

CORPORATION OF THE TOWN OF HAWKESBURY

By-law N° 42-2022

Being a By-law to authorize the Civil Marriage Solemnization Service in the Corporation of the Town of Hawkesbury

WHEREAS Section 24 (1) of the Marriage Act, RSO 1990, Chapter M.3, as amended, provides 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; and

WHEREAS Section 24 (1) of the Marriage Act, RSO 1990, Chapter M.3, as amended, provides 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; and

WHEREAS Section 228 (4) of the Municipal Act, 2001, as amended, provides that the municipal clerk may delegate in writing to any person, other than a member of council, any of the clerk's powers and duties under the Municipal Act and any other Act; and

WHEREAS Section 391.1(a) of the Municipal Act, S.O. 2001, as amended, provides that a municipality may pass by-laws imposing fees or charges on any class of persons for its services or activities provided or done by or on behalf of it, and

WHEREAS Council deems it desirable to have civil marriage solemnization services performed in the Town of Hawkesbury.

NOW THEREFORE, the Municipal Council of the Corporation of the Town of Hawkesbury enacts as follows:

1. **THAT** the Council of the Corporation of the Town of Hawkesbury does hereby direct the civil marriage solemnization service be implemented at the Town of Hawkesbury.
2. **THAT** the Council recognizes that the Municipal Clerk is authorized to solemnize marriages for the Town of Hawkesbury within the Province of Ontario.
3. **THAT** the Council of the Town of Hawkesbury recognizes that under Section 228 (4) and (5) of the Municipal Act, S.O. 2001, as amended, the Clerk has authority to delegate their authority to perform the solemnization of civil marriages with the Town of Hawkesbury, to establish policies and procedures for such service and to

enter into any contractual agreement required for such delegation if deemed necessary by the Clerk.

4. **THAT** the fees and charges for the Solemnization of Civil Marriage Services with the Town of Hawkesbury shall be as set forth in Schedule 'A', attached hereto and forming part of this By-law.
5. **THAT** Schedule D of By-law N° 59-2019, being a by-law to impose fees for services rendered by the Town, be amended as follows:

Issuance of Marriage Licence	\$130.00
	\$150.00

6. **THAT** this By-law shall come into force and take effect on the date of its final passing thereof.

**READ A FIRST, SECOND AND ADOPTED UPON THIRD READING
THIS 27th DAY OF JUNE 2022.**


Paula Assaly, Mayor


Myriam Longtin, Clerk

Schedule 'A'
By-law N° 42-2022

Civil Marriage Ceremony

Ceremonies, available in French and English, are simple and dignified and are to be conducted in an appropriate location, which provides an intimate setting upon approval of the Clerk. The duration of the Ceremony would be approximately 20 minutes depending on the vows chosen. The service time booked would be approximately forty minutes to allow for photo opportunities, signing of the Register, etc.

Civil marriages will be conducted by the Clerk or designate subject to availability. The Clerk, in his/her sole discretion, shall ensure the days/time/place that civil marriages will be performed are appropriate.

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.

GENERAL GUIDELINES:

1. Ceremonies will be conducted at Town Hall – 600 Higginson St, Hawkesbury, during regular office hours. Exceptions may be granted outside office hours in an appropriate location approved by the Clerk, subject to availability.
2. Scheduling of a civil marriage at Town Hall must be made with the Clerk or designate at least four (4) weeks prior to the intended date for the ceremony, at which time, applicable fees shall be paid and a Civil Marriage Ceremony Booking Agreement will be executed.
3. 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.
4. A mandatory pre-ceremony meeting must be scheduled at least three (3) days prior to the ceremony. Both parties must attend this pre-ceremony meeting, and shall provide:
 - a. photo identification (ie: driver's licence);
 - b. a completed application for a Civil Marriage Ceremony;
 - c. a written copy of personal vows, if any; and
 - d. a valid Marriage License issued in the Province of Ontario is to be presented (date issued must be within 90 days of ceremony).
5. 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.

6. The persons being married are required to have two (2) witnesses present during the ceremony. Witnesses must be 14 years of age or older, and should be able to understand and appreciate what is taking place and be able to give evidence of such at a later date, if required.
7. The persons being married must supply an interpreter in the event that they do not speak English or French, or require assistance if the Marriage Officiant deems it necessary. The interpreter cannot be one of the witnesses.
8. A maximum of 5 guests (including the wedding party) can be accommodated in the venue at Town Hall.
9. The taking of photographs and videotaping of the Ceremony will be permitted subject to certain limitations at the discretion of the Marriage Officiant.

For Services Provided Outside of City Hall

10. If the ceremony takes place in an approved venue other than Town Hall, it is the responsibility of the persons being married to make the appropriate arrangements and to pay for the facility, and to pay for the Marriage Officiant's mileage expenses, to be calculated in the rate established by the Town's travel expense policy.

For Services Provided Outside of Regular Hours

11. If the ceremony takes place outside regular office hours, it shall be in an approved venue other than Town Hall, and it is the responsibility of the persons being married to make the appropriate arrangements and to pay for the facility, and to pay for the Marriage Officiant's mileage expenses to be calculated at the rate established by the Town's travel expense policy. In addition, the persons being married shall be responsible to pay any additional established fees.

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 a marriage register for the purpose of registering all marriages performed by the Clerk or designates. 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 designate 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 Fees

The following fees apply for civil marriage solemnization services and are payable upon scheduling the time and date of the Marriage Ceremony:

Marriage Solemnization performed during Regular Office Hours at Town Hall

Administrative Fee	\$100.00
Marriage Officiant Fee	\$250.00
Registration Fee	\$75.00
Witness (per witness)	\$25.00

* fees are payable to the Town of Hawkesbury upon scheduling the time and date of the Ceremony.

Marriage Solemnization performed outside Regular Office Hours not at Town Hall

Administrative Fee	\$100.00
Marriage Officiant Fee	At the discretion of the officiant
Registration Fee	\$75.00
Witness (per witness)	\$25.00

* when the ceremony is performed outside Regular Office Hours by a Marriage Officiant that is an employee of the Town, fees are payable to the Town of Hawkesbury upon scheduling the time and date of the Ceremony. The Administrative Fee is to be retained by the Town while the Marriage Officiant Fee and Registration Fee be reimbursed to the Marriage Officiant.

The Marriage Officiant, subsequent to a civil marriage ceremony, is responsible for submitting claim forms for expenses related to the performance of the ceremony and/or mileage to the Clerk.

Notes:

- Changes to date, and/or place are allowed at no additional charge, provided that the venue and the Officiant are available. Requests to change the date, time and/or place must be received a minimum of 48 hours prior to the originally scheduled date and time.
- An administration fee of \$50.00 will be retained if the ceremony is cancelled prior to the scheduled date and time.
- No refund will be issued if the ceremony is cancelled less than 48 hours prior to the scheduled date and time, or the Applicant(s) do not show up for the ceremony, or if the ceremony is cancelled by the Marriage Officiant due to the fact that the persons being married arrive late.