

House Bill 1429

By: Representatives Purcell of the 122nd, James of the 114th, and Crawford of the 91st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 41 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to nuisances, so as to preclude any companion animal
3 establishment from being or becoming a nuisance solely as a result of changed conditions in
4 or around the locality of the establishment; to provide for immunity from civil or criminal
5 actions relating to noise from a companion animal establishment under certain conditions;
6 to exempt certain conduct from changes in certain ordinances, rules, or regulations; to
7 provide an effective date; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Chapter 1 of Title 41 of the Official Code of Georgia Annotated, relating to general
11 provisions relative to nuisances, is amended by adding a new Code section to read as follows:

12 "41-1-10.

13 (a) As used in this Code section, the term:

14 (1) 'Animal shelter' means any facility operated by or under contract for the state, a
15 county, a municipal corporation, or any other political subdivision of the state for the
16 purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted
17 companion animals; any veterinary hospital or clinic operated by a veterinarian or
18 veterinarians which operates for such purpose in addition to its customary purposes; and
19 any facility operated, owned, or maintained by a duly incorporated humane society,
20 animal welfare society, or other nonprofit organization for the purpose of providing for
21 and promoting the welfare, protection, and humane treatment of companion animals.

22 (2) 'Breeder facility' means the animal facility of any person who sells only companion
23 animals that he or she has produced and raised, not to exceed 30 animals per year.

24 (3) 'Changed conditions' means any one or more of the following:

25 (A) Any change in the use of land in the area of a companion animal establishment;

1 (B) An increase in the magnitude of an existing use of land in or around the locality of
2 a companion animal establishment and includes, but is not limited to, urban sprawl into
3 an area in or around the locality of a companion animal establishment, or an increase
4 in the number of persons making any such use or an increase in the frequency of such
5 use; or

6 (C) The construction or location of improvements on land in or around the locality of
7 a companion animal establishment closer to a companion animal establishment than
8 those improvements located on such land at the time of commencement of the operation
9 of the companion animal establishment at issue.

10 (4) 'Companion animal' means any animal that is commonly kept by persons as a pet or
11 for companionship. Such term includes but is not limited to domesticated dogs,
12 domesticated cats, ferrets, gerbils, guinea pigs, hamsters, horses, mice, rabbits, and rats.

13 (5) 'Companion animal establishment' means any animal shelter, breeder facility, kennel,
14 or pet dealer facility.

15 (6) 'Kennel' means any facility, other than an animal shelter, where dogs or cats are
16 maintained for boarding, holding, training, or similar purposes for a fee or other
17 compensation.

18 (7) 'Pet dealer facility' means an animal facility of any person who is not an animal
19 breeder and who sells, offers to sell, exchanges, or offers for adoption companion
20 animals.

21 (8) 'Unit of government' means any county, municipality, or other political subdivision
22 or any department, agency, or authority thereof.

23 (b) No companion animal establishment shall be or shall become a nuisance, either public
24 or private, solely as a result of changed conditions in or around the locality of such
25 companion animal establishment since the date on which it commenced operation.
26 Subsequent physical expansion, increased capacity, or expansion of scope to serve
27 additional species of animals of the companion animal establishment shall not establish a
28 new date of commencement of operations for purposes of this Code section.

29 (c) No companion animal establishment or unit of government or person owning,
30 operating, or using a companion animal establishment shall be subject to any action for
31 civil or criminal liability, damages, abatement, or injunctive relief resulting from or relating
32 to noise generated by the operation of the companion animal establishment if the
33 companion animal establishment remains in compliance with noise control or nuisance
34 abatement rules, regulations, statutes, or ordinances applicable to the companion animal
35 establishment on the date on which it commenced operation.

36 (d) No rules, regulations, statutes, or ordinances relating to noise control, noise pollution,
37 or noise abatement adopted or enacted by a unit of government shall be applied

1 retroactively to prohibit conduct at a companion animal establishment, which conduct was
2 lawful and being engaged in prior to the adoption or enactment of such rules, regulations,
3 statutes, or ordinances."

4 **SECTION 2.**

5 This Act shall become effective upon its approval by the Governor or upon its becoming law
6 without such approval.

7 **SECTION 3.**

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