Ashland Community Rights-Based Ordinance
SUMMARY

The FULL version of this Community Rights-Based Ordinance can be found here:
https://goo.gl/fpJnmv
Or contact Ginger Grant @ (603) 832-6043

Preamble – The intent and constitutional justification of the Ordinance.

Section 1. Declarations – Statement of principles and grievances that explain why the local law is being adopted.

Section 2. Definitions – The meanings of words or phrases as they are used within the Ordinance.

Section 3. Statements of Law - A local, Community Bill of Rights.

- **a)** Right to determine the kinds of energy projects town residents want.
- **b)** Right to preserve the rural character of the Town, including the aesthetics of rural life.
- **c)** Right to the peaceful enjoyment of your homes free from rights-violating activities.
- **d)** Right to clean water – the right to keep it from being polluted.
- **e)** Right to clean, unpolluted air.
- **f)** Right to protect natural communities and ecosystems so they can exist and flourish.
- **g)** Right to a legitimate government that protects rights.
- **h)** Right to local self-government, both individually and as a community.
- **i)** Right to use local, municipal, Town government to make law that protects rights.
- **j)** Right to govern ourselves is inherent, self-executing, and enforceable.

Section 4. Statements of Law – Prohibitions necessary to secure the Community Bill of Rights.

- **a)** No corporation or governmental entity may engage in land acquisition for the purpose of constructing, siting, or operating of an unsustainable energy system, as defined in the "Definitions" section of the Ordinance, except:
    1) Utility corporations operating under contract between the Town and those utility corporations, in order to provide electricity within the Town.
    2) Corporations operating under contract between residents of the Town and those corporations for electricity, when the electricity is used for on-site purposes.
    3) Electricity from existing, permitted operations located within the Town, operating prior to the date of enactment of the Ordinance.
- **b)** It is unlawful within the Town for any corporation or government to engage in toxic waste disposal as defined in the "Definitions" section of the Ordinance.
- **c)** It is unlawful within the Town for any corporation or government to engage in exploratory data collection as defined in the "Definitions" section of the Ordinance.
- **d)** Anyone using a corporation or government to engage in toxic waste disposal in a neighboring community is liable for all harms caused to the residents and ecosystems within the Town.
- **e)** No corporation or governmental entity may violate the rights asserted in this Ordinance.
- **f)** All permits issued that would violate the ordinance are deemed invalid within the Town.

Section 5. Enforcement

a) Corporations or governmental entities that violate the provisions of the Ordinance are required to pay the maximum fine. Each violation, each section violated and each day a provision is violated, is a separate offense.
b) The Town or any resident enforcing the Ordinance are entitled to recoup all legal fees.
c) Ecosystems within the Town may enforce the Ordinance and violations of the Ordinance that cause harm to natural communities require the violator to pay damages to restore the ecosystem to its original health.
d) Any person may enforce this Ordinance through non-violent direct action to protect the Town from the project. No court has the right to punish them for this participation to protect their rights.
e) Natural persons domiciled within the Town have the right to intervene on behalf of themselves and ecosystems in any lawsuit concerning the validity of the Ordinance.

Section 6. Enforcement - Corporate Powers

a) Corporations that violate the ordinance shall not have certain protections, including the rights of "persons", within the Town, which could be used to violate community rights.
b) Corporate claims to “future lost profits” are not considered property interests under the Ordinance and are not recoverable by corporations seeking those damages.
c) State and Federal laws remain in effect within the Town, unless they violate the rights claimed in the Ordinance or the prohibitions which protect those rights.

Section 7. Sustainable Energy Policy – The Town will develop a plan to reduce its use of power from unsustainable energy systems, in a time frame agreed upon by residents.

Section 8. Interpretation – Instructions to any reviewing court on how to interpret the intentions of the Ordinance.

Section 9. Effective Date and Existing Permit Holders – The Ordinance takes effect immediately and is enforceable, regardless of permits that might take affect.

Section 10. People's Right to Local Self-Government – Use of the courts or the state legislature to overturn the Ordinance will result in community meetings to determine next steps.

Section 11. State and Federal Constitutional Changes – Residents call for changes to the New Hampshire and federal Constitutions that further secure and protect Community Rights so we, the people can be secure in our protection for the places where we live.

Section 12. Severability – If any piece of this Ordinance is declared to be invalid, the remaining sections stand.

Section 13. Repealer – Any inconsistent provisions of prior ordinances are repealed or adapted to come into compliance with this one.

The Ordinance is signed and dated by the town selectmen.

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