

ARTICLE 31 FAIR TRADE RESTRICTIONS-FUR PRODUCTS (Citizen Petition)

MOTION: That Chapter 9 of the Code of the Town of Lexington be amended by adding the following Section 9-8:

Section 9-8. Trade in Fur Products.

A. Purpose and Findings.

To protect the health and welfare of the inhabitants of the Town of Lexington, this bylaw will restrict trade in fur products in the Town. The Town finds that the fur production process is energy intensive and has a significant environmental impact, including air and water pollution. The Town also finds that animals that are slaughtered for their fur endure tremendous suffering. The Town believes that eliminating the sale of fur products in the Town of Lexington will decrease the demand for these cruel and environmentally harmful products, and promote community health and wellbeing, as well as animal welfare, and, in turn, will foster a more humane environment and enhance the reputation of the Town.

B. Definitions.

The following words as used in this Section shall have the following meanings:

“Fur” means any animal skin or part thereof with hair, fleece, or fur fibers attached thereto, either in its raw or processed state.

“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” shall 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.

“Non-profit organization” means any corporation that is created for charitable, religious, philanthropic, educational, or similar purposes under state or federal law.

“Offer for sale” means to advertise or otherwise proffer a fur product for acceptance by another person or entity.

“Sell” means to exchange for consideration, barter, auction, trade, lease or otherwise transfer for consideration.

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

“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.

“Used fur product” means a fur product that has been worn or used by an ultimate consumer.

C. Prohibition of Sale of Fur Products.

Notwithstanding any other provision of law, no person shall sell, offer for sale, display for sale, trade, or otherwise distribute for monetary or nonmonetary consideration a fur product in the Town of Lexington. For purposes of this Section, the sale of a fur product shall be deemed to occur in the Town of Lexington if:

- (1) The buyer takes physical possession of the fur product in the Town; or
- (2) The seller is located in the Town.

D. Exemptions.

This section shall not apply to the sale, offer for sale, display for sale, trade, or distribution of:

- (1) A used fur product by an individual (excluding a retail transaction), non-profit organization, or second-hand store, including a pawn shop;
- (2) A fur product required for use in the practice of a religion;
- (3) 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
- (4) A fur product where the activity is expressly authorized by federal or state law.

E. Enforcement.

(1) Section 9-8 of this Bylaw shall be enforced by the Town Manager or their designee pursuant to G.L. c. 40, § 21D, according to the following schedule:

- 1st Offense: \$50
- 2nd Offense: \$100
- 3rd & Each Subsequent Offense: \$300

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Each fur product and every day upon which any such violation shall occur shall constitute a separate offense.

(2) This Chapter may also be enforced through any other means available in law or equity. Nothing in this Chapter may be construed to alter or amend any other legal obligations applicable to the sale of fur, or any other entities, under any other law or regulation.

F. Severability.

The invalidity of any provision of this By-Law shall not invalidate any other section or provision thereof.

G. Effective Date.

This By-Law shall become effective upon satisfaction of the requirements for Attorney General approval and for posting or publication provided in M.G.L. c.40, § 32, and no earlier than 6 months after passage.

2. That Section 1-6 of the Code of the Town of Lexington be amended by adding under Chapter 1-6 the following:

§ 9-8:

1st Offense: \$50

2nd Offense: \$100

3rd & Each subsequent Offense: \$300

Revised 03/20/2023