

#### **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.

(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” 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) “Adequate Ventilation” - . 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.

Authority O.C.G.A. Secs. 4-4-20, 4-11-1 et seq., 27-1-2, 27-5-5. **History.** Original Rule entitled “Definitions” adopted. F. Mar. 5, 1987; eff. Mar. 25, 1987. **Amended:** F. Jan. 24, 1991; eff. Feb. 13, 1991. **Amended:** F. Dec. 2, 1992; eff. Dec. 22, 1992. **Amended:** F. Dec. 2, 1993; eff. Dec. 22, 1993. **Repealed:** New Rule of same title adopted. F. Jan. 6, 1999; eff. Jan. 26, 1999. **Amended:** F. July 31, 2001; eff. Aug. 20, 2001. **Amended:** F. Sept. 14, 2001; eff. Oct 4, 2001. **Amended:** F. July 21, 2010; eff. Aug. 10, 2010. **Amended:** F. Jul. 8, 2013; eff. Jul. 28, 2013.