

**ORDINANCE NO.** \_\_\_\_\_

An ordinance adding Section   to the Portland Municipal Code to prohibit the sale or manufacture in Portland of fur products.

**WHEREAS**, the Oregon law in Chapter 167 (Section 167.305) states “Animals are sentient beings capable of experiencing pain, stress and fear”;

**WHEREAS**, the Federal Dog and Cat Protection Act of 2000 (19 U.S.C. Section 1308) makes it unlawful to import into, or export from the United States any dog or cat fur product;

**WHEREAS**, the Oregon law in Chapter 167 (Section 167.390) makes it unlawful to “buy, sell, barter or otherwise exchange for commerce<sup>1</sup> in fur purposes the raw fur or products that include the fur of a domestic cat or dog if the fur is obtained through a process that kills or maims the cat or dog”;

**WHEREAS**, other than banning the buying, selling, barter or otherwise exchange of dog or cat fur products, neither the federal government nor the Oregon State legislature prohibits the manufacture or sale of fur.

**WHEREAS**, each year, more than 1 billion animals are killed for their fur worldwide, including rabbits, foxes, coyotes, chinchillas, racoons, and seals. Roughly 85% of animals killed for fur are raised on fur factory farms. These animals are often forced to live in very crowded, stressful, and unsanitary conditions and are killed by inhumane methods including anal and genital electrocution, gassing, and neck breaking.

**WHEREAS**, trapping animals for their fur also has tragic consequences for threatened wildlife, including those protected by the Endangered Species Acts of the United States, since traps do not discriminate between species;

**WHEREAS**, fur farming can be damaging to the environment by consuming significant quantities of energy and contributing to water and air pollution. Fur processing often involves the use of harmful chemicals including chromium and formaldehyde;

**WHEREAS**, the amount of energy required to produce a coat made of fur from farm-raised animal skins is over 15 times that needed to produce a faux fur garment. For each kilogram of factory-farmed mink fur, 110 kilograms of carbon dioxide is produced;

**WHEREAS**, through technology, new methods for manufacturing warm clothing and plant based materials have advanced, making the use of animal fur for warm clothing unnecessary. Consequently, most animal furs are now used solely for fashion;

**WHEREAS**, considering the wide array of alternatives for fashion and apparel, the demand for fur does not justify the confinement, inhumane treatment, and killing of animals;

**WHEREAS**, eliminating the sale and manufacture of fur in the City of Portland will promote community awareness of animal welfare and, in turn, will foster a more kind and humane environment within the City; and

**NOW, THEREFORE,**

**THE PEOPLE OF THE CITY OF PORTLAND**

**DO ORDAIN AS FOLLOWS:**

Section 1. Section [REDACTED] is added to Article [REDACTED], Chapter [REDACTED] of the Portland Municipal Code to read as follows:

**SEC. [REDACTED]. PROHIBITION TO MANUFACTURE, SELL, DISTRIBUTE, TRADE, IMPORT, OR EXPORT FUR.**

**Definitions.** For the purposes of this section, the following words shall have the following meanings:

1. **Fur.** Any animal skin or part thereof with Fur, fleece or Fur fibers attached thereto, either in its raw or processed state, not including skins that are intended for conversion and are later converted into leather. Fur does not include cowhide with hair attached thereto or lambskin or sheepskin with fleece attached thereto.
2. **Fur Product.** Any article of clothing or fashion accessory made in whole or in part of fur, including, but not limited to, a coat, jacket, handbag, purse, wallet, shoe, slipper, hat, earmuff, scarf, shawl, glove, jewelry or keychain. "Fur Product" does not include dog or cat fur products.
3. **Non-Profit Organization.** Any charity or corporation that is authorized under United States Code 26 Section 501(c)(3) for charitable, religious, philanthropic, educational or other similar purposes.
4. **Taxidermy.** The practice of preparing and preserving the skin and Fur of a deceased animal or part of a deceased animal that is stuffed and mounted in a lifelike form.
5. **Used Fur Product.** Fur or Fur Product in any form which has been worn or used by an ultimate consumer.
6. **Effective and Operative Dates.** This ordinance shall become effective 30 days after passage. Passage of the ordinance shall occur after two (2) public readings of its title or the effect thereof. At least five (5) days shall elapse between the

introduction and final passage of the ordinance and the ordinance shall be amended within five (5) days of its final passage. This ordinance shall be effective 1 year from date initiated. Enforcement provisions shall not apply to persons or entities engaged in the sale, offer for sale, display for sale, trade, gift, donation, or other distribution for Fur Product between **date** and **date**, if the person or entity selling, offering for sale, displaying for sale, trading, giving, donating, or otherwise distributing the Fur Product purchased or obtained the Fur Product on or before **date**, so long as the person or entity produces upon **enforcement agency's** request an invoice showing that the person or entity purchased or obtained the Fur Product on or before **date**.

**Prohibitions.** It shall be unlawful anywhere in the City to manufacture, sell, display for sale, distribute, trade, import, or export any Fur or Fur Product, with the following exceptions:

1. f, A Fur Product made from a fur-bearing animal or non-game animal lawfully taken under the authority of a trapping or hunting license pursuant to Oregon Fish and Wildlife Code Section 497.142 **\_\_\_\_\_**;
2. A Fur Product used by or traded with an American Indian or Alaskan Native (including a person having origins in any of the original peoples of North, Central, or South America) and/or members of an Indian tribe, as a sacred object, funerary object, cultural item, or object of cultural patrimony, as these terms are defined under state and federal law, referencing ORS 97.740, ORS 358.905, the American Indian Religious Freedom Act (42 USC 1996), and the Native American Graves Protection and Repatriation Act (25 USC 3001 and 43 C.F.R. Part 10);
3. The pelt of a deceased animal that is preserved through Taxidermy for the purpose of Taxidermy;
4. The gift or transfer of a Used Fur Product between private parties;

5. A Used Fur Product bought, sold, donated or owned by a person not in the primary business of selling Fur or a Fur Product, including a Non-Profit Organization, second hand store, or pawn shop;
6. The manufacture of a Fur Product using Fur sourced exclusively from a Used Fur Product; and
7. A Fur or Fur Product that is only being transported through the City.

**Implementation and Enforcement.** The Director may issue rules, regulations, and guidelines necessary or appropriate for the implementation and enforcement of law:

1. Any rule adopted pursuant to this Section shall require a public review process. Not less than 10 nor more than 30 days before such public review process, notice shall be given by publication in a newspaper of general circulation. Such notice shall include the place, time, and purpose of the public review process and the location at which copies of the full set of the proposed rules may be obtained.

2. During the public review, the Director shall hear testimony or receive written comment concerning the proposed rules. The Director shall review the recommendations, taking into consideration the comments received during the public review process, and shall either adopt the proposed rules, modify or reject them. If a substantial modification is made, the Director shall conduct additional public review, but no additional notice shall be required if such additional review is announced at the meeting at which the modification is made. Unless otherwise stated, all rules shall be effective upon adoption by the Director and shall be filed with the City Auditor's Portland Policy Documents repository.

3. An interim rule may be adopted by the Director without prior notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, including the specific reasons for such prejudice. Any rule adopted pursuant to this paragraph shall be effective for a period of not longer than one year (365 days). Within 5 business days of the adoption of an interim rule, the Director shall send notice of the rule to all of the following, giving the language of the rule change, describing the purpose of the rule, and inviting the submission of comments:

- a. Neighborhood Associations recognized by the City Office of Community & Civic Life;
- b. District Coalitions recognized by the City Office of Community & Civic Life;
- c. Business District Associations identified by the City Office of Community & Civic Life; and
- d. Persons on the Bureau of Planning and Sustainability list of parties interested in administrative rules.

Violations of this Article or of any rule or regulation issued under this Article shall be punishable by administrative fines imposed pursuant to administrative citations. Administrative Code Chapter \_\_\_\_\_, "Procedures Governing the Imposition of Administrative Fines," as amended from time to time, is hereby incorporated and shall govern the issuance and enforcement of administrative citations, and collection and review of administrative fines. to enforce this Article and any rule or regulation adopted pursuant to this Article, with the following qualifications and exceptions for purposes of this Article: The duties assigned to the Director by Sections \_\_\_\_\_ of Administrative Code Chapter \_\_\_\_\_ shall be assumed and performed by the Director:

Violations of Chapter \_\_\_\_\_ shall be subject to: **1. a.** \$500 for the first violation in a calendar year; **b.** \$750 for the second violation in the same calendar year; and **c.** \$1000 for any subsequent violation within the same calendar year. **2.** Upon making a determination that a violation of this code or regulations duly adopted pursuant to this Chapter \_\_\_\_\_ has occurred, the Director will send a written notice of the violation by mail to the violator specifying the violation and the applicable penalty as set forth in Subsection \_\_\_\_\_. **3.** Any violator receiving a notice of violation must pay to the City the stated penalty or appeal the finding of a violation to the Code Hearings Officer in accordance with the procedures set forth in Section \_\_\_\_\_. **4.** Each Fur Product that does not comply with Section \_\_\_\_\_, on each day a violation is committed or permitted to continue, shall constitute a separate violation of this Article.

**Severability.** If any provision of this section is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance which can be implemented without the invalid provisions, and to this end, the provisions of this section are declared to be severable.

## References:

Oregon Laws. Banning cat and dog fur.

<https://www.oregonlaws.org/ors/167.390>

Oregon Laws. Animals are sentient being. <https://www.oregonlaws.org/ors/167.305>

Endangered species act of Oregon.

<https://www.animallaw.info/statute/or-endangered-species-chapter-496-application-administration-and-enforcement-wildlife-laws>

Compassionate PDX: Fur Fact Sheet.

Straw and styrofoam example 1

<https://www.portlandoregon.gov/citycode/article/711126>--

Straw and Styrofoam example 2

<https://www.portlandoregon.gov/citycode/article/711127>

How ordinance is passed Portland Oregon 1



<https://www.portlandoregon.gov/auditor/article/9113>

How an ordinance is passed Portland Oregon 2

<https://www.portlandoregon.gov/citycode/article/13490>

Director information pulled from Styrofoam ban:

<https://www.portlandoregon.gov/citycode/article/711126>

Portland Ordinance information (found in links resources):

Section 2. Effective and Operative Dates. This ordinance shall become effective 30 days after passage. Passage of the ordinance shall occur after two (2) public readings of its title or the effect thereof. At least five (5) days shall elapse between the introduction and final passage of any ordinance and no ordinance shall be amended within five (5) days of its final passage except in the case of an emergency ordinance. This ordinance shall be effective 1 year from date initiated.

Effective dates clarification: Sellers have a one year grace period to sell off existing stocks but can't buy any new fur products

Authority of Director information; Question: Matt, in a similar ordinance in Portland there is information on Authority of the Director to adopt rules, would you recommend we have this too or is this detailed information that can be worked out later?

Kari Masterson

1:11 PM Mar 24

<https://www.portlandoregon.gov/citycode/article/711126>

Matthew Hamity

8:12 PM Today

I think you can include it and let the Mayor's office know that it is largely placeholder language and can be amended as needed

For specifics on implementation, administration, fines: Specific to Portland that we don't know, maybe we could copy whatever the language is from the plastic bag or straw ban for penalties/fines. This is ordinance example, used Styrofoam ban ordinance language.