

The Corporation of the City of Temiskaming Shores

By-law No. 2015-026

Being a by-law to adopt a Civil Marriage Solemnization Policy for the City of Temiskaming Shores and repeal By-law No. 2010-104 being a Civil Marriage Solemnization Policy for the City of Temiskaming Shores

Whereas Ontario Regulation 285/04 provides for the authorization of the Clerk to solemnize marriages with the authority of a licence;

And whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas the Council of The Corporation of the City of Temiskaming Shores adopted By-law No. 2010-092 on June 15, 2010 authorizing civil marriage solemnization services to be implemented by the City of Temiskaming Shores;

And whereas Council adopted By-law 2010-104 on July 20, 2010 being a by-law to adopt a Civil Marriage Solemnization Policy for the City of Temiskaming Shores;

And whereas Council considered Administrative Report CS-004-2015 at the January 6, 2015 regular meeting of Council and directed staff to prepare the necessary by-law to repeal By-law 2010-104 and adopt an updated Marriage Solemnization Policy for Council's consideration at the January 20, 2015 Regular Meeting of Council;

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Council of The Corporation of the City of Temiskaming Shores 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 That By-law 2010-104 is hereby repealed.
4. That the Clerk of the City of Temiskaming Shores 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 this By-law, where such modifications or corrections do not alter the intent of the By-law.

Read a first, second and third time and finally passed this 20th day of January, 2015.

Mayor – Carman Kidd

Clerk – David B. Treen



Schedule "A" to

By-law No. 2015-026

**Civil Marriage
Solemnization Policy**

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 limits the Clerk's ability to delegate subject to Council's approval. For the purposes of this policy all persons delegated to perform civil marriages shall be referred to as "*Marriage Officiant*"

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 licence.
- Ontario Regulation 285/04 amended the Marriage Act to include Municipal Clerks as a class of person 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. Delegation of authority, by the Clerk, to perform civil marriage ceremonies shall be confirmed by Resolution of Council.
- Civil marriages will be conducted by a Marriage Officiant subject to their availability. The Clerk, in his/her sole discretion, shall determine the days/time that civil marriages may be performed at City Hall – 325 Farr Drive.
- Scheduling of a civil marriage at City Hall must be made with the Clerk or designate at least four (4) weeks prior to the intended date for the ceremony.
- A Civil Marriage Solemnization Check List, a copy of which is attached hereto as Appendix 01 and forming part of this by-law is a recommended tool for use by a Marriage Officiant;
- A standard civil marriage ceremony shall incorporate all mandatory declarations under Section 24 of the Marriage Act at all civil marriages.
- Personal vows, in addition to the mandatory declarations, will be permitted. 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 persons being married must supply an interpreter in the event that they do not speak English and require language assistance if the Marriage Officiant deems it necessary. The interpreter cannot be one of the witnesses.
- Witnesses for the purpose of signing the Registry of Marriage, must be 14 years of age or older.
- Flower arrangements or other decorations may be placed at City Hall and must be removed immediately following the ceremony.
- No alcoholic beverages are to be served prior to or during the civil marriage solemnization ceremony.
- Reaffirmation of vows will not be offered as part of this service.
- 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 City through the Clerk's office has applied and does have marriage registers for the purpose of registering all marriages performed by Marriage Officiant. The marriage register will be kept in the care of the Clerk's Department and the said register is the property of the Crown.

After the completion of a civil marriage, the Marriage Officiant shall return the marriage register to the Clerk promptly with the completed marriage licence in order for the Clerk to forward the licence to the Registrar General within two (2) days following the marriage as per the requirements of Section 2 (3) of Ontario Regulation 302/05.

Marriage Solemnization Guidelines and Fees

City Hall Services

Civil marriages conducted at City Hall are subject to availability of the facility.

The use of confetti, rice, bubbles, candles, incense, music and similar items are strictly prohibited at City Hall or grounds. Failure to comply will result in the following additional charges:

- Cleaning the inside of the facility: \$200 (if applicable)
- Cleaning the outside of the facility: \$200 (if applicable)

The following fees apply for civil marriage solemnization services and are payable to the City of Temiskaming Shores:

During Normal Working Hours	Fee	HST	Total
City Administrative Fee =	\$ 150.00	\$ 19.50	\$ 169.50
Use of City Hall =	\$ 100.00	\$ 13.00	\$ 113.00
Marriage Officiant Fee =	\$ 250.00	N/A	\$ 250.00
Total Fees =			\$ 532.50

Note: If the ceremony is performed by a Marriage Officiant that is an employee of the City, the Marriage Officiant Fee is retained by the City.

Services outside City Hall

Service outside City Hall is defined as a civil marriage by a Marriage Officiant delegated under this policy within the Province of Ontario.

Civil Marriage	Fee	HST	Total
City Administrative Fee =	\$ 150.00	\$ 19.50	\$ 169.50
Marriage Officiant Fee =	\$ 250.00	N/A	\$ 250.00
Total Fees =			\$ 419.50

Notes:

1. For ceremonies held outside the boundaries of Temiskaming Shores, the Marriage Officiant may claim a mileage expense. Mileage expenses shall be calculated at the current rate as established by the Municipal Expense Policy.
2. It is the responsibility of the participants to make the appropriate arrangements and to pay for the facility to be utilized for the Marriage Ceremony.

Marriage Officiant Discretion

Payment of the City's portion of applicable fees is mandatory and shall not be waived by the Clerk or designates. The Marriage Officiant may, at their sole discretion, waive the portion of the fees (Officiant / mileage) which would otherwise be payable to them.

Invoicing by Marriage Officiant

The Marriage Officiant is responsible for the preparation of invoices on forms provided by the Clerk for each civil marriage ceremony. All invoices shall reflect the applicable fees as described herein.

Payment of invoices shall be received a minimum of one (1) week prior to the date of the proposed ceremony.

Payment of Marriage Officiant

A Marriage Officiant, subsequent to a civil marriage ceremony, are responsible to submit claims on forms provided by the Clerk for expenses related to the performance of the ceremony and/or mileage to the Clerk's Office.

Expense claims shall be verified and processed for payment.

Harmonized Sales Tax

Fees for civil marriage solemnization services and the use of City Hall are subject to the Harmonized Sales Tax (HST).

Training of Marriage Officiant

The Province does not monitor the activities of the Marriage Officiant, other than on a complaint basis. The Clerk will be responsible for training the Marriage Officiant 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.

Appendix 01
Civil Marriage Solemnization Checklist

Consultation with marriage applicants:

Applicant Name: _____ Applicant Name: _____

Occupation: _____ Occupation: _____

Date of ceremony: _____

Time of ceremony: _____

Place of ceremony: _____

Marriage License on hand and completed: Yes

(Marriage to be solemnized within three months following date of issuance of marriage license)

Marriage Register on hand and completed: Yes

Dress of Wedding Party: _____

Is an interpreter required: Yes No

Are rings to be exchanged in the ceremony: Yes No

Is anyone giving the Bride away: Yes No

Witness No. 1: _____ Witness No. 2: _____

Address: _____ Address: _____

Prior to Ceremony:

- Civil marriage Fees have been paid;
- Table to sign Register and licence;
- Chairs for Guests;
- Outline Picture Taking rules;
- Outline Confetti, Rice rules;
- Outline to turn off electronic devices;
- Room standards and conduct.

Subsequent to ceremony:

- Statement of Marriage and Marriage Register to be completed and signed by parties (including witnesses and Marriage Officiant);
- Issue Record of Marriage (Plain envelope on hand);
- Forward Statement of Marriage and any other necessary documents to the Office of the Registrar General.