

ORDINANCE NO. 1350

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA  
AMENDING THE ARCATA MUNICIPAL CODE TO ADD AN ORDINANCE  
REGULATING GENETICALLY ENGINEERED ORGANISMS.

TITLE V: SANITATION AND HEALTH  
CHAPTER 10: GENETICALLY ENGINEERED ORGANISMS

The City Council of the City of Arcata does ordain as follows:

Section 1: Title V, Sanitation and Health, Chapter 10, Genetically Engineered Organisms is hereby adopted as follows:

**CHAPTER 10 -- GENETICALLY ENGINEERED ORGANISMS**

**SEC. 5920 Title.**

This ordinance shall be known as the City of Arcata Genetically Engineered Organisms Ordinance.

**SEC. 5925 Findings.**

The City Council makes the following findings:

- A. Genetically engineered life forms and products are being developed with precipitous speed, and have been introduced into the marketplace before the potential risks and long-term effects of these products have been studied. There are inadequate long-term studies on the impact of genetically modified foods and their impact on humans. It is necessary to protect Arcata's agricultural industry, natural environment, private property rights of our citizens, and the health and safety of our people by restricting the introduction of genetically altered crops, and other organisms.
- B. The impact on our natural environment from genetically engineered organisms and contamination from such is unpredictable, ultimately uncontrollable, and has received little study. It is undeniable that genetically engineered crops have the potential to contaminate other crops and plants, at a distance, through cross-pollination. This may alter or displace existing species of plants, thereby threatening historical preserved strains of food crops, destroying local ecosystems and eradicating biodiversity.
- C. The planting of genetically modified crops may accelerate the development of resistant pest populations, thus limiting the types of pesticides and herbicides that can be used in the future to control those pests and has the potential for producing "super weeds" that are difficult and expensive for farmers and communities to eradicate.
- D. It is impossible for a farmer who plants genetically engineered seed to contain the pollen from those crops, and to prevent the contamination of conventionally propagated crops belonging to others at a distance.

- E. Based on these factors, the City Council finds that the propagation, cultivation, raising, and growing of genetically engineered crops in the City of Arcata constitutes a public nuisance, and shall not be deemed legitimate agricultural operations.

**SEC 5930. Definitions.**

- A. “*Crop*” means the growing of an agricultural product.
- B. “*DNA*” means deoxyribonucleic acid, the material naturally found within living cells which contains the genetic code and transmits hereditary patterns.
- C. “*Genetically engineered organisms*” means an organism or the offspring of an organism the DNA of which has been altered or amended through genetic engineering. Such organisms are also sometimes referred to as “*genetically modified organisms*” or “*GMOs*”.
- D. “*Genetic engineering*” means altering or amending DNA using recombinant DNA technology such as gene deletion, gene doubling, introducing a foreign gene, or changing the position of genes, and includes cell fusion, micro encapsulation, macro encapsulation, gene splicing, and other similar processes. Genetic engineering does not include traditional selective breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture.
- E. “*Organism*” means any living thing, exclusive of human beings and human fetuses.

**SEC. 5935. Prohibitions.**

It is unlawful for any person, partnership, corporation, firm or organization of any kind to sell, distribute, propagate, cultivate, raise or grow seeds or crops of genetically engineered organisms in the City of Arcata, and any act in violation of this provision is declared to constitute a public nuisance.

**SEC. 5940. Exemptions.**

- A. Nothing in this Ordinance shall make it unlawful for a person or other legal entity in the City of Arcata to purchase, sell or distribute genetically engineered human food, animal feed or other agricultural products that lack the potential to reproduce through pollination or seed dispersal.
- B. Nothing in this Ordinance shall make it unlawful for medical or agricultural research institutions, laboratories or manufacturing facilities in the City to conduct licensed medical or agricultural research or medical production involving genetically engineered organisms whose reproduction in the environment can be physically contained. Any person or entity seeking to use genetically engineered organisms under the exemption allowed in this Section 5940(B) shall provide the Director of Environmental Services with proof that such material is adequately contained to prevent the escape of genetically engineered organisms from the laboratory environment.

**SEC. 5945. Violation Penalties.**

Any person or entity who willfully violates the provisions of this Ordinance shall be guilty of an infraction for the first offense and may be charged with a misdemeanor for any additional offense in the same year.

**SEC. 5950. Nuisance Remedies.**

It is declared that any sale, distribution, propagation, cultivation, raising or growing of crops of genetically engineered organisms is a public nuisance and the Director of Environmental Services may cause proceedings to be brought to abate or otherwise remedy the nuisance in accordance with Title V, Chapter 5 of the Arcata Municipal Code.

**SEC. 5955. Abatement of Immediate Hazard.**

Notwithstanding the nuisance abatement procedure of Title V, Chapter 5 of the Arcata Municipal Code, if the Director of Environmental Services determines that the nuisance constitutes an immediate hazard to adjoining or nearby property or ecosystem, and that great or irreparable injury would result from delay until expiration of the time required under Title V, Chapter 5, he or she may utilize a judicial process to seek an abatement order.

**SEC. 5960. Severability.**

The provisions of this Ordinance are severable. If any provision of this Ordinance or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Section 2: This ordinance will take effect thirty (30) days after the date of its adoption

Dated: \_\_\_\_\_, 2004

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk, City of Arcata

\_\_\_\_\_  
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_\_, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2004, by the following vote:

AYES:

NOES:

ABSENT:

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City Clerk, City of Arcata