

**Rights-Based Ordinances  
Enacted in Other Communities**

## Rights-Based Ordinances

**A long list of communities have adopted rights-based ordinances – many prepared by CELDF - in order to take local control back from corporations. Here are some:**

- **2008: Halifax, VA Ordinance to Ban Chemical and Radioactive Bodily Trespass**, Strip Corporations of "Rights" (See Press Release on following pages.)
- **2009 - Shapleigh, Maine Water Protection Ordinance** establishes right to local self-governance, rights of nature, and denies the rights of personhood to corporations. (See Press Release on following pages.)
- The Southampton Township, PA, **Farm Ownership Ordinance** - modeled after the **statutes of eight mid-western states** which prohibit corporate ownership of farms; 1999.
- Mahanoy Township, PA **Sustainable Energy Ordinance** prohibits any new unsustainable energy production within the municipality, and commits the community to a gradual transition to sustainable energy production for homes and businesses.
- Blaine Township, PA **Corporate "Rights" Ordinance** eliminates constitutional privileges from corporations at the municipal level. Prohibits corporate contributions to candidates for elected office within the Township.
- The Rush Township, PA **Sewage Sludge Ordinance** bans corporations from engaging in the land application of sewage sludge, recognizes citizen right to sue on behalf of ecosystems and codifies the right of citizen enforcement.
- Barnstead, NH **Anti-Corporate Water Withdrawal Ordinance** prohibits corporations from owning, withdrawing, or hauling water from the community. Eliminates corporate constitutional privileges.

## **Maine Town Passes Ordinance Asserting Local Self-Governance and Stripping Corporate Personhood**

Press Release March 1, 2009

Available at: <http://www.afterdowningstreet.org/node/40335>

Today the citizens of Shapleigh, Maine voted at a special town meeting to pass a groundbreaking Rights-Based Ordinance, 114 for and 66 against. This revolutionary ordinance give its citizens the right to local self-governance and gives rights to ecosystems ***but denies the rights of personhood to corporations***. This ordinance allows the citizens to *protect their groundwater resources*, putting it in a common trust to be used for the benefit of its residents.

Shapleigh is the first community in Maine to pass such an ordinance, which extends rights to nature, however, the Ordinance Review Committee in Wells, Maine is considering passing one in their town. These communities have been under attack by Nestle Waters, N.A., a multi-national water miner that sells bottled water under such labels as Poland Springs.

Communities have opposed the expansion by Nestle Waters, but the corporation will not take no for an answer. The town of Fryeburg, Maine has been in litigation with Nestle for six years. Nestle wants to expand and the town's people say no to the tanker trunk traffic which has disrupted their quiet scenic beauty, so Nestle's tactic is to wear them down, and break their bank.

Nestle is the world's largest food and beverage company and has very deep pockets. However, we won't back down, we are the stewards of this most precious resource, water, and we want to protect it for future generations.

Activists in Maine are well aware that the Nestle Corporation is not just interested in expanding for the purpose of filling their Poland Springs bottles today, they are interested in the control of Maine's abundant water resources for the future. They are expanding in many parts of this country from McCloud, California to Maine. Nestle is positioning themselves to capitalize on the emerging crisis of global water scarcity.

## Maine Town Passes Ordinance (Continued)

The right to water is a social justice issue and we believe that it should not be sold to those who can afford it, leaving the world's poorest citizens thirsty. Citizens will do a much better job of protecting this resource than a for-profit corporation.

The concept of a rights-based ordinance was pioneered by environmental attorney Thomas Linzey, founder of the [Community Environmental Legal Defense Fund](#) of Gettysburg, PA. Linzey has assisted the town of Barnstead, New Hampshire with their rights-based ordinance, which was passed in 2006 and with another in Nottingham, New Hampshire, which passed in 2008.

To date there have been no legal challenges to these ordinances. Linzey also crafted Ecuador's new Constitution, which also gives the ecosystem rights. Ecuador is the first country in the world to protect its natural resources from corporate exploitation.

Activists have learned the hard way that trying to protect their communities and the environment by going the route of fighting a typical regulatory ordinance, which is written by corporate lobbyists, will fail to protect communities from harms done.

The multi-national corporation's allegiance is never to the communities where they do business, as that could conflict with their fiduciary responsibility to make a profit for stockholders.

People throughout the country are saying "enough is enough, large corporations have too much power." Constitutional Rights were granted to corporations from the bench in the 1800's and it is time to rectify a wrong! People are saying let's dismantle the neo-colonial corporate power by starting with their right to personhood.

In Maine, we are tired of Nestle behaving as if they are a Colonial power with a right to our water resources. We decided that we will behave as if we have the power and ignore the naysayers who said that people will never vote to take rights away from corporations or to give rights to nature. We want to encourage other communities join us. The time is now!

Maine Town Passes Ordinance (Continued)

Copies of the the Shapleigh, Maine Town Warrant calling for a special town meeting and The Shapleigh Water Rights and Local Self-Government Warrant are available from the Contact Person, below.

For more information on attorney Thomas Linzey and the Community Environmental Defense Fund, please visit: <http://www.celdf.org>

For more information about the battle to protect ground water in communities in Maine, please visit: [www.soh2o.org](http://www.soh2o.org) . Click on the LEGISLATION tab and go to ORDINANCES to read the important new Shapleigh ordinance.

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# **Virginia Town First in State to Ban Chemical and Radioactive Bodily Trespass, Strip Corporations of "Rights": Joins Growing List of Communities Recognizing Rights of Nature**

**by the Community Environmental Legal Defense Fund**

February 11, 2009

Available at <http://www.celdf.org/>

On February 7, 2008, the Town Council of Halifax, Virginia, voted unanimously to adopt an ordinance banning corporate chemical and radioactive bodily trespass. Enacted to confront concerns about the proposed uranium mine in adjacent Pittsylvania County, the ordinance establishes strict liability and burden-of-proof standards for culpable corporations and government entities that permit and facilitate corporate bodily trespass.

The ordinance also strips corporations of constitutional protections within the town. The Town of Halifax thus becomes the 10th municipality in the nation to refuse to recognize corporate constitutional "rights," and to prohibit corporate rights from being used to override the rights of human and natural communities.

The ordinance adopted by the Halifax Town Council also recognizes the rights of natural communities and ecosystems to exist and flourish within the town and provides for the enforcement and defense of those rights, and prohibits corporations from interfering with the civil rights of residents, including residents' right to self-government. The ordinance was drafted for the Halifax Town Council by the Community Environmental Legal Defense Fund, a Pennsylvania-based nonprofit law firm.

Ben Price, Projects Director for the Legal Defense Fund commented, *"The people of the Town of Halifax have determined that they do not consent to be irradiated, nor to be trespassed upon, by toxic substances that would be released by Virginia Uranium, Inc., or any other state-chartered corporation. The people have asserted their right and their duty to protect their families, environment, and future generations. In enacting this*

*law, the community has gone on record as rejecting the legal theory behind Dillon's Rule, which erroneously asserts that there is no inherent right to local self-government. The American Revolution was about nothing less than the fundamental right of the people to be the decision-makers on issues directly affecting the communities in which they live. They understood that a central government, at some distance removed from those affected, acts beyond its authority in empowering a few powerful men –privileged with chartered immunities and rights superior to the people in the community – to deny citizens' rights, impose harm, and refuse local self-determination. The people of the Town of Halifax have acted in the best tradition of liberty and freedom, and confronted injustice in the form of a state-permitted corporate assault against the consent of the sovereign people."*

Shireen Parsons, the Legal Defense Fund's Virginia Organizer, commended the action of the Halifax Town Council, stated, *"The council members demonstrated courage and solidarity in their commitment to justice and their duty to govern in the interest of protecting and preserving the health, safety and wellbeing of the people from whom they derive their power. This is the beginning of something wonderful in Virginia."*

Halifax Town Council member Jack Dunavant said of the decision, *"This is an historic vote. We, the people, intend to protect our health and environment from corporate assault. It's time to invoke the Constitution and acknowledge the power of the people to protect our own destiny and end this era of corporate greed and pollution."*

The Community Environmental Legal Defense Fund, located in Chambersburg, Pennsylvania, has worked with communities resisting corporate assaults upon democratic self-governance since 1995. Among other programs, it has brought its unique Daniel Pennock Democracy Schools to communities in 26 states in which people seek to end destructive and rights-denying corporate acts routinely permitted by state and federal agencies. In Pennsylvania alone, more than 100 municipalities have enacted ordinances authored by the Legal Defense Fund.