

1 **RESOLUTION TO AMEND ARTICLE VI OF CHAPTER 34 OF THE**
2 **FULTON COUNTY CODE OF ORDINANCES SO AS TO PROHIBIT THE**
3 **USE OF BULLHOOKS AND SIMILAR DEVICES ON ELEPHANTS;**
4 **AND FOR OTHER PURPOSES**
5

6 **WHEREAS**, the Fulton County Board of Commissioners has authority
7 pursuant to the Constitution of the State of Georgia, Article IX, § II, ¶ III(a)(3);
8 O.C.G.A. § 31-19-1, et seq.; O.C.G.A. § 4-11-1, et seq.; and O.C.G.A. § 4-8-20,
9 et seq., to provide and regulate animal control services and the keeping of
10 animals within unincorporated Fulton County; and

11 **WHEREAS**, state law permits the enactment and enforcement of local
12 ordinances by county governing authorities regarding animal control, so long as
13 such ordinances are at least as restrictive as existing state law; and

14 **WHEREAS**, Article VI of Chapter 34 of the Fulton County Code of
15 Ordinances provides the regulations, rules, procedures, and penalties for the
16 control of animals within unincorporated Fulton County; and

17 **WHEREAS**, the Board of Commissioners finds that the use of bullhooks
18 and similar devices on elephants causes pain, suffering, and trauma, often
19 including lacerations, puncture wounds, and abscesses; and

20 **WHEREAS**, the Board of Commissioner further finds that alterative,
21 humane methods of restraining and handling elephants are available and
22 effective; and

23 **WHEREAS**, the Board of Commissioners finds that the public interest will
24 be promoted by amending and revising Article VI of Chapter 34 of the Fulton
25 County Code of Ordinances so as to prohibit the use of bullhooks and similar
26 devices on elephants;

1 **NOW, THEREFORE, BE IT RESOLVED AND ORDAINED**, that Chapter
2 34 of the Fulton County Code of Ordinances is hereby amended by adding a new
3 Section 34-211, to read as follows:

4 **Sec. 34-211. Cruelty to Elephants.**

5
6 (a) As used in this section, the term “bullhook” shall mean a
7 device or instrument containing a spike, hook, or any combination
8 thereof. A bullhook is also known as an ankus, ankusha, elephant
9 goad, or elephant hook.

10
11 (b) It shall be unlawful for any person to use a bullhook on an
12 elephant within any area described in section 34-201(a) of this
13 chapter.

14
15 (c) It shall be unlawful for any person to use on an elephant any
16 device or instrument that inflicts pain on, or causes or is likely to
17 cause injury to, an elephant, except as necessary to administer
18 legitimate medical treatment or in response to an immediate threat
19 to public safety.

20
21 **BE IT FURTHER RESOLVED**, that the codifier may renumber the Fulton
22 County Rabies and Animal Control Ordinance so as to appropriately
23 accommodate this amendment.

24 **BE IT FURTHER RESOLVED**, that the Board of Commissioners
25 encourages the municipalities within Fulton County to adopt ordinances
26 prohibiting the use of bullhooks on elephants, and the Clerk to the Commission is
27 directed to forward an executed copy of this Resolution and Code amendment to
28 the Mayor of each municipality located within Fulton County.

29 **BE IT FURTHER RESOLVED**, that this Resolution and Code amendment
30 shall become effective upon adoption of this Resolution, and all resolutions,
31 ordinances and Code sections in conflict with this Resolution and Code
32 amendment are hereby repealed to the extent of the conflict.

1 **BE IT FURTHER RESOLVED**, that if any section, subsection, sentence,
2 clause, phrase, or portion of this Resolution and Code amendment is for any
3 reason held invalid or unconstitutional by any court of competent jurisdiction,
4 such portion shall be deemed a separate, distinct and independent provision, and
5 such holding shall not affect the validity of the remaining portions hereof.

6 **SO PASSED, ADOPTED AND ENACTED**, this ____ day of _____,
7 2011.

8 **SPONSORED BY:**

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12
13 _____
14 Robert L. "Robb" Pitts, Commissioner
15 District 2, At-Large

16
17 _____
18 Joan Garner, Commissioner
19 District 6

20
21
22 ATTEST:

APPROVED AS TO FORM:

23
24
25 _____
26 Mark Massey, Clerk to the Commission R. David Ware, County Attorney
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