

Original Santa Monica Ordinance updated in 2019

Chapter 12.02 SUSTAINABILITY RIGHTS

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- 12.02.020 Findings.
- 12.02.030 Rights of Santa Monica residents and the natural environment.
- 12.02.040 Biennial report.
- 12.02.050 Biennial hearing.
- 12.02.060 Compliance assurance.

12.02.010 Title.

This Chapter shall be known as the City of Santa Monica Sustainability Rights Ordinance. (Added by Ord. No. 2421 CCS § 1, adopted 4/9/13; amended by Ord. No. 2611CCS § 10, adopted by 6/25/19)

12.02.020 Findings.

The City Council finds and declares:

(a) With the exponential growth in human population and its increasing per capita resource consumption, the planet cannot sustain our current way of life, which is destructive to the natural elements upon which all species depend: the air, water, climate, soil and other fundamental elements of the world;

(b) Like all other communities, Santa Monica's welfare is inextricably bound to the welfare of the natural environment; and the City has therefore long been committed to protecting, preserving and restoring the natural environment and providing a model of environmental sustainability for other communities to utilize;

(c) The City Council of Santa Monica has expressed this commitment through a multitude of enactments and actions, including recognizing both the rights of natural communities and ecosystems within Santa Monica to exist, thrive and evolve and the rights of the individual human beings that make up the City of Santa Monica to a clean, healthy and sustainable environment. The peoples' rights include, but are not limited to: the right to affordable and accessible water from sustainable water sources for human consumption, cooking, and sanitary purposes, as referenced in Calif. AB 685 (2012); the right to a sustainable energy future based on sustainable renewable energy sources; the right to a sustainable natural climate unaltered by fossil fuel emissions; the right to sustainable, comprehensive waste disposal systems that do not degrade the environment; the right to clean indoor and outdoor air, clean water and clean soil that pose a negligible health risk to the public; and the right to a sustainable food system that provides healthy, locally grown food to the community;

(d) These rights are not sufficiently safeguarded by the existing body of local, national and international environmental policies and laws, which are grossly inadequate to avert the mounting environmental crisis; and

(e) The inadequacy of the current framework of state, national and international policies and laws necessitates re-examination of the underlying societal and legal assumptions about our relationships with the environment and a renewed focus on effectuating these rights. (Added by Ord. No. 2421 CCS § 1, adopted 4/9/13; amended by Ord. No. 2611CCS § 10, adopted by 6/25/19)

12.02.030 Rights of Santa Monica residents and the natural environment.

(a) All residents of Santa Monica possess fundamental and inalienable rights to: clean water from sustainable sources; marine waters safe for active and passive recreation; clean indoor and outdoor air; a sustainable food system that provides healthy, locally grown food; a sustainable climate that supports thriving human life and a flourishing biodiverse environment; comprehensive waste disposal systems that do not degrade the environment; and a sustainable energy future based on renewable energy sources.

(b) Natural communities and ecosystems possess fundamental and inalienable rights to exist and flourish in the City of Santa Monica. To effectuate those rights on behalf of the environment, residents of the City may bring actions to protect these natural communities and ecosystems, defined as: groundwater aquifers, atmospheric systems, marine waters, and native species within the boundaries of the City.

(c) All residents of Santa Monica possess the right to self-governance and to a municipal government 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, do not enjoy special privileges or powers under the law that subordinate the community's rights to their private interests. (Added by Ord. No. 2421 CCS § 1, adopted 4/9/13; amended by Ord. No. 2611CCS § 10, adopted by 6/25/19)

12.02.040 Biennial report.

At least once during every twenty-four-month period, City staff shall prepare a written report to the community on the state of the local environment, the realization of the rights recognized in this Chapter, and the City's progress in effectuating and enforcing the Sustainable City Plan and the policies and provisions of this Chapter. The report shall include recommendations for advancing and ensuring compliance with the Sustainable City Plan. (Added by Ord. No. 2421 CCS § 1, adopted 4/9/13; amended by Ord. No. 2611CCS § 10, adopted by 6/25/19)

12.02.050 Biennial hearing.

The City Council will bi-annually review the Sustainability Rights Biennial Report, conduct a public hearing, assess the City's progress in effectuating and enforcing both the Sustainable City Plan and the policies and provisions of this Chapter, and provide direction to staff to ensure compliance with the Plan's provisions and with the inherent rights of the people and natural communities of the City of Santa Monica described herein. (Added by Ord. No. 2421 CCS § 1, adopted 4/9/13; amended by Ord. No. 2611CCS § 10, adopted by 6/25/19)

12.02.060 Compliance assurance.

The City or any City resident may bring an action to enforce any provision of the Santa Monica Municipal Code that advances the goals identified as enforceable in the Sustainable City Plan. (Added by Ord. No. 2421 CCS § 1, adopted 4/9/13; amended by Ord. No. 2611CCS § 10, adopted by 6/25/19)

Redline wording changes for proposed Sebastopol Ordinance

Chapter ~~12.02~~ SUSTAINABILITY RIGHTS OF NATURE

(All Content Displayed)

- ~~12.02.010~~ Title.
- ~~12.02.020~~ Findings.
- ~~12.02.030~~ Rights of Santa Monica **Sebastopol** residents and the natural environment.
- ~~12.02.040~~ Biennial **Annual** report.
- ~~12.02.050~~ Biennial **Annual** hearing.
- ~~12.02.060~~ Compliance assurance.

~~12.02.010~~ Title.

This Chapter shall be known as the City of Santa Monica Sustainability Rights **Sebastopol Rights of Nature** Ordinance. (~~Added by Ord. No. 2421 CCS § 1, adopted 4/9/13; amended by Ord. No. 2611 CCS § 10, adopted by 6/25/19~~)

~~12.02.020~~ Findings.

The City Council finds and declares:

(a) ~~With the exponential growth in human population and its increasing per capita resource consumption, †The planet cannot sustain our current way of~~ life, **rate of consumption**, which is destructive to the natural elements upon which all species depend: the air, water, climate, soil and other fundamental elements of the world;.

(b) Like all other communities, Santa Monica's **Sebastopol's** welfare **well-being** is inextricably bound to the welfare **well-being** of the natural environment **world.**; and ~~†The City has therefore long been~~ **is** committed to protecting, preserving and restoring the natural environment and providing a model of environmental sustainability **regeneration** for other communities to utilize;.

(c) The City Council of Santa Monica **Sebastopol** has expressed this commitment through a multitude of enactments and **history of** actions, including recognizing both the rights of natural communities and ecosystems, **which includes humans.** within Santa Monica to exist, thrive and evolve and the rights of the individual human beings that make up the City of Santa Monica to a clean, healthy and sustainable environment. The peoples' rights include, but are not limited to: the right to affordable and accessible water from sustainable water sources for human consumption, cooking, and sanitary purposes, as referenced in Calif. AB 685 (2012); the right to a sustainable energy future based on sustainable renewable energy sources; the right to a sustainable natural climate unaltered by fossil fuel emissions; the right to sustainable, comprehensive waste disposal systems that do not degrade the environment;

the right to clean indoor and outdoor air, clean water and clean soil that pose a negligible health risk to the public; and the right to a sustainable food system that provides healthy, locally grown food to the community;

(d) These rights are not sufficiently safeguarded by the existing body of local, national and international environmental policies and laws, which are grossly inadequate to avert the mounting environmental crisis; ~~and~~

(e) The inadequacy of the current framework of state, national and international policies and laws necessitates re-examination of the underlying societal and legal assumptions about our relationships with the environment and a renewed focus on effectuating these rights. ~~(Added by Ord. No. 2421 CCS § 1, adopted 4/9/13; amended by Ord. No. 2611 CCS § 10, adopted by 6/25/19)~~

12.02.030 Rights of Santa Monica Sebastopol residents and the natural environment.

(a) All residents of Santa Monica Sebastopol possess fundamental and inalienable rights to: **exist, thrive and evolve in a clean and healthy environment. These rights include, but not limited to: clean indoor and outdoor air; clean and accessible water for active and passive recreation; renewable energy sources; clean soil; the right to a regenerative food system; clean water from sustainable sources; marine waters safe for active and passive recreation; clean indoor and outdoor air; a sustainable food system that provides healthy, locally grown food; a sustainable climate that supports thriving human life and a flourishing biodiverse environment; and access to comprehensive waste disposal systems that do not degrade the environment.; and a sustainable energy future based on renewable energy sources.**

(b) Natural communities and ecosystems possess fundamental and inalienable rights to exist and flourish in the City of Santa Monica. **Sebastopol.** To effectuate those rights ~~on behalf of the environment,~~ residents of the City may bring actions to protect these natural communities and ecosystems, defined as, **but not limited to: groundwater aquifers, atmospheric systems, indoor and outdoor air, marine creeks and waters, humans, other animals, plant life,** and all ~~and native~~ species within the boundaries of the City.

(c) All **Residents of Santa Monica Sebastopol** possess the right to self-governance and to a municipal government which recognizes that all power is inherent in the people, that all free **our** governments ~~are~~ **is** founded on the people's authority and consent, ~~and that~~ **Corporate entities, and their directors and managers, do not enjoy special privileges or powers under the law that subordinate the community's rights to their private interests.** ~~(Added by Ord. No. 2421 CCS § 1, adopted 4/9/13; amended by Ord. No. 2611 CCS § 10, adopted by 6/25/19)~~

12.02.040 Biennial Annual report.

At least once during every ~~twenty-four-month period~~ **annually**, City staff shall prepare a written report to the community on the state of the local environment, the realization of the rights recognized in this Chapter, and the City's progress in effectuating and enforcing the ~~Sustainable City Plan~~ **Rights of Nature Ordinance** and the policies and provisions of this Chapter. The report shall include recommendations for advancing and ensuring compliance with the **Rights of Nature Ordinance**. (~~Added by Ord. No. 2421 CCS § 1, adopted 4/9/13; amended by Ord. No. 2611 CCS § 10, adopted by 6/25/19~~)

12.02.050 Biennial Annual hearing.

The City Council will ~~bi-annually~~ review the ~~Sustainability Rights~~ **Rights of Nature Ordinance** Report, conduct a public hearing, assess the City's progress in effectuating and enforcing both the ~~Sustainable City Plan~~ **Rights of Nature Ordinance** and the policies and provisions of this Chapter, and provide direction to staff to ensure compliance with the ~~Plan's~~ provisions and with the inherent rights of the people and natural communities of the City of Santa Monica **Sebastopol** described herein. (~~Added by Ord. No. 2421 CCS § 1, adopted 4/9/13; amended by Ord. No. 2611 CCS § 10, adopted by 6/25/19~~)

12.02.060 Compliance assurance.

The City or any City resident may bring an action to enforce any provision of the Santa Monica **Sebastopol** Municipal Code that advances the goals identified as enforceable in the ~~Sustainable City Plan~~ **Rights of Nature Ordinance**. (~~Added by Ord. No. 2421 CCS § 1, adopted 4/9/13; amended by Ord. No. 2611 CCS § 10, adopted by 6/25/19~~)

Proposed Sebastopol Ordinance

Chapter __ RIGHTS OF NATURE

(All Content Displayed)

- _____ Title.
- _____ Findings.
- _____ Rights of Sebastopol residents and the natural environment.
- _____ Annual report.
- _____ Annual hearing.
- _____ Compliance assurance.

_____ **Title.**

This Chapter shall be known as the City of Sebastopol Rights of Nature Ordinance.

_____ **Findings.**

The City Council finds and declares:

(a) The planet cannot sustain our rate of consumption, which is destructive to the natural elements upon which all species depend: the air, water, climate, soil and other fundamental elements of the world.

(b) Like all other communities, Sebastopol's well-being is inextricably bound to the well-being of the natural world. The City is committed to protecting, preserving and restoring the natural environment and providing a model of environmental regeneration for other communities to utilize.

(c) The City Council of Sebastopol has expressed this commitment through a history of actions, including recognizing the rights of natural communities and ecosystems, which includes humans.

(d) These rights are not sufficiently safeguarded by the existing body of local, national and international environmental policies and laws, which are grossly inadequate to avert the mounting environmental crisis.

(e) The inadequacy of the current framework of state, national and international policies and laws necessitates re-examination of the underlying societal and legal assumptions about our relationships with the environment and a renewed focus on effectuating these rights.

_____ **Rights of Sebastopol residents and the natural environment.**

(a) All residents of Sebastopol possess fundamental and inalienable rights to: exist, thrive and evolve in a clean and healthy environment. These rights include, but not limited to: clean indoor and outdoor air; clean and accessible water for active and passive recreation; renewable energy sources; clean soil; the right to a regenerative food system; a flourishing biodiverse environment; and access to comprehensive waste disposal systems that do not degrade the environment.

(b) Natural communities and ecosystems possess fundamental and inalienable rights to exist and flourish in the City of Sebastopol. To effectuate those rights, residents of the City may bring actions to protect these natural communities and ecosystems, defined as, but not limited to: groundwater aquifers, atmospheric systems, indoor and outdoor air, creeks and waters, humans, other animals, plant life, and all species within the boundaries of the City.

(c) Residents of Sebastopol possess the right to self-governance and to a municipal government which recognizes that all power is inherent in the people, that our government is founded on the people's authority and consent. Corporate entities, and their directors and managers, do not enjoy special privileges or powers under the law that subordinate the community's rights to their private interests.

_____ **Annual report.**

At least annually, City staff shall prepare a written report to the community on the state of the local environment, the realization of the rights recognized in this Chapter, and the City's progress in effectuating and enforcing the Rights of Nature Ordinance and the policies and provisions of this Chapter. The report shall include recommendations for advancing and ensuring compliance with the Rights of Nature Ordinance.

_____ **Annual hearing.**

The City Council will annually review the Rights of Nature Ordinance Report, conduct a public hearing, assess the City's progress in effectuating and enforcing both the Rights of Nature Ordinance and the policies and provisions of this Chapter, and provide direction to staff to ensure compliance with the provisions and with the inherent rights of the people and natural communities of the City of Sebastopol described herein.

12.02.060 Compliance assurance.

The City or any City resident may bring an action to enforce any provision of the Sebastopol Municipal Code that advances the goals identified as enforceable in the Rights of Nature Ordinance.