

KEEP THE JAIL IN DOWNTOWN TOLEDO

A LAW TO PROTECT THE INTEGRITY OF NEIGHBORHOODS IN TOLEDO BY REQUIRING ALL JAILS TO BE CONSTRUCTED WITHIN THE DOWNTOWN OVERLAY DISTRICT

Section 1 - Preamble

Whereas, this Ordinance recognizes and secures the civil and political rights of the people of the City of Toledo, 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, this Ordinance confines and limits the location of a new or renovated Jail, Correctional Facility, Prison, Justice Complex, Correctional Treatment Facility, Detention Center, Work Release or other building that houses criminals or the accused criminal to the Downtown Overlay District within the City of Toledo; and

Whereas, this Ordinance shall be known and may be cited as the “Keep the Jail in Downtown Toledo Ordinance,” and

Whereas, this Ordinance is enacted in the interests of public morals, public recreations, amusements and entertainments, and to define, prohibit, abate or suppress all things detrimental to the health, morals, comfort, safety, convenience, and welfare of the people, and preservation of neighborhoods, and

Whereas, this Ordinance is enacted pursuant to the inherent right of the people of the City of Toledo to govern their own community and the Ohio Constitution’s recognition that “All political power is inherent in the people.”

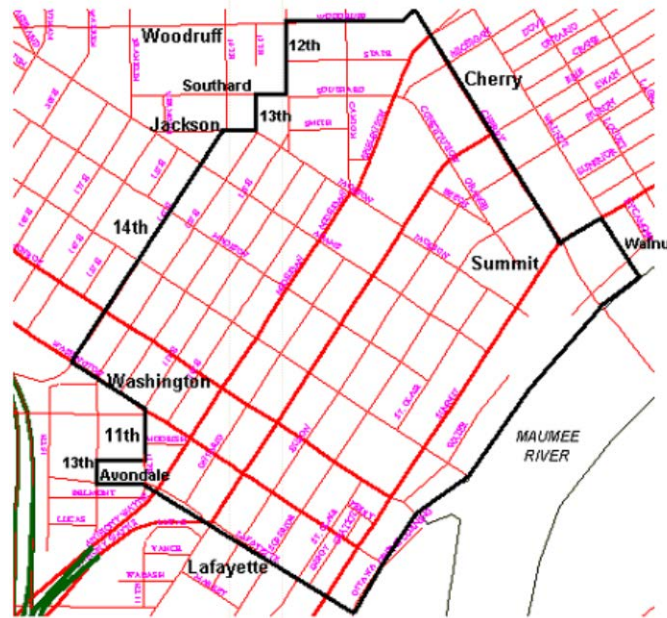
NOW, THEREFORE, BE IT RESOLVED by the people of the City of Toledo that we electors hereby adopt the following Ordinance, which establishes and limits the location of any new or renovated jail or other correction facility to the Downtown Overlay District and allows for the enforcement of said Ordinance.

Section 2 – Statements of Law – A Requirement That All Jails Be Built Downtown

Any construction or placement of a new or renovated: Jail, Correctional Facility, Prison, Justice Complex, Correctional Treatment Facility, Detention Center, Work Release or other building that houses criminals or accused criminals, within the City of Toledo limits, will be located in and confined to the Downtown Overlay District, as defined in Chapter 1116, Appendix A of the Toledo Municipal Code, (“Downtown Overlay District”), which reads as follows:

“The boundaries of the land included and controlled by the Downtown Overlay District shall be as follows: Beginning at a point of intersection of the centerlines of Summit Street and Cherry Street, thence northwesterly along the centerline of Cherry Street to its intersection of the centerline of Woodruff Avenue; thence southwesterly and westerly along the centerline of Woodruff Avenue to the intersection of the centerline of North Twelfth Street; thence southerly along the centerline of North Twelfth Street to the centerline of Southard Avenue; thence westerly along the centerline of Southard Avenue, to the centerline of North Thirteenth Street; thence southerly along the centerline of North Thirteenth Street to the centerline of Jackson Street; thence westerly along the centerline of Jackson Street to the centerline of Fourteenth Street; thence southwesterly along the centerline of Fourteenth Street to the centerline of Washington Street; thence southeasterly along the centerline of Washington Street to the centerline of South Eleventh Street; thence south along the centerline of South Eleventh Street to a point of intersection of the easterly extension of the north line of Subdivision One of Lot 609, Port Lawrence Division;

thence westerly along the easterly extension of, and the north line of Subdivision One of Lot 609 in Port Lawrence Division and continuing westerly along the north line of Lot 626, 650 and 666 and its westerly extension of the north line of Lot 666 all in Port Lawrence Division to its intersection of the centerline of South Thirteenth Street; thence south along the centerline of South Thirteenth Street; to the centerline of Avondale Avenue; thence easterly along the centerline of Avondale Avenue to a point of intersection of the centerline of Lafayette Street; thence southeasterly along the centerline of Lafayette Street and its southeasterly extension to the centerline of Relocated Swan Creek; thence northeasterly along the centerline of Relocated Swan Creek to a point of intersection of the southeasterly extension of the southwesterly right-of-way line of Jefferson Avenue; thence southeasterly along the southeasterly extension of the southwesterly right-of-way line of Jefferson Avenue to the center of the Maumee River; thence northeasterly along the center of the Maumee River to its intersection with the southeasterly extension of the centerline of Walnut Street; thence northwesterly along the southeasterly extension of the centerline of Walnut Street and continuing northwesterly along the centerline of Walnut Street to the centerline of Summit Street; thence southwesterly along the centerline of Summit Street to the point of beginning.”



Section 3 – Statements of Law – Prohibitions Necessary to Secure the Bill of Rights

(a) It shall be unlawful for any corporation or government to violate the rights recognized and secured by this law. “Corporation” shall include any business entity.

(b) No permit, license, privilege, charter, or other authorization issued to a corporation, by any state or federal entity, that would violate the prohibitions of this law or any rights secured by this law, shall be deemed valid within the City of Toledo.

Section 4 – Enforcement

(a) Any corporation or government that violates any provision of this law shall be guilty of an offense and, upon conviction thereof, shall be sentenced to pay the maximum fine allowable under State law for that violation. Each day or portion thereof, and violation of each section of this law, shall count as a separate violation.

(b) The City of Toledo, or any resident of the City, may enforce the prohibitions of this law through an action brought in the Lucas County Court of Common Pleas, General Division. In

such an action, the City of Toledo or the resident shall be entitled to recover all costs of litigation, including, without limitation, witness and attorney fees.

(c) Governments and corporations engaged in activities that violate the prohibitions of this law, in or from any jurisdiction, shall be strictly liable for all harms and rights violations resulting from those activities.

Section 5 – Enforcement – Corporate Powers

(a) Corporations that violate this law, or that seek to violate this law, shall not be deemed to be “persons” to the extent that such treatment would interfere with the rights or prohibitions enumerated by this law, nor shall they possess any other legal rights, powers, privileges, immunities, or duties that would interfere with the rights or prohibitions enumerated by this law, including the power to assert state or federal preemptive laws in an attempt to overturn this law, or the power to assert that the people of the City of Toledo lack the authority to adopt this law.

(b) All laws adopted by the legislature of the State of Ohio, and rules adopted by any State agency, shall be the law of the City of Toledo only to the extent that they do not violate the rights or prohibitions of this law.

Section 6 – Effective Date and Existing Permit Holders

This law shall be effective immediately on the date of its enactment, at which point the law shall apply to any and all actions that would violate this law regardless of the date of any applicable local, state, or federal permit.

Section 7 – Severability

The provisions of this law are severable. If any court decides that any section, clause, sentence, part, or provision of this law 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 law. This law would have been enacted without the invalid sections.

Section 8 – Repealer

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

LAKE ERIE BILL OF RIGHTS

ESTABLISHING A BILL OF RIGHTS FOR LAKE ERIE, WHICH PROHIBITS ACTIVITIES AND PROJECTS THAT WOULD VIOLATE THE BILL OF RIGHTS

We the people of the City of Toledo declare that Lake Erie and the Lake Erie watershed comprise an ecosystem upon which millions of people and countless species depend for health, drinking water and survival. We further declare that this ecosystem, which has suffered for more than a century under continuous assault and ruin due to industrialization, is in imminent danger of irreversible devastation due to continued abuse by people and corporations enabled by reckless government policies, permitting and licensing of activities that unremittingly create cumulative harm, and lack of protective intervention. Continued abuse consisting of direct dumping of industrial wastes, runoff of noxious substances from large scale agricultural practices, including factory hog and chicken farms, combined with the effects of global climate change, constitute an immediate emergency.

We the people of the City of Toledo find that this emergency requires shifting public governance from policies that urge voluntary action, or that merely regulate the amount of harm allowed by law over a given period of time, to adopting laws which prohibit activities that violate fundamental rights which, to date, have gone unprotected by government and suffered the indifference of state-chartered for-profit corporations.

We the people of the City of Toledo find that laws ostensibly enacted to protect us, and to foster our health, prosperity, and fundamental rights do neither; and that the very air, land, and water – on which our lives and happiness depend – are threatened. Thus it has become necessary that we reclaim, reaffirm, and assert our inherent and inalienable rights, and to extend legal rights to our natural environment in order to ensure that the natural world, along with our values, our interests, and our rights, are no longer subordinated to the accumulation of surplus wealth and unaccountable political power.

We the people of the City of Toledo affirm Article 1, Section 1, of the Ohio State Constitution, which states: “All men are, by nature, 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.”

We the people of the City of Toledo affirm Article 1, Section 2, of the Ohio State Constitution, which states: “All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same, whenever they may deem it necessary; and no special privileges or immunities shall ever be granted, that may not be altered, revoked, or repealed by the general assembly.”

And since all power of governance is inherent in the people, we, the people of the City of Toledo, declare and enact this Lake Erie Bill of Rights, which establishes irrevocable rights for the Lake Erie Ecosystem to exist, flourish and naturally evolve, a right to a healthy

environment for the residents of Toledo, and which elevates the rights of the community and its natural environment over powers claimed by certain corporations.

Section 1 – Statements of Law – A Community Bill of Rights

(a) *Rights of Lake Erie Ecosystem.* Lake Erie, and the Lake Erie watershed, possess the right to exist, flourish, and naturally evolve. The Lake Erie Ecosystem shall include all natural water features, communities of organisms, soil as well as terrestrial and aquatic sub ecosystems that are part of Lake Erie and its watershed.

(b) *Right to a Clean and Healthy Environment.* The people of the City of Toledo possess the right to a clean and healthy environment, which shall include the right to a clean and healthy Lake Erie and Lake Erie ecosystem.

(c) *Right of Local Community Self-Government.* The people of the City of Toledo possess both a collective and individual right to self-government in their local community, a right to a system of government that embodies that right, and the right to a system of government that protects and secures their human, civil, and collective rights.

(d) *Rights as Self-Executing.* All rights secured by this law are inherent, fundamental, and unalienable, and shall be self-executing and enforceable against both private and public actors. Further implementing legislation shall not be required for the City of Toledo, the residents of the City, or the ecosystems and natural communities protected by this law, to enforce all of the provisions of this law.

Section 2 – Statements of Law – Prohibitions Necessary to Secure the Bill of Rights

(a) It shall be unlawful for any corporation or government to violate the rights recognized and secured by this law. “Corporation” shall include any business entity.

(b) No permit, license, privilege, charter, or other authorization issued to a corporation, by any state or federal entity, that would violate the prohibitions of this law or any rights secured by this law, shall be deemed valid within the City of Toledo.

Section 3 – Enforcement

(a) Any corporation or government that violates any provision of this law shall be guilty of an offense and, upon conviction thereof, shall be sentenced to pay the maximum fine allowable under State law for that violation. Each day or portion thereof, and violation of each section of this law, shall count as a separate violation.

(b) The City of Toledo, or any resident of the City, may enforce the rights and prohibitions of this law through an action brought in the Lucas County Court of Common Pleas, General Division. In such an action, the City of Toledo or the resident shall be entitled to recover all costs of litigation, including, without limitation, witness and attorney fees.

(c) Governments and corporations engaged in activities that violate the rights of the Lake

Erie Ecosystem, in or from any jurisdiction, shall be strictly liable for all harms and rights violations resulting from those activities.

(d) The Lake Erie Ecosystem may enforce its rights, and this law's prohibitions, through an action prosecuted either by the City of Toledo or a resident or residents of the City in the Lucas County Court of Common Pleas, General Division. Such court action shall be brought in the name of the Lake Erie Ecosystem as the real party in interest. Damages shall be measured by the cost of restoring the Lake Erie Ecosystem and its constituent parts at least to their status immediately before the commencement of the acts resulting in injury, and shall be paid to the City of Toledo to be used exclusively for the full and complete restoration of the Lake Erie Ecosystem and its constituent parts to that status.

Section 4 – Enforcement – Corporate Powers

(a) Corporations that violate this law, or that seek to violate this law, shall not be deemed to be “persons” to the extent that such treatment would interfere with the rights or prohibitions enumerated by this law, nor shall they possess any other legal rights, powers, privileges, immunities, or duties that would interfere with the rights or prohibitions enumerated by this law, including the power to assert state or federal preemptive laws in an attempt to overturn this law, or the power to assert that the people of the City of Toledo lack the authority to adopt this law.

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