

SUBJECT: PROPOSED ORDINANCE PROHIBITING THE SALE OF
FUR APPAREL PRODUCTS WITHIN THE CITY

INITIATED BY: CITY MANAGER'S DEPARTMENT
ECONOMIC DEVELOPMENT AND SPECIAL PROJECTS
(Paul Arevalo, City Manager)
(Jeffrey Huffer, Economic Development Manager)
(Maribel R. Louie, Economic Development Analyst)

Handwritten initials 'JH' and a signature 'ML' are present next to the list of names.

STATEMENT ON THE SUBJECT:

The City Council will introduce on first reading an ordinance that would prohibit the sale of fur apparel products within the City of West Hollywood.

RECOMMENDATIONS:

1. Introduce on first reading "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADDING CHAPTER 9.51 TO THE WEST HOLLYWOOD MUNICIPAL CODE TO PROHIBIT THE SALE OF FUR APPAREL PRODUCTS WITHIN THE CITY"

BACKGROUND & ANALYSIS:

At its meeting on May 16, 2011, the City Council took action directing the City Attorney to draft an ordinance prohibiting the sale of fur apparel products as one measure towards encouraging West Hollywood as a destination for animal welfare businesses, non-profit organizations and tourism. Attached to this staff report as Exhibit A is that draft ordinance.

In the staff report from the May 16, 2001 meeting, Councilmember John D'Amico observed that the City of West Hollywood has a long history of taking a stand to protect animals from cruelty and advancing the rights of those that otherwise cannot defend themselves. This commitment to animal welfare is one of the City's core values and contributes to West Hollywood's distinctiveness. By way of example the City proclaimed that animals are not pets, but companion animals and that their caretakers are not owners, but guardians.

In 1989, the City Council passed a declaration making West Hollywood a "Cruelty Free Zone" for animals. This action was then followed by West Hollywood's move to secure animal care service policies that included a no-kill policy for stray and

abandoned animals. The City also focused its efforts on raising awareness about the availability of thousands of abandoned animals at shelters waiting to be adopted, even sponsoring local adoption fairs at our City parks—a tradition that continues to this day.

In 2003, the City Council passed an ordinance to ban the practice of declawing cats, thereby making West Hollywood the first City in North America to ban this procedure. This initiative, that put us on par with most industrialized nations, was also the subject of public debate and some ridicule; yet, by the end of 2009, eight California cities moved to adopt similar ordinances, including San Francisco and neighboring Los Angeles. West Hollywood's unwavering commitment to the welfare of animals, particularly on this issue, led the public to become aware of the reality of what was actually involved during the declawing of animals—specifically domestic and large cats.

In 2008, West Hollywood adopted a resolution supporting Proposition 2, which led to a statewide standard in the caging of chickens; in 2009, the City Council took a stand against puppy-mills and the sale of dogs in local stores that came from such mills.

West Hollywood's pioneering efforts, have led other cities to take similar initiatives and have established consideration of animal welfare as the new social norm.

Major Provisions of the Ordinance

1. This ordinance prohibits the sale of fur apparel products in the City of West Hollywood.
2. Fur apparel product means any item of personal attire, clothing or garment, which consists or is composed in whole or in part from the pelt or skin of any animal with its hair, wool or fur, including but not limited to a fox, mink, rabbit, bear, seal, or chinchilla.
3. Section 9.51.020(b) of the proposed ordinance provides that as of date specific that “no person sell, import, export, trade or distribute any fur apparel product by any means....” That date is open for Council consideration.

Business Outreach

Staff was also directed to outreach to various business partners in the community including the Business Improvement Districts and Chamber of Commerce regarding the development of the ordinance to ban fur apparel. Attached as Exhibits B and C to this report are letters received from The Avenues-Art, Fashion and Design District and the West Hollywood Chamber of Commerce. Both organizations have taken formal positions opposing the implementation of such an ordinance. Some of their concerns are as follows:

- The businesses which they represent believe that a ban would negatively impact their business by imposing a competitive disadvantage.
- Retailers often compete to be the exclusive carrier of a designer's line. Fashion retailers run the risk of losing the ability to fully represent collections from designers that include fur in their collections.
- Adoption of a fur ban could be just the beginning of other products being banned in the City, further limiting businesses sales opportunities, and discouraging new businesses from locating within the City.

CONFORMANCE WITH VISION 2020

This item is consistent with one of the City's primary strategic goals of Actively participate in Regional Issues.

EVALUATION:

N/A

ENVIRONMENTAL SUSTAINABILITY & HEALTH ANALYSIS:

N/A

OFFICE OF PRIMARY RESPONSIBILITY:

City Attorney and the City Manager

FISCAL IMPACT:

None at this time.

ALTERNATIVES:

1. Provide direction to staff for additional research or to the City Attorney to revise the ordinance.
2. Receive and file this report.

ATTACHMENTS:

Exhibit A: Draft Ordinance No. _____ **“AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADDING CHAPTER 9.51 TO THE WEST HOLLYWOOD MUNICIPAL CODE TO PROHIBIT THE SALE OF FUR APPAREL PRODUCTS WITHIN THE CITY”**

Exhibit B: Letter dated July 13, 2011 from The Avenues – Art, Fashion & Design District

Exhibit C: Letter dated August 22, 2011 from the West Hollywood Chamber of Commerce

ORDINANCE NO. _____

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

Sections:

9.51.010 Findings.

9.51.020 Sale of Fur Apparel Products.

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.
- c. 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).
- d. 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).

- e. Neither the federal government, nor the state legislature, has endeavored to regulate the sale of fur apparel 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 apparel 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.
- f. 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.
- g. 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.
- h. 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.
- i. Considering the wide array of alternatives for fashion and apparel, the City Council finds that the demand for fur apparel products does not justify the unnecessary killing and cruel treatment of animals.
- j. The City Council believes that eliminating the sale of fur apparel 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.
- k. The City Council finds that the current state of the sale of fur apparel 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.
- l. The City Council believes that eliminating the sale of fur apparel products will promote community awareness of animal welfare and, in turn, will foster a more humane environment in the City.

- m. 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.

9.51.020 Sale of Fur Apparel Products.

- a. *Definitions.* For purposes of this chapter, the following definitions shall apply:
1. The term “fur apparel products” means any item of personal attire, clothing or garment, which consists or is composed in whole or in part from the pelt or skin of any animal with its hair, wool or fur, including but not limited to a fox, mink, rabbit, bear, seal, or chinchilla. This definition of “fur apparel products” excludes products made from dog or cat fur, the sale of which are prohibited by the Federal Dog and Cat Protection Act of 2000 and California Penal Code § 598a.
 2. “Taxidermy” refers to the practice of preparing and preserving the skin of an animal that is deceased and stuffing and mounting it in lifelike form.
- b. *Prohibition.* No person may sell, import, export, trade, or distribute any fur apparel product by any means anywhere within the City of West Hollywood on or after _____.
- c. *Exemption.* This Section shall not apply to the importation, exportation, or transportation, for noncommercial purposes, of the pelt or skin of an animal that is deceased, including an animal preserved through taxidermy.

SECTION 2. Subsection 1.08.010 of the West Hollywood Municipal Code is hereby amended to include the following in numerical order with the existing references therein:

“Chapter 9.51, Sale of Fur Apparel 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 the _____th day of September, 2011, by the following vote:

AYES: Councilmember -

NOES: Councilmember -

ABSENT: Councilmember -

ABSTAIN: Councilmember -

JOHN J. DURAN, MAYOR

ATTEST:

THE AVENUES

ART, FASHION & DESIGN DISTRICT
WEST HOLLYWOOD

BOARD OF DIRECTORS

July 13, 2011

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Alpha

John Duran – Mayor
West Hollywood City Council
City Hall
1239 Santa Monica Boulevard
West Hollywood, CA 90069

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Brad Burlingame
West Hollywood
Marketing & Visitors Bureau

Maribel Louie
Economic Development Analyst
City of West Hollywood

Genevieve Morrill
West Hollywood
Chamber of Commerce

Dear Mayor Duran,

In response to the proposed ordinance to prohibit the sale of fur apparel products in West Hollywood, The Avenues Board of Directors has taken a unanimous position in opposition to the ordinance.

This comes after many discussions with Board Members, fashion boutiques and design retailers located in The Avenues. In every conversation, business owners and representatives expressed deep concern about the City of West Hollywood restricting what they can sell in their stores. Another concern is the perception the fashion industry will have of West Hollywood as a city not interested in allowing the creative expression inherent in fashion. Businesses clearly stated their support for animal rights and condemned cruelty to animals, but indicated that a ban would negatively impact their ability to conduct business. Common threads from these conversations include:

- Businesses are at risk of losing full collections from designers forcing customers interested in those fashion lines to shop in neighboring cities. This causes a competitive disadvantage.
- Loss of sales during a horrible economic climate causing a competitive disadvantage
- Fear of retaliation from radical anti-fur groups
- A fur-ban will set a dangerous precedent. Although it's not Council's intent now, the banning of other products may be imminent.

The Avenues Board knows that it is quite difficult to thrive or survive in our recuperating economy and instituting another hurdle for businesses to jump will surely produce harmful effects for fashion retailers in the city. Quite a few of the businesses that expressed opinions stated if the ban is adopted, they would not renew their lease in West Hollywood or if asked, would not recommend other fashion businesses lease in West Hollywood. We are concerned this will be a deterrent for prospective fashion businesses with hopes to open in West Hollywood and leave us with the continual vacancies we have now.

Thank you again for your consideration of The Avenues' position.

Best,



Darren Gold
Chair
The Avenues: Art, Fashion & Design District



Ryan Farber
Executive Director
The Avenues: Art, Fashion & Design District

CC: John D'Amico – Council Member
John Heilman – Council Member
Abbe Land – Council Member
Jeffrey Prang – Council Member
Paul Arevalo – City Manager
Maribel Louie – Economic Development Analyst



August 22, 2011

Mayor John Duran
City of West Hollywood, City Hall
8300 Santa Monica Blvd.
West Hollywood, CA 90069

RE: Proposed Ordinance - Fur Ban

Honorable Mayor,

I write to you on behalf of the West Hollywood Chamber of Commerce and the business community it represents.

As you are aware, the Chamber voted to oppose this ordinance in concept and principle and with great concern about the ways in which this ban will negatively impact businesses throughout West Hollywood and the fashion district within The Avenues.

The Chamber of Commerce has taken a proactive role in seeking feedback from concerned West Hollywood businesses, working on economic impact studies and seeking reasonable alternatives and best practices to achieve the City's noble objectives. We intend to provide a comprehensive report that can act as a resource for you and your colleagues while making your decision on whether or not this is the right policy for West Hollywood.

West Hollywood is a leader in raising consciousness about social issues, responsibilities and accountability, as well as founded on the fundamental principle that individuals have a right to choose. They choose to live, visit, work and/or open a business in a City that allows for expression that is free, creative, and without judgment, within the framework of a legal and accountable business setting.

While the proposed ordinance endeavors to end animal cruelty in motive, it actually does very little for animal rights, does not ultimately change how animal pelts are acquired, and would gain nominal recognition for West Hollywood being "first". We are researching options which could communicate these objectives in a positive way without hurting businesses or alienating the fashion industry that this City has worked so diligently and deliberately to attract, while steadfastly maintaining West Hollywood's position as a leader in humanitarian issues.

There are currently newly initiated label programs which the fur industry can provide as regulated alternatives for the retailer. These alternatives additionally provide the consumer with a mechanism to make informed decisions when purchasing products. Before fur is banned in retail fashion stores, let us allow consumers determine how it has been sourced -- much the same as we now do for supporting organic instead of pesticide-ridden foods, farm raised foods, or canvas versus plastic.

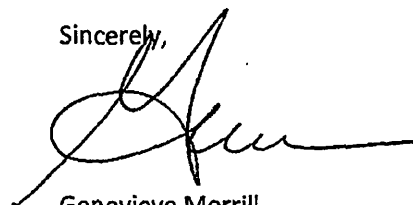
Allow a consumer to learn whether a product was illegally or inhumanely acquired. Investigate accountability measures designed to educate the consumer and regulate the retailer. There are resources for this mission to enable The City of West Hollywood to take thoughtful steps to raise the consciousness of consumers and retailers, at the same time sending a powerful message to those countries and distributors who continue to abuse animal rights in how they obtain products.

Let us take a big leap in significantly effecting change by initiating a process that can make a substantial difference where it matters rather than an extremist approach that selectively bans products. Such a fiat would result in damage to our City's economic pocket without a concurrent solution to the basic issues. Let us explore alternatives in partnership between City and business to send a profound message about animal cruelty without hurting our businesses or making a moral statement about those currently purchasing fur products.

Help us urge more fashion retailers and designers to open businesses in our City rather than create more vacancies. Let us not dictate at this stage whether someone should or should not wear fur, but instead educate towards making a proactive choice. Don't legislate whether people should or should not wear fur but allow the consumer to make an educated choice. Let's create an environment in which the consumer is provided educated alternatives when making judgments on purchasing decisions rather than legislating what a business can or cannot sell.

It is our hope that when you hear the feedback from our business community and see the economic reality and ramifications from the ban as now proposed, you will see a way to be a significant example for other cities in dealing with these issues and one which seeks to avoid devastating consequences to our businesses, our city, our fashion district and our local economy.

Sincerely,

A handwritten signature in black ink, appearing to read 'Genevieve Morrill', written in a cursive style.

Genevieve Morrill
President/CEO

cc: Mayor Pro Tempore, Jeffrey Prang
Councilmember, John Heilman
Councilmember, Abbe Land
Councilmember, John D'Amico
City Manager, Paul Arevalo
WHCC Chair, Alan Bernstein