

## ARTICLE II, §2.03: THE CITY of WATERVILLE COMMUNITY BILL of RIGHTS

All powers of the Municipality shall be exercised in a manner that secures and enforces the rights herein enumerated as well as those enumerated in other laws and constitutions and those not enumerated but retained by the people.

(a) **Rights Enumerated, Reserved, Self-Executing and Enforceable.** The rights enumerated herein are in addition to, and shall not limit or abridge, other rights retained by the people. All rights delineated and secured by this Charter shall be fundamental, unalienable, and self-executing and these rights shall be enforceable against private and public entities.

(b) **Right to Local Community Self-Government.** All residents of the City of Waterville possess the right to a form of governance in the City which is based on the people's self-governing authority, and which protects and secures the rights of the people of Waterville. Use of the "City of Waterville" municipal corporation by the people of Waterville for the making and enforcement of this law shall not be deemed, by any authority, to eliminate, limit, or reduce that self-governing authority.

(c) **Right to Pure Water.** All residents, natural communities and ecosystems in the City of Waterville possess the right to sustainably access, use, consume, and preserve water from natural sources which is untainted by toxins, carcinogens, radioactive substances, particulates and other substances known to cause harm to health, resulting from activities prohibited by this charter and other laws of the City.

(d) **Right to Clean Air.** All residents, natural communities and ecosystems in the City of Waterville possess the right to breathe air untainted by toxins, carcinogens, radioactive substances, particulates and other substances known to cause harm to health, resulting from activities prohibited by this charter and other laws of the City.

(e) **Right to Safe Soil.** All residents, natural communities and ecosystems in the City of Waterville possess the right to soil, untainted by toxins, carcinogens, radioactive substances and other substances known to cause harm to health, resulting from activities prohibited by this charter and other laws of the City.

(f) **Right to Peaceful Enjoyment of Home.** Residents of the City of Waterville possess the right to the peaceful enjoyment of their homes, free from interference, intrusion, nuisances or impediments to access and occupation, resulting from activities prohibited by this charter and other laws of the City.

(g) **Right to be Free from Toxic Trespass.** All residents, natural communities and ecosystems in the City of Waterville possess the right to be free from trespass by manufactured chemicals, toxins, carcinogens, pathogens, radioactive substances, particulates and other substances known to cause harm to health, resulting from activities prohibited by this charter and other laws of the City.

(h) **Rights of Natural Communities.** Natural communities and ecosystems, including, but not limited to, wetlands, streams, rivers, aquifers, and other water systems possess the rights to exist and flourish within the City of Waterville, including, but not limited to the Maumee River watershed.

(i) **Right to a Sustainable Energy Future.** All residents in the City of Waterville possess the right to a sustainable energy future, which includes, but is not limited to, the development, production, and use of energy from renewable, non-polluting, and sustainable fuel sources, as well as the authority to establish local sustainable energy policies to further secure this right, and the right to be free from energy development, production, and use that may adversely impact natural and human communities.

(j) **Securing and Protecting Rights.** To further secure and protect the rights enumerated by the Community Bill of Rights, the following shall apply:

(1) Corporations and governments that engage in the extraction of hydrocarbons in a neighboring municipality, county or state shall be strictly liable for all rights violations within the City of Waterville which occur as a result of those activities. Throughout this charter section,

“corporations” means any business entity organized under the laws of any state or any country.

(2) No permit, license, privilege, charter, or other authority issued by any state, federal, or international entity that would violate the prohibitions of this Charter or any rights secured by this Charter, the Ohio Constitution, the United States Constitution, or other laws, shall be deemed valid within the City of Waterville.

(k) **Prohibitions Necessary to Protect Rights.** It shall be unlawful for any private or public entity to violate the rights secured by this Charter and its amendments, by engaging in the activities herein enumerated and activities as may be further prohibited by local law. Accordingly, it shall be unlawful for any corporation or government to:

(1) Engage in any new exploration for or extraction of hydrocarbons within the City of Waterville, including by, but not limited to, hydraulic fracturing, vertical drilling, directional drilling, and horizontal drilling, with the exception of gas and oil wells installed and operating at the time of enactment of this Charter provision provided that the extraction of gas or oil from those existing wells does not involve any practice or process not previously used for the extraction of gas or oil from those wells, and providing that those wells are securely and properly capped within 30 days when production ceases. The phrase shall include all activities necessary to, and associated with, those types of drilling.

(2) Engage in the siting or operation of equipment to support extraction of hydrocarbons, which shall include, but not be limited to, the siting or use of infrastructure or transportation supporting the extraction of hydrocarbons, including but not limited to processing facilities, pipelines, vehicles, compressor stations, storage facilities, recycling and disposal facilities. This prohibition shall not apply to the existing operations provided for in Section 2.03(k)(1), or to construction, maintenance or repair of infrastructures used for gas or oil delivery to retail end-users.

(3) Deposit, store, treat, inject, dispose of, or process wastewater, produced water, "frack" water, brine or other substances, chemicals, or by-products that have been used in, or result from, the extraction of hydrocarbons, including but not limited to high volume hydraulic fracturing, acidification, and other techniques on or into the land, air, or waters of the City of Waterville.

(4) Engage in the procurement or extraction of any water from any source, including public water sources, within the City of Waterville for use in exploration or extraction of hydrocarbons or for export out of the county for use in exploration or extraction of hydrocarbons anywhere.

(l) **Enforcement.** These enforcement provisions shall be in force:

(1) Any corporation or government that violates any provision of this Community Bill of Rights shall be guilty of an offense and, upon conviction thereof, shall be sentenced to pay the maximum fine allowable under State law for that violation. Each day or portion thereof, and violation of each section and subsection of this Community Bill of Rights, shall count as a separate violation.

(2) The City of Waterville, or any resident of the City of Waterville, may enforce the rights and prohibitions of this Community Bill of Rights through an action brought in any court possessing jurisdiction over activities occurring within the City. In such an action, the City or the resident shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.

(3) Any action brought by either a resident of the City, or by the City, to enforce or defend the rights of ecosystems or natural communities secured by this Charter shall bring that action in the name of the ecosystem or natural community in a court possessing jurisdiction over activities occurring within the City of Waterville. Damages shall be measured by the cost of restoring the ecosystem or natural community to its state before the injury, and shall be paid to the City of Waterville to be used exclusively for the full and complete restoration of the ecosystem or natural community.

(m) **Enforcement and Corporate Powers.** These enforcement provisions regarding powers

of private corporations shall be in force:

(1) Corporations which violate or seek to violate the Charter of the City of Waterville, or which are alleged to have violated this Community Bill of Rights, shall not be deemed to be “persons,” nor possess any other legal rights, privileges, powers, or protections which would interfere with the rights or prohibitions enumerated by this Charter. “Rights, privileges, powers, or protections” shall include the power to assert state or federal preemptive laws in an attempt to overturn this Community Bill of Rights, and the power to assert that the people of this municipality lack the authority to adopt this Community Bill of Rights.

(2) All laws adopted by the legislature of the State of Ohio, and rules adopted by any State agency, shall be the law of the City of Waterville only to the extent that they do not violate the rights or prohibitions of this Community Bill of Rights.

(n) **People’s Right of Self-Government.** Use of the courts or the Ohio legislature in attempts to overturn the provisions of this Charter, or any of its sections, shall require the city to convene monthly public community meetings, publicized prominently and focused on changes to local governance until the right of the people to local community self-government is achieved and the rights recognized by this Charter provision are secured.

(o) **State and Federal Constitutional Changes.** Through the adoption of this Charter and each of its sections, the people of the City of Waterville call for changes to the Ohio Constitution and the Federal Constitution to recognize a right of local community self-government, free from governmental preemption, or nullification by corporate “rights”.

(p) **Severability.** The provisions of this Charter and each of its sections and sub-sections are severable. If any court decides that any section, clause, sentence, part, or provision of this Charter is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts or provisions of the Charter.

(q) **Repealer.** All provisions of prior ordinances, laws, or charter amendments adopted by the City of Waterville, that are inconsistent with this Bill of Rights, are hereby repealed, but only to the extent necessary to remedy the inconsistency.