

40-13-13-.01 Definitions.

In addition to the definitions set forth in the “Georgia Animal Protection Act”, the following definitions shall apply to this chapter:

- (1) “Adequate food and water” means food and water which is sufficient in amount and appropriate for the particular type of animal to prevent starvation, dehydration, or a significant risk to the animal’s health from a lack of food or water.
 - (a) Adequate food means palatable, non-contaminated, and nutritionally adequate food that is fed according to the species requirements or is fed as directed by a veterinarian. Adequate food does not include garbage.
 - (b) Adequate water means clean, fresh, potable water offered to pets at suitable intervals according to the species requirements, or as dictated by naturally occurring states of hibernation normal for the species, or as directed by a veterinarian.
- (2) “Adequate temperature control” means indoor housing facilities for pets are sufficiently heated and/or cooled when necessary to protect the animals from excessive heat or from chilling, freezing or from any physical damage. Except for equines, the ambient temperatures should not be allowed to fall below 45F degrees or rise above 85F degrees, for animals that are not acclimated.
- (3) “Adequate ventilation” means indoor housing facilities for pets are adequately ventilated to provide for the health of the animals at all times. Such facilities must be provided with fresh air either by means of windows, doors, vents, fans, or air conditioning and should be ventilated so as to minimize drafts, odors, and moisture condensation. All facilities housing pet animals shall be adequately ventilated with fresh or filtered air to minimize drafts, odors and moisture condensation and to provide for the health and comfort of the animals at all times. Ventilation shall be provided by either natural or mechanical means. The necessary equipment or comparable means shall be provided to exhaust the air from the animal area to outside of the building.
- (4) “Adult” as it applies to dogs and cats in this chapter means a domestic canine over 12 months of age and a domestic feline over eight months of age.
- (5) “Animal shelter” means any facility operated by or under contract for the state, county, municipal corporation, or any other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals; any veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. Only government agencies or organizations that are contracted with a government agency to perform animal control services have the authority to impound animals.

- (6) "Association" means an unincorporated society, or body or persons united and acting together with a common purpose, operating without a corporate charter. It is not a legal entity separate from the persons who comprise it.
- (7) "Aviary" means any place where birds are kept confined for breeding, boarding, or similar purposes.
- (8) "Dead animal" means any carcass or parts of a carcass of any animal.
- (9) "Equine" means any member of the equidae species, including horses, mules, and asses.
- (10) "Establishment" means an established fixed or mobile unit, such as a pet shop, pasture, barn, kennel, cattery, warehouse, building, vehicle, residence or parts thereof to carry out a business or to conduct any activity for which a license is required.
- (11) "Facility" means the physical aspects of a building or premise that is maintained, installed, or established to carry out a particular purpose.
- (12) "Foster Home" means any place routinely or in the practice of providing temporary care for animals, except equine. A Foster Home must be under a written contract with a licensed animal shelter. A Foster Home will be considered an agent for the animal shelter, and not an animal shelter itself.
- (13) "Garbage" means all refuse matter, animal or vegetable; by-products of a restaurant, kitchen, or meat/poultry processing establishment; and every refuse accumulation of animal, fruit, or vegetable matter, liquid or otherwise, that is normally discarded. For the purposes of this chapter, garbage shall not include home prepared food given to an animal living on the property of the person caring for the animal.
- (14) "Humane care" of animals means, but is not limited to, the provision of adequate heat, ventilation, sanitary shelter, and wholesome and adequate food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed. Inhumane care includes any act, omission, or neglect, which causes unjustifiable physical pain, suffering, or death to any living animal.
- (15) "Incubate" means to sit upon and hatch eggs, or to maintain eggs as embryos in a favorable environment for development and hatching.
- (16) "Indoor housing facility" for the purposes of this chapter, means an establishment within the interior of a building wherein all activity is conducted for which the license is issued.
- (17) "Kennel" means any establishment, other than an animal shelter, where dogs or cats are maintained for boarding, holding, training, or similar purposes for a fee or compensation. Similar purposes include, but are not limited to, activities of a breeding establishment, cattery, or grooming shop.

- (a) "Breeding Establishment" means any establishment where pets are bred and a fee or compensation is received for the breeding and maintenance of such pets, such as stud service.
 - (b) "Cattery" means any establishment where a cat is maintained for breeding, boarding, training, holding, or similar purposes for a fee or compensation.
 - (c) "Grooming Shop" means any establishment, other than an animal shelter, where a person maintains a dog or cat for bathing, dipping, clipping, trimming, brushing, or similar care of the appearance for a fee or compensation.
- (18) "Litter" means the young born to a pet animal at one time or a clutch of nesting eggs produced and incubated by a female bird at a single sitting, or a brood of chicks incubated by mechanical means.
- (19) "Maintain" means to keep or keep up, or to keep in a certain condition.
- (20) "Minimum age to sell" means at an age that no longer requires parental nurturing for survival, or at an age that can be sustained from appropriate and nutritional food given by persons who are knowledgeable in the feeding needs and eating habits common to the breed, size and age of the species.
- (21) "Outdoor housing establishment" for the purposes of this chapter, means an establishment outside a building and in the open air.
- (22) "Person" means any person, firm, corporation, partnership, association, or other legal entity, any other entity, or private institution, the State of Georgia, or any county, municipal corporation or political subdivision of the state.
- (23) "Pet" for the purposes of this chapter means any animal that is customarily obtained as a pet and includes, but is not limited to, the following: dog, cat, bird, equine, fish, reptile, rodent, chinchilla, rabbit, hamster, guinea pig, or miniature pig. Any animal described in O.C.G.A. Sections 27-1-2 General Provisions and 27-5-5 Wild Animals are not considered a pet for the purposes of this chapter, except where specifically mentioned herein.
- (24) "Pet breeder" means a pet dealer who sells, offers to sell, exchanges, or offers for adoption only pets they have produced, except equine. This includes those produced for hobby, show purposes, breed improvement, or stock replacement.
- (25) "Pet dealer" means a person who sells, offers to sell, exchanges, or offers for adoption pets they have produced, bought, or otherwise obtained, except equine. Equine dealers require a livestock dealer license from the Georgia Department of Agriculture.
- (26) "Premise" means any establishment, facility, land, or parts thereof.
- (27) "Primary enclosure" means any structure or device used to restrict an animal or animals to a limited amount of space, such as a building, room, pen, run, cage, aquarium, hutch, stall, paddock, pasture, or animal transfer vehicle.

- (28) “Produced” means to have propagated or generated the progeny of a female.
- (29) “Proper animal health care” means a program of disease control and prevention, veterinary care, and humane euthanasia. The animal health care should be sufficient to prevent unnecessary physical pain or suffering.
- (30) “Rescue Group” means any association or corporation operated as a non-profit organization and for the purpose of providing care and shelter to animals. Except rescue groups for equine, a rescue group that takes possession of animals and provides care and shelter must be licensed as an animal shelter or under written contract with a licensed animal shelter, in which case it will be considered an agent for the animal shelter and not an animal shelter itself. An equine rescue group operating for that purpose and maintaining any facility (including, without limitation, providing temporary care at a person’s private property) must meet all the requirements of a licensed stable. Rescue groups are not authorized to impound animals unless they are contracted by a government agency in Georgia to provide Animal Control Services.
- (31) “Sanitation” means the maintenance of conditions conducive to health and involves bedding changes (as appropriate), cleaning, and disinfection. Cleaning removes excessive amounts of dirt and debris, and disinfection reduces or eliminates unacceptable concentration of microorganisms. To sanitize, therefore, means to make physically clean, and, to the maximum degree practical, remove and destroy agents injurious to health.
- (32) “Stable” means any establishment, or other enclosure where equines are maintained for boarding, holding, training, breeding, riding, pulling vehicles, or other similar purposes and a fee is charged for maintaining such equines or for the use of such equines.
- (33) “Permanent location” means any premise that has a permanent facility or the location is used to conduct any activity for which a license is required for any more than 3 days consecutive.
- (34) “Exhibition Event” means a Reptile or Exotic/Pet Bird show or event that has been issued a special written permit by the State Veterinarian's office.

Authority O.C.G.A. § 4-10-1, et. seq. and O.C.G.A. § 4-11-1, et. seq.

40-13-13-.02 Licenses.

- (1) The Commissioner shall license animal shelter, pet dealer, kennel, and stable operators under the applicable provision of Chapter 5 of Title 2, “Department of Agriculture Registration, License, and Permit Act” on a form obtained from the Georgia Department of Agriculture. Forms may be obtained via the Department of Agriculture website or by requesting the application by email. An application for renewal will only be mailed to the licensee when specifically requested by the licensee at the time of each renewal period.

- (2) The license shall be issued for a period of one (1) year and shall expire twelve months from the date of issue. The license is issued for the person and premise stated on the license and is not transferable to another person or permanent location. Each license type will be required to obtain a separate license for each activity, i.e. there will be no combination licenses. The annual fee will be determined by the gross dollar of animal sales, the capacity of the facility or the number of animals present. The annual fees shall be as follows:
- (a) Animal Shelter license fee – based upon the holding capacity (to include animal shelter foster homes) at the time of license application or renewal;
 - 1. Capacity for up to and including 20 pets: - \$100.00 fee
 - 2. Capacity for 21 to 40 pets: - \$200.00 fee
 - 3. Capacity for 41 to 80 pets: - \$300.00 fee
 - 4. Capacity for 80 + pets: - \$400.00 fee
 - 5. Animal Shelters not having a permanent fixed facility in Georgia - \$400.00 fee
 - (b) Kennel license fee - based upon the holding capacity at the time of license application or renewal;
 - 1. Capacity for up to and including 20 pets: - \$100.00 fee
 - 2. Capacity for 21 to 40 pets: - \$200.00 fee
 - 3. Capacity for 41 to 80 pets: - \$300.00 fee
 - 4. Capacity for 80 + pets: - \$400.00 fee
 - (c) Pet Dealer license fee - fee based upon gross volume of pet sales or set fee.
 - 1. Pet dealers not having a permanent fixed facility in Georgia that are only selling pets at “Exhibition Events” - \$200.00 fee
 - 2. For \$101.00 to \$5,000.00 in gross pet sales: - \$100.00 fee
 - 3. For \$5,001.00 to \$10,000.00 in gross pet sales: - \$200.00 fee
 - 4. For \$10,001.00 to \$15,000.00 in gross pet sales: - \$300.00 fee
 - 5. For \$15,001.00 and up in gross pet sales: - \$400.00 license fee
 - 6. Pet dealers not having a permanent fixed facility in Georgia: - \$400.00 fee
 - (d) Stable license fee - based on number of equine present at the time of license application or renewal; provided that if the number of equine present at any time during the license period exceeds the minimum for the next class of fees, the stable operator must file an amendment to the application and pay the higher fee.
 - 1. Capacity for up to and including 10 equine: - \$100.00 license fee
 - 2. Capacity for 11 to 20 equine: - \$200.00 fee
 - 3. Capacity for 21 to 30 equine: - \$300.00 fee
 - 4. Capacity for 30 + equine: - \$400.00 fee
 - 5. For Equine Rescue Groups operating for that sole purpose and maintaining a facility must meet all the requirements of a licensed stable - \$200.00 fee.
- (3) Applications for licenses shall be on a form furnished by the Commissioner and shall state:
- (a) The name of the applicant;

- (b) The business address of the applicant;
 - (c) The complete telephone number of the applicant;
 - (d) The location of the licensable premise;
 - (e) The type of ownership of the pet dealership, kennel, stable, or animal shelter;
 - (f) The name and address of the owner or, if a partnership, firm, corporation, association, or other entity, the names and addresses of the officers, registered agents, partners, stockholders, and/or members.
 - (g) The email address of the applicant
- (4) The signature(s) of the owner(s), partners, or officers of a corporation or association, attesting to the fact that the information documented on the application is correct, the regulations have been read and the premise that is subject to be licensed meets all the requirements of this chapter.
 - (5) The license must be prominently displayed at each licensed place of business. It shall be the responsibility of the licensee to renew their license prior to the expiration date.
 - (6) Animal shelters may contract with off-site foster homes and individual members of rescue groups to serve as agents of the animal shelter. The animal shelter is considered the license holder and is responsible for assuring that foster homes and rescue group members are under written contract to comply with the provisions in this chapter and submit to inspection by the animal shelter. Two inspections must be performed annually, Animal shelters must keep a copy of all current foster home and rescue group member contracts. The Commissioner or his authorized agent may set a number limit on animals at foster homes based on space available for animals and/or the caretaker's ability to provide necessary accommodations for the animals.
 - (7) Any person licensed by the Department as a bird dealer shall not be required to obtain a license under this chapter if such person does not deal in pets other than birds. If however, a licensed bird dealer sells, offers to sell, exchanges, or offers for adoption pets, other than birds, then such dealer shall be subject to licensing under this chapter.
 - (8) Any person who is not a resident of this state but who engages in this state in any activities for which a license is required by this chapter or Chapter 40-13-12 pertaining to bird dealer licensing shall be subject to this chapter for such activities. As a condition of licensure, each non-resident must execute consent to the jurisdiction of the courts of this state for any action filed under this chapter; and service of process in any such action shall be by certified mail by the Commissioner.
 - (9) The Commissioner may refuse to issue or renew or may suspend or revoke a license on any one or more of the following grounds:

- (a) material misstatement in the application for the original license or in the application for the renewal license under this chapter;
 - (b) willful disregard or violation of any rule or regulation of this chapter;
 - (c) willful aiding or abetting another in any violation of this chapter;
 - (d) allowing a license issued under this chapter to be used by an unlicensed person;
 - (e) violation of any law of this state or any rule of the Commissioner related to the disposition of, dealing in, or handling of dogs, cats, equine, and other pets;
 - (f) making substantial misrepresentations or false promises in connection with the business or activity of a licensee under this chapter;
 - (g) pursuing a continued course of making misrepresentations or false promises through advertising, salesmen, agents, or otherwise in connection with the business or activity of a licensee;
 - (h) failure to possess the necessary qualifications or meet the requirements for the issuance or holding of a license;
 - (i) failure to provide proper facilities.
- (10) License fees shall be increased by 100 percent for the renewal of any license that is not renewed within ten (10) days following the expiration date of the license. License fees shall be increased by 100 percent for the issuance of a new license to any person who has failed to apply for a license within ten (10) days following notice of the need to obtain such a license has been given to such person in writing by the Commissioner or his authorized representative.
- (11) The Commissioner or his duly authorized representative is authorized to issue and enforce written or printed stop sale, stop use, or stop movement orders to the owners or custodians of any pets, ordering them to hold such animals at a designated place, when the Commissioner or his duly authorized representative finds such animals:
- (a) to be held by a person who is required to be licensed under this chapter and whose license has expired;
 - (b) to be held by a person who is required to be licensed under this chapter and who has failed to obtain a license within ten (10) days of the date on which notice of the need to obtain a license was given in writing to such person by the Commissioner or his authorized representative.
- (12) A separate license is required of each person and is not transferable, except for foster homes and rescue group members operating under an animal shelter's primary license.