



**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. R14-0211

APR 08 2014

**REPORT RE:**

**REVISED DRAFT ORDINANCE ADDING SECTION 53.74 TO THE LOS ANGELES  
MUNICIPAL CODE TO BAN THE USE OF BULLHOOKS OR OTHER TOOLS  
DESIGNED TO INFLICT PAIN FOR THE PURPOSE OF TRAINING OR  
CONTROLLING ELEPHANTS**

The Honorable City Council  
of the City of Los Angeles  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

Council File No. 12-0186

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed revised draft ordinance, approved as to form and legality, adding Section 53.74 to the Los Angeles Municipal Code (LAMC) to prohibit the use of bullhooks, baseball bats, axe handles, pitchforks or other implements and tools designed to inflict pain for the purpose of training and controlling the behavior of elephants in the City of Los Angeles.

Background and Summary of Ordinance Provisions

The City Council action on October 23, 2013, requested our Office to prepare and present an ordinance prohibiting the use of bullhooks and other implements and tools designed to inflict pain for the purpose of training and controlling the behavior of elephants in any public performance related context.

On November 7, 2013, this Office transmitted to the City Council the draft ordinance to prohibit the use of bullhooks and other implements and tools designed to inflict pain for the purpose of training and controlling the behavior of elephants in any context. On November 19, 2013, the Personnel and Animal Welfare (PAW) Committee considered the draft ordinance and requested that it be revised to include the definition of the term "use" to include brandishing, exhibiting, or displaying of a bullhook in the presence of an elephant for the purpose of training or controlling the elephant.

#### CEQA Determination

Regarding a finding to satisfy the requirements of the California Environmental Quality Act (CEQA), we believe that adoption of this ordinance is an exempt action under State CEQA Guidelines Sections 15060(c)(2) and (3) and City CEQA Guidelines Article II, Section 1 (General Exemption) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment and it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. If you concur, you should adopt this finding prior to, or concurrent with, taking action on the ordinance.

#### Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Animal Services, asking that it make any comments directly to the City Council when you consider this matter.

If you have any questions regarding this matter, please contact Assistant City Attorney Dov S. Lesel at (213) 978-8154. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

By

DAVID MICHAELSON  
Chief Assistant City Attorney

DM:DSL:fc  
Transmittal

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

An ordinance adding a new Section 53.74 to Article 3, Chapter 5 of the Los Angeles Municipal Code (LAMC) to prohibit the use of bullhooks, baseball bats, axe handles, pitchforks or other implements and tools designed to inflict pain for the purpose of training and controlling the behavior of elephants in the City of Los Angeles.

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. A new Section 53.74 is added to Article 3 of Chapter V of the Los Angeles Municipal Code to read as follows:

**SEC. 53.74. BULLHOOKS – PROHIBITION ON USE.**

It shall be unlawful for any person to use a bullhook, ankus, baseball bat, axe handle, pitchfork or other implement or tool designed to inflict pain for the purpose of training or controlling the behavior of an elephant in the City of Los Angeles. For purposes of this section, the term use shall include brandishing, exhibiting or displaying a bullhook or an implement designed to look like a bullhook in the presence of an elephant for the purpose of training or controlling the behavior of the elephant.

The ordinance shall become operative on January 1, 2017.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of \_\_\_\_\_.

HOLLY L. WOLCOTT, Interim City Clerk

By \_\_\_\_\_  
Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By   
DOV S. LESEL  
Assistant City Attorney

Date 4/8/14

File No. CF 12-0186