

ORDINANCE NO. ORD-21-26

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CHAPTER 91
(ENDANGERED SPECIES)

AN ORDINANCE TO AMEND SECTIONS 7:360, 7:361 AND 7:362 AND TO ADD NEW SECTIONS WHICH SECTIONS SHALL BE DESIGNATED AS 7:363, 7:364 AND 7:365 OF CHAPTER 91 (ENDANGERED SPECIES) OF TITLE VII (BUSINESSES AND TRADES) OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains that Chapter 91 of Title VII of the Code of the City of Ann Arbor be amended as follows:

Section 1. That the title of Chapter 91, which is currently entitled “Endangered Species” be retitled to “Sale of Animal Products.”

Section 2. That Section 7:360 be amended to read as follows:

7:360. ~~Species regarded as endangered.~~ Endangered Species

A. Endangered Species. The following species shall be considered endangered for purposes of this Section:

~~For the purposes of this chapter:~~

Leopard (Panthera Pardus)
Snow Leopard (Uncia Uncia)
Clouded Leopard (Neofelis Nebulosa)
Tiger (Pantera Tigres)
Cheetah (Acinoyx Jubatus)
Alligators Caiman or Crocodile of the Order Crocodulia
Vicuna (Vicugna Vicugna)
Red Wolf (Canis Niger)
Polar Bear (Thalarctos Maritimus)
Mountain Lion, sometimes called Cougar or Puma (Felis Concolar)
Jaguar (Pantera Onca)
Ocelot (Felis Pardalis)
Margay (Felis Wiedii)
Timber Wolf (Canis Lupus)
Great Whale (8 species included are: Bowhead, Right, Blue, Sperm, Finback, Sei, Humpback and Gray) (An aquatic mammal (Cetecea))

~~_shall be considered endangered species.~~

B. Prohibition.

No person shall sell, exchange or offer for sale or exchange, except as provided ~~in subsection C below~~, any endangered species or its hide, skin or body or part thereof, or any product manufactured from the hide, skin or other part of an endangered species, provided however, that as to any species of the Great Whale, this provision is limited to these items that are readily distinguishable or labeled as coming from the species of whale such as whale meat or hide.

C. Exemption

A person is exempt from the provisions of this chapter if the person is carrying out an obligation to which the person became contractually bound before the effective date of this chapter, or the person is exhausting inventory acquired before the effective date of this chapter, or if the sale or exchange is part of a bona fide zoological, scientific or educational trade or business.

(Ord. No. 40-71, 8-30-71; Ord. No. 45-74, 10-14-74)

Section 3. That Section 7:361 be amended to read as follows:

7:361. Prohibition. Intent and Purpose

~~_No person shall sell, exchange or offer for sale or exchange, except as provided in section 7:362, any endangered specie or its hide, skin or body or part thereof, or any product manufactured from the hide, skin or other part of an endangered specie, provided however, that as to any specie of the Great Whale, this provision is limited to these items that are readily distinguishable or labeled as coming from the specie of whale such as whale meat or hide.~~

The City Council of the City of Ann Arbor finds that:

- (1) Animals that are slaughtered for their fur endure tremendous suffering. Animals raised on fur farms typically spend their entire lives in cramped unsanitary cages. Animals raised on fur farms are inhumanely killed by suffocation, electrocution, gassing, and neck-breaking. Animals trapped in their native habitats are subject to ensnarement in foothold traps, body-gripping straps, snares, and cable restraints for multiple days.
- (2) Fur farms are reservoirs and transmission vectors for dangerous zoonotic diseases, including the SARS-CoV-2 coronavirus, that threaten public health, including in Ann Arbor. COVID-19 infections have been confirmed at fur farms in Europe, Oregon, Utah, Wisconsin, and Michigan. A Michigan

taxidermist became infected with a Covid-19 mutation also found in infected mink.

(3) The fur production process is energy intensive and has a significant environmental impact, including air and water pollution. Runoff from the fur production process contains high concentrations of phosphorus and nitrogen, which are the most common forms of water pollution in the United States, including Michigan. In addition, the tanning and dying processes used in fur production use toxic chemicals and heavy metals like chromium and formaldehyde.

(4) Considering the availability of faux fur 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, harm to the environment, and the public health risks to the people of the City of Ann Arbor caused by these practices.

(5) The City Council believes that prohibiting the sale of fur products in the City of Ann Arbor will decrease the demand for these cruel and environmentally harmful products and promote community awareness of animal welfare and will foster a more humane environment in the City of Ann Arbor.

(Ord. No. 40-71, 8-30-71; Ord. No. 45-74, 10-14-74)

Section 4. That Section 7:362 be amended to read as follows:

7:362. Exemption. Definitions.

~~A person is exempt from the provisions of this chapter if he is carrying out an obligation to which he became contractually bound before the effective date of this chapter, or he is exhausting inventory acquired before the effective date of this chapter, or if the sale or exchange is part of a bona fide zoological, scientific or educational trade or business.~~

As used in this Chapter:

(1) "Fur" means any animal skin or part thereof with hair, fleece, or fur fibers attached thereto, either in its raw or processed state.

(2) "Fur product" means any article of clothing or covering for any part of the body, or any fashion accessory, including but not limited to handbags, shoes, slippers, hats, earmuffs, scarves, shawls, gloves, jewelry, keychains, toys or trinkets, and home accessories and décor, that is made in whole or part of fur. "Fur product" does not include any of the following:

- a. An animal skin or part thereof that is to be converted into leather, or which in processing will have the hair, fleece, or fur fiber completely removed.
 - b. Cowhide with the hair attached thereto;
 - c. Deerskin with the hair attached thereto;
 - d. Lambskin or sheepskin with the fleece attached thereto; or
 - e. The pelt or skin of any animal that is preserved through taxidermy or for the purpose of taxidermy.
- (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) “Ultimate consumer” means an individual who buys a fur product for their own use, or for the use of another, but not for resale or trade.
- (6) “Used fur product” means a fur product that has been worn or used by an ultimate consumer.

(Ord. No. 40-71, 8-30-71)

Section 5. That Section 7:363 be added to read as follows:

7:363. – Prohibitions.

Notwithstanding any other provision of law, a person may not sell, offer for sale, display for sale, trade, or otherwise distribute for monetary or nonmonetary consideration a new fur product in the City. For purposes of this Section, a sale shall be deemed to occur at the location where the buyer takes physical possession of the item.

Section 6. That Section 7:364 be added to read as follows:

7:364. – Exemptions.

The prohibitions in this Chapter do not apply to the sale, offer for sale, display for sale, trade, or distribution of:

- (1) A used fur product by an individual, retail merchant, non-profit organization, or second-hand store, including a pawn or vintage clothing shop;
- (2) A fur product used for traditional tribal, cultural, or spiritual purposes by a member of a federally recognized or state recognized Native American tribe, or a fur product required for use in the practice of a religion; or
- (3) A fur product where the activity is expressly authorized by federal or state law.

Section 7. That Section 7:365 be added to read as follows:

7:365 – Penalties

- (1) Any person, corporation, or other entity that violates this Chapter shall be responsible for a civil infraction, punishable by a fine up to \$500.00 per violation. Each day shall constitute a separate and distinct violation.

(2) Violations of this Chapter shall be enforced by Community Standards Officers or Planning and Development Services Unit employees.

Section 8. The amendments to this chapter shall take effect one year after passage and publication.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of August 16, 2021.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor of the City of Ann Arbor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's webpage on August 19, 2021.

Jacqueline Beaudry, Ann Arbor City Clerk