

Section: Administration	Policy Number: AD.15.1
Sub-section: Marriages	Effective Date: July 12, 2011
Subject: Civil Marriage Solemnization	Revision Date: September 13, 2011; September 21, 2021

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Civil Marriage Solemnization

Purpose

To provide guidelines and expectations as it relates to the performance of civil marriage solemnizations.

This policy is applicable to both the delegates performing ceremonies and for couples purchasing the civil marriage solemnization services.

This policy is meant as a supplement to any by-law adopted by Council authorizing civil marriage solemnization services. It is not the intention that this policy repeals nor replaces said authorizing by-law.

Policy

1. Authority

- 1.1 The Clerk is entitled to perform civil marriage ceremonies as part of his/her statutory duties under Ontario Regulation 285/04 and may delegate his/her authority to permit others to perform civil marriage ceremonies.
- 1.2 Council will support the Clerk by directing the number of delegations which may be made.
- 1.3.1 Council has adopted a by-law permitting the solemnization of marriages in the Province of Ontario.
- 1.3.2 Where a ceremony will be performed outside of the Town of South Bruce Peninsula, the Clerk will inform the municipality in which the ceremony will be performed.
- 1.4.1 All civil marriage ceremonies will be non-denominational.
- 1.4.2 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.

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2. Delegated Authority

- 2.1 Members of the public who are delegated the authority to solemnize marriages are not employees of the Town however, for the purposes of carrying out their solemnization duties, they will report directly to the Clerk.
- 2.2 Those who are delegated the authority to perform civil marriage ceremonies will refrain from engaging in any business or other activities which may be construed by the Town to be in conflict with their duties solemnizers.
- 2.3 Solemnizers represent the Town of South Bruce Peninsula and as such shall conduct themselves in accordance with all Town policies and by-laws.
- 2.4.1 Delegates are expected to sign a Memorandum of Understanding with the Town which outlines the expected behaviours and other requirements to become and continue to be a solemnizer.
- 2.4.2 Provisions contained in the Memorandum of Understanding are understood to be requirements, at the sole discretion of the Town.
- 2.4.3 Without a signed Memorandum of Understanding, there will be no delegation of authority extended.

3. Fees and Payment - Solemnizers

- 3.1 Solemnizers are required to submit invoices to the Town for ceremonies performed.
- 3.2 Solemnizers must not ask for additional fees for the performance of their duties and shall be solely responsible for expenses including but not being limited to mileage, meals, and accommodations.
- 3.3.1 Where a civil ceremony has been cancelled and no refund is issued to the intended couple, the solemnizer will be entitled to their full fee for services.
- 3.3.2 For all other cancellations, the solemnizer shall be entitled to three quarters (3/4) of the non-refunded portion of the fee, where applicable.

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3.4 The fee charged for a civil marriage solemnization will be established by Council and included in the Town Fee By-Law, which is subject to change from time to time.

3.5 The amount paid to the solemnizer by the Town will be as established by Council, by resolution, which is subject to change from time to time.

4. General Provisions

4.1 All bookings for civil marriage solemnization will be tracked by the Clerks Department upon receipt of an application and payment from the intended couple.

4.2 The Municipal Council Chambers may be used when a Town staff member is present within the building.

4.3.1 Solemnizers are permitted to advertise their services, at their own expense.

4.3.2 All advertising for marriage solemnization shall be subject to the approval of the Clerk.

4.3.3 The Town will advertise civil marriage solemnization services as permitted within approved annual budgets.

4.4 Civil marriage solemnization information will be included on the Town’s website and will include specific details for each solemnizer, including contact information.

4.5 The document “Guidelines for the Provision of Civil Marriage Ceremonies” is attached hereto and forms part of this policy.



Guidelines for Civil Marriage Ceremonies

Preamble

Congratulations on your upcoming wedding. The Town of South Bruce Peninsula Clerk, Deputy Clerk and public delegates perform civil marriage ceremonies under the authority of the *Marriage Act RSO 1990* and Ontario Regulation 285/04, as may be amended from time to time.

These guidelines have been approved by Council by-law and should be used to help you plan your civil marriage ceremony, using one of the Town's solemnizers.

1. Location

1.1 Ceremonies can take place at either:

(a) an agreed upon location of your choice, in the Province of Ontario, that is a setting conducive for a ceremony

or

(b) Municipal Office
315 George St
Warton ON N0H 2T0
(subject to availability)

2. Application for Civil Ceremony

2.1 The application for a civil ceremony is to be received by the Clerk's Department at least five (5) business days prior to the date of the ceremony.

2.2 Prior to submitting the application you must book the date and time with the marriage solemnizer of your choice.

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

3. Civil Ceremony

3.1 A civil ceremony is one in which there is no mention of God, a supreme or superior being or any religious or spiritual connotations.

3.2 There are mandatory declarations under the *Marriage Act RSO 1990* will must be incorporated into all civil ceremonies.

3.3 Personal vows, poetry or readings, all without religious or spiritual reference, in addition to the mandatory declarations, will be permitted.

4. Reaffirmation of Vows

4.1 The Town of South Bruce Peninsula does not provide this service.

5. Fee

5.1 Please refer to the Town Fee By-Law for the current rate.

5.2.1 The fee shall be paid in full to the Town a minimum of five (5) business days prior to the ceremony date.

5.2.2 Notwithstanding clause 5.2.1, the Clerk may authorize, where it is deemed appropriate, a shorter period of time for the receipt of payment.

5.3 A civil ceremony booking is not confirmed until payment has been received in full.

5.4 Cheques should be made payable to the Town of South Bruce Peninsula.

5.5 The solemnizer will be paid by the Town directly.

5.6 The fee is intended to cover all aspects of the solemnization services including pre-ceremony meetings, ceremony preparation and performing the ceremony.

5.7 Payment of the fee for the solemnization services does **NOT** include the fee required to obtain a marriage licence.

6. Changes, Cancellation and Refunds

6.1 Changes to date and/or time are permitted at no additional charge provided that the location and marriage solemnizer are available.

6.2 No refund of fees paid will be issued:

6.2.1 If a ceremony is cancelled on the day of the ceremony.

6.2.2 If a ceremony is cancelled on the business day preceding the ceremony.

6.2.3 If the applicant(s) and/or witness(es) do not show up for the ceremony on the date and at the time previously arranged with the solemnizer.

6.2.4 If the marriage solemnizer deems that the parties who attend the ceremony are not competent to take part in the ceremony.

6.2.5 If the marriage solemnizer halts the ceremony immediately before or during the ceremony, for reasons as indicated herein.

- 6.3 Requests for refunds for cancellation of ceremonies due to death or illness will be considered on a case by case basis by the Clerk's Department and will be discussed with the chosen solemnizer prior to a determination of a refund amount.
- 6.4 A refund in the amount of one half (1/2) of the fee charged will be in order for all other cancellations received.

7. Witnesses

- 7.1 The celebrants are responsible for providing two witnesses.
- 7.2 There are no minimum age requirements.
- 7.3 Witnesses must be able to understand what is taking place and be able to give evidence of such at a later date, if required.
- 7.4 Witnesses must be capable of signing their names in the Marriage Register and on the marriage licence.

8. Marriage Licence

- 8.1.1 The marriage licence must be provided to the solemnizer a minimum five (5) days in advance of the ceremony in order to allow the solemnizer to be prepared for the ceremony.
- 8.1.2 The marriage solemnizer may authorize a shorter period of time for the provision of the marriage licence to the solemnizer, at the discretion of the solemnizer.
- 8.2 A ceremony will **NOT** proceed without a valid marriage licence.
- 8.3 It is the responsibility of the couple who are marrying to obtain the marriage licence.
- 8.4 A marriage licence is valid for three (3) months from the date of issue, unless otherwise determined by the Province of Ontario.
- 8.5 Please refer to the Town Fee By-Law for the current rate for marriage licences issued by the Town of South Bruce Peninsula.

9. Pre-Ceremony Meetings

- 9.1 The solemnizers will not begin to work on any marriage ceremony nor hold any pre-ceremony meetings until the solemnization application and required fee is received by the Clerk's Department.

- 9.2 The solemnizer will be advised that payment has been received and the solemnizer will be provided with a copy of the solemnization application.
- 9.3 Pre-ceremony meetings will take place at the discretion of the solemnizer.
- 9.4 Meetings by phone, email or other electronic means may be considered in place of in-person meetings.
- 9.5 Celebrants will be required to show photo identification to the solemnizer to permit the solemnizer to verify documents and participants.
- 9.6.1 Celebrants are required to provide to the solemnizer, written copies of specific vows and plans for the ceremony.
- 9.6.2 If personal vows are to be made, they are to be reviewed by the solemnizer prior to the ceremony.
- 9.7 If there are plans to hold a rehearsal, this must be discussed when you initially make contact with the solemnizer to ensure that they are prepared to participate in a rehearsal and the ceremony.

10. Alcohol or Stimulants and Other Competency

- 10.1 Alcohol or stimulants are not to be used by the celebrants or their witnesses prior to or during the ceremony.
- 10.2 If the solemnizer believes that any participants are inebriated or do not hold the capacity to understand what is taking place, the ceremony will not proceed.
- 10.3 If there are reasonable grounds to believe a person lacks the capacity to marry (or be a witness), the Town reserves the right to request that a letter is provided from a physician, parent or guardian which outlines the competency of the party.

11. Clothing

- 11.1 In order to maintain the dignity of the ceremony, clothing should be appropriate for the occasion.

12. Music

- 12.1 Music will be permitted at times to be determined during the pre-ceremony meeting.
- 12.2 Celebrants are responsible for the provision of any music and equipment required to play the music.

12.3 When selecting the type of music, consideration should be given to its appropriateness and contribution to the dignity of the occasion.

13. Guests

13.1 Where ceremonies are to be held in the Municipal Office, please be advised that space is limited and guests may not be able to be accommodated.

13.2 Celebrants are responsible to ensure that their chosen venue is able to accommodate their guests.

14. Photographs/Video

14.1.1 The taking of photographs during the ceremony will be at the discretion of the solemnizer.

14.1.2 Celebrants should arrange with the solemnizer, appropriate times during the ceremony when guests may take photographs and this should be relayed to all guests immediately prior to the beginning of the ceremony.

14.2 Celebrants should discuss with the solemnizer, their plans to video record or otherwise livestream the ceremony.

15. Prohibitions

15.1 Absolutely no smoking, confetti, rice, bubbles, candles, sprinkles, etc. are permitted in or on the grounds of the Municipal Office.

15.2 Prohibitions may apply at locations of your choice; the intended couple is responsible for full compliance with locational rules and regulations.

16. Decorations

16.1 Minimal decorations are permitted (e.g. flowers, balloons) when the ceremony takes place in the Municipal Office.

16.2 Decorations may be placed 15 minutes prior to the ceremony and must be removed at the conclusion of the ceremony.

17. Cell Phones/Pagers and Communication Devices

17.1 It is recommended that these are muted prior to the commencement of the ceremony.

17.2 If the celebrants require any type of communication device which cannot be muted, the solemnizer must be made aware of this requirement.

18. Interpreter

- 18.1 Solemnizers for the Town perform ceremonies in the English language.
- 18.2 It is the applicant's responsibility to provide an interpreter if required.
- 18.3 The interpreter should not be one of the witnesses.
- 18.4 The interpreter will be required to sign an Interpreter Certificate which indicates that he/she has interpreted the wedding ceremony.
- 18.5 The Interpreter Certificate will be forwarded to the Office of the Registrar General along with the marriage license.

19. Loss or Damage

- 19.1 The celebrants of the civil marriage ceremony are responsible and liable for any claim for personal injury or damage and for the theft or loss of any personal property incurred by the attendees of the civil ceremony.
- 19.2 The celebrants are required to obtain any insurance coverage required, at their sole expense.

20. Supervision

- 20.1 The celebrants shall be responsible for the conduct and supervision of all persons attending the civil marriage ceremony and shall ensure that all regulations pertaining to the event are strictly followed.

21. General

- 21.1 In the event that the chosen solemnizer is unable to perform the ceremony, the Clerk reserves the right to delegate the duty and responsibility of solemnizing the marriage to another solemnizer and to make any changes to the ceremony as is deemed appropriate.
 - 21.2.1 If at any time before or during a ceremony, the solemnizer feels that to continue with the ceremony would be unsafe, the solemnizer is authorized to immediately stop the solemnization and will not be required to begin the ceremony until all safety issues are resolved, to the satisfaction of the solemnizer.
 - 21.2.2 If at any time immediately before or during a ceremony, the solemnizer becomes aware of items, practices, words, actions, etc. which are not permitted at law but are to be or are being included in the ceremony (ie. vows which include religious references, etc.), the solemnizer is authorized to immediately stop the

solemnization and will not be required to begin the ceremony until the solemnizer is satisfied that the ceremony will be conducted in a lawful manner.

21.2.3 Where a ceremony is halted by a solemnizer, there is no requirement nor should there be any expectation by the celebrants that the ceremony would continue on the same day.



Marriage Solemnization Application and Acknowledgement

Applicant		Joint Applicant	
	Last Name		
	First and Middle Name		
	Address		
	Phone Number		
Intended Place and Date of Marriage Ceremony			

Witness 1		Witness 2	
	Last Name		
	First and Middle Name		
	Address		
	Phone Number		

Name of Solemnizer	Date Contacted

By signing below, the applicants consent to defend and indemnify the Town of South Bruce Peninsula against any claim for loss or damage incurred as a result of the solemnization services provided. The celebrants agree that the Town of South Bruce Peninsula will not be held responsible or liable for personal injury or damage, nor for the theft or loss of any personal property of anyone attending the ceremony. The celebrants have read and understood the "Guidelines for Civil Marriage Ceremonies" and agree to abide by all applicable law as it relates to the solemnization services.

Applicant Signature	Joint Applicant Signature

Office Use

Date Application Received _____

Date Fee Paid _____ Date Solemnizer Notified _____



Interpreter Certificate

I, _____ of the _____ of _____ in
(Interpreter Name) (city, town, township, etc.) (city, town, township, etc. name)

the _____ of _____ certify that on the
(province, state, country) (province, state, country name)

_____ day of _____, _____ I performed
(day) (month) (year)

the services of Interpreter from the _____ language into the
(language)

_____ language and vice versa, in or in connection with a
(language)

ceremony of marriage between _____ and
(applicant)

_____. The civil marriage was solemnized
(joint applicant)

by _____ in/at _____.
(name of solemnizer) (location of ceremony)

Dated this _____ day of _____ in the year _____.
(day) (month) (year)

Signature of Interpreter

Name, address and telephone number of Interpreter (please print)

