

Larimer County, Colorado

Bill of Rights

Ordinance

ORDINANCE OF LARIMER COUNTY, STATE OF COLORADO

Ordinance number _____ We, the Larimer County Commissioners do establish this

LARIMER COUNTY BILL OF RIGHTS

ARTICLE I. WE, THE PEOPLE in LARIMER COUNTY, Colorado, being aware of certain trends and accomplishments in the stealthy encroachment upon and erosion of the RIGHTS OF THE PEOPLE, said rights having been bestowed by Nature's GOD, DO NOW ORDAIN AND ESTABLISH this ordinance, to wit;

1. That the FIRST amendment to the constitution for the United States of America;

Congress (Council) shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the government for a redress of grievances;

BE and IS adopted as part of this Larimer County Ordinance, and that said ordinance be, as is said amendment at this adoption, supreme over all other conflicting statutes, ordinances and regulations, whether said conflicting statutes, ordinances and regulations be federal, state or local.

2. That the SECOND amendment to the constitution for the United States of America;

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed;

BE and IS adopted as part of this Larimer County Ordinance, and that said ordinance be, as is said amendment at this adoption, supreme over all other conflicting statutes, ordinances and regulations, whether said conflicting statutes, ordinances and regulations be federal, state or local.

3. That the THIRD amendment to the constitution for the United States of America;

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law;

BE and IS adopted as part of this Larimer County Ordinance, and that said ordinance be, as is said amendment at this adoption, supreme over all other conflicting statutes, ordinances and regulations, whether said conflicting statutes, ordinances and regulations be federal, state or local.

4. That the FOURTH amendment to the constitution for the United States of America;

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized;

BE and IS adopted as part of this Larimer County Ordinance, and that said ordinance be, as is said amendment at this adoption, supreme over all other conflicting statutes, ordinances and regulations, whether said conflicting statutes, ordinances and regulations be federal, state or local.

5. That the FIFTH amendment to the constitution for the United States of America;

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a

witness against himself; nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation;

BE and IS adopted as part of this Larimer County Ordinance, and that said ordinance be, as is said amendment at this adoption, supreme over all other conflicting statutes, ordinances and regulations, whether said conflicting statutes, ordinances and regulations be federal, state or local.

6. That the SIXTH amendment to the constitution for the United States of America;

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense;

BE and IS adopted as part of this Larimer County Ordinance, and that said ordinance be, as is said amendment at this adoption, supreme over all other conflicting statutes, ordinances and regulations, whether said conflicting statutes, ordinances and regulations be federal, state or local.

7. That the SEVENTH amendment to the constitution for the United States of America;

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law;

BE and IS adopted as part of this Larimer County Ordinance, and that said ordinance be, as is said amendment at this adoption, supreme over all other conflicting statutes, ordinances and regulations, whether said conflicting statutes, ordinances and regulations be federal, state or local.

8. That the EIGHTH amendment to the constitution for the United States of America;

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted;

BE and IS adopted as part of this Larimer County Ordinance, and that said ordinance be, as is said amendment at this adoption, supreme over all other conflicting statutes, ordinances and regulations, whether said conflicting statutes, ordinances and regulations be federal, state or local.

9. That the NINTH amendment to the constitution for the United States of America;

The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people;

BE and IS adopted as part of this Larimer County Ordinance, and that said ordinance be, as is said amendment at this adoption, supreme over all other conflicting statutes, ordinances and regulations, whether said conflicting statutes, ordinances and regulations be federal, state or local.

10. That the TENTH amendment to the constitution for the United States of America;

The powers not delegated to the United States by the constitution, nor prohibited to it by these states, are reserved to the states respectively, or to the people;

BE and IS adopted as part of this Larimer County Ordinance, and that said ordinance be, as is said amendment at this adoption, supreme over all other conflicting statutes, ordinances and regulations, whether said conflicting statutes, ordinances and regulations be federal, state or local.

ARTICLE II. WE, THE PEOPLE in LARIMER COUNTY, Colorado, do adopt this ordinance to protect the unalienable rights of the People as protected by the Constitution for the REPUBLIC of the United States of America, and the organic Constitution for the Colorado territory as drawn up by the People in 1876.

Furthermore, we recognize that our elected and appointed public servants are in fact acting in a fiduciary capacity as trustees for the public trust, of which We the People are the creators and beneficiaries. This fiduciary capacity is regulated by virtue of the compact with the People as is evidenced by the written, public "Oath of Office" as required in Article 12, section 8 of the Constitution for Colorado.

Violations of this commercial contract are subject to penalties of the unwritten laws of commerce and as provided by written laws to wit:

1. That the purpose of this ordinance is to protect the People in Larimer County from acts which "*injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the constitution or laws of the United States, the state of Colorado and this county*".
2. That this ordinance is to specify and convey to the duly elected county Sheriff the authority and responsibility for keeping the provisions of this ordinance inviolate throughout the county.
3. That the people and Commissioners of Larimer County endorse the protections, rights and privileges as recognized and afforded by the constitutions of the United States, the state of Colorado and this Bill of Rights ordinance and desire to insure that those protections, rights and privileges are preserved to the People in LARIMER COUNTY.
4. That this Bill of Rights shall be adopted as a LARIMER COUNTY ORDINANCE by the COMMISSIONERS of LARIMER COUNTY.
5. That all violations of this ordinance and the rights or privileges that this ordinance protects, shall be filed with the county, district or prosecuting attorney, or with the District Court Judge at Law for submission to a GRAND JURY convened at Law, AND that once a petition regarding such violation of a right or privilege protected by this ordinance is filed with the county, district or prosecuting attorney or a GRAND JURY at Law, an investigation of said violation must occur, including a determination of the identification of person(s), including but not limited to any employee of the federal, state or county and city governments responsible for such violation
6. That nothing in this ordinance shall be construed to prohibit the county officers or the GRAND JURY from investigating any potential violation of this ordinance.
7. That ALL violations of this ordinance shall be considered a CRIMINAL matter, therefore the punishment imposed upon the determination of a guilty verdict shall be up to the maximum punishment allowable under county egis comportable with Colorado state law.
8. That if any part of this ordinance shall be found to be void, that the void is severable and shall NOT affect the remaining aspects of this ordinance.
9. That the purpose of the CIVIL RIGHTS ACT, Title 42 U.S C. 1985, based upon the act of April 20, 1871, ch 22, 1, 17, Stat. 13, is to protect citizens of the United States or any of the several States from acts which deprive them from enjoying their Constitutionally protected rights, privileges and immunities, and that should such deprivation occur, such offender shall be liable to the injured party in a suit of equity or action at Law. The CIVIL RIGHTS ACT of 1871 states; *ANY PERSON WHO, under color of any law, statute, ordinance, regulation, custom, or usage of any State, shall subject or cause to be subjected, any person within the jurisdiction of the United States [or any of the several States] to the deprivation of any rights, privileges, or immunities secured by the Constitution of the United States, shall, any such law, statute, ordinance, regulation, custom, or usage of the State to the contrary notwithstanding, be liable to the party injured in any action at law, suit in equity, or other proper proceeding for redress. 17 Stat. (1871).*

10. The CIVIL, RIGHTS ACT, Title 18 U.S.C. 241, 242 and 245, states: *IF TWO OR MORE persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States [or any of the several States][or] whoever, under color of any law, statute, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or Laws of The United States[or any of the several States]. They shall be fined not more than \$10,000.00 or imprisoned not more than ten years, or both; and if death results, they shall be subject to imprisonment for any term of years or for life, 18 U.S.C. 241. Nothing in this section shall be construed as indicating any intent on the part of Congress to prevent any State, any possession or Commonwealth of the United States, or the District of Columbia, from exercising jurisdiction over any offense which it would have jurisdiction in the absence of this section, nor shall anything in this section be construed as depriving State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of State and local law. 18 U.S.C. 245 (a) (1).*

11. That the United States Supreme Court has ruled that rights in property are basic CIVIL RIGHTS. The Court states that *"property does not have rights. Only people have rights. That the right to enjoy property without unlawful deprivation, no less than the right to speak or the right to travel, is in truth 'a personal right'.... "*

12. That the PEOPLE in LARIMER COUNTY and the Larimer County Commissioners recognize these rights and adopt these rights for the People in Larimer County including Title 42 U.S.C. 1983 and Title 18 U.S.C. 241, 242 and 245, and do make the herein stated Federal Statutes part of this LARIMER COUNTY ORDINANCE, that the basis for deciding authority and rendering decision of the above ordinance be a properly convened article 3 Court of Law and Jury standing decisions as is of this adoption, and that said authority and fact finder be, upon demand, a JURY of Citizens of Larimer County, and that violators be subject to fines and imprisonment upon conviction of violation of said ORDINANCE.

Ordinance number adopted by and *for* THE PEOPLE IN LARIMER COUNTY *and* subject to rescission by vote *of the* people only.

Done at Fort Collins, Colorado this _____ day of _____, 19_____.

LARIMER COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST: LARIMER COUNTY CLERK

I, _____, Larimer County Clerk, hereby certify that ordinance number _____, being the Larimer County Bill of Rights, was passed, adopted and approved after being heard at this _____ day of _____, 19_____, and after being proposed and published as per law C.S.R.

Filed at _____ and recorded in book number _____ page number