

ORDINANCE NO. _____
**AN ORDINANCE ADDING ARTICLE XIII TO CHAPTER 9 OF THE LAKE
COUNTY CODE PROHIBITING THE CULTIVATION OF
GENETICALLY-**

ENGINEERED CROPS IN LAKE COUNTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF LAKE ORDAINS AS
FOLLOWS:

Section 1: Article XIII is hereby added to Chapter 15 of the Lake County Code to read as follows:

**“ARTICLE XIII. PROHIBITION OF CULTIVATION OF
GENETICALLY ENGINEERED CROPS**

Sec. 9-116. Findings.

116.1 It is the intent of the Lake County Board of Supervisors to uphold the public health, safety, and welfare of the citizens of Lake County by supporting an agricultural economy in Lake County that is free of genetically engineered crops. If supported by appropriate local regulation, the geography of Lake County provides a unique opportunity to create an agricultural economy that can be certified as free of genetically engineered crops.

~~116.2 Lake County farmers will have a competitive advantage in regional, national and international markets if they can certify that their crops have been grown in an area that is free of genetic contamination. Research shows that crops that are certified to be free of genetic engineering bring premium prices in the regional and global marketplace.~~

116.3 At the current time neither the federal nor state governments have established a system of regulatory monitoring and oversight of genetically engineered crops sufficient to ensure public health, environmental safety, and freedom from genetic contamination in agriculture. Further, no requirement exists for the public disclosure of plantings of genetically engineered crops to any federal, state or local agency, or for the labeling of products which contain

genetically engineered crops. 116.4 Currently, adequate safeguards do not exist to prevent contamination of existing crops, plants, insects, domesticated animals, wildlife and wild lands by genetically engineered crops as a result of forces of nature or human causes. The resulting impacts on ecosystems are unknown.

9-117. Authority.

The California Constitution, Article XI, section 7, states: “A county or city may make and enforce within its limits all police, sanitary and other ordinances and regulations not in conflict with general laws”.

9-118. Definitions.

118.1 For the purposes of this chapter, unless the context otherwise indicates, certain words and phrases used in this chapter are defined as follows:

- a. “Genetic engineering” means the use of recombinant DNA techniques to artificially introduce genetic material from another species to create a genome that does not exist in nature.
- b. “Genetically engineered crop” means a crop that has been created or modified through genetic engineering. It does not include nonliving or non-reproducing organisms or products.
- c. “Person” means any individual, firm, partnership, trust, corporation, company, estate, public or private institution, association, organization or group, and any representative, officer, employee or agent of any of the foregoing.
- d. “Release” means to discharge, emit or liberate any genetically engineered crop, or the product of a genetically engineered crop into the open environment.

9-119. Prohibition.

Other than as provided in sections 9-120 and 9-121, it is unlawful for any person to propagate, cultivate, raise, or grow any genetically engineered crop within the boundaries of the County of Lake. Any act in violation of this prohibition is declared to constitute a public nuisance.

9-120. Exemptions.

120.1 The prohibition contained in this chapter shall not apply to the propagation of genetically engineered pharmaceuticals and industrial compounds in state or federally licensed medical research institutions, medical laboratories, or medical manufacturing facilities engaged in a licensed medical production, or to medical research involving genetically engineered organisms provided such activities are conducted under secure, enclosed indoor laboratory conditions, with due diligence to prevent release of genetically engineered organisms into the outside environment.

120.2 The prohibition contained in this chapter shall not apply to the propagation, cultivation, raising, or growing any genetically engineered crop that has been considered and approved by the Board of Supervisors as provided in section 9-121.

9-121. Consideration by the Board of Supervisors.

121.1 In its discretion, the Board of Supervisors may consider the on-going need for the regulation of any genetically engineered crops as provided in this ordinance. If the Board of Supervisors determines that a prohibition is no longer necessary, it shall amend this chapter in a manner consistent with that determination. When considering the prohibition in this ordinance, the Board of Supervisors shall, at a minimum, take into account each of the following factors and specify its findings:

- a. Whether allowing genetically engineered crops to be grown in Lake County would negatively affect the economic advantage of keeping Lake County's agriculture free of genetically engineered crops.
- b. Whether the state of California and/or the federal government has implemented effective regulation of genetically engineered crops, including independent testing of ecological impact.

- c. Whether field trials of genetically engineered crops are required by state or federal law to be contained to prevent contamination of organic crops, other non-genetically engineered crops, or wild plants.
- d. Whether liability regulations have been established to protect organic and conventional farmers and gardeners from contamination by genetically engineered crops, and if so, whether the financial burden of recompense for contamination is primarily borne by the producer of genetically engineered seeds and, only in the case of demonstrated negligence, secondarily by the grower of the genetically engineered crops.
- e. Whether genetically engineered seeds and root-stock shall be required to be labeled so that farmers and gardeners can choose whether or not they want to grow genetically-engineered crops.
- f. Whether the types and location of the genetically engineered crops that are proposed to be grown or tested in Lake County shall be communicated to the Agriculture Commissioner and entered by the Commissioner in a database available to the public upon request.

9-122. Enforcement.

122.1 It shall be the duty of the Agricultural Commissioner to enforce this chapter, and all designated officers of the Agricultural Commissioner are charged with the enforcement of this chapter and each and every provision thereof.

122.2 Neither the County nor its officers shall be held liable under this ordinance for actions taken in good faith or for good faith failures to act.

122.3 Notwithstanding Section B, any person, whether as principal or agent, employee or otherwise, who knowingly violates or causes or permits the violation or any of the provisions of this chapter, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than one thousand dollars, and incarceration of not more than 30 days. Such person shall

be deemed to be guilty of a separate offense for each day during any portion of which any violation of this chapter is committed, continued or permitted by such person. The fines provided in this chapter shall be cumulative; incarceration shall be concurrent.

122.4 Any use of the land, building or premises, established, conducted, operated or maintained contrary to the provisions of this chapter, shall be, and the same is declared to be a violation of this chapter and a public nuisance.

122.5 The county may summarily abate, or abate pursuant to Chapter 13 of this code, any public nuisance involving genetically modified crops, and the county counsel or the district attorney, upon order of the board of supervisors, may bring civil suit, or other action, to enjoin or abate the nuisance.

122.6 Any person who creates or maintains a public nuisance in violation of this chapter shall be liable for the costs of abatement that shall include, but not be limited to:

- a. Costs of investigation;
- b. Costs of removing genetically modified crops from the open environment, cleanup and restoration of the environment;
- c. Cost of county employee enforcement time;
- d. Court costs; and
- e. Costs of monitoring compliance.

9-123. Severability.

The provisions of this chapter are severable. If any section, paragraph, sentence, phrase or word of this chapter is declared invalid for any reason, that decision shall not affect any other portion of this chapter, which shall remain in full force and effect.”

Section 2: It can be seen with certainty that there is no possibility that this Ordinance may have a significant effect on the environment.

Section 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict and no further.

Section 4: This Ordinance shall take effect on the _____ of _____, 2008, and within fifteen (15) days after adoption of the ordinance, the Clerk to the Board of Supervisors shall publish a summary of the Ordinance with the names of those supervisors voting for and against the ordinance and the Clerk shall post in the office of the Clerk to the Board of Supervisors a certified copy of the full text of the adopted ordinance along with the names of those supervisors voting for and against the Ordinance.

The Foregoing Ordinance was introduced before the Board of Supervisors on the _____ day of _____, 2008, and passed by the following vote on the _____ day of _____, 2008.

AYES:

NOES:

ABSENT OR NOT VOTING:

COUNTY OF LAKE

Chair Board of Supervisors
ATTEST: KELLY F. COX
Clerk of the Board of Supervisors

ANITA L. GRANT
By: _____
Deputy

APPROVED AS TO FORM:

By: _____

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