



THE CORPORATION OF THE TOWNSHIP OF  
ASHFIELD-COLBORNE-WAWANOSH

**BY-LAW NUMBER 65-2009**

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BEING A BY-LAW TO AUTHORIZE THE CIVIL MARRIAGE SOLEMNIZATION  
SERVICE IN THE TOWNSHIP OF ASHFIELD-COLBORNE-WAWANOSH AND TO  
AUTHORIZE COMMISSIONERS TO PERFORM CIVIL MARRIAGES

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**WHEREAS** Ontario Regulation 285/04 provides for the authorization of the Clerk to solemnize marriages with the authority of a licence to perform civil marriages, and as further provided for under the Municipal Act, R.S.O. 2001, Chapter 25, Section 228(4) and (5), which reads as follows;

228 (4)

The Clerk may delegate in writing, other than a member of Council, any of the Clerk's powers and duties under this and any other Act.

228 (5)

The Clerk may continue to exercise the delegated powers and duties, despite the delegation.

**AND WHEREAS** the municipality through the passage of a By-Law, now have the option to offer civil marriages as a municipal service if they choose, and to set fees to recover the costs of providing this service;

**AND WHEREAS** the municipal Clerk has the ability to delegate the responsibility to perform these marriages to any person, other than a member of Council, under the authority of subsection 228 (4) of the Municipal Act;

**AND WHEREAS** Council considers it desirable to have civil marriage solemnization services performed as a service in the Township of Ashfield-Colborne-Wawanosh and surrounding area;

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ASHFIELD-COLBORNE-WAWANOSH ENACTS AS FOLLOWS:**

1. That the Council for the Corporation of the Township of Ashfield-Colborne-Wawanosh hereby direct that the civil marriage solemnization service be implemented for the Township of Ashfield-Colborne-Wawanosh.
2. (i) That the Council of the Township of Ashfield-Colborne-Wawanosh hereby authorizes the Administrator/Clerk-Treasurer, Mark Becker, to solemnize marriages within the boundaries of the Township of Ashfield-Colborne-Wawanosh and surrounding areas as set out under Ontario Regulation 285/04 and the Marriage Act, R.S.O. 1990, Chapter M. 3, as amended, for the Province of Ontario;

(ii) That the Council of the Township of Ashfield-Colborne-Wawanosh hereby authorizes Rob R. McGregor, to solemnize marriages within the boundaries of the Township of Ashfield-Colborne-Wawanosh and surrounding areas as set out under Ontario Regulation 285/04 and the Marriage Act, R.S.O. 1990, Chapter M. 3, as amended, for the Province of Ontario;

3. That the Council does hereby further support the Clerk delegating the authority to provide civil marriage solemnization services.
4. That the Clerk be authorized to determine the necessary rules and guidelines for the conduct of Civic Marriage Solemnization Service for the Township of Ashfield-Colborne-Wawanosh having regard to Appendix "A" hereto attached.
5. That Appendix "B" in respect to fees for solemnization services be adopted and forms part of this by-law.
6. That Appendix "C" in respect to times and places where solemnization services may be held, be adopted and forms part of this by-law.
7. This By-Law shall come into full force and effect upon its final passage.

**Read a FIRST and SECOND time this 1<sup>st</sup> day of December 2009.**

**Read a THIRD TIME and FINALLY PASSED this 1<sup>st</sup> day of December 2009.**

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Original signed by  
**Reeve, Ben Van Diepenbeek**

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Original signed by  
**Administrator/Clerk-Treasurer, Mark Becker**

**APPENDIX “A”  
to By-Law No. 65-2009**

**Guidelines for the Corporation of the Township of Ashfield-Colborne-Wawanosh  
Civil Marriage Solemnization**

- 1) Civil marriages can be performed within the boundaries of the Township and/or can be performed outside of the Township within the Province of Ontario with the approval of the Clerk.
- 2) Civil marriages may be conducted by the Clerk or other designates appointed in writing by the Clerk subject to their availability.
- 3) Scheduling of the civil marriage should be made with the Clerk or designate at least 4 weeks prior to the intended date for the ceremony.
- 4) A standard civil marriage ceremony, incorporating all mandatory declarations under the Marriage Act will be used at all civil marriages.
- 5) Personal vows, in addition to the mandatory declarations, will be permitted subject to the approval of the Clerk or designate.
- 6) The solemniser has the authority to refuse to perform a marriage ceremony if anyone in the wedding party (being the bride, groom and witnesses) appears to be under the influence of alcohol or drugs.
- 7) 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.
- 8) If there are reasonable grounds to believe a person lacks the capacity to marry, by reason of being mentally ill or mentally defective, a letter shall be required from a physician, parent or guardian as to the mental competency of the party.
- 9) Witnesses for the purpose of signing the Registry of Marriage, must be 14 years of age or older.
- 10) No pictures shall be taken during the ceremony.
- 11) Pictures may be taken during the signing of the Registry and the service may be video and audio taped discreetly.
- 12) Reaffirmation of vows will not be offered as part of this service.
- 13) A fee of \$ 350.00 plus G.S.T. is payable to the Township of Ashfield-Colborne-Wawanosh.

**APPENDIX "B"**  
**to By-Law No. 65-2009**

**Fees to Solemnize Marriages**

The fee for the service for Civil Marriage Solemnization Services - \$ 350.00

Distributed as follows:

The Commissioner will receive out of the above fee - \$ 250.00

The Township will retain out of the above fee - \$ 100.00

**APPENDIX “C”  
to By-Law No. 65-2009**

**Place and Time**

**Place:**

1. Civil Marriage Solemnization Services may be held at any publicly owned facility within the boundaries of the Township of Ashfield-Colborne-Wawanosh and the surrounding areas;
2. Civil Marriage Solemnization Services may be held at any privately owned facility within the boundaries of the Township of Ashfield-Colborne-Wawanosh and the surrounding areas, for which written authorization has been issued to the applicant and which is deemed appropriate by the Administrator/Clerk-Treasurer of the Township of Ashfield-Colborne-Wawanosh.

**Time:**

1. Civil Marriage Solemnization Services may be held at times based upon the availability of the desired facility and the availability of the solemniser.