

Authority: Item 9, Audit, Finance &
Administration Committee Report 20-
003 (CL19012(a))
CM: February 26/27, 2020
Ward: City Wide
Bill No. 037

CITY OF HAMILTON

BY-LAW NO. 20-037

To Authorize Civil Marriage Solemnization Services and To Delegate the Authority to Solemnize Marriages in the City of Hamilton

WHEREAS on September 24, 2004, the Minister of Consumer and Business Services announced that changes to the regulations under the *Marriage Act* through *Ontario Regulation 285/04* authorizing clerks of “local municipalities to perform civil marriages;

WHEREAS through the passage of an appropriate resolution or by-law “local municipalities” have the option to offer civil marriages as a municipal service if they so choose and to set fees to recover the cost of providing this service;

WHEREAS municipal clerks may delegate their authority to solemnize marriages pursuant to Section 224 (4) of the *Municipal Act* which states 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:

WHEREAS pursuant to *Regulation 285/04* made under the *Marriage Act* now designates Municipal Clerks as a class of persons authorized to solemnize marriages in Ontario and pursuant to Regulation 738 subsection 24 (1) Regulation of the Revised Regulations of Ontario, 1990 as amended states that for the purposes of subsection 24 (1) of the Act, the clerk of a local municipality is authorized to solemnize marriages under the authority of a Marriage Licence;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That civil marriage solemnization service be implemented in the City of Hamilton.
2. That Council recognizes that the City Clerk is authorized to solemnize civil marriages in the City of Hamilton as set out in *Ontario Regulation 285/04* and the *Marriage Act, R.S.O. 1990, Chapter M3*, as amended.
3. That should the City Clerk delegate their authority, to City of Hamilton staff, that it be done in writing.

4. That the Clerk may revoke such delegation(s) by providing a notice in writing, no less than fourteen (14) days prior to the termination of the designation.
5. That this by-law shall come into force on April 6, 2020.

PASSED this 27th day of February, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk