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BARNSTABLE COUNTY ASSEMBLY OF DELEGATES

2016 Session

Proposed Ordinance 16- 01

Barnstable County Bill of Rights

Barnstable County hereby ordains this Proposed amendment to the Barnstable County Home Rule Charter- to be inserted immediately following the Charter Preamble:

RIGHTS PREAMBLE

Historically, the Federal government has asserted regulatory jurisdiction over the states well beyond the clearly defined limitations of our Constitution, and often against state interests.

Correspondingly, regulatory agencies of the state may have jurisdiction over the decisions of the towns. As currently expressed through the existing process, the fundamental rights of the community are not always met.

In order that neither Federal nor state government abuse its power to the detriment of regional self-governance in matters of regional significance, the community must have standing.

Now therefore, whereas it is the intent of We the People of Barnstable County, Cape Cod, in order to protect and defend economic, environmental and social justice in our communities, and to secure our natural rights as asserted by the Constitution of the Commonwealth of Massachusetts, do hereby Define these same Rights within this County:

Article 1 - Right to Self-Governance:

- As all political power is vested in and derived from the people, and as all government of right originates from the people, the people have an inherent and inalienable right to local self-governance, including each Town and Barnstable County.

- That right shall include, without limitation, the power to enact local laws protecting health, safety, and welfare by establishing the fundamental rights of natural persons, their communities, and nature, and by securing those rights using prohibitions and other means.

-Such local laws shall not restrict fundamental rights of natural persons, their communities, or nature secured by the Constitution of the Commonwealth of Massachusetts, the United States constitution, or international law; and

-Such local laws shall not weaken protections for natural persons, their communities, or nature provided by state, federal, or international law.

-All provisions of this section are self-executing and severable.

Article 2 - We the People as Sovereign:

-Barnstable County Government shall be the regional governing authority responsible to, and governed by, the Voters of the county.

-The rights delineated herein shall be enjoyed by every natural person in Barnstable County.

Article 3- Right to Constitutional protection in the workplace, in public spaces, and in privately-owned public spaces:

All Rights of Natural Person guaranteed by the Federal or Commonwealth Constitution, or by this Bill of Rights, will be respected in all workplaces and all public-accessible places.

Article 4 - Right of Interdependent Natural Communities:

It is the right of the human community, on behalf of the biosphere in which we live locally (as well as globally) and upon which our health and well being is dependent, to control and limit the toxins, pollutants, fertilizers, and radiation that threaten us. We must provide an unpolluted, clean, non-toxic, and sustainable environment and economy for our contemporary community and for future generations of Barnstable County's special and fragile biosystems; oceans, bays, marshes, woodlands, surface waters, aquifers and skies, as well as the plants, animals and people which live within their webs.

Article 5 - Right to clean drinking water:

-We the People possess a fundamental and inalienable right to the sustainable access, use, consumption and preservation of water from the natural water cycles of our sole-source aquifer; water may not be withdrawn for sale by corporate entities or any other non-public organizations.

Article 6 - Right to a sustainable local food system:

As all Residents possess a fundamental and inalienable right to consume locally produced non-toxic food, therefore;

-All Residents possess the right to grow, raise, produce and sell or distribute, foods generated from sustainable farming practices, free of contamination from pesticides and genetically modified organisms; and to collect, harvest and distribute all resulting seeds.

-All consumers have a right to know the source of the food they purchase and consume. Any food product offered for sale that includes derivatives of GMO's must be clearly labeled as such.

Article 7 - Right to develop renewable energy resources, as determined by each Town, with a goal of increasing regional energy self-sufficiency

Article 8 - Enforcement by Barnstable County or any Resident through an action in equity:

Any aggrieved person may enforce this Bill of Rights though an action brought in a court of competent jurisdiction, and be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.

Submitted by: Brian O'Malley

Brian O'Malley, Provincetown Delegate

Date: January 6, 2016