

Whereas, we the people of Youngstown recognize that the continued extraction of fossil fuels uses increasing amounts of fresh water for the extraction process, and creates wastewater that can never be returned safely to the water cycle; and

Whereas, we the people of Youngstown, recognize that both humans and the natural communities and ecosystems in Youngstown require clean water, air, and soil to thrive and flourish;

Whereas, we the people of Youngstown, through this amendment, seek to alter our form of government to restore a system of local government capable of securing our fundamental rights and deriving its just powers from the consent of the people, as required by the foundational principles expressed in the Declaration of Independence.

Therefore, we, the people of Youngstown, adopt this charter amendment recognizing and protecting community rights to safe drinking water and a healthy environment:

SECTION 133: YOUNGSTOWN DRINKING WATER PROTECTION BILL OF RIGHTS

(a) Right to Clean Water, Air, and Soil.

All people of the city of Youngstown, along with ecosystems and natural communities within the city, possess the right to clean water, air, and soil, and to be free from activities that would violate this right and expose citizens to the harmful effects of contaminants in their water supply, including, but not limited to, the drilling of new wells or extraction of fossil fuels using any technology not previously used on an existing well or mine after the date of enactment of this amendment for fossil fuel exploration and extraction operations, the disposal of waste from fossil fuel extraction operations, or the depositing, storage, treatment, injection, disposal, transport, or processing of wastewater, produced water, “frack” water, brine, drill cuttings, and muds or other substances that have been used in, or result from, the extraction of fossil fuels.

(b) City Duty to Enforce.

As clean water, air, and soil are fundamental to public health, the City of Youngstown shall prosecute all violations of this Amendment by corporations. The City of Youngstown is entitled to recover attorney fees and costs, including expert costs, for successfully prosecuted violations.

(c) Violator Strict Liability.

Any government or corporation engaged in activities that violate the rights in this Amendment shall be strictly liable for all resulting harms.

(d) Right to Infrastructure Investments.

As the residents of Youngstown pay for water and sewer used plus additional monies which are to be placed into improvement funds, the funds accumulated in the “water and sewer fund” can only be spent on improvements to the water and sewer infrastructure and in updates to the system that will benefit the water supply to the residents. None of these funds can be distributed for private economic development projects within the city.

(e) Right of Local Community Self-Government.

The people of the City of Youngstown possess the right of local community self-government, as expressed in the Declaration of Independence, the United States Constitution's preamble and Ninth Amendment, and the Ohio Constitution's Bill of Rights, sections 1, 2, and 20. The people's right of local community self-government includes but is not limited to their power to compel their governments to protect their rights, health, and safety.

(f) Severability.

The provisions of this law are severable. If any court decides that any section, clause, sentence, part, or provision of this law 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 law. This law would have been enacted without the invalid sections.