



THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

BY-LAW 2015/83

**BEING A BY-LAW TO ADOPT A MARRIAGE LICENSING PROTOCOL
FOR THE MUNICIPALITY OF WEST NIPISSING**

WHEREAS Ontario Regulation 285/04 provides for the authorization of the Municipal Clerk to solemnize civil marriages under the authority of a license. This authority is extended to designates who have been delegated the authority by the Clerk in accordance with Section 228 of the Municipal Act;

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

AND WHEREAS the Clerk and appointed designates of the Municipality of West Nipissing have the authorization to provide civil marriage solemnization services for the residents of the Municipality;

AND WHEREAS Council of the Municipality of West Nipissing received and discussed the proposed protocol for the authorization of civil marriage solemnization services during the Committee of the Whole Meeting held on October 6th, 2015;

NOW THEREFORE the Council of The Corporation of the Municipality of West Nipissing hereby enacts the following as a by-law:

1. That Council of the Corporation of the Municipality of West Nipissing hereby adopts the Marriage Licensing Protocol attached hereto as Schedule "A" and forming part of this by-law.

ENACTED AND PASSED THIS 20th DAY OF OCTOBER, 2015 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.

JOANNE SAVAGE
MAYOR

MELANIE DUCHARME
MUNICIPAL PLANNER

OCTOBER 2015

The Corporation of the Municipality of West Nipissing
BY-LAW 2015/83
MARRIAGE LICENSING PROTOCOL
SCHEDULE "A"

(1) HOW TO OBTAIN A MARRIAGE LICENCE

- (i) Marriage Licenses are issued by the Municipality of West Nipissing by appointment only.
- (ii) Contact the municipal office at **705-753-2250**
- (iii) Completed copy of the Marriage License Application (form 3 - available online)
- (iv) Two (2) pieces of identification are required for each applicant. Applicants must provide an original birth certificate **and** another piece of photo ID (i.e. driver's license or a valid passport).
 - (a) any person whose previous marriage has been dissolved or annulled in **Canada** will be required to provide the original or a court-certified copy of the final decree or certificate of divorce dissolving or annulling the marriage.
 - (b) if the marriage was dissolved or annulled **outside of Canada**, the authorization of the Minister of Government Services is required (additional details available).
- (v) A marriage license is valid for use anywhere in Ontario and the license expires three (3) months after the date of issue.
- (vi) There is a non-refundable fee of \$100.00 for the issuance of a marriage license.
- (vii) Any person 18 years of age or older may marry in Ontario.
 - (a) Any person who is 16 or 17 years of age may marry with the written consent of his/her parents or legal guardian. A special consent form is available for this purpose from the Municipal Office.

(2) DELEGATION OF AUTHORITY

- (i) Ontario Regulation 285/04 amended the *Marriage Act* to include Municipal Clerks as a class of person authorized to solemnize civil marriages.
- (ii) This authority is extended to designates who have been delegated the authority by the Clerk in accordance with Section 228 of the *Municipal Act*.
- (iii) Delegation of authority by the Clerk, to perform civil marriage ceremonies shall be confirmed by Resolution of Council.

(3) GUIDELINES AND CRITERIA

- (i) Civil marriages will be conducted by the Clerk or designate subject to their availability. The Clerk, in his/her sole discretion, shall determine the days/time that civil marriages will be performed during office hours.
- (ii) An appointment and meeting of the parties with the Clerk or designate is recommended at least 5 business days prior to the intended date for the ceremony.
- (iii) Scheduling of a civil marriage shall be made with the Clerk or designate at least 5 business days prior to the intended date for the ceremony, however the Clerk may, at his or her discretion, permit such shorter time frame as he or she deems appropriate in the circumstance.
- (iv) The Clerk 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 mentally deficient or under the influence of an intoxicating substance.
- (v) The parties must supply an interpreter in the event that they do not speak English and require language assistance if the Clerk or designate deems it necessary. The interpreter cannot be one of the witnesses.
- (vi) Witnesses for the purpose of signing the Registry of Marriage, must be at least 14 years of age or older.
- (vii) Flower arrangements or other decorations may be placed in Council Chambers or on Municipal Land by the parties and must be removed immediately following the ceremony.
- (viii) No alcoholic beverages are to be served prior to or during the civil marriage solemnization ceremony.

- (ix) Reaffirmation of vows will not be offered as part of this service.
- (x) The services can only be provided within the boundaries of the Province of Ontario.

(4) FORM OF CEREMONIES

- (i) A standard civil marriage ceremony shall incorporate all mandatory declarations under Section 24 of the *Marriage Act* which will be used at all civil marriages.
- (ii) Personal vows, in addition to the mandatory declarations, will be subject to the approval of the Clerk or designate.

(5) ENTRY IN MARRIAGE REGISTER

- (i) Section 29 of the *Marriage Act* states that every person authorized to solemnize marriages may apply to the Minister for a marriage register.
- (ii) The Clerk or designate 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.
- (iii) After the completion of a civil marriage, the designate shall return the marriage register to the Clerk or designate promptly with the completed marriage license in order for the Clerk or designate to forward the license to the Registrar General within two (2) days following the marriage as per the requirements of Section 2 (3) of Ontario Regulation 302/05.

(6) FACILITY AND FEES

Civil marriages performed at the Municipal Office located at 101-225 Holditch Street in Sturgeon Falls:

- (i) Civil marriages can be conducted in Council Chambers, subject to the availability of the room during regular business hours.
- (ii) The use of confetti, rice, bubbles, incense, music and similar items are strictly prohibited within municipal buildings or grounds.

The following fees apply for civil marriage solemnization services offered by the Municipality of West Nipissing and are payable at the Municipal Office; by cash or debt:

SERVICE	FEE	FEE BREAKDOWN	
		ADMIN. FEES	OFFICIANT FEES
Marriage License Fee (<i>mandatory and non-refundable</i>)	\$ 100.00	N / A	N / A
<u>Ceremony Fees:</u>			
(a) Civil Marriage in Council Chambers during *regular business hours	\$ 225.00	\$ 45.00	\$180.00
(b) Civil Marriage at another venue during *regular business hours	\$ 250.00	\$70.00	\$180.00
(c) Civil Marriage at another venue outside of *regular business hours	\$ 250.00	\$70.00	\$180.00
<i>NOTE: regular business hours means Monday through Friday from 8:30 AM to 4:30 PM</i>			
Rental of any municipal recreational facility / hall (all bookings through Community Services Department)	As per Policy _____		

Marriage Officiant – Discretion to waive fee :

- The Municipality’s administration fees and the Marriage License fees are mandatory fees which cannot be waived by the Clerk or designates.
- The Marriage Officiant may, at their sole discretion, waive the portion of the Officiant fees; which would otherwise be payable to them.

Refund :

- The Clerk at his/her sole discretion has the authority to approve a partial refund for a cancelled civil marriage ceremony, provided that a written request is received prior to the scheduled ceremony date. The refund shall include the Marriage Officiant portion of the ceremony as the administration and license fees are non-refundable.