

ORDINANCE NO. 02 , Series 2017
INTRODUCED BY: COUNCILOR ALEXANDRA LYNCH

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO,
ENACTING THE CLIMATE BILL OF RIGHTS AND PROTECTIONS**

WHEREAS, the people of the City of Lafayette find that global environmental destruction, which includes degradation to the climate, ecosystems, flora, fauna, land and water, constitutes an emergency that threatens our very survival; and

WHEREAS, the people of the City of Lafayette believe that the systematic poisoning of our water, air and soil are activities that directly affect the health and safety of all residents and infringe upon our right to life, liberty and property; and

WHEREAS, the people of the City of Lafayette find that the environmental degradation and introduction of toxic chemical pollutants resulting from the extraction of coal, oil and gas, and disposal of drilling waste within the City would significantly contribute to environmental destruction, and life-endangering health risks.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AS FOLLOWS:

Section 1. Climate Bill of Rights.

(a) *Right to a Healthy Climate.* All residents and ecosystems of the City of Lafayette possess a right to a healthy climate and life sustaining resources, which shall include the right to be free from all activities within the City of Lafayette that interfere with that right, including the extraction of coal, oil, or gas, disposal of drilling waste contaminated drinking water, lethal carcinogens, toxic gases and other byproducts of industrial activity which threaten human physical and neurological systems.

(b) *Right to Local, Community Self-Government.* All residents of the City of Lafayette possess the right to a form of governance which recognizes that all power is inherent in the people of the City, and that all free governments are founded on the people's authority and consent. Laws adopted by the people of the City shall only be preempted or nullified if they interfere with rights secured by the state or federal constitution to the people of the City, or if they interfere with protections provided to the people or ecosystems of the City by state, federal, or international law.

(c) *Right to Defend.* All residents of the City of Lafayette possess the right to defend this law. To secure this right, entities which violate the people's right to a healthy climate and sustainable ecosystem shall not be deemed to be "persons," nor possess any other legal rights, privileges, powers, or protections which would interfere with the enforcement of that right.

(d) *Right to Defense.* All residents of the City of Lafayette possess the right to have the City government of Lafayette defend this law on the basis that a constitutional right of local, community self-government exists, that this law is an assertion of that right as it seeks to expand the rights of the people of the City of Lafayette, and that the doctrines of ceiling preemption, municipal subordinancy

to state government, or corporate “rights” unconstitutionally violate the right of the residents of the City of Lafayette to local, community self-government.

Section 2. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 4. The repeal or modification of any provision of the Code of Ordinances of Lafayette, Colorado by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 5. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section _____ 6. This ordinance shall become effective upon the latter of the 10th day following enactment, or the day following final publication of the ordinance.

INTRODUCED AND PASSED ON FIRST READING THE 7TH DAY OF MARCH, 2017.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THE 21st DAY OF MARCH 2017.

CITY OF LAFAYETTE, COLORADO

Christine Berg, Mayor

ATTEST:

APPROVED AS TO FORM ONLY,
AND NOT AS TO SUBSTANCE:

Susan Koster, CMC
City Clerk

David S. Williamson, City
Attorney