

## CITIZENS PETITIONED WARRANT ARTICLE

We, the undersigned residents and registered voters of Atkinson, do hereby petition that the below Warrant Article be included on the ballot for the **Sept. 2008 Special Town Meeting:**

**To see if the Town will vote to adopt the below-listed THREE AMENDMENTS to the ATKINSON WATER WITHDRAWAL CONTROL ORDINANCE which was passed at the Sept. 12, 2007 Special Town Meeting.**

**1. AMEND** the FIRST SENTENCE under "SECTION 2, AUTHORITY:" to read as follows:

"This Ordinance is adopted and enacted pursuant to **the inherent, inalienable, and fundamental right of the citizens of the Town of Atkinson to self-government and under** the authority granted to the people of the Town by all relevant state and federal laws including, but not limited to the following:

**2. AMEND** "SECTION 4. STATEMENT OF LAW," by **ADDING** the following sub-section:

**Section 4.1. Rights.** All residents of the Town of Atkinson possess a fundamental and inalienable right to access, use, consume, and preserve water drawn from the sustainable natural water cycles that provide water necessary to sustain life within the Town.

Natural communities and ecosystems possess inalienable and fundamental rights to exist and flourish within the Town of Atkinson. Ecosystems shall include, but not be limited to wetlands, streams, rivers, aquifers, and other water systems.

**3. AMEND** "SECTION 6. ENFORCEMENT." by **ADDING** the below- listed 8 sub-sections:

**Section 6.1. Civil Rights:** Any person acting under the authority of a permit issued by the Department of Environmental Services, any corporation operating under a State charter or certificate of authority to do business, or any director, officer, owner, or manager of a corporation operating under a State charter or certificate of authority to do business, who deprives any Town resident, natural community, or ecosystem of any rights, privileges, or immunities secured by this Warrant Article, the N.H. Constitution, the U.S. Constitution, or other laws, shall be liable to the party injured and shall be responsible for payment of compensatory and punitive damages and all costs of litigation to satisfy that liability, including, without limitation, expert and attorney's fees.

**Section 6.2. Environmental Protection:** It shall be unlawful for any corporation or its directors, officers, owners, or managers to interfere with the rights of natural communities and ecosystems to exist and flourish, or to cause damage to those natural communities and ecosystems.

The Town of Atkinson, along with any resident of the Town, shall have standing to seek declaratory, injunctive, compensatory, and punitive relief for damages caused to natural communities and ecosystems within the Town, regardless of the relation of those natural communities and ecosystems to Town residents or the Town itself. Town residents, natural communities, and ecosystems shall be considered to be "persons" for purposes of the enforcement of the civil rights of those residents, natural communities, and ecosystems.

**Section 6.3. Civil Rights Enforcement:** Any Town resident shall have standing and

authority to bring an action under this Warrant Article's civil rights provisions, or under state and federal civil rights laws, for violations of the rights of natural communities, ecosystem, and Town residents, as recognized by this Warrant Article.

**Section 6.4. Town Action Against <sup>re</sup>Presumption:** The foundation for the making and adoption of this law is the people's fundamental and inalienable right to govern themselves, and thereby secure rights to life, liberty, property, and pursuit of happiness. Any attempts to use county, state, or federal levels of government to pre-empt, amend, alter, or overturn this Warrant Article or parts of this Warrant Article, or to intimidate the people of the Town of Atkinson or their elected officials, shall require the Board of Selectmen to hold public meetings that explore the adoption of other measures that expand local control and the ability of residents to protect their fundamental and inalienable right to self-government.

**Section 6.5. Strict Liability:** Persons using corporations to engage in water withdrawal in a neighboring municipality shall be strictly liable for all harms caused to the health, safety, and welfare of the residents of Atkinson from those activities, and for all harms caused to ecosystems and natural communities within Atkinson.

**Section 6.6. Liability:** No permit, license, privilege or charger issued by any State or federal Regulatory Agency, Commission or Board to any person or any corporation operating under a State charter, or any director, officer, owner, or manager of a corporation operating under a State charger, which would violate the provisions of this Warrant Article or deprive any Atkinson resident, natural community, or ecosystem of any rights, privileges, or immunities secured by this Warrant Article, the N.H. Constitution, the U.S. Constitution, or other laws, shall be deemed valid within the Town of Atkinson.

Additionally, any employee, agent or representative of any State or federal Regulatory Agency, Commission or Board who issues a permit, license, privilege or charter to any person or any corporation operating under a State charter, or any director, officer, owner, or manager of a corporation operating under a State charter, which would violate the provisions of this Warrant Article or deprive any resident, natural community, or ecosystem of any rights, privileges, or immunities secured by this Warrant Article, the N.H. Constitution, the U.S. Constitution, or other laws, shall be liable to the party injured and shall be responsible for payment of compensatory and punitive damages and all costs of litigation, including, without limitation, expert and attorney's fees.

**Section 6.7. Future Lost Profits:** Within the Town of Atkinson, corporate claims to "future lost profits" shall not be considered property interests under the law, and thus, shall not be recoverable by corporations seeking those damages.

**Section 6.8. Prohibition on Board of Selectmen Challenge:** The Board of Selectmen of the Town of Atkinson or any other agent or agency of the Town shall be prohibited from taking any action to annul, amend, or overturn this Warrant Article, unless such action is approved by a prior Town Meeting at which two-thirds (2/3) of the residents of the Town attending the Town Meeting approve such action.