



City of Pittsburgh

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Pittsburgh, PA 15219

Text File

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Committee: City Council

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Ordinance directing the Allegheny County Board of Elections to place before the qualified voters of the City of Pittsburgh a referendum question as to whether or not said voters are in favor amending the Home Rule Charter to provide to add a Community Bill of Rights which bans commercial natural gas extraction within the City, as the City Council has adopted previously.

Whereas, on November 16, 2011, City Council of the City of Pittsburgh enacted an Ordinance that provides for a Bill of Rights pertaining to our natural environment and its preservation for generations to come; and

Whereas, the Council acted in the face of clear adverse impacts from gas extraction operations within the city that threaten the health, welfare and safety of the residents; and,

Whereas, the Council, based upon their due diligence, found that these adverse impacts pose a significant threat to our air, water and other natural resources; and,

Whereas, the Council also found significant adverse impacts to property values, additional costs to and diversions of public safety assets as well as unacceptable risks to public safety personnel. The Council also recognized the adverse impacts to property values within all zoning districts of the city and increased wear and tear in existing infrastructure.

Whereas, given the significance of this matter and by the desire of citizens to take direct action in its affairs of local governance, the Council, in response, does hereby enact an Ordinance to allow the voters of the City of Pittsburgh to speak directly by providing an opportunity to amend the Home Rule Charter to incorporate a Community Bill of Rights which bans commercial natural gas extraction within the City

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1. Directing the Allegheny County Board of Elections to place before the qualified voters Of the City of Pittsburgh at the next Municipal Election, November 8, 2011, the following referendum question:

Shall the Home Rule Charter be amended to include the following language:

ARTICLE I. HOME RULE POWERS - DEFINITIONS

104. THE CITY OF PITTSBURGH BILL OF RIGHTS

- a. **Right to Water.** All residents, natural communities, and ecosystems in Pittsburgh 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 City.

- b. **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 the City of Pittsburgh. Residents of the City shall possess legal standing to enforce those rights on behalf of those natural communities and ecosystems.
- c. **Right to a Sustainable Energy Future.** All residents in the City of Pittsburgh 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.
- d. **Right to Self-Government.** All residents of Pittsburgh 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.
- e. **People as Sovereign.** The City of Pittsburgh shall be the governing authority responsible to, and governed by, the residents of the City. Use of the "City of Pittsburgh" municipal corporation by the sovereign people of the City 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.
- f. **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.
- g. **Securing and Protecting Rights.** To further secure and protect the rights enumerated by the Bill of Rights:
 - 1. It shall be unlawful for any corporation to engage in the extraction of natural gas within the City of Pittsburgh, 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. 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.
 - 3. 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 the City of Pittsburgh, or to challenge or overturn municipal ordinances or Charter provisions adopted by the City Council of Pittsburgh.

4. 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 City 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 the City of Pittsburgh.

I do hereby certify that the foregoing resolution duly engrossed and certified, was delivered by me to the Mayor for his approval or disapproval and that the Mayor failed to approve or disapprove the same, whereupon it became a law without his approval under the provisions of the Act of Assembly in such case made and provided.

Linda Johnson-Wasler, City Clerk