

James River Natural Community

Bill of Rights

Preamble

We hold these truths to be self-evident, that all people are created equal, that they naturally are endowed with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, the people institute governments, which derive their just powers from the consent of the governed.

Further, that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to affect their safety and happiness.

This right of self-government, as stated in the Declaration of Independence, is natural, fundamental, and unalienable. It is also secured to us by the United States Constitution and the Constitution of the Commonwealth of Virginia.

Pursuant to that right of self-government, if our current system of local government infringes our rights, we, the people of Buckingham County, have the right to alter or replace that system with one that secures and protects our rights, as long as that new system does not infringe other rights guaranteed to us by state or federal law.

It is our legislative determination that land acquisition, permit application, site preparation, and alteration of natural features in order to construct, site or operate any infrastructure, including materials and structures that would support extraction, production, processing or movement of fossil fuels are detrimental to our rights, health, safety, and welfare, for the following reasons:

1. The James River Natural Community is comprised of interdependent and interconnected ecosystems, human communities, indigenous flora, fauna and species.
2. The James River Natural Community faces significant threats from destructive human activity.
3. Conventional environmental laws, which regulate the use and exploitation of nature, have proven inadequate to protect the James River Natural Community.
4. To restore and protect the James River Natural Community, we recognize that we must secure the highest protections, through the recognition of legal rights for nature itself.

As we are purportedly constrained by state and federal law, which courts interpret to dictate that we must accept that harmful corporate activity, we, the people of Buckingham County are unable to secure our rights by banning certain activities that threaten to violate the rights of the James River Natural Community.

Therefore, we deem it necessary to alter our system of local government, and we do so by adopting this ordinance, the James River Natural Community Bill of Rights.

Section 1 – Statements of Law

(a) Right of Self-Government. All residents of Buckingham County possess a right of self-government, which includes, but is not limited to, the following rights: first, the right to a system of local government founded on the consent of the people of the County; second, the right to a system of local government that secures their rights; and third, the right to alter any system of local government that lacks consent or fails to secure and protect the people's rights, health, safety, and happiness.

(b) Right to a Healthy Climate. All residents of Buckingham County possess a right to a climate system capable of sustaining human societies, which shall include the right to be free from all corporate activities that infringe that right, including any activity supporting the siting of infrastructure used in the exploration, extraction, processing, refining, storage or transportation of fossil fuels.

(c) Rights of Ecosystems and Natural Communities. Ecosystems and natural communities within Buckingham County possess the right to naturally exist, flourish, regenerate, evolve, and be restored, which shall include the right to be free from all corporate activities that threaten these rights, including any activity supporting the siting of infrastructure used in the exploration, extraction, processing, refining, storage or transportation of fossil fuels.

(d) Rights of the James River Natural Community. The James River Natural Community possesses the right to exist, flourish, and naturally evolve, including the right to restoration. Further, the James River Natural Community possesses the right to a clean and healthy environment, which shall include the right to clean air, pure water, and healthy soil, as well as the right to be free from all corporate activities that release toxic contaminants into the air, water, and soil, including any activity supporting the siting of infrastructure used in the exploration, extraction, processing, refining, storage or transportation of fossil fuels. “James River Natural Community,” for purposes of this law, means the river, its tributaries, constituent watersheds, ecosystems, non-destructive human communities, and native species, as well as all watersheds, ecosystems, natural communities, and native species directly impacted by or which directly impact the James River Natural Community.

(e) Right to Protection from Governmental and Corporate Interference. All residents of Buckingham County and the Buckingham County possess the right to enforce this law free of interference from corporations, other business entities, and governments. That right shall include the right of residents to be free from ceiling preemption, because this law expands rights-protections for people and nature above those provided by less-protective state, federal, or international law.

Section 2 – Enforcement

(a) Any business entity or government that willfully violates any provision of this law shall be subject to a civil penalty in an amount of \$250,000.00 per day of violation.

(b) Any business entity or government that willfully violates any provision of this law also shall be liable for any damages to an ecosystem or natural community caused by the violation. Damages shall be measured by the cost of restoring the ecosystem or natural community to its state before the injury, and shall be paid to Buckingham County to be used exclusively for the full and complete restoration of the ecosystem or natural community.

(c) Ecosystems and natural communities within Buckingham County may enforce or defend this law through an action brought in the name of the ecosystem or natural community as the real party in interest.

(d) Any resident of Buckingham County may enforce or defend the provisions of this law in any appropriate court. Any resident, and any ecosystem or natural community, also shall have the right to intervene in any action concerning this law in order to enforce or defend it, and in such an action, Buckingham County shall not be deemed to adequately represent their particularized interests.

(e) If Buckingham County fails to enforce or defend this law, or a court fails to uphold this law, any person may enforce their rights under this Ordinance through peaceful direct action. If peaceful direct action is taken to enforce the rights in this Ordinance, law enforcement personnel employed by the Buckingham County shall be prohibited from surveilling, detaining, or arresting persons enforcing that right.

Penned by Buckingham: We the People, 2018 / Contact: Virginia Community Rights Network

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