

INITIATIVE

Adding a New §5 to Article I of the Spokane City Home Rule Charter

RECOGNIZING A PEOPLE’S RIGHT TO A HEALTHY CLIMATE AND PUBLIC SAFETY

Whereas, the people of the City of Spokane realize that the continued burning of fossil fuels is causing planetary warming, and that such climate change is a threat to all life on this planet; and

Whereas, the people of the City of Spokane have the right to public safety, health, and welfare, which includes the right to be free from the danger of explosion or fire from railway cars carrying coal or crude oil; and

Whereas, the people of the City of Spokane recognize that we all have a duty to stop the warming of the planet and to safeguard the health and safety of all Spokane residents; *Therefore*, the people of Spokane adopt this *Right to Climate and Public Safety Amendment*, providing:

Section 5.1 – Statements of Law – A People’s Right to a Healthy Climate and Public Safety

(a) People’s Right to a Healthy Climate. The people of the City of Spokane possess the right to a healthy climate unaffected by fossil fuels.

(b) People’s Right to Public Safety. The people of the City of Spokane possess the right to public safety, which shall include the right to be free from the danger of explosion or fire from railway cars carrying coal or crude oil through the City of Spokane.

Section 5.2 – Statements of Law – Prohibitions.

(a) It shall be unlawful within the City of Spokane to transport coal or crude oil by rail.

Section 5.3 – Enforcement.

(a) If the City of Spokane fails to enforce or defend this Amendment, or a court fails to uphold this Amendment, any person may enforce this Amendment through nonviolent direct action. If nonviolent direct action is taken to enforce the provisions of this Amendment, law enforcement personnel employed by the City of Spokane shall be prohibited from arresting or detaining persons directly enforcing this Amendment. “Direct action” as used by this provision shall mean any activities carried out to directly enforce the prohibitions of this Amendment.

(b) Any corporation or other business entity that violates this Amendment shall not be deemed to be a “person” to the extent that such treatment would interfere with the rights or prohibitions enumerated by this Amendment, nor shall it possess any other legal rights, powers, privileges, immunities, or duties that would interfere with the rights or prohibitions enumerated by this Amendment, including the power to assert state or federal preemptive laws in an attempt to overturn this Amendment, or the power to assert that the people of the City of Spokane lack the authority to adopt this Amendment.