

May 29th
Meeting: Twp

A Community Bill of Rights

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, People institute Governments, which derive their just powers solely from the consent of the governed; 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; and

Whereas, this right of self-government is natural, fundamental, and unalienable, and also is secured to the People of Todd Township by the United States Constitution and the Constitution of the Commonwealth of Pennsylvania; and

Whereas, pursuant to that right of self-government, if our current system of local government infringes our rights, then We the People of Todd Township have the right to work with our local elected officials to alter that system by instituting a new form that secures and protects our rights, as long as that new system does not infringe other rights secured for people and nature; and

Whereas, pursuant to the Environmental Rights Amendment in the Pennsylvania Constitution, Article I, Section 27, Todd Township has the duty to conserve and protect the natural resources of Todd Township, which are held in the public trust; and

Whereas, pursuant to the Environmental Rights Amendment in the Pennsylvania Constitution, Article I, Section 27, We the People of Todd Township have the right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment; and

Whereas, present and future generation residents of Todd Township are beneficiaries of the public trust doctrine, as secured by the United States and Pennsylvania Constitutions, who have the right to essential natural resources, such as the air, water, and soils, and to a life-sustaining climate system; and

Whereas, it is our legislative determination that industrial farms have a direct adverse effect on public health, safety, and welfare, because of their harmful impact on our clean air, pure water, and the preservation of the natural, scenic, historic and esthetic values of the environment in Todd Township; and

Whereas, restrained by state and federal law, which courts interpret to dictate that We must accept that harmful activity, We the People of Todd Township are currently unable to secure our rights;

Therefore, We deem it necessary to alter our system of local government to enable us to secure our rights and to be free from activity that infringes those rights, and We do so by adopting this Community Bill of Rights Ordinance.



Section 1 – Definitions

- (a) As used in this Ordinance, “industrial farm activity” means activity by a livestock or poultry operation, when that operation possesses one or more of the following characteristics: (1) the livestock or poultry, dead or alive, are not wholly owned by either the owner of the real property where they are farmed in Todd Township or by a natural person or business entity whose domicile or primary place of business is within Todd Township; (2) a majority of feed each calendar year is imported from outside Todd Township; (3) the operation has an industrial warehouse esthetic that is incongruous with the surrounding landscape, contrary to the scenic agricultural barns and fields that provide Todd Township’s rural character; or (4) a majority of the operation’s sales revenues each calendar year do not go to natural persons or business entities whose domicile or primary place of business is within Todd Township.
- (b) As used in this Ordinance, “Residents” means natural persons who physically reside in Todd Township, who are registered to vote in Todd Township, or who pay property taxes on real property owned in Todd Township.

Section 2 – Statements of Law

- (a) Right of Self-Government. All residents of Todd Township live in a democracy and therefore 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 governed locally; 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 the consent of, or fails to secure and protect the rights of, the governed locally.
- (b) Right to a Healthy Climate. All residents of Todd Township possess a right to a healthy, livable climate, which includes the right to be free from industrial farm activity as an infringement of this right.
- (c) Right to Sustainable Agriculture. All residents of Todd Township possess a right to sustainable agriculture, which includes the right to be free from industrial farm activity as an infringement of this right.
- (d) Right to Clean Air, Water, and Soil. All residents of Todd Township possess the right to clean air, water, and soil, which includes the right to be free from industrial farm activity as an infringement of this right.
- (e) Right to the Preservation of the Natural, Scenic, Historic, and Esthetic Values of the Environment. All residents of Todd Township possess the right to the preservation of the natural, scenic, historic, and esthetic values of the environment, which includes the right to be free from industrial farm activity as an infringement of this right.
- (f) Rights of Ecosystems and Natural Communities. Ecosystems and natural communities within Todd Township, including but not limited to rivers, streams, lakes, and aquifers, possess the right to exist, flourish, and evolve, naturally, which includes the right to be free from industrial

farm activity as an infringement of this right.

- (g) *Right to Fair Governmental Representation.* All residents of Todd Township possess the right to fair local governmental representation and transparency in government, which includes the right to require recusal of local elected officials from making decisions on issues upon which they may be perceived to have a conflict of interest or other bias.
- (h) *Right to Protection from Governmental and Corporate Interference.* All residents of Todd Township possess the right to enforce this Ordinance, and also to have the municipality of Todd Township enforce it, free from interference by business entities and governments. This right includes the right to enforce the provisions of this Ordinance regardless of conflicting state, federal, or international law; provided, however, that provisions of this Ordinance shall not infringe rights secured by, or lessen legal protections provided for natural persons, ecosystems, or natural communities by, state, federal, or international law.

Section 3 – Enforcement

- (a) Any livestock or poultry operation, business entity, or government that violates any provision of this Ordinance shall be subject to civil penalties of \$600 per violation in accordance with 53 P.S. § 66601(c.1)(1) and/or criminal penalties of \$1,000 per violation in accordance with 53 P.S. § 66601(c.1)(2). Each day during which any violation of this Ordinance continues shall constitute a separate offense. Enforcement of penalties in this Section shall take place in accordance with 53 P.S. § 66601(c.1).
- (b) Any livestock or poultry operation, business entity, or government that violates any provision of this law shall be liable for any injury to an ecosystem or natural community caused by the violation. 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 Todd Township, and held in public trust for the people of Todd Township, to be used exclusively for the full and complete restoration of the ecosystem or natural community.
- (c) Todd Township and/or any resident of Todd Township may enforce or defend this Ordinance in an action brought in their name. Ecosystems and natural communities within Todd Township, including but not limited to rivers, streams, lakes, wetlands, and aquifers, may enforce or defend this Ordinance through an action brought by Todd Township or a resident in the name of the ecosystem or natural community as the real party in interest. Any resident, and any ecosystem or natural community, also has the right to intervene in any action concerning this Ordinance in order to enforce or defend it, if in such an action, Todd Township does not adequately represent their particularized interests.
- (d) This Ordinance does not apply to livestock or poultry operations that are engaged in industrial farm activity on the day of enactment of this Ordinance, provided, however, that any such operation that ceases to engage in industrial farm activity after enactment of this Ordinance shall automatically and forever after become subject to this Ordinance.