

Rule 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 written 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. Animal shelters may only intake animals through owner relinquishment, or via transfer from another Georgia licensed animal shelter, a rescue group under written contract with a licensed animal shelter, a government agency, or an organization that has contracted in writing with a government agency to perform animal control services.

- (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) "Domestic cat" means a cat that is owned by a person.
- ~~(9)~~(10) "Equine" means any member of the equidae species, including horses, mules, and asses.
- ~~(10)~~(11) "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)~~(12) "Facility" means the physical aspects of a building or premise that is maintained, installed, or established to carry out a particular purpose.
- ~~(12)~~(13) "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)~~(14) "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)~~(15) "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)~~(16) "Incubate" means to sit upon and hatch eggs, or to maintain eggs as embryos in a favorable environment for development and hatching.

~~(16)~~(17) "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)~~(18) "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)~~(19) "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)~~(20) "Maintain" means to keep or keep up, or to keep in a certain condition.

~~(20)~~(21) "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)~~(22) "Outdoor housing establishment" for the purposes of this chapter, means an establishment outside a building and in the open air.

~~(22)~~(23) "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)~~(24) "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)~~(25) "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)~~(26) "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)~~(27) "Premise" means any establishment, facility, land, or parts thereof.

~~(27)~~(28) "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)~~(29) "Produced" means to have propagated or generated the progeny of a female.

~~(29)~~(30) "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)~~(31) "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 may only intake animals through owner relinquishment, or via transfer from a Georgia licensed animal shelter, a rescue group under written contract with a licensed animal shelter, a government agency, or an organization that has contracted in writing with a government agency to perform animal control services. ~~are not authorized to impound animals unless they are contracted by a government agency in Georgia to provide Animal Control Services.~~

~~(31)~~(32) "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.

~~(33)~~ "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.

~~(32)~~(34) “Stray cat” means a free-roaming cat that has been socialized to humans but that is without an ascertainable owner.

~~(33)~~(35) "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)~~(36) "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.

Statutory Authority: O.C.G.A. §§ 4-10-1 et seq.; 4-11-1 et seq.

Rule 40-13-13-.04 Premises 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 premises. Pets housed in the same primary enclosure should be maintained in compatible groups. Females who are sexually receptive 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 premises. In addition, records for dogs,

domestic and stray cats, birds, and equine must 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. Animal shelters operated by the state, a county, a municipal corporation, or any other political subdivision of the state must also maintain and submit the following information to the Department on a monthly basis utilizing an electronic system approved by the Department:

i. Live Intake Records for Canines and Felines

1. Number of animals that were owner relinquished to the shelter;
2. Number of the animals that were taken into the shelter as strays;
3. Number of animals that were transferred into the shelter by other organizations (examples: public health, law enforcement agencies, licensed animal rescues or other animal shelters);
4. Number of animals that were brought to the shelter for owner intended euthanasia; and
5. Number of other live intakes.

ii. Outgoing Records for Canines and Felines

1. Number of animals placed for adoption;
2. Number of animals that were returned to the owner;
3. Number of animals transferred to other licensed rescue organizations or animal shelters;
4. Number of animals escaped;
5. Number of other live outcomes;
6. Number of animals deceased while in care;
7. Number of animals euthanized at request of owner;
8. Number of animals euthanized; and
9. Number of other outcomes.

- (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 must 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. Primary enclosures for dogs and cats must not have grated or mesh bottoms. Portable or collapsible 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. For purposes of this paragraph, "temporary purposes" means holding for a period of 24 hours or less and may include, but is not limited to, holding while boarding, grooming, cleaning, or conducting offsite adoptions as well as for shows or sales lasting 12 hours or less.
 - (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 plan of action accounting for the evacuation of animals in the event that said facility determines that evacuation is necessary for any reason, including, but not limited to, emergencies, natural disasters, or manmade disasters. 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 premises 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 must maintain proof of a negative test for Equine Infectious Anemia within the past twelve months on all equine on the premises.
- (4) Functional fire extinguishing devices must 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~~-facility 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.

Statutory Authority: O.C.G.A. §§ 40-10-1 et seq.; 40-11-9 et seq.