

Initiative Measure to be Submitted Directly to the Voters

The people of the City of Mt Shasta do ordain as follows:

AN ORDINANCE

City of Mt. Shasta, California

An Ordinance to assert and secure the right of the people of the City of Mt. Shasta to natural water systems and cycles through the exercise of community self-government by enumerating certain rights held by the people and natural community and prohibiting activities that would deny those rights; by protecting the health, safety, and general welfare of the citizens and environment of the City of Mt. Shasta; by not allowing corporations to engage in weather manipulation; by establishing strict liability and burden of proof standards for chemical trespass; by not allowing corporations to engage in water withdrawal for export and resale beyond the City of Mt. Shasta; by removing claims to legal rights and protections from corporations that would allow a few people hiding behind the corporate shield to subordinate the people and environment of the City of Mt. Shasta to them; and by recognizing and enforcing the rights of residents to defend the rights of natural communities and ecosystems.

Section 1.Preamble, Name and Purpose

Section 1.1: Preamble

WHEREAS Mount Shasta serves headwaters to the critical Sacramento River, a primary source of Northern California's water; and

WHEREAS pristine spring water is one of Mount Shasta's most valuable natural assets, continually ranking among the top three in state and national water quality contests; and

WHEREAS two multinational corporations currently extract and export undisclosed amounts of Shasta water from their respective basins; and

WHEREAS the water bottling industry increases reliance upon fossil fuels, creating excessive non-biodegradable waste and carbon emissions; and

WHEREAS Cloud seeding is poorly understood, with unknown implications for the hydrologic cycle in the regions where it is applied; and, per findings from the National Academy of Sciences, has not been proven to increase precipitation; yet the State of California allows private corporations to cloud seed without regulation or adequate environmental review; and

WHEREAS Mount Shasta's decrease in average annual snow pack and precipitation leads to surface and groundwater depletion, thereby increasing risk of toxicity, forest fires, drought, species extinction, desertification and reduced property values; and

WHEREAS conservative natural resource policies have been proven to stimulate innovative, resilient, sustainable, local commerce; while existing regulatory policies function to permit environmentally harmful practices;

THEREFORE be it ordained that the people of the City of Mt. Shasta do hereby declare our rights and responsibility to preserve watershed integrity as the foundation for environmental and economic security, by enacting the Mount Shasta Community Water Rights & Self-Government Ordinance.

Section 1.2: Name

This Ordinance shall be known and may be cited as the "City of Mt. Shasta Community Water Rights and Self-Government Ordinance."

Section 1.3: Purpose

One purpose of this Ordinance is to recognize and protect the inalienable rights of residents of the City of Mt. Shasta, including but not limited to those enumerated in this Ordinance, particularly the Right to Natural Water Systems and Cycles, to Self-Government in the place of residence, to Self, to a Healthy Environment, to Home and Livelihood, and to Cultural Heritage. Another purpose of this Ordinance is to recognize and protect the inalienable rights of the natural environment of the City of Mt. Shasta, including the right to exist and flourish, free from damage caused by alteration of natural water systems and cycles or introduction of toxic and potentially toxic substances. Disturbing natural water cycles, including rainfall, the recharging of aquifers, and interfering with access to water by human and natural communities are explicit prohibitions imposed by this Ordinance, to protect Rights.

A further purpose of this Ordinance is to recognize that it is an inviolate, fundamental, and inalienable right of each person residing within the City of Mt. Shasta to be free from involuntary invasions of their bodies by the application of corporate chemicals into the environment as a result of the violation of the provisions of this Ordinance.

The people of the City of Mt. Shasta understand that certain activities controlled by large corporations have and continue to cause damage to climate, weather, water systems, the soil and air, and that it is the people's responsibility to prohibit behavior that they deem to be destructive of the natural and human environment within the jurisdictions where they enjoy self-governing rights.

The people of the City of Mt. Shasta understand that responsibility for remedying or simply enduring harmful effects brought about by modifications to weather, the introduction of toxins into the environment, and the privatization of water, is borne predominantly by the public. State and federal authorities regularly sanction damaging industrial and corporate behavior, and state and federal lawmakers and courts exercise preemptive authority over community attempts to prohibit harmful corporate behavior locally. The people of the City of Mt. Shasta recognize that they are forced to endure or attempt to repair the harm to their environment that they have no commensurate authority to prevent, under current state and federal law. The people of the City of Mt. Shasta adopt this Ordinance to correct that error.

While the State of California and the federal government have bestowed legal protections and immunities upon corporations and those who benefit from them, they have concurrently disallowed the people from making those persons reaping financial benefits from harmful corporate activities bear responsibility for damage inflicted. In light of this fundamental denial of the right of the people to self-determination, the interference with ecosystems' right to exist and flourish, the denial of peoples' freedom from chemical trespass, the denial of peoples' right to natural water cycles, and the denial of the right to demand restitution for harms, the City of Mt. Shasta, under authority of the people, subordinates corporations to the rights and selfgovernance of the people, prohibits corporations from violating rights, and to achieve the purposes herein outlined, enacts this Ordinance.

Section 2.Statements of Law

The rights of people and natural communities and the limitations on the privileges of corporations delineated in this Ordinance, beyond the scope of pre-existing law, are specifically enforceable only when the ordinance's prohibitions on water withdrawal, cloud seeding and weather modification are violated.

Section 2.1: The Right of the People and Ecosystem to Natural Water Cycles

Section 2.1.1: Right to Water. All residents, natural communities and ecosystems in the City of Mt. Shasta possess a fundamental and inalienable right to sustainably access, use, consume, and preserve water drawn from natural water cycles that provide water necessary to sustain life within the City.

Section 2.1.1.1: It shall be unlawful for any corporation to engage in cloud seeding or weather modification within the City of Mt. Shasta. It shall be unlawful for any person to assist a corporation to engage in cloud seeding or weather modification within the City of Mt. Shasta.

Section 2.1.1.2 It shall be unlawful for any director, officer, owner, or manager of a corporation to use a corporation to engage in cloud seeding or weather modification within the City of Mt. Shasta.

Section 2.1.1.3: Corporations and persons using corporations to engage in activities prohibited by this Ordinance in a neighboring municipality, county or state shall be strictly liable for all violations of the rights of residents, ecosystems and natural communities; for all harms caused to ecosystems and natural communities, and for all harms caused to the health, safety, and welfare of the residents of the City of Mt. Shasta from those activities.

Section 2.1.1.4: The deposition of toxic substances or potentially toxic substances within the body of any resident of the City of Mt. Shasta, or into any natural community or ecosystem, which results from corporate cloud seeding or weather modification, whether engaged in, within or beyond the City of Mt. Shasta, is declared a form of trespass and is hereby prohibited.

Section 2.1.1.5: It shall be unlawful for any corporation to engage in water withdrawal for export in the City of Mt. Shasta. It shall be unlawful for any person to assist a corporation to engage in water withdrawal for export in the City of Mt. Shasta.

Section 2.1.1.6: It shall be unlawful for any director, officer, owner, or manager of a corporation to use a corporation to engage in water withdrawal for export within the City of Mt. Shasta.

Section 2.1.1.6.1: Exceptions. The people of the City of Mt. Shasta hereby allow the following exceptions to the Statements of Law contained within Section 2.1.1.5, or 2.1.1.6 of this Ordinance:

(1) Municipal authorities established under the laws of the State of California engaged in water withdrawals providing water only to residential and commercial users within the City of Mt. Shasta;

(2) Nonprofit educational and charitable corporations organized under state non-profit corporation law, qualified under §501(c)(3) of the federal Tax Code, which do not sell water withdrawn within the City of Mt. Shasta outside of the City of Mt. Shasta;

(3) Utility corporations operating under valid and express contractual provisions in agreements entered into between the City of Mt. Shasta and those utility corporations, for the provision of service within the City of Mt. Shasta;

(4) Corporations operating under valid and express contractual provisions in agreements entered into between persons in the City of Mt. Shasta and those corporations, when the withdrawn water is used solely for on-site residential, household, agricultural, or commercial use within the City of Mt. Shasta, provided that such commercial use does not involve the withdrawal of water for sale outside of the City of Mt. Shasta, or involve the purchase of water withdrawn from the City of Mt. Shasta for sale outside of the City.

(5) Corporations operating under valid and express contractual provisions in agreements entered into between persons in the City of Mt. Shasta and those corporations, when the withdrawn water is used for the manufacture of beverages within the City of Mt. Shasta, provided that such commercial use does not involve the withdrawal of water for sale, either in bulk or packaged, outside of the City of Mt. Shasta.

Section 2.2: The Right of the People to Self-Government

Section 2.2.1: Right to Community Self-Government. All residents of the City of Mt. Shasta possess the fundamental and inalienable right to participate in a form of government in the community where they live which guarantees them authority to use, assert and enforce plenary governing power over questions of law that affect their lives, families, environment, quality of life, health, safety and welfare. That right includes the right to exercise un-preempted legislative authority through the government closest to them. All governing authority is and shall remain inherent in the people affected by governing decisions, and all legitimate governments are founded on the people's authority and consent. The recognition, protection

and enforcement of the rights enumerated in this Ordinance are rooted in the foundation of valid government; law gains its legitimacy when it serves this purpose.

Section 2.2.1.2: The foundation for the making and adoption of this law is the people's fundamental and inalienable right to govern themselves in the community where they live, and thereby secure their rights to life, liberty, and the pursuit of happiness. Any attempts to use other units and levels of government to preempt, amend, alter, or overturn this Ordinance, or parts of this Ordinance, shall require the City Council to hold public meetings that explore the adoption of measures to overcome the usurpation and protect the ability of residents to exercise their fundamental and inalienable right to self-government.

Section 2.2.1.3: To ensure that the rights of the people to make selfgoverning decisions are never subordinated to the privileges of a few, within the City of Mt. Shasta corporate entities and their directors and managers shall not enjoy special powers or protections under the law, nor shall any class of people enjoy such privileges, protections or powers. Corporations and other business entities shall not be deemed to possess any legal rights, privileges, powers, or protections which would enable those entities to avoid the enforcement of, nullify provisions of, or violate the rights enumerated in this Ordinance.

Section 2.2.1.3.1 Corporate Privilege: Within the City of Mt. Shasta, corporations that violate the provisions of this Ordinance shall not be "persons" under the United States or California Constitutions, or under the laws of the United States, California, or the City of Mt. Shasta, and so shall not have the rights of persons under those constitutions and laws. Nor shall they be afforded the protections of the Contracts Clause or Commerce Clause of the United States Constitution, or similar provisions from the California Constitution, within the City of Mt. Shasta, nor shall those corporations possess the authority to enforce State or federal preemptive law against the people of the City of Mt. Shasta. Corporations shall not be afforded the protections of any international agreement or treaty which would enable the corporation to nullify local laws adopted by the City of Mt. Shasta or the people of the City of Mt. Shasta.

Section 2.2.1.3.2 Corporations as State Actors: Corporations chartered by government acquire their being, their authority, and their ability to act from the State. Within the City of Mt. Shasta, corporations shall be prohibited from denying the rights of residents and natural communities and shall be civilly and criminally liable for any such deprivation or denial of rights.

Section 2.2.1.3.3 Future Profits Not Property: Within the City of Mt. Shasta, corporate claims to "future lost profits" as a result of the enactment, implementation or enforcement of this Ordinance shall not be considered property interests under the law and thus shall not be recoverable by corporations seeking those damages as a result of the enforcement of this Ordinance within the City.

Section 2.2.1.4: Any permit, license, privilege or charter issued to any person or any corporation, the use of which would violate the prohibitions and provisions of this Ordinance or deprive any City resident, natural community, or ecosystem of any rights, privileges, or immunities secured by this Ordinance, the California Constitution, the United States Constitution, or other laws, shall be deemed invalid within the City of Mt. Shasta. Additionally, any employee, agent or representative of government who issues a permit, license, privilege or

charter which results in the violation of the provisions of this Ordinance or deprives any City resident, natural community, or ecosystem of any rights, privileges, or immunities secured by this Ordinance, the California Constitution, the United States 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. Compensatory and punitive damages paid to remedy the violation of the rights of natural communities and ecosystems shall be paid to the City of Mt. Shasta for restoration of those natural communities and ecosystems.

Section 2.2.2: People as Sovereign. The City of Mt. Shasta shall be the governing authority responsible to, and governed by, the residents of the City. Use of the "City of Mt. Shasta" municipal corporation by the sovereign people of the City to make law shall not be construed to limit or surrender the sovereign authority or immunities of the people to a municipal corporation, or to the State, which are subordinate to them in all respects at all times. The people at all times enjoy and retain an inalienable and infeasible right to self-governance in the community where they reside.

Section 2.2.2.1: Nullification of Official Rights Denial. The authority of the State of California to enforce any State law that removes authority from the people of the City of Mt. Shasta to decide the future of their community, and to protect the health, safety, welfare, environment and quality of life of City residents, natural communities, and ecosystems, shall be deemed null within the City of Mt. Shasta.

Section 2.2.3: Authority to Enact This Ordinance. The residents of the City of Mt. Shasta have legitimate power and authority to use the municipality known as the "City of Mt. Shasta" as their convenient instrument for asserting their right to community self-government, and in accord with that authority and right they enact this Ordinance.

Section 2.2.3.1: Authority: This Ordinance is also enacted pursuant to the authority of the City of Mt. Shasta, as recognized by all relevant Federal and State laws and their corresponding regulations, and by the inherent right of the citizens of the City of Mt. Shasta to self-government, including, without limitation, the following:

The Declaration of Independence, which declares that people are born with "certain inalienable rights" and that governments are instituted among people to secure those rights;

The Tenth Amendment of the U.S. Constitution, which declares that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people;"

The California Constitution, Article 1, Section 1, which declares that "All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy;"

The California Constitution, Article 1, Section 24, which declares that "Rights guaranteed by this Constitution are not dependent on those guaranteed by the United States Constitution;"

The California Constitution, Article I, Section 24, which further provides that "This declaration of rights may not be construed to impair or deny others retained by the people;"

The California Constitution, Article II, Section 1, which asserts that "All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require;"

The California Constitution, Article XI, Section 5 (a), which declares that "City charters adopted pursuant to this Constitution shall supersede any existing charter, and with respect to municipal affairs shall supersede all laws inconsistent therewith;"

The California Constitution, Article XI, Section 7, which declares that "A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws;"

The California Constitution, Article XI, Section 11(a), which declares that "The Legislature may not delegate to a private person or body power to make, control, appropriate, supervise, or interfere with county or municipal corporation improvements, money, or property, or to levy taxes or assessments, or perform municipal functions."

Section 2.2.3.2 Interpretation: Anyone interpreting, implementing, or applying this Ordinance shall give priority to the findings and purposes stated in Section 1 over such considerations as economy, eminent domain, efficiency, national security and scheduling factors.

Section 2.2.3.3: Administration: This Ordinance shall be administered by the City of Mt. Shasta.

Section 2.3: Enumerated Rights of the People within this Community

Section 2.3.2: Right to a Healthy Environment. All residents and persons within the City of Mt. Shasta possess a fundamental and inalienable right to a healthy environment, which includes the right to unpolluted air, water, soils, flora, and fauna, the right to a natural environmental climate unaltered by human intervention, and the right to protect the rights of natural communities and ecosystems, of which each resident is both intrinsically a part and upon which all are dependent.

Section 2.3.3: Right to Self. All residents and persons living within the City of Mt. Shasta possess a fundamental and inalienable right to the integrity of their bodies, and to be free from unwanted invasions of their bodies by manufactured chemicals and toxins, including but not limited to, toxic substances and potentially toxic substances.

Section 2.3.3.1: The deposition, by corporations in violation of the provisions of this ordinance, of toxic substances or potentially toxic substances within the body of any resident of the City of Mt. Shasta, or into any natural community or ecosystem, is declared a form of trespass and is hereby prohibited.

Section 2.3.3.2: Persons owning or managing corporations which manufacture, generate, sell, transport, apply, or dispose of, toxic or potentially toxic substances, which are detected within the body of any resident of the City of Mt. Shasta or within any natural community or ecosystem within the City, having violated the provisions of this Ordinance, shall be deemed culpable parties, along with the corporation itself, for the recovery of trespass damages, compensatory damages, punitive damages, and the instatement of permanent injunctive relief. If more than one corporation manufactured or generated the detected substance, persons owning and managing those corporations, along with the corporations themselves, shall be held jointly and severally liable for those damages, in addition to being subject to injunctive relief.

Section 2.3.3.3: Corporations manufacturing, using, selling or generating toxic or potentially toxic substances in violation of the provisions of this Ordinance that are detected within the body of a City resident shall provide information about the manufacture or generation of those substances to the municipality sufficient for a determination by the municipality of the culpability of that particular corporation for the manufacturing or generation of a particular toxic or potentially toxic substance.

Section 2.3.3.4: It shall be the duty of the City to protect the right of City residents, natural communities and ecosystems to be free from trespass under the provisions of this Ordinance, and to obtain damages for any violation of that right. If the presence of toxic and/or potentially toxic substance is detected within the body of any City resident, or within a natural community or ecosystem within the City, the municipality shall initiate litigation to recover trespass, compensatory, and punitive damages – and permanent injunctive relief - from all culpable parties. If a significant number of City residents have been similarly trespassed against, the municipality shall select representative plaintiffs and file a class action lawsuit on behalf of all City residents to recover trespass, compensatory, and punitive damages – and permanent injunctive relief - from all culpable parties. City residents retain all individual legal rights to pursue damages and relief.

Section 2.3.3.5: Persons or corporations engaged in activities prohibited by this Ordinance shall be strictly liable for the deposition of toxic substances and potentially toxic substances into the bodies of residents of the City and within natural communities and ecosystems within the City. Culpable parties shall be deemed strictly liable if one of their toxic or potentially toxic substances or chemical compounds is discovered within the body of a City resident or into any natural community or ecosystem within the City. The municipality's showing of the existence of that substance or chemical compound within the body of a resident living in the City or within a natural community or ecosystems within the City, and the municipality's showing that the Defendant(s) are responsible for the manufacture, generation, sale, or deposition of that substance within the City, shall constitute a prime facie showing of causation under a strict liability standard. Current and future damages resulting from the culpable parties' trespass shall be assumed, and the burden of proof shall shift to the culpable parties for a showing that the substance or chemical compound could not cause harm or contribute to causing harm, either alone or in combination with other factors, or that the culpable parties are not responsible for

the trespass of that particular substance into the body of residents of the City or within a natural community or ecosystems within the City.

Section 2.3.3.6: The City of Mt. Shasta shall select a laboratory with expertise in the testing for toxic substances and potentially toxic substances and chemical compounds associated with weather modification, and other substances including, but not limited to, those listed in the Definitions Section of this Ordinance. The City shall provide financial resources for the first ten residents, determined by postage mark, who request in writing to be tested for the presence of toxic substances and potentially toxic substances and chemical compounds within their bodies, and make all reasonable efforts to provide financial resources for the testing of additional residents.

Section 2.4: The Rights of Natural Communities and Ecosystems

Section 2.4.1: Rights of Natural Communities. Natural communities and ecosystems, including, but not limited to, wetlands, streams, rivers, aquifers, clouds, and other water systems, possess inalienable and fundamental rights to exist, flourish and naturally evolve within the City of Mt. Shasta. Consequently, no private claim to ownership of natural communities, whole ecosystems or the genetic material of any organism shall be recognized within the City of Mt. Shasta.

Section 2.4.1.1: It shall be unlawful for any corporation or its directors, officers, owners, or managers to interfere with the existence and flourishing of natural communities or ecosystems, or to cause damage to those natural communities and ecosystems. Such interference shall include, but not be limited to, the deposition of toxic substances and potentially toxic substances into natural communities and ecosystems in the City, the extraction of "resources" and the manipulation of elements of the environment that affect the ability of natural communities to exist, flourish and evolve. The City of Mt. Shasta, along with any resident of the City, shall have standing to seek declaratory, injunctive, and compensatory relief for damages caused to natural communities and ecosystems within the City, regardless of the relation of those natural communities and ecosystems to City residents or the City itself. City 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 2.4.1.2: Corporations and persons using corporations to engage in activities prohibited by this Ordinance in a neighboring municipality, county or state shall be strictly liable for all harms caused to the health, safety, and welfare of the residents of the City of Mt. Shasta from those activities, and for all harms caused to ecosystems and natural communities within the City of Mt. Shasta.

Section 3: Definitions

The following terms shall have the meanings defined in this section wherever they are used in this Ordinance.

Cause damage to natural communities and ecosystems: This term and equivalent terms shall include but not be limited to alteration, removal, destruction, eradication, or other actions inflicted upon natural communities and ecosystems, in whole or in part, that bring about the

cessation of the ability of natural communities and ecosystems to exist and flourish independent of human intervention.

City: The City of Mt. Shasta in Siskiyou County, California, its City Council, or its representatives or agents.

City resident: A natural person who maintains a primary residence within the City of Mt. Shasta.

Cloud Seeding: The spraying, spreading, injection, incorporation, introduction or deposition by any means, of substances by a corporation or an agent of a corporation, into the atmosphere, onto a land surface, body of water, air space, residential area, structure, fixture, public space, or natural feature within the City which would have the effect of inducing or suppressing precipitation from clouds or the atmosphere.

Corporation: Any corporation organized under the laws of any state of the United States or under the laws of any country. The term shall also include any limited partnership, limited liability partnership, business trust, or limited liability company organized under the laws of any state of the United States or under the laws of any country, and any other business entity that possesses State-conferred limited liability attributes for its owners, directors, officers, and/or managers. The term shall also include any business entity in which one or more owners or partners is a corporation or other entity in which owners, directors, officers and/or managers possess limited liability attributes. The term does not include the municipality of the City of Mt. Shasta.

Culpable Parties: Persons owning or managing corporations which manufacture, generate, transport, sell, dispose of, or by any means apply toxic or potentially toxic substances detected within the body of any resident of the City of Mt. Shasta or within any natural community or ecosystem within the City, as a result of the violation of the prohibitions of this ordinance. This term shall also refer to government agencies, agents, and other entities that permit, license or empower a corporation to violate the provisions of this Ordinance.

Deposition: The placement of a toxic chemical or potentially toxic chemical within the body of a person. The act of deposition shall be assumed if a toxic chemical or potentially toxic chemical is detected within the body of a person.

Ecosystem: The term 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, flora and fauna, soil-dwelling or aquatic organisms.

Engage in Water Withdrawal: The term shall include, but not be limited to, the physical extraction of water from subsurface aquifers or surface bodies of water and the buying and/or selling of water that has been extracted within the City of Mt. Shasta outside the City.

Exist and flourish: The term shall include but not be limited to, the ability of natural communities and ecosystems to sustain and continue to exercise natural tendencies to promote life, reproduction, non-synthetic interactions and interdependencies among proliferating and diverse organisms; the term shall also include the ability of natural communities and

ecosystems to establish and sustain indefinitely the natural processes and evolutionary tendencies that promote well-being among flora, fauna, aquatic life, and the ecosystems upon which their mutual benefit depends.

Natural Communities: Wildlife, flora, fauna, soil-dwelling, aerial, and aquatic organisms, as well as humans and human communities that have established sustainable interdependencies within a proliferating and diverse matrix of organisms, within a natural ecosystem.

Natural Water System: The term shall include but not be limited to the natural and unmanaged circulation of water between atmosphere, land, and sea by evaporation, precipitation, and percolation through soils and rocks.

Ordinance: City of Mt. Shasta Community Water Rights and Self-Government Ordinance.

Person: A natural person, or an association of natural persons that does not qualify as a corporation under this Ordinance.

Self Government: The inalienable and legitimate authority of the people of the City of Mt. Shasta to decide as a community the future of their community, and to protect the health, safety, welfare, environment and quality of life of City residents, natural communities, and ecosystems, free from preemptive usurpations and constrained only by the rights of natural persons, natural communities and ecosystems.

Substantially Owned or Controlled: A person, corporation, or other entity substantially owns or controls another person, corporation, or other entity if it has the ability to evade the intent of Section 4.6 of this Ordinance by using that person, corporation, or other entity to violate the provisions of this Ordinance in the City of Mt. Shasta.

Sustainable Interdependencies: Co-existence of human and non-human organisms and communities, where human health and survival can be maintained and where human activities do not cause damage to natural communities and ecosystems.

Toxic substances and potentially toxic substances: The phrase shall include all substances that have been found to cause or are suspected of causing adverse effects to animals, humans, or ecosystems, including those chemicals, chemical compounds, sources of radiation, and all other substances deemed to be mutagenic, neurotoxic, carcinogenic, teratogenic, reproductive or developmental toxicants, or any other toxic chemical or hazardous substance identified by the City of Mt. Shasta by resolution as subject to this Ordinance. The phrase shall specifically include, but shall not be limited to, silver iodide.

Trespass: As used within this Ordinance, the deposition of toxic or potentially toxic substances, as defined in this Ordinance, which are detected within a human body, natural community or ecosystem.

Weather Modification/Weather Manipulation: These terms shall include any activity which intentionally changes natural weather and climate conditions that would affect the quality and

character of the atmosphere, precipitation, temperature, available water supplies or related aspects of the natural environment, and shall include but not be limited to cloud seeding.

Section 4: Enforcement

Section 4.1: The City of Mt. Shasta shall enforce this Ordinance by an action brought before a court of competent jurisdiction.

Section 4.2: Any person, corporation, or other entity that violates any provision of this Ordinance shall be guilty of a summary offense and, upon conviction thereof by a court of competent jurisdiction, shall be sentenced to pay the maximum allowable fine for first-time and for each subsequent violation, and shall be imprisoned to the extent allowed by law.

Section 4.3: A separate offense shall arise for each day or portion thereof in which a violation occurs and for each section of this Ordinance that is found to be violated.

Section 4.4: The City of Mt. Shasta may also enforce this Ordinance through an action in equity brought in a court of competent jurisdiction. In such an action, the City of Mt. Shasta shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees and all related costs.

Section 4.5: All monies collected for violation of this Ordinance shall be paid to the Treasurer of the City of Mt. Shasta.

Section 4.6: Any person, corporation, or other entity chartered, permitted or licensed by the State, or acting under authority of the State or any government agency, that violates, or is convicted of violating this Ordinance, two or more times shall be permanently prohibited from business activities in the City of Mt. Shasta. This prohibition applies to that person's, corporation's, or other entity's parent, sister, and successor companies, subsidiaries, and alter egos, and to any person, corporation, or other entity substantially owned or controlled by the person, corporation, or other entity (including its officers, directors, or owners) that twice violates this Ordinance, and to any person, corporation, or other entity that substantially owns or controls the person, corporation, or other entity that twice violates this Ordinance.

Section 4.7: Any City resident shall have the authority to enforce this Ordinance through an action in equity brought in a court of competent jurisdiction. In such an action, the resident shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees, as well as any damages, compensatory or punitive.

Section 5: Civil Rights Enforcement

Section 5.1: Any person acting under the authority of a permit issued by a government agency, any corporation operating under a state charter, any person acting on behalf of the State or any government agency, or acting under the authority of the state, or any director, officer, owner, or manager of a corporation operating under a state charter, who deprives any City resident, natural community, or ecosystem of any rights, privileges, or immunities secured by this Ordinance, the California Constitution, the United States 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. Compensatory and punitive damages paid to remedy the violation of the rights of natural communities and ecosystems shall be paid to the City of Mt. Shasta for restoration of those natural communities and ecosystems.

Section 5.2: Any City resident shall have standing and authority to bring an action under this Ordinance's civil rights provisions, or under state and federal civil rights laws, for violations of the rights of natural communities, ecosystems, and City residents, as recognized by this Ordinance.

Section 6: Enactment

Pursuant to California Election Code, Section 9214, the City Council, is advised and requested to submit this Ordinance immediately to a vote of the people at a special election.

Section 7: Effective Date

This Ordinance shall be effective immediately upon its enactment.

Section 8: Severability

The provisions of this Ordinance are severable. If any court of competent jurisdiction 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. The City Council of the City of Mt. Shasta hereby declares that in the event of such a decision, and the determination that the court's ruling is legitimate, it would have enacted this Ordinance even without the section, clause, sentence, part, or provision that the court decides is illegal, invalid, or unconstitutional.

Section 9: Repealer

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

ENACTED AND ORDAINED this ____ day of _____, 2009