

RIGHT TO A HEALTHY CLIMATE ORDINANCE

ESTABLISHING A COMMUNITY RIGHTS-BASED ORDINANCE FOR EXETER, NEW HAMPSHIRE, THAT PROHIBITS ACTIVITIES AND PROJECTS THAT WOULD VIOLATE RIGHTS SECURED BY THE ORDINANCE

Preamble

We hold these truths to be self-evident, that all people are created equal, that they naturally are endowed with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, the people institute governments, which derive their just powers from the consent of the governed.

Further, that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

This right of self-government, as stated in the Declaration of Independence, is natural, fundamental, and unalienable. It is also secured to us by the United States Constitution and the Constitution of the State of New Hampshire.

Pursuant to that right of self-government, if our current system of local government infringes our rights, we, the people of Exeter, have the right to alter or replace that system with one that secures and protects human rights and ecosystem rights, as long as the new system does not infringe other rights protected for us by state or federal law.

Exeter is situated where the Exeter River feeds the tidal Squamscott River and lies fully within the coastal Piscataqua River Watershed which includes the sub-watersheds of the Great Works River and the five rivers flowing into the unique and sensitive estuary within Great Bay: the Bellamy, Oyster, Lamprey, Squamscott, and Winnicut; covering over a thousand square miles in New Hampshire, Maine, and Massachusetts and comprising an ecosystem upon which hundreds of thousands of people and countless species depend for health, drinking water, and survival.

It is our legislative determination that certain corporate activities are detrimental to our rights, health, safety, and welfare. These activities include but are not limited to: the runoff from commercial use of fertilizers, the intentional or unintentional dumping of toxic waste, and the physical deposition, emission, leakage, disposal, or placement of toxins into the land, air or waterways from extraction, transportation, processing, storage, conveyance, and depositing of waste from fossil fuel exploration and development.

As we are purportedly constrained by state and federal law, which courts interpret to require us to accept such harmful corporate activity, we the people of Exeter are unable under our current system of local government to secure human rights and ecosystem rights by banning said activity.

Therefore, we deem it necessary to alter our system of local government, and we do so by adopting this Right to a Healthy Climate Ordinance.

Section 1 – Statements of Law

(a) Right of Self-Government. All residents of Exeter possess a right of self-government, which includes, but is not limited to, the following rights: first, the right to a system of local government founded on the consent of the people of the municipality; second, the right to a system of local government that secures their rights; and third, the right to alter any system of local government that lacks consent of the people or fails to secure and protect the people's and ecosystems' rights, health, safety, and welfare. Any action to annul, amend, alter, or overturn this Ordinance shall be prohibited unless such action is approved by a prior Town vote at which a majority of the residents of the Town vote to approve such action.

(b) Right to a Healthy Climate. All residents of Exeter possess a right to a stable and healthy climate system capable of sustaining human societies, which shall include the right to be free from all corporate activities that infringe that right, including but not limited to the runoff from commercial use of fertilizers, the intentional or unintentional dumping of toxic waste, and the physical deposition, emission, leakage, disposal, or placement of toxins into the land, air, or waterways from extraction, transportation, processing, storage, conveyance, and depositing of waste from fossil fuel exploration and development.

(c) Right to Clean Air, Water, and Soil. All residents of Exeter possess the right to clean air, water, and soil, which shall include the right to be free from all corporate activities that release toxic contaminants into the air, water, and soil, including but not limited to the runoff from commercial use of fertilizers, the intentional or unintentional dumping of toxic waste, and the physical deposition, emission, leakage, disposal, or placement of toxins into the land, air, or waterways from extraction, transportation, processing, storage, conveyance, and depositing of waste from fossil fuel exploration and development.

(d) Rights of Ecosystems and Natural Communities. Ecosystems and natural communities within Exeter possess rights to naturally exist, flourish, regenerate, and evolve; rights to restoration, recovery, and preservation; rights to a stable and healthy climate system capable of sustaining ecosystems and natural communities; rights to clean air, water, and soil; and which also shall include, but not be limited to, the right to be free from all corporate activities that infringe these rights, including but not limited to the runoff from commercial use of fertilizers, the intentional or unintentional dumping of toxic waste, and the physical deposition, emission, leakage, disposal, or placement of toxins into the land, air, or waterways from extraction, transportation, processing, storage, conveyance, and depositing of waste from fossil fuel exploration and development.

(e) Right to Protection from Governmental and Corporate Interference. All residents of Exeter and the Town of Exeter, as well as ecosystems and natural communities within Exeter, possess the right to enforce this Ordinance free of interference from corporations, other business entities, and governments. That right shall include the right to be free from ceiling preemption, because this Ordinance expands rights and legal protections for people and nature above those provided by less-protective state, federal, and international law.

Section 2 – State and Federal Constitutional Changes

Through the adoption of this Ordinance, the people of Exeter call for amendment of the New Hampshire Constitution and the federal Constitution to expressly secure the inherent right of local self-government, free from governmental restriction, ceiling preemption, and nullification by corporate “rights.”

ENACTED AND ORDAINED this ____ day of _____, 20____, by the Town of Exeter, in Rockingham County, New Hampshire.

By:

Signature _____ Print _____

Signature _____ Print _____

Signature _____ Print _____

Signature _____ Print _____

Signature _____ Print _____

Attest: _____