INITIATIVE PETITION
(Municipality or Home Rule Township)

Revised Code 504.14,731.28-.41,3501.38,3503.06

NOTE: Prior to circulation of an initiative petition proposing an ordinance or measure, a certified copy of such ordinance or measure must be filed with the City Auditor, Village Clerk or Township Fiscal Officer (home rule township). This petition must be signed by ten percent of the number of electors in the city, village or unincorporated area of the township who voted for governor at the preceding gubernatorial election and must be filed with the City Auditor, Village Clerk or Township Fiscal Officer.

(NOTE – The below notice must be printed in red.)

NOTICE – Whoever knowingly signs this petition more than once, signs a name other than his own, or signs when not a legal voter, is liable to prosecution.

To the City Auditor of the City of Oberlin, Ohio:

We, the undersigned, electors of the City of Oberlin, Ohio, respectfully propose to the electors of the City of Oberlin for their approval or rejection at the general election to be held on the 5th day of November, 2013 the following Ordinance:

THE CITY OF OBERLIN COMMUNITY BILL OF RIGHTS AND OBLIGATIONS ORDINANCE

AN ORDINANCE ESTABLISHING A COMMUNITY BILL OF RIGHTS FOR THE PEOPLE AND NATURAL COMMUNITIES OF THE CITY OF OBERLIN, PROTECTING THOSE RIGHTS BY PROHIBITING GAS AND OIL EXTRACTION AND RELATED ACTIVITIES, AND SUBORDINATING THE PRIVILEGES BESTOWED ON CERTAIN CORPORATIONS TO THE RIGHTS AND GOVERNANCE OF THE PEOPLE

SECTION 1: PREAMBLE

Whereas, this Ordinance establishes a Community Bill of Rights which recognizes and ensures the civil and political rights of the people of the City of Oberlin, pursuant to Article I, Section 10 of the Ohio Constitution which states: “The enumeration of rights herein contained shall not be construed to imply any others retained by the people, and all powers, not herein delegated, remain with the people;” and

Whereas, Article I, Section 1 of the Ohio Constitution states that “All men are free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety;” and

Whereas, The Ohio Revised Code, Title VII, Chapter 743, Section 25 states in part: “No person shall pollute a running stream, the water of which is used for domestic purposes by a municipality, by putting therein a solid or offensive substance, injurious to health. The director of public service of a city or board of trustees of a village shall enforce this section. The jurisdiction of a municipal corporation to prevent the pollution of its water supply and to provide a penalty therefore shall extend twenty miles beyond the municipal corporation limits;” and

Whereas, this Ordinance bans the extraction of gas and oil, along with associated activities, including the disposal of associated wastes, into injection wells within the City and its jurisdiction, because these activities violate the civil rights of the people of the City of Oberlin by threatening the health, safety, and welfare of the people, environment and neighborhoods of Oberlin; and

Whereas, this Ordinance removes legal powers and authority from gas and oil extraction corporations when those corporations violate its prohibitions, in recognition that those legal powers are illegitimate and unjust, in that they place the rights of a corporate minority over the rights and political authority of a majority of the people of The City of Oberlin; and

Whereas, this Ordinance shall be known and may be cited as the “The City of Oberlin Community Bill of Rights and Obligations Ordinance;” and

Whereas, this Ordinance is enacted pursuant to the inherent right of the people of the City of Oberlin to govern their own community, including, without limitation, the Declaration of Independence’s recognition that governments are instituted to secure the rights of people, and the Ohio Constitution’s recognition that “All political power is inherent in the people.”

NOW, THEREFORE, BE IT RESOLVED by the people of the City of Oberlin, that we electors hereby adopt the following Ordinance, which establishes a Bill of Rights for the people, environment and communities of this City, bans corporate extraction of gas and oil within the City of Oberlin and its jurisdiction because that extraction and that waste disposal cannot be achieved without violating the rights of the people, environment and communities within the City by endangering their health, safety, and welfare; removes certain legal powers from gas and oil extraction corporations operating within the City of Oberlin; secures rights that supersede state laws, permits, and other authorizations which interfere with the rights secured by this ordinance; and imposes liabilities and fines for violations thereof.

SECTION 2: FINDINGS AND INTENT

The people of the City of Oberlin find that the corporate extraction of gas and oil, the procurement of fresh water from the watershed for such purposes, and the disposal of associated wastes in the City of Oberlin and its jurisdiction, violates the rights of the people, environment and neighborhoods by putting a significant threat to their health, safety, and welfare. It is further recognized that widespread environmental and human health impacts have resulted from gas and oil extraction in other areas. Regulation of corporate gas and oil extraction automatically means allowing corporate gas and oil extraction to occur within the City of Oberlin, thus violating the rights of the people, environment and neighborhoods and endangering their health, safety, and welfare by allowing the deposit of toxins into the air, soil, water, environment, and the bodies of people within our City.

Meaningful regulatory limitations and prohibitions on corporate gas and oil extraction, along with effective zoning and land use provisions, are currently barred because they conflict with certain legal powers claimed by oil and gas extraction corporations. The people of the City of Oberlin recognize that environmental and economic sustainability cannot be achieved if the rights of municipal majorities are routinely overridden by corporate minorities claiming certain legal powers. The people of the City of
practise or process not previously used for the extraction of gas or oil from those wells at the time of the enactment of this Ordinance shall be deemed to be permitted to be used only when production ceases.

(4) It shall be unlawful for any corporation, or any director, officer, partner, or manager of a corporation to use a corporation, to deposit, store or transport waste water, produced water, fresh water, brine or other materials, chemicals or by-products used in the exploration for, or extraction of gas or oil, within, upon or through the land, air or waters of the City of Oberlin.

(5) Corporations, and persons using corporations, to engage in gas or oil extraction in a neighboring municipality, county or state shall be strictly liable for all harms caused to natural water sources, ecosystems, human and natural communities within the City of Oberlin and the violations of the rights herein secured.

(6) No permit, license, privilege or charter issued by any State or Federal agency, Commission or Board to any person or any corporation operating under a State charter, or any director, officer, partner, or manager of a corporation operating under a State charter, which would violate the prohibitions of this Ordinance or deprive any natural person, natural community, or ecosystem within the City of Oberlin of any rights, privileges, or immunities accorded by this Ordinance, the Ohio Constitution, the United States Constitution, or other laws, shall be deemed valid within the City of Oberlin.

SECTION 6: LEGAL ENFORCEMENT

(a) Any person or corporation that violates any prohibition of this Ordinance shall be guilty of a criminal offense and, upon conviction thereof, shall be sentenced to pay the maximum fine allowable under State law for that violation, and shall be imprisoned to the extent allowed by law. A separate offense shall arise for each day or portion thereof in which a violation occurs and for each section of this Ordinance found to be violated.

(b) The City of Oberlin may also enforce this Ordinance through an action in equity. In such an action, the City of Oberlin shall be entitled to recover all costs of litigation, including, but not limited to, expert and attorney’s fees.

(c) Any natural person who is a resident of the City of Oberlin shall have the authority to enforce this Ordinance through an action in equity. In such an action, the resident shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney’s fees.

(d) Any natural person who brings an action to secure or protect the rights of natural communities or ecosystems within the City of Oberlin shall bring that action in the name of the natural community or ecosystem in a court of competent jurisdiction. Damages shall be measured by the cost of restoring the natural community or ecosystem to its pre-damaged state, and shall be paid to the City of Oberlin or any other applicable governmental entity, to be used exclusively for the full and complete restoration of the community, and provided that those wells are stopped in short order. Any natural persons shall have standing to bring an action on behalf of affected natural communities or ecosystems, regardless of the lack of a property relationship between those persons and the affected community or ecosystem.

(e) Corporations in violation of the prohibitions enacted by this Ordinance, or seeking to engage in activities prohibited by this Ordinance, shall not have the right to appeal to any court of competent jurisdiction unless those corporations have been offended by the United States Constitution, or under the 1st or 5th Amendment to the United States Constitution or corresponding sections of the Ohio Constitution, nor shall these corporations be afforded the protections of the common or contract clauses of the United States Constitution or corresponding sections of the Ohio Constitution. Nor shall those corporations be offended by the United States Constitution or corresponding sections of the Ohio Constitution.

(f) Violation of the prohibitions enacted by this Ordinance, or seeking to engage in activities prohibited by this Ordinance, shall not possess the authority to appeal to any other court of competent jurisdiction.

(g) The People of Oberlin are hereby empowered to challenge or overturn any ordinance enacted by the City of Oberlin, within forty (40) days of the effective date of this Ordinance, which ordinance conflicts with the authority of the municipality to protect the health, safety, and welfare of the people or environment of the City of Oberlin.

SECTION 7: PEOPLE’S RIGHT TO SELF-GOVERNMENT

The foundation for the making and adoption of this Ordinance is the people’s fundamental and inalienable right to govern themselves, and thereby secure their rights to life, liberty, and pursuit of happiness and safety. Any attempt 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 other measures that expand local control and the ability of the people of the City to protect their fundamental and inalienable right to self-governance.

SECTION 8: SEVERABILITY

The provisions of this Law 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 invalid any of the remaining sections, clauses, sentences, parts, or provisions of the Ordinance. The People of Oberlin hereby declare that in the event of such a decision, and the determination that the court’s ruling is legitimate, it would have enacted this Law 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 Laws adopted by the City of Oberlin are hereby repealed, but only to the extent necessary to remedy the inconsistency.

SECTION 10: EFFECTIVE DATE

This Law shall take effect five days after the day on which the Board of Councillors certifies the official vote on the question, at which point this Law shall apply to any and all extraction of gas and oil and related activities in the City of Oberlin or its jurisdiction regardless of the date of any applicable State or Federal permits.
Ordinance No. 13-42 AC CMS

EXHIBIT B
EXHIBIT B

THE CITY OF OBERLIN COMMUNITY BILL of RIGHTS and OBLIGATIONS ORDINANCE:

AN ORDINANCE ESTABLISHING A COMMUNITY BILL OF RIGHTS FOR THE PEOPLE AND NATURAL COMMUNITIES OF THE CITY OF OBERLIN; PROTECTING THOSE RIGHTS BY PROHIBITING GAS AND OIL EXTRACTION AND RELATED ACTIVITIES; AND SUBORDINATING THE PRIVILEGES BESTOWED ON CERTAIN CORPORATIONS TO THE RIGHTS AND GOVERNANCE OF THE PEOPLE

SECTION 1: PREAMBLE
Whereas, this Ordinance establishes a Community Bill of Rights which recognizes and secures the civil and political rights of the people of the City of Oberlin, pursuant to Article I, Section 20 of the Ohio Constitution which states: "This enumeration of rights shall not be construed to impair or deny others retained by the people, and all powers, not herein delegated, remain with the people;” and
Whereas, Article I, Section 1 of the Ohio Constitution states that "All men are free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety” and
Whereas, The Ohio Revised Code, Title VII, Chapter 743, Section 23 states (in part): “No person shall pollute a running stream, the water of which is used for domestic purposes by a municipal corporation, by putting therein a putrid or offensive substance, injurious to health. The director of public service of a city or board of trustees of public affairs of a village shall enforce this section. The jurisdiction of a municipal corporation to prevent the pollution of its water supply and to provide a penalty therefore shall extend twenty miles beyond the municipal corporation limits;” and
Whereas, this Ordinance bans the extraction of gas and oil, along with associated activities, including the disposal of associated wastes, into injection wells within the City and its jurisdiction, because these activities violate the civil rights of the people of the City of Oberlin by threatening the health, safety, and welfare of the people, environment and neighborhoods of Oberlin; and
Whereas, this Ordinance removes legal powers and authority from gas and oil extraction corporations when those corporations violate its prohibitions, in recognition that those legal powers are illegitimate and unjust, in that they place the rights of a corporate minority over the rights and political authority of a majority of the people of The City of Oberlin; and
Whereas, this Ordinance shall be known and may be cited as the “The City of Oberlin Community Bill of Rights and Obligations Ordinance;” and
Whereas, this Ordinance is enacted pursuant to the inherent right of the people of the City of Oberlin to govern their own community, including, without limitation, the Declaration of Independence’s recognition that governments are instituted to secure the rights of people, and the Ohio Constitution’s recognition that “All political power is inherent in the people.”

NOW, THEREFORE, BE IT RESOLVED by the people of the City of Oberlin, that we electors hereby adopt the following Ordinance, which establishes a Bill of Rights for the people, environment and communities of the City, bans corporate extraction of gas and oil within the City of Oberlin and its jurisdiction because that extraction and that waste disposal cannot be achieved without violating the rights of the people, environment and communities within the City by endangering their health, safety, and welfare; removes certain legal powers from gas and oil extraction corporations operating within the City of Oberlin; secures rights that supersede state laws, permits, and other authorizations which interfere with the rights secured by this ordinance; and imposes liabilities and fines for violations thereof.

SECTION 2: FINDINGS AND INTENT
The people of the City of Oberlin find that the corporate extraction of gas and oil, the procurement of fresh water from the watershed for such purposes, and the disposal of associated wastes in the City of Oberlin and its jurisdiction, violates the rights of the people, environment and neighborhoods by posing a significant threat to their health, safety, and welfare. It is further recognized that widespread environmental and human health impacts have resulted from gas and oil extraction in other areas. Regulation of corporate gas and oil extraction automatically means allowing corporate gas and oil extraction to occur within the City of Oberlin, thus violating the rights of the people, environment and neighborhoods and endangering their health, safety, and welfare by allowing the deposit of toxins into the air, soil, water, environment, and the bodies of people within our City.
Meaningful regulatory limitations and prohibitions on corporate gas and oil extraction, along with effective zoning and land use provisions, are currently barred because they conflict with certain legal powers claimed by oil and gas extraction corporations. The people of the City of Oberlin recognize that environmental and economic sustainability cannot be achieved if the rights of municipal majorities are routinely overridden by corporate minorities claiming certain legal powers. The people of the City of
Oberlin also recognize that sustainability cannot be achieved within a system of preemption which enables those corporations to use state governments to override local self-government, and which restricts municipalities to only that lawmaking specifically authorized by state government. The People believe that local legislation that embodies the interests of the community is mandated by the doctrine of the consent of the governed and the right to local, community self-government. Thus, the people of the City of Oberlin hereby adopt this Ordinance, which establishes a Bill of Rights for the people, environment and communities of the City, and which bans the corporate extraction of gas and oil within The City of Oberlin, along with associated activities, because that extraction and those activities cannot be achieved without violating the rights of the people, environment and communities by endangering their health, safety, and welfare. This Ordinance also removes certain legal powers from gas and oil extraction corporations operating within The City of Oberlin, while subordinating state laws, permits, and other authorizations to the rights secured by this ordinance.

SECTION 3: DEFINITIONS
(a) “Chemical Trespass” shall mean the involuntary deposition of toxic or potentially toxic substances within a human body, natural community or ecosystem.
(b) “Corporation” for purposes of this ordinance, shall include any corporation, limited partnership, limited liability partnership, business trust, other business entity, or limited liability company organized under the laws of any state of the United States or under the laws of any country. (c) “Disposal” shall include, but not be limited to, the depositing, storage, treatment, recycling, injection, or by any other means, the distribution or depositing of brine, produced water, frac water, tailings or any other waste or by-product of corporate gas or oil extraction upon, into, or onto the land, waters, air or any area within the jurisdiction of the City of Oberlin.
(d) “Ecosystem” shall include, but not be limited to, wetlands, streams, rivers, aquifers, and other water systems, as well as naturally occurring habitats that sustain humans, wildlife, flora and fauna, and soil-dwelling or aquatic organisms.
(e) “Extraction” shall mean the digging or drilling of a well for the purposes of exploring for, developing, or producing gas or oil or other hydrocarbons.
(f) “Extraction, Production and Delivery Infrastructures” shall mean, but not be limited to, pipelines, processing facilities, waste storage structures, compressors, or storage and transportation facilities used to support the corporate extraction, production or distribution of gas or oil. The term shall not apply to the construction, maintenance or repair of Infrastructures used for delivery to residential or business retail end-users of gas or oil.
(g) “Gas” shall mean any gaseous substance, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarified state at standard temperature or pressure conditions, and/or gaseous components or vapors occurring in, or derived from, petroleum or so-called “natural” gas.
(h) “Natural Communities” shall mean wildlife, flora, fauna, soil-dwelling and aquatic organisms, as well as humans and human communities that have established sustainable interdependencies within a proliferating and diverse matrix of organisms, within an ecosystem.
(i) “Oil” shall mean any petroleum or fossil fuel substance in a liquid, slurry or viscous state found naturally within subsurface geological formations.
(j) “Procurement of fresh water,” for purposes of this law, shall include the drawing of fresh water from anywhere within the City of Oberlin or its jurisdiction for the purpose of exploring for, or extraction of gas and oil.
(k) “Toxic Substances and Potentially Toxic Substances,” for purposes of this Ordinance, shall include chemicals or chemical compounds, sludge and waste, radioactive ores, mine tailings, millings, waste liquors and radioactive progeny, particulate matter and/or gasses, that have been found to cause 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 Oberlin Council by resolution subject to this Ordinance. The phrase shall specifically include, but shall not be limited to, frac water and materials used in, and resulting from, the extraction of gas or oil.

SECTION 4: STATEMENTS OF LAW – RIGHTS OF THE PEOPLE OF OBERLIN AND THE NATURAL ENVIRONMENT
The rights secured here are not mere privileges; they are obligations justly placed on government and on each member of the community to respect freedoms held individually and collectively by every member of the community. The protection of these rights constitutes the highest and best use of the police powers that this municipality possesses.
(a) Right to Community Self-Government. All people of the City of Oberlin possess the fundamental and inalienable right to a form of governance where they live which recognizes that all power is inherent in the people, that all free governments are founded on the people’s authority and consent, and that corporate entities and their directors and managers shall not enjoy special privileges or powers under the law which make community majorities subordinate to them.
(b) People as Sovereign. The City of Oberlin shall be the governing authority responsible to, and governed by, the people of the City. Use of the “City of Oberlin” 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 that is subordinate to them in all respects at all times. The people at all times enjoy and retain an inalienable and indefeasible right to self-governance in the community where they reside.

(e) Right to Clean Water. All people, natural communities and ecosystems in the City of Oberlin 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.

(d) Right to Clean Air. All people, natural communities and ecosystems in the City of Oberlin possess a fundamental and inalienable right to breathe air uncontaminated by toxins, carcinogens, particulates and other substances known to cause harm to health.

(e) Right to Peaceful Enjoyment of Home. The people of the City of Oberlin possess a fundamental and inalienable right to the peaceful enjoyment of their homes, free from interference, intrusion, nuisances or impediments to access and occupation.

(f) Right to be Free from Chemical Trespass. All people, natural communities and ecosystems in the City of Oberlin possess a fundamental and inalienable right to be free from chemical trespass resulting from the extraction of gas or oil.

(g) Rights of Natural Communities. Natural communities and ecosystems possess inalienable and fundamental rights to exist and flourish within the City of Oberlin. The people of the City shall possess legal standing to enforce those rights on behalf of those natural communities and ecosystems.

(h) Right to a Sustainable Energy Future. The people of the City of Oberlin possess a fundamental and inalienable right to a sustainable energy future, which includes, but is not limited to, the development, production, and use of energy from renewable and sustainable fuel sources, and the right to establish local sustainable energy policies to further secure this right.

SECTION 5: STATEMENTS OF LAW – PROHIBITIONS AND CORPORATE LEGAL PRIVILEGES

(a) It shall be unlawful for any corporation, or any director, officer, owner, or manager of a corporation to use a corporation, to engage in the extraction of gas or oil within the City of Oberlin, with the exception of gas and oil wells installed and operating at the time of enactment of this Ordinance, provided that the extraction of gas or oil from those existing wells does not involve any practice or process not previously used for the extraction of gas or oil from those wells at the time of the enactment of this Ordinance, and provided that those wells are capped securely when production ceases.

(b) It shall be unlawful for any corporation, or any director, officer, owner, or manager of a corporation to use a corporation, to deposit, store or transport waste water, produced water, frac water, brine or other materials, chemicals or by-products used in the exploration for, or extraction of, gas or oil, within, upon or through the land, air or waters of the City of Oberlin.

(c) It shall be unlawful for any corporation, or any director, officer, owner, or manager of a corporation to use a corporation, to engage in the siting of extraction, production and delivery infrastructures within the City of Oberlin.

(d) Corporations, and persons using corporations, to engage in gas or oil extraction in a neighboring municipality, county or state shall be strictly liable for all harms caused to natural water sources, ecosystems, human and natural communities within the City of Oberlin and for the violation of the rights herein secured.

(e) No permit, license, privilege or charter issued by any State or Federal 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 charter, which would violate the prohibitions of this Ordinance or deprive any natural person, natural community, or ecosystems within the City of Oberlin of any rights, privileges, or immunities secured by this Ordinance, the Ohio Constitution, the United States Constitution, or other laws, shall be deemed valid within the City of Oberlin.

SECTION 6: LEGAL ENFORCEMENT

(a) Any person or corporation that violates any prohibition of this Ordinance shall be guilty of a criminal offense and, upon conviction thereof, shall be sentenced to pay the maximum fine allowable under State law for that violation, and shall be imprisoned to the extent allowed by law. A separate offense shall arise for each day or portion thereof in which a violation occurs and for each section of this Ordinance found to be violated.

(b) The City of Oberlin may also enforce this Ordinance through an action in equity. In such an action, the City of Oberlin shall be entitled to recover, without limitation, all costs of litigation, including, but not limited to, expert and attorney's fees.

(c) Any natural person who is a resident of the City of Oberlin shall have the authority to enforce this Ordinance through an action in equity. In such an action, the resident shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.

(d) Any natural person who brings an action to secure or protect the rights of natural communities or ecosystems within the City of Oberlin shall bring that action in the name of the natural community or ecosystem in a court of competent jurisdiction. Damages shall be measured by the cost of restoring the natural community or ecosystem to its pre-damaged state, and shall be paid to the City of Oberlin or other applicable governmental entity, to be used exclusively for the full and complete restoration of the natural community or ecosystem. Any natural person or group of natural persons shall have standing to bring an action on behalf of affected natural communities or ecosystems, regardless of
the lack of a property relationship between those persons and the affected communities or ecosystems.

(e) Corporations in violation of the prohibitions enacted by this Ordinance, or seeking to engage in activities prohibited by this Ordinance, shall not have the rights of "persons" afforded by the United States and Ohio Constitutions, nor shall those corporations be afforded rights under the 1st or 5th Amendments to the United States Constitution or corresponding sections of the Ohio Constitution, nor shall those corporations be afforded the protections of the commerce or contracts clauses within the United States Constitution or corresponding sections of the Ohio Constitution.

(f) Corporations in violation of the prohibitions enacted by this Ordinance, or seeking to engage in activities prohibited by this Ordinance, shall not possess the authority or power to enforce State or Federal preemptive law against the people of the City of Oberlin, or to challenge or overturn municipal ordinances adopted by the City of Oberlin, when that enforcement or challenge interferes with the rights asserted by this ordinance or interferes with the authority of the municipality to protect the health, safety, and welfare of the people or environment of the City of Oberlin.

SECTION 7: PEOPLE'S RIGHT TO SELF-GOVERNMENT
The foundation for the making and adoption of this Ordinance is the people's fundamental and inalienable right to govern themselves, and thereby secure their rights to life, liberty, and pursuit of happiness and safety. 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 other measures that expand local control and the ability of the people of the City to protect their fundamental and inalienable right to self-government.

SECTION 8: SEVERABILITY
The provisions of this Law 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 People of Oberlin hereby declare that in the event of such a decision, and the determination that the court's ruling is legitimate, it would have enacted this Law 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 Laws adopted by the City of Oberlin are hereby repealed, but only to the extent necessary to remedy the inconsistency.

SECTION 10: EFFECTIVE DATE
This Law shall take effect five days after the day on which the board of elections certifies the official vote on the question, at which point this Law shall apply to any and all extraction of gas and oil and related activities in the City of Oberlin or its jurisdiction regardless of the date of any applicable State or Federal permits.
Ordinance No. 13-42 AC CMS

Ballot Language
PROPOSED ORDINANCE
(By Petition)

CITY OF OBERLIN

A majority affirmative vote is necessary for passage.

An ordinance establishing a Community Bill of Rights for the people and natural communities of the City of Oberlin, prohibiting most commercial oil and gas extraction as well as the storage, transportation and depositing of oil and gas drilling waste product within the City of Oberlin, prohibiting the use of the corporate form to engage in such prohibited activities and providing for the enforcement of the ordinance.

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CITY OF OBERLIN, OHIO

RESOLUTION No. R12-09 CMS

A RESOLUTION REQUESTING THAT GOVERNOR JOHN R. KASICH AND THE OHIO STATE LEGISLATURE MOVE SWIFTLY TO PLACE A MORATORIUM ON HORIZONTAL HYDRAULIC FRACTURING AND BRINE INJECTION WELLS IN THE STATE OF OHIO UNTIL FURTHER STUDY AND RISK ASSESSMENT IS COMPLETED AND DECLARING AN EMERGENCY

WHEREAS, the City of Oberlin is dedicated to protecting the health of its citizens and recognizes that water is critical for life; and

WHEREAS, horizontal hydraulic drilling, also known as fracking, is an unconventional type of natural gas extraction that threatens the health of both the public and the environment, and requires larger drill pads, deeper wells, and tens of millions of gallons of water, while producing two hundred times more volatile organic compounds, four times as many drill cuttings, and fifty million gallons of wastewater, as compared to traditional wells; and

WHEREAS, the City of Oberlin finds that the fracking industry has been granted exceptions to multiple regulations since 2005, such as the Safe Drinking Water Act and Clean Water Act, and employs hundreds of unknown chemicals of concern; and

WHEREAS, in a study of Pavilion, Wyoming, the Environmental Protection Agency (EPA) recently documented water contamination from fracking chemicals; and

WHEREAS, the Oberlin City Council acknowledges the current provisions of Ohio Revised Code Section 1509.02 that give the Ohio Department of Natural Resources (ODNR) authority to permit oil and gas wells; and

WHEREAS, the ODNR is projecting to permit 3,000 fracking wells in Ohio over the next three years; and

WHEREAS, fracking wastewater, which is laced with hundreds of chemicals of concern,
heavy metals, and naturally occurring radioactive materials (NORM), is currently being disposed of on Ohio roadways and injected underground at one of Ohio’s 177 class II injection wells; and

WHEREAS, projections from the ODNR estimate that two hundred billion gallons of fracking waste will be produced in-state, and Ohio continues to accept billions of gallons of fracking wastewater from out of state; and

WHEREAS, Ohio has experienced a dozen unusual earthquakes, the most recent and severe occurring on December 31, 2011, caused by a class II injection well disposing of fracking wastewater, which resulted in a moratorium on injection wells in the Youngstown area; and

WHEREAS, drilling muds and drill cuttings from fracking wells contain heavy metals, chemicals, and NORM, which is currently disposed of at solid waste landfills; and

WHEREAS, clean water is vital for economic health and our agricultural economy; and

WHEREAS, the City of Oberlin recognizes that the disposal of fracking wastewater is a significant challenge due to the volume and chemical complexity of the waste, this causes significant concern for the City of Oberlin due to fears that fracking wastewater may eventually reach local streams and rivers, which supply our drinking water; and

WHEREAS, methane is approximately twenty one (21) times more potent a greenhouse gas than carbon dioxide and fugitive emissions from fracked wells cause the carbon footprint of natural gas combustion to be greater than coal, thus accelerating global climate change.

WHEREAS, the citizens of Oberlin may receive little economic benefit from fracking, but will share the burden and costs to infrastructure, health care, water treatment, and overall environmental degradation; and

WHEREAS, numerous townships, cities, states, and countries have banned or issued moratoriums on horizontal hydraulic fracturing and waste injection wells, including the states of
New Jersey, North Carolina, and New York; the cities of Buffalo, NY and Pittsburgh, PA; the Delaware River Gap; and internationally, in the Canadian Province of Quebec, and the European countries of Germany, France and Bulgaria; and

WHEREAS, the EPA is currently conducting a study, to be completed in 2015, to determine the risks associated with this new industry; and

WHEREAS, bills have been introduced in the Ohio State House of Representatives and the Ohio State Senate to enact a moratorium on horizontal hydraulic fracturing and injection wells until the completion of the EPA study.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the Council of the City of Oberlin hereby respectfully requests that Governor John R. Kasich and the Ohio State Legislature move swiftly to place a moratorium on horizontal hydraulic fracturing and brine injection wells until further study and risk assessment is completed.

SECTION 2. That the Clerk of Council is hereby authorized and directed to transmit a duly certified copy of this Resolution to Governor John R. Kasich of the State of Ohio, and to the Oberlin delegation of the Ohio General Assembly, as well as the Leadership of the Ohio House and Senate.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Resolution is hereby declared to be an emergency measure
necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, or to provide for the usual daily operation of a municipal department, to wit:

“to authorize a resolution indicating the opinion of Oberlin City Council on a matter of great importance to the citizens of the municipality in a timely manner”, and shall take effect immediately upon passage.

PASSED: 1st Reading – June 4, 2012 (A, S, E)
2nd Reading –
3rd Reading –

ATTEST:

BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL

RONNIE J. RIMBERT
PRESIDENT OF COUNCIL

POSTED: 06/05/2012

EFFECTIVE DATE: 06/04/2012
CITY OF OBERLIN, OHIO

RESOLUTION No. R12-14 CMS

A RESOLUTION REQUESTING THAT GOVERNOR JOHN R. KASICH AND THE OHIO STATE LEGISLATURE MOVE SWIFTLY TO REPEAL ALL STATE LAWS WHICH PRE-EMPTS LOCAL CONTROL OVER OIL AND NATURAL GAS EXTRACTION, AND BEGIN AN OPEN, TRANSPARENT PROCESS OF DISCUSSION WITH THE CITIZENS OF OHIO RELATIVE TO THE POTENTIAL RISKS AND DANGERS POSED BY HORIZONTAL HYDRAULIC FRACTURING AND BRINE INJECTION WELLS IN THE STATE OF OHIO AND DECLARING AN EMERGENCY

WHEREAS, we believe that there are clear and present dangers inherent to oil and natural gas extraction and related industrial activity; and

WHEREAS, the process of hydraulic fracturing requires, among other things, the use of thousands of gallons of toxic chemicals which may threaten human health and the environment; may require the removal of large quantities of water from streams and lakes; and may result in increased heavy tanker traffic, threatening toxic spills and infrastructure damage; and

WHEREAS, the process known as “deep injection” used to deposit brine/toxic frack waste under extreme pressure in wells several thousands of feet in the earth is considered the safest disposal method, yet may pollute water aquifers and trigger earthquake activity; and

WHEREAS, Oberlin City Council recognizes that clean water and air are essential for the life, prosperity, sustainability and health of the community, and that damage to water resources and air thereby causes tangible loss to health, property and life of individuals, communities and ecosystems.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the Council of the City of Oberlin hereby finds that the Ohio General Assembly has enacted laws that allow an potentially disruptive and dangerous industry in rural
and residential areas, such resulting in detriment to the overall health, welfare, and safety of the residents of the City of Oberlin.

SECTION 2. That the Council of the City of Oberlin hereby conveys to the Ohio Governor and Ohio General Assembly its concerns with this present state of affairs, and calls upon the Governor and the Ohio General Assembly to look to the interests of our greater community rather than the interests of a single industry by repealing any and all laws which pre-empts local control over oil and natural gas extraction and associated risky industrial activity; and, further, that the General Assembly begin anew, in an open, transparent process, a public discussion with the citizens of Ohio relative to the risks and potential dangers posed by horizontal hydraulic fracturing and brine injection wells.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, or to provide for the usual daily operation of a municipal department, to wit:

“to authorize a resolution indicating the opinion of Oberlin City Council on a matter of great importance to the citizens of the municipality in a timely manner”,

and shall take effect immediately upon passage.

PASSED:  1st Reading – December 3, 2012
         2nd Reading – December 17, 2012 (A)
         3rd Reading – January 7, 2013 (A, E)

ATTEST: