

DRAFT
Paonia, Colorado, 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, 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 Colorado.

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

It is our legislative determination that extraction, transportation, processing, and depositing of waste from fossil fuel exploration, extraction and development are detrimental to our rights, health, safety, and welfare, for the following reasons: Paonia is a frontline community and its watersheds and agriculture benefit many communities including Hotchkiss, Crawford, Crested Butte, Aspen, Telluride and other communities within the state of Colorado as well as national concessions.

As we are purportedly constrained by state and federal law, which courts interpret to dictate that we must accept this harmful corporate activity, we the people of Paonia are unable to secure our rights by banning extraction, transportation, processing, and depositing of waste from, fossil fuel exploration, extraction and development.

Therefore, we deem it necessary to alter our system of local government, and we do so by adopting this Community Bill of Rights Ordinance.

Section 1 – Statements of Law

(a) Right of Self-Government. All residents of Paonia 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 or fails to secure and protect the people's rights, health, safety, and happiness.

(b) Right to a Healthy Climate. All residents of Paonia possess a right to a climate system capable of sustaining human societies, which shall include the right to be free from all corporate activities that infringe that right, including extraction, transportation, processing, and depositing of waste from, fossil fuel exploration, extraction and development.

(c) Right to Clean Air, Water, and Soil. All residents of Paonia 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 extraction, transportation, processing, and depositing of waste from fossil fuel exploration, extraction and development.

(d) Rights of Ecosystems and Natural Communities. Ecosystems and natural communities within Paonia possess the right to naturally exist, flourish, regenerate, evolve, and be restored, which shall include the right to be free from all corporate activities that threaten these rights, including extraction, transportation, processing, and depositing of waste from fossil fuel exploration, extraction and development.

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

Section 2 – Enforcement

(a) Any business entity or government that willfully violates any provision of this law shall be subject to a civil penalty in an amount of \$ 10,000.00 per day of violation.

(b) Any business entity or government that willfully violates any provision of this law also shall be liable for any damages 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 the Town of Paonia to be used exclusively for the full and complete restoration of the ecosystem or natural community.

(c) Ecosystems and natural communities within Paonia may enforce or defend this law through an action brought in the name of the ecosystem or natural community as the real party in interest.

(d) Any resident of Paonia may enforce or defend the provisions of this law in any appropriate court. Any resident, and any ecosystem or natural community, also shall have the right to intervene in any action concerning this law in order to enforce or defend it, and in such an action, the Town of Paonia shall not be deemed to adequately represent their particularized interests.