



Solution Title: Performing Civil Marriage Ceremonies

P203-18

KEY FACTS:

- The Marriage Act, R.S.O. 1990, Chapter M.3, s 24(1) states that 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;
- Designates may be delegated the authority by the Clerk in accordance with Section 228 of the Municipal Act;
- The Province does not monitor the Clerks activities in relation to the Marriage Act, other than on a complaint basis. It shall be the responsibility of the Clerk to ensure that all necessary training is provided to Designates to ensure that everyone is treated fairly and without discrimination;
- The Town of Pelham has deemed it desirable to authorize the Town Clerk and/or a Clerk's Delegate to perform Civil Marriage Ceremonies in the Province of Ontario through the passage of a By-law;
- Council approved Solution Statement S203-18 on March 7, 2016 citing this Procedure for implementation.

HOW MIGHT WE:

How Might the Town of Pelham offer to eligible couples Civil Marriage Ceremonies that are conducted in accordance with the Marriage Act, in an appropriate, dignified and lawful manner?

PROCEDURE:

The Marriage Register:

- As stated in the Marriage Act, every person authorized to solemnize marriages may apply to the Minister for a marriage register;



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- The Clerk will apply for the necessary marriage register(s) and each Officiant will be provided a Marriage Registry, and each register will be kept in the care and custody of the Clerk and the said register is the property of the Crown;
- After completion of a civil marriage, the Marriage Officiant shall return the marriage register to the Clerk promptly together 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 Ontario Regulation;
- The Record of Solemnization of Marriage given at the ceremony is not a legal record. Approximately 12 weeks after the ceremony, the Celebrants (the Couple to be married) may apply to the Office of the Registrar General to obtain an official Certificate of Marriage using the form included with the marriage licence;
- Information in the Marriage Registry is confidential and all inquiries regarding the information should be referred to the Freedom of Information Officer (The Clerk) for the Town.

Location and Availability:

- Civil Marriage Ceremonies will be conducted by the Clerk (or Designate) subject to their availability;
- The Clerk, in her sole discretion, shall determine the days/times that civil marriages will be performed during office hours, and shall be subject to the availability of the Clerk/Designate and the municipal facility;
- The Council Chamber may only be used for civil marriage ceremonies conducted by the Clerk or Designate for the Town of Pelham;
- Scheduling of a civil marriage must be made with the Clerk/Designate at least four (4) weeks prior to the intended ceremony date;
- A review of the Civil Marriage Solemnization Checklist appended hereto shall be conducted with the couple approximately two weeks prior to the ceremony;
- During this meeting, the celebrants will be required to:
 - Ensure both parties are in attendance and provide photo identification;
 - Have filed an application for civil marriage ceremony with the Clerk;
 - Have prepared a written copy of specific vows to be included if other than samples provided by Clerk;
 - Have a copy of valid marriage license (date issued must be within three (3) months of ceremony);
 - Supply Officiant with name, address and telephone numbers for two witnesses;
 - Provide proof of payment for service.



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- The Clerk/Designate is authorized to conduct this service within the boundaries of the Province of Ontario;
- The Clerk will inform the appropriate municipality in which the ceremony will be performed for ceremonies performed outside of the boundary limits of the Town or Pelham;
- In the event that the Officiant is unable to perform the ceremony, the Clerk reserves the right to delegate the duty and responsibility of solemnizing the marriage or to make any changes to the ceremony as she deems necessary.

The Ceremony:

- A standard civil marriage ceremony that incorporates all mandatory declarations under the Marriage Act will be used at all civil marriage ceremonies, with various options being made available through the Clerk;
- Civil marriage ceremonies shall be secular in nature, and no reference should be made to God or a Supreme Being, nor should the ceremony contain religious connotations and celebrants will be made aware of local Clergy in the community who may perform a religious ceremony;
- Personal vows, readings and/or music may be permitted in addition to the mandatory declarations, subject to the approval of the Clerk;
- The Clerk/Designate has the authority to refuse to solemnize the civil marriage of any person who he/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/Designate deems it necessary and the interpreter cannot be one of the witnesses;
- Interpreters will be required to sign a form, appended hereto;
- To complete a service, an Officiant, two (2) applicants (the couple) and two (2) witnesses must be present;
- Municipal staff may act as witnesses, subject to the approved fee schedule;
- Witnesses for the purpose of signing the Registry of Marriage, must be 14 years of age or older;
- The Town of Pelham does not provide services for a Reaffirmation of Vows at this time.



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Venue Permissions and Prohibited:

- Floral arrangements and/or other decorations may be placed in the Council Chamber under the approval of the Clerk, and shall be removed immediately following the conclusion of the ceremony;
- Floral arrangements and/or other decorations at municipal facilities other than the Council Chamber may be placed under the approval of the Recreation, Culture and Wellness Department;
- The use of confetti, rice, bubbles, candles, incense, etc. inside the Municipal Building or on Municipal property is prohibited and any breach of this provision shall result in the imposition of a cleaning fee;
- Music appropriate to the dignity of the occasion will be permitted during times to be determined during the pre-ceremony meeting and celebrants are responsible to provide the equipment;
- Smoking is prohibited in municipal buildings and on municipal property;
- No alcoholic beverages are to be served prior to or during the civil marriage solemnization ceremony;
- **If the Officiant believes that alcohol or other stimulants have been used, the ceremony will not proceed;**
- Photographs will not be permitted during the formal ceremony, subject to the discretion of the Marriage Officiant, however opportunity will be provided for photographs during the signing of the register and when the ceremony is complete;
- Town-owned grounds may be used for photographs if the ceremony is held in a municipal facility, including the Council Chamber;
- Cell phones must be turned off or silenced prior to commencement of the ceremony and remain off until all documents are fully signed and witnessed;
- Personal attire should be appropriate for the occasion in order to maintain the dignity of the ceremony, although formal wedding attire is not required;
- Celebrants will be required to arrive at least 15 minutes prior to the ceremony;
- Due to space limitations, a maximum of 30 guests for ceremonies held in the Municipal Council Chamber;
- If the ceremony is conducted in a facility not owned by the Town of Pelham, it shall be the sole responsibility of the celebrants/participants to make the appropriate arrangements and pay for the use of the facility;
- Ceremonies outside of the Town of Pelham municipal boundaries may be subject to additional fees to cover the expenses of the Officiant as outlined in the applicable By-law.



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Costs and Indemnification:

- All costs associated with the use of a municipal facility are the responsibility of the marriage couple, including set up and disassembly if applicable;
- Civil Marriage Ceremony fees are detailed in the Town of Pelham By-law to authorize marriage solemnization and to set the fees;
- Fees shall be paid in the form of cash, certified cheque or debit a minimum of five (5) business days prior to the ceremony date;
- A civil ceremony booking shall not be confirmed until payment has been received in full;
- Celebrants for a civil marriage ceremony will consent to defend and indemnify the Town of Pelham for any loss or damage incurred by their invitees;
- Celebrants shall agree that the Town of Pelham will not be held responsible for personal injury or damage, nor for the theft or loss of any personal property of anyone attending the Council Chamber on the invitation of the celebrants;
- The Celebrants shall be responsible for the conduct and supervision of all persons admitted to the Council Chamber and shall ensure that all regulations pertaining to the event are followed.
- All marriage ceremonies performed by Marriage Officiants of the Town of Pelham will be tracked by the Clerks Department once an application has been submitted;
- Any marriage ceremony performed by a Pelham Officiant (Clerk or Designate) without the knowledge of the Clerk will be grounds for removal of the delegated authority;



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Checklist:

- Review Civil Marriage Ceremony Guidelines
- Contact Town Clerk to schedule a pre-ceremony meeting with the officiant (approx. 2 weeks before ceremony)
- Obtain a valid marriage licence in Ontario. For information, contact the Clerk's office or visit www.pelham.ca/marriage
- Complete the Pre-Ceremony Information Questionnaire for review with the officiant
- Complete the Booking Agreement form for a Town of Pelham civil marriage service
- Pay all required fees in accordance with this package
- Choose a Ceremony Option
- Choose an optional reading for your civil marriage ceremony
- Determine a location for the ceremony
- Make arrangements for two witnesses
- If required, please make arrangements for an interpreter for the ceremony
- Arrange for any music, videographer, photographer and decorations