

Our Community Bill of Rights and Natural Gas Drilling Ban
Section 41.2-205. STATE COLLEGE BOROUGH BILL of RIGHTS

a. **Right to Water.** All residents, natural communities and ecosystems in State College Borough possess a fundamental and inalienable right to sustainably access, use, consume, and preserve water drawn from natural water cycles that provide water necessary to sustain life within the Borough.

b. **Right to Clean Air.** All residents, natural communities and ecosystems in State College Borough possess a fundamental and inalienable right to breathe air untainted by toxins, carcinogens, particulates and other substances known to cause harm to health.

c. **Right to Peaceful Enjoyment of Home.** Residents of State College Borough possess a fundamental and inalienable right to the peaceful enjoyment of their homes, free from interference, intrusion, nuisances or impediments to access and occupation.

d. **Rights of Natural Communities.** Natural communities and ecosystems, including, but not limited to, wetlands, streams, rivers, aquifers, and other water systems possess inalienable and fundamental rights to exist and flourish within State College Borough. Residents of the Borough shall possess legal standing to enforce those rights on behalf of those natural communities and ecosystems.

e. **Right to a Sustainable Energy Future.** All residents in State College Borough possess a right to a sustainable energy future, which includes, but is not limited to, the development, production, and use of energy from renewable fuel sources.

f. **Right to Self-Government.** All residents of State College Borough possess the fundamental and inalienable right to a form of governance where they live which recognizes that all power is inherent in the people, that all free governments are founded on the people's authority and consent, and that corporate entities and their directors and managers shall not enjoy special privileges or powers under the law which make community majorities subordinate to them.

g. **People as Sovereign.** State College Borough shall be the governing authority responsible to, and governed by, the residents of the Borough. Use of the "Borough of State College" municipal corporation by the sovereign people of the Borough to make law shall not be construed to limit or surrender the sovereign authority or immunities of the people to a municipal corporation that is subordinate to them in all respects at all times. The people at all times enjoy and retain an inalienable and inalienable right to self-governance in the community where they reside.

h. **Rights as Self-Executing.** All rights delineated and secured by this Charter shall be self-executing and these rights shall be enforceable against corporations and governmental entities.

i. Securing and Protecting Rights. To further secure and protect the rights enumerated by the Bill of Rights:

1. It shall be unlawful for any person or corporation to engage in the **extraction of natural gas** within State College Borough, with the exception of gas wells installed and operating at the time of enactment of this Charter provision, provided that the extraction of gas from those existing wells does not involve any practice or process not previously used for the extraction of gas from those wells.

2. It shall be unlawful for any person or corporation, or any director, officer, owner, or manager of a corporation to use a corporation, to deposit, store or transport **waste water**, “produced” water, “frack” water, brine or other materials, chemicals or by-products from unconventional development of natural gas from shale formations, within, upon or through the land, air or waters of State College Borough.

3. It shall be unlawful for any person or corporation, or any director, officer, owner, or manager of a corporation to use a corporation, to engage in the creation of fossil fuel, nuclear or other non-sustainable energy production and delivery infrastructures, such as **pipelines, processing facilities, compressors, or storage and transportation facilities** of any sort that would violate the right to a sustainable energy future for State College Borough.

4. Corporations and persons using corporations to engage in natural gas extraction in a **neighboring municipality**, county or state shall be strictly liable for all harms caused to natural water sources, ecosystems human and natural communities within the Borough of State College.

5. Corporations in violation of the prohibition against natural gas extraction, or seeking to engage in natural gas extraction shall **not have the rights of “persons”** afforded by the United States and Pennsylvania Constitutions, nor shall those corporations be afforded the protections of the commerce or contracts clauses within the United States Constitution or corresponding sections of the Pennsylvania Constitution.

6. Corporations engaged in the extraction of natural gas shall not possess the authority or power to enforce State or federal **preemptive law** against the people of State College Borough, or to challenge or overturn municipal ordinances or Charter provisions adopted by the State College Borough Council.

7. No **permit, license, privilege or charter** issued by any State or federal agency, Commission or Board to any person or any corporation operating under a State charter, or any director, officer, owner, or manager of a corporation operating under a State charter, which would violate the prohibitions of this Charter provision or deprive any Borough resident(s), natural community, or ecosystem of

any rights, privileges, or immunities secured by this Charter, the Pennsylvania Constitution, the United States Constitution, or other laws, shall be deemed valid within State College Borough.

8. The provisions of this section are **severable**. If any court of competent jurisdiction decides that any sub-section, clause, sentence, part, or provision of this section is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sub-sections, clauses, sentences, parts, or provisions of this Bill of Rights and its prohibitions. The People of State College Borough hereby declare that in the event of such a decision, and the determination that the court's ruling is legitimate, they would have enacted this amendment even without the sub-section, clause, sentence, part, or provision that the court decides is illegal, invalid, or unconstitutional. All inconsistent provisions of prior Ordinances and zoning Ordinances adopted at any time by State College Borough are hereby held in abeyance, but shall take immediate effect in the event this Bill of Rights and its protective prohibitions are overturned.

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