

Senate Bill 111

By: Senators Goggans of the 7th, Chapman of the 3rd, Bulloch of the 11th, Pearson of the 51st and Whitehead, Sr. of the 24th

AS PASSED SENATE

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

15 (A) Any change in the use of land in the area of a companion animal establishment;
 16 (B) An increase in the magnitude of an existing use of land in or around the locality of
 17 a companion animal establishment and includes, but is not limited to, urban sprawl into
 18 an area in or around the locality of a companion animal establishment, or an increase
 19 in the number of persons making any such use or an increase in the frequency of such
 20 use; or

21 (C) The construction or location of improvements on land in or around the locality of
 22 a companion animal establishment closer to a companion animal establishment than
 23 those improvements located on such land at the time of commencement of the operation
 24 of the companion animal establishment at issue.

25 (2) 'Companion animal' means any animal that is commonly kept by persons as a pet or
 26 for companionship and has been domesticated so as to live and breed in a tame condition.

1 Such term includes but is not limited to any of the following animals if domesticated:
2 dogs, cats, ferrets, gerbils, guinea pigs, hamsters, equines, and rabbits.

3 (3) 'Companion animal establishment' means any facility in operation for at least one
4 year used to house companion animals; provided, however, that such term shall not
5 include any facility that is required to be licensed by the Department of Agriculture but
6 which is not so licensed.

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

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

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

22 (d) No rules, regulations, statutes, or ordinances relating to noise control, noise pollution,
23 or noise abatement adopted or enacted by a unit of government shall be applied
24 retroactively to prohibit conduct at a companion animal establishment, which conduct was
25 lawful and being engaged in prior to the adoption or enactment of such rules, regulations,
26 statutes, or ordinances.

27 (e) Nothing in this Code section shall affect enforcement of any provision of Title 4 or
28 Code Section 16-12-4."

29 **SECTION 2.**

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

32 **SECTION 3.**

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