

House Bill 1637

By: Representative Parsons of the 40th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 11 of Title 4 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to animal protection, so as to provide that animal
3 shelters shall be subject to regulation by certain applicable local zoning and animal control
4 ordinances; to amend Code Section 41-1-7 of the Official Code of Georgia Annotated,
5 relating to treatment of agricultural facilities and operations as nuisances, so as to provide
6 that agricultural operations that breed or keep dogs shall be subject to regulation by
7 applicable local zoning and animal control regulations; to provide for related matters; to
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 To amend Article 1 of Chapter 11 of Title 4 of the Official Code of Georgia Annotated,
12 relating to general provisions relative to animal protection, is amended by striking Code
13 Section 4-11-7, relating to grounds for refusal to issue or renew or suspension or revocation
14 of licenses, and inserting in lieu thereof the following:

15 "4-11-7.

16 The Commissioner may refuse to issue or renew or may suspend or revoke a license on any
17 one or more of the following grounds:

- 18 (1) Material misstatement in the application for the original license or in the application
19 for any renewal license under this article;
- 20 (2) Willful disregard or violation of this article or of any rules or regulations issued
21 pursuant to this article;
- 22 (3) Willfully aiding or abetting another in the violation of this article or of any regulation
23 or rule issued pursuant to this article;
- 24 (4) Allowing a license issued under this article to be used by an unlicensed person;
- 25 (5) A violation of any law of this state or rule of the Commissioner related to the
26 disposition of, dealing in, or handling of dogs, cats, equines, and other animals;

1 (5.1) A violation of any applicable local government zoning or animal control ordinance
 2 relating to a limit on the number of animals which may be kept within an animal shelter
 3 located within such local jurisdiction;

4 (6) Making substantial misrepresentations or false promises in connection with the
 5 business of a licensee under this article;

6 (7) Pursuing a continued course of making misrepresentations or false promises through
 7 advertising, salesmen, agents, or otherwise in connection with the business of a licensee
 8 under this article;

9 (8) Failure to possess the necessary qualifications or meet the requirements of this article
 10 for the issuance or holding of a license; or

11 (9) Failure to provide proper facilities."

12 SECTION 2.

13 Said article is further amended by striking Code Section 4-11-10, relating to unlawful acts
 14 by licensed persons, and inserting in lieu thereof the following:

15 "4-11-10.

16 It shall be unlawful for any person licensed under this article or any person employed by
 17 a person licensed under this article or under such person's supervision or control to:

18 (1) Commit a violation of Code Section 16-12-4, relating to cruelty to animals;

19 (1.1) Commit a violation of any applicable local government zoning or animal control
 20 ordinance relating to a limit on the number of animals which may be kept within an
 21 animal shelter located within the local jurisdiction;

22 (2) Fail to keep the pet dealership premises, animal shelter, kennel, or stable in a good
 23 state of repair, in a clean and sanitary condition, adequately ventilated, or disinfected
 24 when needed;

25 (3) Fail to provide humane care for any animal; or

26 (4) Fail to take reasonable care to release for sale, trade, or adoption only those animals
 27 that appear to be free of disease, injuries, or abnormalities."

28 SECTION 3.

29 Code Section 41-1-7 of the Official Code of Georgia Annotated, relating to the treatment of
 30 agricultural facilities and operations as nuisances, is amended by striking subsection (c) and
 31 inserting in lieu thereof the following:

32 "(c) No agricultural facility or any agricultural operation at an agricultural facility shall be
 33 or shall become a nuisance, either public or private, as a result of changed conditions in or
 34 around the locality of such agricultural facility if the agricultural facility has been in
 35 operation for one year or more. The provisions of this subsection shall not apply when a

1 nuisance results from the negligent, improper, or illegal operation of any agricultural
2 facility. Additionally, the provisions of this subsection shall not apply to the breeding or
3 keeping of dogs by an agricultural operation if such action is in violation of the provisions
4 of an applicable local government zoning or animal control ordinance."

5 **SECTION 4.**

6 All laws and parts of laws in conflict with this Act are repealed.