\_\_

*Personal Information on this form is collected under the authority of the Municipal Act and regulation under the Marriage Act, 285/04, and will be used to perform a civil marriage ceremony.*

**COPY**