

**ESTABLISHING A COMMUNITY BILL OF RIGHTS FOR THE PEOPLE OF ALEXANDRIA  
WHICH PROHIBITS CORPORATIONS AND GOVERNMENTS FROM ENGAGING IN  
UNSUSTAINABLE WIND RESOURCE EXTRACTION**

*Whereas*, the people of Alexandria find that unsustainable wind resource extraction violates the rights of Alexandria residents by denying us the right to achieve community sustainability; and

*Whereas*, current environmental laws allow state-chartered corporations to inflict damage on local ecosystems that cannot be reversed, violating the rights of residents to protect our community and the rights of ecosystems to exist; and

*Whereas*, the people of Alexandria possess the constitutional right to alter or abolish our current system of municipal governance if it either fails to recognize the authority of the people to self-govern or if it is rendered unable to secure the people's rights; and

*Whereas*, the current system of municipal governance fails to recognize the self-governing authority of the people of Alexandria because state and federal laws allow corporations to assert claimed "rights" to override the people's laws; because our municipal government can be preempted by state or federal legislators and agencies. and because our municipality is banned from adopting laws which have not been authorized by the state; and

*Whereas*, the operation of those legal doctrines renders the municipal government unable to protect and secure the rights of the people, including the right to live sustainably; and

*Whereas*, the people of Alexandria declare that because those current legal constructs render our current municipal system of governance powerless, we exercise our right to create a new system of municipal governance which recognizes our self-governing authority and which secures and protects our rights;

*Therefore*, We the People of Alexandria hereby adopt this Community Bill of Rights Ordinance.

**Section 1 – Definitions**

(a) "Corporations," for purposes of this Ordinance, shall include any corporation, limited partnership, limited liability partnership, business trust, business entity, public benefit corporation, or limited liability company organized under the laws of any state of the United States or under the laws of any country.

(b) "Ecosystem," shall include but not be limited to, wetlands, streams, rivers, aquifers, and other water systems, as well as all naturally occurring habitats that sustain wildlife, people, flora and fauna, and soil dwelling or aquatic organisms.

(c) "Exploratory data collection," shall mean to engage in the collection of qualitative data used to predict the potential benefits of unsustainable wind resource extraction. This phrase shall include, but not be limited to, the installation of a meteorological tower, SODAR unit, Anabat microphone or other bat sensor equipment, sonic detection device, radiosonde, transosonde, rawinsonde, pulse-doppler radar, weather balloon or other wind profiler. This phrase shall include all activities conducted to prepare for exploratory data collection, and shall include blasting, drilling, logging, and the use of heavy equipment. The phrase shall also include the application for any permit necessary to engage in unsustainable wind resource extraction.

(d) "Meteorological tower," shall mean any free standing passive collection device used to measure and collect wind speed and direction data, which is then used to assess potential extractable wind power.

(e) "SODAR unit, Anabat microphone, or other bat sensor equipment or sonic detection device," shall mean any sonic detection and ranging system used for the purpose of collecting qualitative information on bat activity.

(f) "Sustainable resource extraction," shall mean the extraction of the community's wind resources if that extraction is carried out and controlled by the community, the extraction is conducted for the benefit of, and use of the resource by, Alexandria residents, and if the extraction may be carried out without violating the rights delineated in this Ordinance.

(g) "Unsustainable resource extraction," shall mean the extraction of wind resources which does not meet the definition of "sustainable resource extraction" within this Ordinance. The phrase shall include exploratory data collection for preparation of unsustainable resource extraction, and the construction or siting of any structure to be used for unsustainable resource extraction.

(h) "Wind power," shall mean power derived from naturally occurring wind flows used to generate electricity.

## **Section 2- Statements of Law - Rights of Residents and the Natural Environment**

(a) *Right to a Sustainable Future.* All residents of Alexandria have a right to create a sustainable future in which resource extraction decisions are made by, and for the benefit of, the community.

(b) *Right to Scenic Preservation.* All residents of the Town of Alexandria possess a fundamental and inalienable right to protect and preserve the scenic, historic and aesthetic values of the town, including clean air, pure water, healthy soil, and unspoiled vistas that provide the foundation for tourism and economic sustainability for local businesses.

(c) *Right to Water.* All residents and ecosystems of the Town of Alexandria possess a right to sustainably access, use, consume, and preserve water drawn from natural water cycles that provide water necessary to sustain life within the Town.

(d) *Governmental Legitimacy.* All governments in the United States owe their existence to the people of the community which those governments serve, and governments exist to secure and protect the rights of the people and those communities. Any system of government which becomes destructive of those ends is not legitimate, lawful, or constitutional.

(e) Right to Local, Community Self-Government. The people of Alexandria possess both a collective and individual right to self-government in their community, a right to a system of government which embodies that right, and the right to a system of government which protects and secures their human, civil and collective rights.

(f) Right to Assert the Right to Self-Government. The people of Alexandria possess the right to use their local government to make law, and the making and enforcement of law by the people through a municipal corporation or any other institution shall not eliminate, limit, or reduce their sovereign right to local, community self-government.

(g) Rights of Natural Communities and Ecosystems. Natural communities and ecosystems within Alexandria, including but not limited to, rivers, streams, and aquifers, possess the right to exist, flourish, and naturally evolve.

(h) Rights as Self-Executing. All rights delineated and secured by this Ordinance are inherent, fundamental and unalienable, and shall be self-executing and enforceable against both private and public actors.

### **Section 3--Statements of Law--Prohibitions Necessary to Secure Bill of Rights Protections**

(a) It shall be unlawful within the Town of Alexandria for a corporation or government to engage in unsustainable resource extraction.

(b) It shall be unlawful for any corporation or government to violate the rights recognized and secured by this Ordinance.

(c) No permit, license, privilege, charter, or other authority, issued by any State or federal agency, which would violate the prohibitions of this Ordinance or deprive any Town resident, of any rights, privileges, or immunities secured by this Ordinance, the New Hampshire Constitution, the United States Constitution, or other laws, shall be deemed valid within the Town of Alexandria.

### **Section 4--Enforcement**

(a) Any corporation that violates any prohibition of this Ordinance shall be guilty of an offense and, upon conviction thereof, shall be sentenced to pay the maximum fine allowable under State law for that violation. Each day or portion thereof, and violation of each section of this Ordinance, shall count as separate violations.

(b) The Town of Alexandria, or any resident of Alexandria may enforce the rights and prohibitions of this Ordinance through an action brought in any court possessing jurisdiction over activities occurring within the Town of Alexandria. In such an action, the Town of Alexandria or the residents shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.

(c) Any action brought by either a resident of Alexandria, or by the Town of Alexandria to enforce or defend the rights of ecosystems or natural communities secured by this Ordinance shall bring that action in the name of the ecosystem or natural community in a court possessing jurisdiction over activities occurring within the Town of Alexandria. Damages shall be measured by the cost of restoring the ecosystem to its state before the injury, and shall be paid to the Town of Alexandria to be used exclusively for the full and complete restoration of the ecosystem.

(d) If the local government fails to enforce or defend this Ordinance, or a court nullifies this Ordinance due to a conflict with corporate powers, any person may enforce this Ordinance through direct action. If enforcement through direct action is commenced, this Ordinance shall prohibit any private or public actor from filing a civil or criminal action against those participating in direct action. If filed in violation of this provision, the applicable court must dismiss the action promptly, without further filings being required of direct action participants. "Direct action" as used by this provision shall mean any activities or actions carried out to directly enforce the rights and prohibitions contained within this Ordinance.

#### **Section 5 – Enforcement - Corporate Powers**

(a) Corporations which violate this Ordinance, or which seek to violate this Ordinance, shall not be deemed to be "persons," nor possess any other legal rights, privileges, powers, or protections which would interfere with the rights or prohibitions enumerated by this Ordinance. "Rights, privileges, powers, or protections" shall include the power to assert state or federal preemptive laws in an attempt to overturn this Ordinance, and the power to assert that the people of this municipality lack the authority to adopt this Ordinance.

(b) All laws adopted by the legislature of the State of New Hampshire, and rules adopted by any State agency, shall be the law of Alexandria only to the extent that they do not violate the rights or prohibitions of this Ordinance.

#### **Section 6---Effective Date and Existing Permit Holders**

This Ordinance shall be effective immediately on the date of its enactment, at which point the Ordinance shall apply to any and all actions that would violate this Ordinance regardless of the date of any applicable local, state, or federal permit.

#### **Section 7---People's Right to Self-Government**

Use of the courts or the New Hampshire legislature in attempts to overturn the provisions of this Ordinance shall require community meetings focused on changes to local governance that would secure the right of the people to local self-government. Any changes proposed to this Ordinance by the Alexandria Board of Selectmen or by citizen petition shall require public notice of the changes, and a public meeting held for the purpose of discussing those changes, at least thirty (30) days prior to either the meeting of the Selectmen where those changes are made or the appearance of the changes on the Town Meeting warrant. Any proposed changes to the Ordinance shall not be valid until ratified by a Town Meeting vote.

**Section 8---State and Federal Constitutional Changes**

Through the adoption of this Ordinance, the people of Alexandria call for amendment of the New Hampshire Constitution and the federal Constitution to recognize a right to local self-government free from governmental preemption and nullification by corporate "rights."

**Section 9---Severability**

The provisions of this Ordinance are severable. If any court decides that any section, clause, sentence, part, or provision of this Ordinance is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts, or provisions of the Ordinance.

**Section 10---Repealer**

All inconsistent provisions of prior Ordinances adopted by the Town of Alexandria are hereby repealed, but only to the extent necessary to remedy the inconsistency.

ENACTED AND ORDAINED this 24 day of March, 2015, by the Town of Alexandria, in Grafton County, New Hampshire.

By:

Signature \_\_\_\_\_ Print name \_\_\_\_\_

Signature [Signature] \_\_\_\_\_ Print name Andreas Ben

Signature [Signature] \_\_\_\_\_ Print name Donald Sharp