ORDINANCE NO. 11-877

AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD
ADDING CHAPTER 9.51 TO THE WEST HOLLYWOOD
MUNICIPAL CODE TO PROHIBIT THE SALE OF FUR
PRODUCTS WITHIN THE CITY

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES
HEREBY ORDAIN AS FOLLOWS:

SECTION 1. A new Chapter 9.51 is hereby added to Title 9, Article 4 of the West
Hollywood Municipal Code to read as follows:

Chapter 9.51

SALE OF FUR PRODUCTS

Sections:
9.51.010 Findings.

9.51.010 Findings.

a. Existing federal and state laws regulate the sale of dog and cat fur products.
This includes the Dog and Cat Protection Act of 2000 (19 U.S.C. § 1308) and
California Penal Code § 598a.

b. The Federal Dog and Cat Protection Act of 2000 makes it unlawful to import into,
or export from, the United States any dog or cat fur product; or to engage in
interstate commerce, sell, offer to sell, trade, advertise, transport, or distribute in
interstate commerce, any dog or cat fur product. Any person who violates this
Act may be assessed a civil penalty up to $10,000 per violation.

unlawful to introduce, or manufacture for introduction, into commerce, sale,
advertising or offering for sale in commerce, or the transportation or distribution
in commerce, of any fur product which is misbranded or falsely or deceptively
advertised or invoiced.

d. California Penal Code section 598a makes it a misdemeanor to possess, import
into the state, sell, buy give away or accept any pelt of a dog or cat with the sole
intent of selling or giving away the pelt of the dog or cat. Also, Title 14, Part 1 of
the California Penal Code criminalizes a variety of other offenses against
animals, including willfully administering poison to any animal (Cal. Penal Code§
596), cruelty to animals (Cal. Penal Code§ 597), failure to care for animals (Cal.
Penal Code§ 597f) and abandonment of animals (Cal. Penal Code§ 597s).
e. The state Legislature has also considered other animal protection measures, including prohibiting the sale of products that result from the force feeding of a bird for the purpose of enlarging the bird's liver beyond normal size (Senate Bill 1520); and prohibiting the possession, sale, trade or distribution of shark fin (Assembly Bill 376).1

f. Neither the federal government, nor the state legislature, has endeavored to regulate the sale of fur products, excluding the sale of dog or cat fur products. Until the federal government or the state legislature decides to regulate the sale of fur products from other types of animals, local governments are free to limit the types of procedures that may be performed within their jurisdiction for the protection of the public health, safety and general welfare.

g. The City Council finds that animals that are slaughtered for their fur, whether they are raised on a fur farm or trapped in the wild, endure tremendous suffering. Animals raised on fur farms typically spend their entire lives in cramped and filthy cages. Fur farmers typically use the cheapest killing methods available, including suffocation, electrocution, gas and poison.

h. According to the World Society for the Protection of Animals, it is estimated that fur farms produce 85 percent of fur in the world. Every year, an estimated 60 million mink and 6.5 million foxes are killed on fur farms alone. If rabbits are included, the number of animals killed every year solely for their fur may far exceed one billion.

i. According to the Humane Society of the United States, the fur industry kills more than 50 million animals a year. On fur factory farms around the world, millions of raccoon dogs, rabbits, foxes, mink, chinchillas, and other animals spend their lives in wire cages, only to be killed by anal electrocution, by neck-breaking, or in gas chambers. Raccoon dogs have been documented to be skinned alive, and this type of fur is widely sold in the United States, commonly advertised falsely or labeled as either a different type of animal fur or faux fur. Fur products are commonly not labeled at all.

j. Considering the wide array of alternatives for fashion and apparel, the City Council finds that the demand for fur products does not justify the unnecessary killing and cruel treatment of animals.

k. The City Council believes that eliminating the sale of fur products will promote community awareness of animal welfare and, in turn, will foster a consciousness about the way we live in the world and create a more humane environment in the City.

1 These bills have signed into law by the Governor; however they do not become operative until July 1, 2012 and January 1, 2012, respectively.
I. The City Council finds that the current state of the sale of fur products in the City of West Hollywood is inconsistent with the City's goal to be a community that cares about animal welfare and the City's reputation as a Cruelty Free Zone for animals.

m. The City Council believes that eliminating the sale of fur products will promote community awareness of animal welfare and, in turn, will foster a more humane environment in the City.

n. The City Council enacts this ordinance pursuant to the authority vested in the City by Article XI, Section 7 of the California Constitution allowing a city to make and enforce within its limits all local police, sanitary, and other ordinances and regulations not in conflict with general laws.


a. Definitions. For purposes of this chapter, the following definitions shall apply:

1. "Fur" means any animal skin or part thereof with hair, fleece, or fur fibers attached thereto, either in its raw or processed state, but shall not include such skins as are to be converted into leather or which in processing shall have the hair, fleece, or fur fiber completely removed.

2. "Fur product" means any article of wearing apparel made in whole or in part of fur; excluding dog or cat fur product to which section 308 of the Tariff Act of 1930 applies.

3. "Non-profit organization" means any corporation that is organized under 26 U. S. C. § 501(c)(3) that is created for charitable, religious, philanthropic, educational or similar purposes.

4. "Taxidermy" means the practice of preparing and preserving the skin of an animal that is deceased and stuffing and mounting it in lifelike form.

5. "Used fur" means fur in any form which has been worn or used by an ultimate consumer.

6. "Wearing apparel" as used in the definition of a fur product in subsection 3 above, means any articles of clothing or covering for any part of the body.
b. *Prohibition.* It shall be unlawful to sell, import, export, trade, or distribute any fur product by any means anywhere within the City of West Hollywood on or after September 21, 2013.

c. *Exemption.* This Section shall not apply to the sale, importation, exportation, trade, or distribution of:

1. Fur products by a non-profit organization; or

2. The pelt or skin of an animal that is preserved through taxidermy or for the purpose of taxidermy; or

3. Used fur products by a private party (excluding a retail transaction), non-profit organization or second-hand store, including a pawn shop.

SECTION 2. Subsection 1.08.010(e) of the West Hollywood Municipal Code, *Code Violations Subject to Administrative Penalty Procedures Pursuant to This Chapter,* is hereby amended to include the following in numerical order with the existing references therein:

"Chapter 9.51, Sale of Fur Products;"

SECTION 3. The City Clerk is directed to insert the effective date of this ordinance in the blank in Section 1 above.
PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 21st day of November, 2011 by the following vote:

AYES: Councilmember: D'Amico, Mayor Pro Tempore Prang and Mayor Duran.

NOES: Councilmember: Heilman.

ABSENT: Councilmember: Land.

ABSTAIN: Councilmember: None.

JOHN J. DURAN, MAYOR

ATTEST:

COREY SCHAEFFER, CITY CLERK

STATE OF CALIFORNIA 
COUNTY OF LOS ANGELES 
CITY OF WEST HOLLYWOOD 

I, COREY SCHAEFFER, City Clerk of the City of West Hollywood, do hereby certify that the foregoing Ordinance No. 11-877 was duly passed, approved and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 21st day of November, 2011, after having its first reading at the regular meeting of said City Council on the 7th day of November, 2011.

I further certify that this ordinance was posted in three public places as provided for in Resolution No 5, adopted the 29th day of November, 1984.

WITNESS MY HAND AND OFFICIAL SEAL THIS 22nd DAY OF NOVEMBER, 2011.

COREY SCHAEFFER, CITY CLERK