

Rule 40-13-13-.03. Inspection of Premises

The Commissioner or his designated agents are authorized to enter upon any public or private property at any time for the purpose of inspecting the business premises of any animal shelter, kennel, pet dealer, or stable and the pets housed at such facility and to determine if such facility is licensed and for the purpose of enforcing the Georgia Animal Protection Act and rules of this chapter. Inspections may be unannounced and performed at such frequency as deemed necessary and appropriate by the Commissioner or his designated agents.

Authority: O.C.G.A. Sec. 4-10-1et seq., 4-11-9 et seq.

Rule 40-13-13-.04. Premise Requirements and Performance Standards for Owner and/or Operator

(1) General Requirements and Standards:

- (a) Classification and separation: Animals exhibiting a vicious disposition must be housed individually. Animals suspected of having a communicable or infectious disease must be separated from other animals and other susceptible species of animals in such a manner as to minimize dissemination of such disease. Rescue Animals must be housed separately from all "boarding animals" on the premise. Pets housed in the same primary enclosure should be maintained in compatible groups. Females who are sexually receptive ~~should~~ must not be housed in the same primary enclosure with males, except for breeding purposes.
- (b) Drainage: A suitable method must be provided to rapidly eliminate excess water and avoid foul odors therefrom. If closed drainage systems are used, they must be equipped with traps and so installed as to prevent any backup of sewage onto the surface of the primary enclosure. Suitable drain covers must be in place.
- (c) Housekeeping: Premises (buildings and grounds) must be kept clean and in a state of repair in order to prevent injury or disease. Premises must remain free of accumulations of trash, weeds, debris, and other vermin harborage areas.
- (d) Humane care: Humane care must be provided in all facilities anytime an animal is present.
- (e) Interior surface: The interior surfaces of housing facilities must be constructed and maintained so they are substantially impervious to moisture and may be readily cleaned and sanitized.
- (f) Lighting: General lighting in indoor housing facilities should be diffused throughout the animal holding area and provide sufficient illumination to protect animal health, allow adequate housekeeping practices, and adequate inspection.

- (g) Pest control: An effective program for the prevention, control, and elimination, of vermin, insects, ectoparasites, and avian and mammalian pests must be established and maintained. Vegetation must be manicured to prevent vermin harborage.
- (h) Record keeping: Complete and accurate records must be maintained reflecting all acquisitions, purchases, sales, releases, natural additions, exchanges, adoptions, custodial care, and health records of all animals. Retail sale records for fish, rodents, and invertebrates are exempt from record keeping requirement. These records must be maintained for a period of twelve months and must be made available to the Commissioner or his authorized representative upon request. Updated records must be kept on the premise. In addition, records for dogs, cats, birds, and equine shall include, but are not limited to, name, address, and phone number of individual(s) involved in the transaction, date of transaction or activity, type and number of animals, and Georgia Department of Agriculture animal protection/ stable license number, if applicable.
- (i) Sanitation of primary enclosures: Primary enclosures for pets must be cleaned at a frequency and intensity to provide a healthy and hygienic environment in order to prevent disease hazards. Excreta must be removed to prevent contamination of the animals contained therein and to reduce the spread of disease. Soiled bedding should be removed and replaced with fresh materials as often as is necessary to keep the animals clean and dry. For hard surfaces that are conducive to cleaning with water, frequent flushing with water and periodic use of detergents or disinfectants should be used to maintain sufficiently clean surfaces. When a hosing or flushing method is used for cleaning, animals contained in the enclosure must be removed unless the enclosure is large enough to ensure the animals would not be harmed, wetted, or distressed during the process. Animals in nearby enclosures must be protected from being contaminated with water and other wastes during the cleaning. Enclosures may be disinfected by using appropriate chemicals, hot water, or a combination of both. If hot water is used as a means of disinfection, the temperature of the water must be at least 145 degrees F. Aquariums as a closed ecosystem have special needs and they must be maintained in a balance necessary for the health of its inhabitants by means of PH control, filtration, biodegradation and the like.
- (j) Releasing of injured, diseased, or abnormal animals: Reasonable care must be taken to avoid releasing for sale, trade, or adoption any pet that has an apparent disease, injury, or has a health-related malady. Any pet that has an apparent injury, disease, or health related malady can only be released for sale, trade, or adoption provided the person receiving the animal is made aware of the condition in writing at the time of transfer.
- (k) Shelter from rain, snow or cold: Pets maintained in outdoor housing establishments must be provided with access to suitable shelter to remain dry during rain or snow and protect them from wind and excessive heat or cold. Sufficient and clean bedding material or other reasonable means of protection from the weather elements must be provided.

- (l) Shelter from sunlight: When sunlight is likely to cause overheating or suffering, sufficient shade must be provided to allow all pets protection from the direct effects of the sun.
- (m) Space requirements: Primary enclosures must provide sufficient space to allow each animal to turn about freely and to easily stand, sit, lie, perch, swim, etc. in a comfortable and normal position. Primary enclosures for dogs and cats must also provide each animal with sufficient space to lie down without the head, face, tail, legs or feet of the animal touching the sides of the enclosure or touching any other animal in the enclosure. The interior height of primary enclosures for dogs and cats must be at least six inches higher than the head of the tallest animal in the enclosure when it is in a normal standing position.
- (n) Storage: Supplies, food, and bedding should be stored in an adequate manner to protect against infestation, contamination, or spoilage. Refrigeration should be provided for perishable items.
- (o) Structural strength: Indoor and outdoor housing for pets shall be maintained in good repair. The primary enclosure should be of sufficient strength to contain the animals securely and restrict the entrance of unwanted animals. The walls and/or sides, roof and/or ceiling, and floors and/or bottoms of the primary enclosures must be constructed, so as to, protect the animals from injury or suffering. ~~For primary enclosures, with grated or mesh bottoms housing dogs and cats, there must be a suitable resting surface that will allow the animal to sit and lie in a normal position. Vertically stacked enclosures must have receptacles to contain excreta between cages and must be able to prevent cross contamination of food, water, urine, excreta and cleaning agents. Portable wire type enclosures may be used for temporary purposes only and must not be stacked and used as a means of permanent housing.~~ Primary enclosures must not have grated or mesh bottoms. Portable enclosures including, but not limited to, wire type crates and kennels, mesh bottom crates and kennels, and plastic crates and kennels may only be used for temporary purposes, must not be vertically or otherwise stacked, and must not be used as a means of permanent housing.
- (p) Tethering of animals: It is presumed that tethering of animals for more than 24 hours is considered permanent tethering and such permanent tethering as a means of a primary enclosure is prohibited. For temporary tethering of animals, such chains or other tethering devices must be of adequate length to satisfy the space requirements of a primary enclosure. Tethering devices must be of a type commonly used for the size animal involved and should be attached to the animal by means of a well fitted and appropriate device (i.e., collar, halter, or harness).
- (q) Waste disposal: Provisions must be made for the regular and safe removal and disposal of animal and food wastes, bedding, dead animals, and debris, so as to minimize vermin infestation, contamination, odors, and disease hazards. Disposal of

dead animals must be by burial or incineration. Legal permission from the appropriate authorities or landowner must be obtained, prior to, burial on any public or private land. Disposal of dead animals in wells, waterways, or wetlands of any kind is strictly prohibited.

- (r) Plan of Action: All licensed facilities must develop and maintain a suitable plan of action accounting for the evacuation of animals in the event of an emergency, natural disaster, or manmade disaster. Such plan must also include provisions for the distribution and homing of animals in the event the licensee becomes unable to tend to the needs of the animals or the license is revoked, surrendered, or otherwise canceled. The plan must be kept at the licensed premise and made available for inspection by the Department upon request.
- (2) Pets that are sold, offered for sale, exchanged, or offered for adoption must be at the minimum age to sell. Puppies must be a minimum age of 8 weeks prior to sale. Written recommendations for the appropriate feeding and care must be provided at the time of the transaction for those animals that are not independent of parental nurturing.
- (3) A licensed stable shall maintain proof of a negative test for Equine Infectious Anemia within the past twelve months on all equine on the premise.
- (4) Functional fire extinguishing devices shall be present in each facility of all license holders under this chapter. Operational smoke detectors are recommended.
- (5) Licensed rescue organizations are strictly prohibited from performing animal control services unless said rescue has an active contract to perform such services on behalf of a county, a municipal corporation, or any other political subdivision of the state.
- (6) All animals held or maintained at a licensed premise will be subject to the requirements of the Animal Protection Act as well as this Chapter.
- (7) Licensees will be accountable for all outstanding violations of the Act and this Chapter regardless of whether the license is subsequently voluntarily surrendered, relinquished, or cancelled. Likewise, all pending stop orders or quarantines issued against a facility will remain unless and until released by the Department, regardless of licensing status.

Authority: O.C.G.A. Sec. 4-10-1et seq., 4-11-9 et seq.

Rule 40-13-13-.07. Exemptions

- (1) Any person who raises, keeps, sells, or maintains animals solely for the purpose of human consumption shall be exempt from this chapter.
- (2) Any person who sells, offers to sell, exchanges, or offers for adoption only animals they have produced shall not be considered a pet dealer under this chapter unless such person:
 - (a) is licensed for an animal related business by a local government,
 - (b) is subject to a Georgia sales tax number for an animal related business,
 - (c) is subject to the "Bird Dealers' Licensing Act",
 - (d) sells, offers to sell, exchanges, or offers for adoption more than one litter in any twelve (12) month period,
 - (e) sells, offers to sell, exchanges, or offers for adoption more than 30 adult animals in any twelve (12) month period,
 - (f) produces animals that pose a public health risk or exhibit illness or disease-causing chronic pain and suffering, or
 - (g) has been determined by the Department not to treat animals humanely or has been convicted of cruelty to animals.
- (3) Operation of a veterinary hospital or clinic by a licensed veterinarian or veterinarians for its customary purposes shall not be considered a kennel, pet dealer, or stable under this chapter.

Authority: O.C.G.A. Sec. 4-10-1et seq., 4-11-9 et seq.