

1 AN ORDINANCE TO AMEND CHAPTER 38 (HUMAN RELATIONS), ARTICLE II
2 (DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION), SECTIONS 38-
3 32(B) AND 38-33(A) OF THE FULTON COUNTY CODE OF ORDINANCES TO
4 ADOPT A POLICY AGAINST DISCRIMINATION ON THE BASES OF SEXUAL
5 ORIENTATION, GENDER IDENTITY, AND GENDER EXPRESSION; AND FOR
6 OTHER PURPOSES.

7
8 **WHEREAS**, the Fulton County Board of Commissioners ("Board") is dedicated to
9 a policy of non-discrimination within Fulton County and is committed to creating an
10 environment that fosters and enhances diversity in public accommodations; and

11 **WHEREAS**, Fulton County desires to safeguard the rights and opportunities of all
12 persons to be free from discrimination in public accommodations; and

13 **WHEREAS**, on July 27, 1988, the Board enacted Chapter 38, Article II, Sections
14 38-32 and 38-33, which prohibit discrimination in places of public accommodation based
15 on sex, race, color, religion, creed or national origin of such person; and

16 **WHEREAS**, the Board finds that it is in the best interest of the County and its
17 residents to amend its non-discrimination policy in Fulton County Code of Ordinances
18 Section 38-31 et seq. to encompass additional protected classes including sexual
19 orientation, gender identity, and gender expression; and

20 **WHEREAS**, the Board has authority pursuant to the Constitution of the State of
21 Georgia, Article 9, Sec. 2 § 1(a), to adopt reasonable ordinances, resolutions, or
22 regulations relating to its affairs for which no provision has been made by general law
23 and which is not inconsistent with the Constitution or any local law applicable thereto.

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25 **NOW, THEREFORE, BE IT ORDAINED**, that the Board hereby amends Section
26 38-32(b) of the Fulton County Code of Laws as follows:

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28 (b) It is hereby declared to be the policy of unincorporated Fulton County,
29 Georgia, in the exercise of its police power for the public safety, public
30 health, and general welfare to provide within constitutional limitations,
31 that the accommodations, advantages, facilities, and privileges in any
32 place of public accommodation, resort, or amusement shall not be
33 denied to any person because of the sex, race, color, religion, creed, or
34 national origin, sexual orientation, gender identity, or gender
35 expression of such person.

1 **BE IT FURTHER ORDAINED**, that the Board hereby amends Section 38-33(a) of
2 the Fulton County Code of Laws as follows:

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4 (a) Except as exempted by subsections (b), (c) and (d) of this section, it
5 shall be unlawful for any person being the owner, lessee, proprietor,
6 manager, superintendent, agent, or employee of any place of public
7 accommodation, resort, or amusement:

8 (1) Directly or indirectly, to refuse, withhold from or deny to any person
9 of the accommodations, advantages, facilities or privileges thereof
10 because of the sex, race, color, religion, creed, ~~or~~ national origin,
11 sexual orientation, gender identity, or gender expression of the
12 person.

13 (2) Directly or indirectly, to publish, circulate, issue, display, post, or
14 mail any written or printed communication, notice, or advertisement,
15 to the effect that any of the accommodations, advantages, facilities,
16 and privileges of any such place shall be refused, withheld from or
17 denied to any person on account of sex, race, color, religion, creed,
18 ~~or~~ national origin, sexual orientation, gender identity, or gender
19 expression, or that the patronage or custom of any person
20 belonging to or purporting to be of any particular sex, race, color,
21 religion, creed, ~~or~~ national origin, sexual orientation, gender identity,
22 or gender expression is unwelcome, objectionable, or not
23 acceptable, desired, or solicited.

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25 **BE IT FINALLY ORDAINED**, that this Ordinance shall take effect upon its
26 adoption, and all ordinances and parts of ordinances in conflict with this Ordinance are
27 hereby repealed to the extent of such conflict.

1 **SO PASSED AND ADOPTED**, this ____ day of _____, 2022.

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4 **FULTON COUNTY BOARD OF COMMISSIONERS**

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6 **SPONSORED BY:**

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8 _____
9 Lee Morris, Commissioner
10 District 3
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12
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14

15 **ATTEST:**

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17 _____
18 Tonya R. Grier, Clerk to the Commission
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22 **APPROVED AS TO FORM:**

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26 _____
27 Y. Soo Jo, County Attorney
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31 P:\CAProjects\BOC\Commissioner Morris\Anti-discrimination update to ordinances\06.01.22 Ordinance to Amend Section 38-32
32 Nondiscrimination Policy in Public Accomodations.FINAL.doc