

ARTICLE 1 - HOME RULE POWERS - DEFINITIONS

**Approved Nov. 15, 2010**

§ 101. - HOME RULE POWERS.

The City of Pittsburgh has all home rule powers and may perform any function and exercise any power not denied by the Constitution, the laws of Pennsylvania, or this charter whether such powers or functions are presently available to the City or may in the future become available. The powers of the City shall be construed liberally in favor of the City, and the specific mention of particular powers in this charter shall not be construed as limiting in any way the general power stated in this article. All possible powers of the City, except as limited above, are to be considered as if expressly set forth in this article whether such powers are presently available to the City, or may in the future become available.

§ 102. - DEFINITION OF CERTAIN TERMS.

As used in this charter:

"Agencies" means authorities and also all organizations which receive city funds but are not a part of city government.

"Major Administrative Unit" means a subdivision of city government, whose head reports directly to the mayor, excluding boards, commissions and magistrate courts.

"Law" means the Pennsylvania Constitution or an act of the general assembly.

"Unit of Government" means any subdivision of city government including any department, bureau, division, board, commission or magistrate court.

§ 103. - BOUNDARIES.

The boundaries of the City shall be the actual boundaries of the City at the time this charter takes effect, and as they may in the future be lawfully changed.

§ 104. - The City of Pittsburgh Bill of Rights.

- a. *Right to Water.* All residents, natural communities, and ecosystems in Pittsburgh 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.
- b. *Rights of Natural Communities.* Natural communities and ecosystems, including, but not limited to, wetlands, streams, rivers, aquifers, and other water systems, possess inalienable and fundamental rights to exist and flourish within the City of Pittsburgh. Residents of the City shall possess legal standing to enforce those rights on behalf of those natural communities and ecosystems.
- c. *Right to a Sustainable Energy Future.* All residents in the City of Pittsburgh possess a right to a sustainable energy future, which includes, but is not limited to, the development, production, and use of energy from renewable fuel sources.
- d. *Right to Self-Government.* All residents of Pittsburgh 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.
- e. *People as Sovereign.* The City of Pittsburgh shall be the governing authority responsible to, and governed by, the residents of the City. Use of the "City of Pittsburgh" 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.

- f. *Rights as Self-Executing.* All rights delineated and secured by this Charter shall be self-executing and these rights shall be enforceable against corporations and governmental entities.
- g. *Securing and Protecting Rights.* To further secure and protect the rights enumerated by the Bill of Rights:
  - 1. It shall be unlawful for any corporation to engage in the extraction of natural gas within the City of Pittsburgh, with the exception of gas wells installed and operating at the time of enactment of this Charter provision, provided that the extraction of gas from those existing wells does not involve any practice or process not previously used for the extraction of gas from those wells.
  - 2. Corporations in violation of the prohibition against natural gas extraction, or seeking to engage in natural gas extraction shall not have the rights of "persons" afforded by the United States and Pennsylvania Constitutions, nor shall those corporations be afforded the protections of the commerce or contracts clauses within the United States Constitution or corresponding sections of the Pennsylvania Constitution.
  - 3. Corporations engaged in the extraction of natural gas shall not possess the authority or power to enforce State or federal preemptive law against the people of the City of Pittsburgh, or to challenge or overturn municipal ordinances or Charter provisions adopted by the City Council of Pittsburgh.
  - 4. 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 Charter provision or deprive any City resident(s), natural community, or ecosystem of any rights, privileges, or immunities secured by this Charter, the Pennsylvania Constitution, the United States Constitution, or other laws, shall be deemed valid within the City of Pittsburgh.

(Ord. No. 16-2011, § 1, eff. 9-12-11)