

# Civil Marriage Ceremony Policy

## 1 Purpose

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

## 2 Policy Statement

- 2.1 This policy is meant to supplement any by-law adopted by Council authorizing civil marriage solemnization services.

## 3 Application

- 3.1 This policy applies to person(s) provided delegated authority to solemnize Civil Marriage Ceremonies as well as applicants purchasing civil marriage solemnization services.

## 4 Definitions

For the purposes of this policy:

- 4.1 "Applicant/ Celebrant" means a person who is of the age of majority, as set out in the Marriage Act, R.S.O. 1990, and who requests a Civil Marriage Ceremony by the Town Clerk;
- 4.2 "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").
- 4.3 "Officiant" is a person who solemnizes a Civil Marriage Ceremony.
- 4.4 "Town" or "Town of Fort Erie" means The Corporation of the Town of Fort Erie.
- 4.5 "Town Clerk" means the Town Clerk of the Town of Fort Erie or designate.

## 5 Delegation of Authority

- 5.1 Council has adopted By-law 79-2017, as amended and/or replaced from time to time, authorizing the solemnization of marriages throughout the Town.
- 5.2 The Clerk of The Corporation of the Town of Fort Erie, is authorized to solemnize marriages as authorized by Regulation 738, as amended, made under the Marriage Act, R.S.O. 1990, Chapter M.3, as amended.

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5.3 Section 228(4) of the *Municipal Act, 2001* provides that 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”

5.4 The Town Clerk may designate Town employees to perform Civil Marriage Ceremonies under this policy upon written notice filed by the Town Clerk with the Office of the Registrar General for the Province of Ontario.

### 6 Coordination & Performance of Civil Marriage Ceremonies

6.1 The application for a Civil Marriage Ceremony is to be received by the Town’s Customer Service Staff at least two (2) weeks prior to the intended ceremony date.

6.2 Scheduling of a Civil Marriage Ceremony must be made with a member of the Customer Service Staff to ensure availability.

6.3 The applicant is required to submit payment for the Civil Marriage Ceremony to the Town’s Customer Service Staff at the time of application. A complete application and full payment must be provided prior to scheduling the ceremony.

6.4 A standard Civil Marriage Ceremony that incorporates all mandatory declarations under the *Marriage Act* will be used at all Civil Marriage Ceremonies, with options made available through the Clerk and/or Designate.

6.5 Personal vows, readings and/or music may be permitted in addition to the mandatory declarations, subject to the approval of the Clerk/Designate.

6.6 No religious aspects, such as prayers or readings, are permitted as part of the Civil Marriage Ceremony;

6.7 Applicants who have scheduled a Civil Marriage Ceremony will attend a mandatory pre-ceremony consultation during which a Town employee will provide an overview of the Civil Marriage Ceremony and review all required documentation. A Civil Marriage Ceremony will not be conducted if a pre-ceremony consultation has not been completed.

6.8 Applicants are responsible for providing or arranging for the provision of the following before a Civil Marriage Ceremony is conducted:

- a) a valid Ontario marriage licence;
- b) two witnesses that are at least 16 years of age (one for each applicant). Municipal staff may act as witnesses, subject to the approved fee schedule and upon availability.

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- c) one piece of government-issued photo identification for each applicant; and
- d) an Interpreter in the event that they do not speak English and require language assistance if the Clerk/Designate deems it necessary. The interpreter cannot be one of the witnesses. Interpreters will be required to sign an affidavit, provided by the Clerks Department.

6.9 The Clerk and/or 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 under the influence of intoxicating liquor or drugs.

## 7 Location and Venue Permissions

- 7.1 Civil Marriage Ceremonies may take place either in the Council Chambers at Town Hall, the Town Hall Gazebo, or at another location agreed upon by both parties or designated by the Town Clerk.
- 7.2 Civil Marriage Ceremonies are typically conducted during regular business hours (Monday to Friday, 9:00 am to 3:30 pm), with exceptions granted by mutual agreement between both parties, and subject to availability.
- 7.3 Civil Marriage Ceremonies requested to be held off-site will only be permitted based on the availability of Officiants, and subject to applicable fees and charges in accordance with the Town’s Fees and Charges By-law.
- 7.4 Due to space limitations, a maximum of sixty (60) guests may be permitted for ceremonies held in Council Chambers.
- 7.5 The use of confetti, rice, bubbles, candles, incense, etc. inside the Municipal Building or on Municipal property is prohibited.
- 7.6 Celebrants will be required to arrive at least 15 minutes prior to the ceremony and may place floral arrangements and/or other decorations in the Council Chamber during this allotted time under the approval of the Clerk/Designate.
- 7.7 Decorations shall be removed immediately following the conclusion of the ceremony. No decorations may be affixed to Town property.
- 7.8 Smoking is prohibited in municipal buildings and on municipal property.

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- 7.9 No animals are permitted at Civil Marriage Ceremonies except for service animals, as defined by the Accessibility for Ontarians with Disabilities Act, 2005 or the Blind Persons' Rights Act, R.S.O 1990, c. B. 7.
- 7.10 If the Officiant believes that excessive amounts of alcohol or other substances have been consumed by any guests of the celebrants leading up to the ceremony, the ceremony may not proceed.
- 7.11 The taking of photographs or video during the ceremony will be at the discretion of the Marriage Officiant, however, the opportunity will be provided for photographs and video during the signing of the register and when the ceremony is complete.
- 7.12 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.
- 7.13 Personal attire should be appropriate for the occasion in order to maintain the dignity of the ceremony, although formal wedding attire is not required.

## 8 Fees and Indemnification

- 8.1 All costs associated with the use of a municipal facility are the responsibility of the marriage couple, including set up and disassembly if applicable.
- 8.2 The cost of a Civil Marriage Ceremony will be set annually in the Fees and Charges By-Law. The cost of the Civil Marriage Ceremony does not include the cost of a marriage licence.
- 8.3 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 Officiant.
- 8.4 The Clerk and any non-union designate who performs a civil marriage ceremony outside of regular business hours will receive a payment of \$125.00, inclusive of any and all expenses, less statutory deductions. The payment is processed through the time sheet with particulars as to the date of the ceremony and the name of the couple.
- 8.5 A civil ceremony booking shall not be confirmed until payment has been received in full.
- 8.6 A minimum of 48 hours notice of cancellation of a Civil Marriage Ceremony is required to receive a refund, less a \$50 administrative cancellation fee. If cancellation is received less than 48 hours in advance of a scheduled Civil Marriage Ceremony, no refund will be issued.

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- 8.7 Celebrants for a Civil Marriage Ceremony will consent to defend and indemnify the Town for any loss or damage incurred by their invitees.
- 8.8 Celebrants shall agree that the Town will not be held responsible for personal injury or damage, nor for the theft or loss of any personal property of anyone attending the Civil Marriage Ceremony on the invitation of the Celebrants.
- 8.9 Celebrants shall be responsible for the conduct and supervision of all persons admitted to the Municipal Civil Ceremony and shall ensure that all regulations pertaining to the event are followed.
- 8.10 Any marriage ceremony performed by a Town Officiant (Clerk or Designate) without the knowledge of the Clerk will be grounds for removal of the delegated authority.

Approved by



Chris McQueen  
Chief Administrative Officer

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