

BLUE LAKE RANCHERIA
MARRIAGE ORDINANCE
01-01

01-2001

The Business Council of the Blue Lake Rancheria, empowered by the Tribal Constitution to enact ordinances, hereby ordains the following:

§1. Findings and Declarations

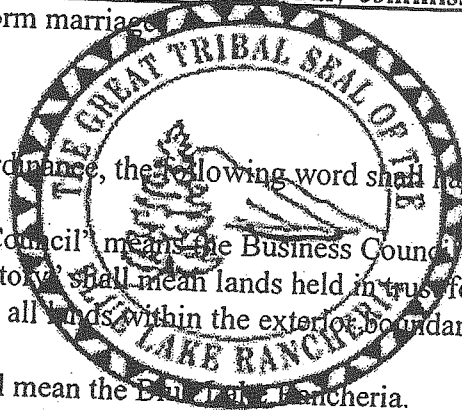
The Tribe finds and declares that-

- (a) Pursuant to tribal and federal law, the Tribe possesses jurisdiction to regulate Domestic Relations within tribal territory.
- (b) The Tribe recognizes the need to expand its authority over Domestic Relations within tribal territory.
- (c) The Tribe wishes to provide additional services to Tribal members, residents of the Rancheria, and those who consent to the jurisdiction of the Tribe to marry and to grant to officials of the Tribal Court and officials duly commissioned by the Business Council the authority to perform marriages.

§2. Definitions

For the purpose of the Ordinance, the following words shall have the following meanings:

- (a) The term "Business Council" means the Business Council of the Blue Lake Rancheria.
- (b) The term "Tribal territory" shall mean lands held in trust for the Tribe or its members by the United States, and all lands within the exterior boundaries of the Blue Lake Rancheria.
- (c) The term "Tribe" shall mean the Blue Lake Rancheria.



§3. Jurisdiction

- (a) The Blue Lake Rancheria Tribal Court shall have jurisdiction over marriage of members of the Tribe, residents of the Rancheria who consent to the jurisdiction of the Tribe, and all other individuals who consent to the jurisdiction of the Tribe.
- (b) The procedures set forth herein shall be concurrent with the procedures established by the laws of the State of California as to any marriage performed within tribal territory. The completion of an application for marriage license under this chapter constitutes *consent* to the Tribe's jurisdiction to grant such a license.

§4. Marriage

Marriage is a personal relationship arising out of a civil contract between two individuals, to which consents of the parties capable of making that contract is necessary. Consent alone does not constitute marriage. Consent must be followed by the issuance of a license and solemnization as authorized by this Ordinance.

§5. Capacity to Consent

Any unmarried person, who has reached the age of 18, who is an enrolled member of the Blue Lake Rancheria, or who resides within the boundaries of the Blue Lake Rancheria and who *consents* to the jurisdiction of the Tribe; or any other individual who consents to the jurisdiction of the tribe, may consent to marry.

§6. Who May Not Contract; Invalid or Prohibited Marriages

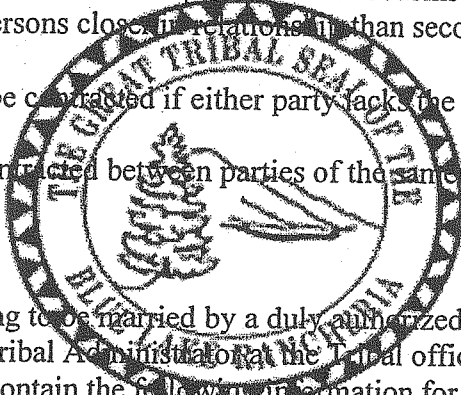
- (a) No marriage shall be contracted while either of the parties is lawfully married to another person. Persons closer in relationship than second cousins may not marry. Any marriage attempted between persons closer in relationship than second cousins is prohibited and void.
- (b) A marriage may not be contracted if either party lacks the capacity to enter into valid marriage.
- (c) No parties shall be contracted between parties of the same sex.

§ 7. Marriage Licenses

- (a) All persons wishing to be married by a duly authorized tribal official shall obtain a license from the Tribal Administrator at the Tribal office.
- (b) The license shall contain the following information for each person: 1) full legal name; 2) place of residence; 3) age; 4) sex; 5) Tribal affiliation (if any); 6) date of birth; and, 7) whether previously married and, if so, how marriage ended (i.e. dissolution, death, annulment, etc.). No marriage may be granted unless the parties are capable of consenting to the marriage as provided herein.

§ 8. Expiration of License

The marriage license shall not be valid for 24 hours after it has been issued and expires ninety (90) days after it is issued. The day and time of issuance and date of expiration shall be clearly noted on the face of the license.



The Tribal Administrator shall provide a list of centers available for testing and treatment of genetic defect and disease to all applying for a marriage license. No medical examination or laboratory tests shall be required.

§ 19 Fees

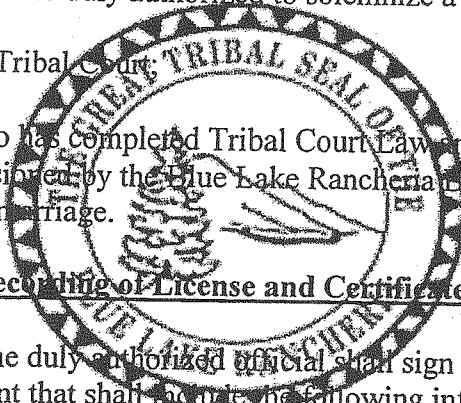
The Tribal Council shall establish fees for obtaining a license for performing ceremonies.

§ 11. Ceremony and Solemnization of Marriage Contract

(a) The ceremony need not take any particular form, but the parties must declare, in the presence of the duly authorized official solemnizing the marriage, and in the presence of one or more witnesses, that they take each other as spouse.

(b) The following persons are duly authorized to solemnize a marriage.

- (1) A judge of the Tribal Court;
- (2) Any person who has completed Tribal Court Law and Justice and Is duly commissioned by the Blue Lake Rancheria Business Council To solemnize a marriage.



§ 12. Completion and Recording of License and Certificate of Marriage

- (a) After the ceremony, the duly authorized official shall sign and endorse the marriage license with a statement that shall include the following information: 1) date, time and place of the ceremony; 2) names and place of residence of one or more witnesses; and 3) name, address, and title of the official who solemnized the marriage.
- (b) The official shall return the marriage license to the Tribal Administrator within 15 days after the ceremony.
- (c) The Tribal Administrator will then issue a Certificate of Marriage, affixed with the Official Seal of the Blue Lake Rancheria.
- (d) The Tribal Administrator will record the Certificate of Marriage and a copy of the marriage license with the Blue Lake Rancheria.
- (e) The Blue Lake Rancheria will record a copy of the Certificate of Marriage and a copy of the Marriage license with the Humboldt County Recorder within thirty (30) days of the ceremony.

§ 13. Recognition of Marriage from Other Jurisdictions

A marriage contracted outside the Blue Lake Rancheria that would be valid by the laws of the jurisdiction in which the marriage was contracted is valid within the boundaries of the Blue Lake Rancheria.

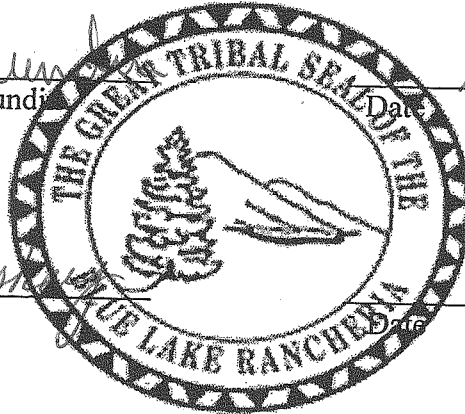
§ 14. Effective Date

This Ordinance shall take effect immediately upon passage.

CERTIFICATION

This is to certify that the Business Council of the Blue Lake Rancheria passed this Ordinance at a duly called meeting at which a quorum was present on October 13 2001 by a vote of 5 favor 0 against 0 abstained.

Claudia Brundage
Chairperson, Claudia Brundage



10/13/01 Date

Melanie Shelanski
Secretary

10/13/01 Date