

40-13-13-.02 Licenses.

(1) The Commissioner shall license animal shelter, pet dealer, kennel, and stable operators under the applicable provision of Chapter 5 of Title 2, "Department of Agriculture Registration, License, and Permit Act" on a form obtained from the Georgia Department of Agriculture.

(2) The license shall be issued for a period of one (1) year and shall expire twelve months from the date of issue. The license is issued for the person and premise stated on the license and is not transferable. Each license type will be required to obtain a separate license for each activity, i.e. there will be no combination licenses. The annual fee will be determined by the gross dollar of animal sales, the capacity of the facility or the number of animals present. The annual fees shall be as follows:

(a) Animal Shelter license fee – based upon the holding capacity (to include animal shelter foster homes) at the time of license application or renewal;

1. Capacity for up to and including 20 pets: - \$100.00 fee
2. Capacity for 21 to 40 pets: - \$200.00 fee
3. Capacity for 41 to 80 pets: - \$300.00 fee
4. Capacity for 80 + pets: - \$400.00 fee
5. Animal Shelters not having a permanent fixed facility in Georgia - \$400.00 fee

(b) Kennel license fee - based upon the holding capacity at the time of license application or renewal;

1. Capacity for up to and including 20 pets: - \$100.00 fee
2. Capacity for 21 to 40 pets: - \$200.00 fee
3. Capacity for 41 to 80 pets: - \$300.00 fee
4. Capacity for 80 + pets: - \$400.00 fee

(c) Pet Dealer license fee - fee based upon gross volume of pet sales or set fee.

1. For \$1.00 to \$100.00 in gross pet sales: - \$50.00 license fee
2. For \$101.00 to \$5,000.00 in gross pet sales: - \$100.00 fee
3. For \$5,001.00 to \$10,000.00 in gross pet sales: - \$200.00 fee
4. For \$10,001.00 to \$15,000.00 in gross pet sales: - \$300.00 fee
5. For \$15,001.00 and up in gross pet sales: - \$400.00 license fee
6. Pet dealers not having a permanent fixed facility in Georgia - \$400.00 fee

(d) Stable license fee - based on number of equine present at the time of license application or renewal; provided that if the number of equine present at any time during the license period exceeds the minimum for the next class of fees, the stable operator must file an amendment to the application and pay the higher fee.

1. Capacity for up to and including 10 equine: - \$100.00 license fee
2. Capacity for 11 to 20 equine: - \$200.00 fee
3. Capacity for 21 to 30 equine: - \$300.00 fee
4. Capacity for 30 + equine: - \$400.00 fee
5. For Equine Rescue Groups operating for that sole purpose and maintaining a facility must meet all the requirements of a licensed stable - \$200.00 fee.

(3) Applications for licenses shall be on a form furnished by the Commissioner and shall state:

- (a) The name of the applicant;
- (b) The business address of the applicant;

- (c) The complete telephone number of the applicant;
 - (d) The location of the licensable premise;
 - (e) The type of ownership of the pet dealership, kennel, stable, or animal shelter;
 - (f) The name and address of the owner or, if a partnership, firm, corporation, association, or other entity, the names and addresses of the officers, registered agents, partners, stockholders, and/or members.
- (4) The signature(s) of the owner(s), partners, or officers of a corporation or association, attesting to the fact that the information documented on the application is correct, the regulations have been read and the premise that is subject to be licensed meets all the requirements of this chapter.
- (5) The license must be prominently displayed at each licensed place of business.
- (6) Animal shelters may contract with off-site foster homes and individual members of rescue groups to serve as agents of the animal shelter. The animal shelter is considered the license holder and is responsible for assuring that foster homes and rescue group members are under written contract to comply with the provisions in this chapter and submit to inspection by the animal shelter. Animal shelters must keep a copy of all current foster home and rescue group member contracts.
- (7) Any person licensed by the Department as a bird dealer shall not be required to obtain a license under this chapter if such person does not deal in pets other than birds. If however, a licensed bird dealer sells, offers to sell, exchanges, or offers for adoption pets, other than birds, then such dealer shall be subject to licensing under this chapter.
- (8) Any person who is not a resident of this state but who engages in this state in any activities for which a license is required by this chapter or Chapter 40-13-12 pertaining to bird dealer licensing shall be subject to this chapter for such activities. As a condition of licensure, each non-resident must execute a consent to the jurisdiction of the courts of this state for any action filed under this chapter; and service of process in any such action shall be by certified mail by the Commissioner.
- (9) The Commissioner may refuse to issue or renew or may suspend or revoke a license on any one or more of the following grounds:
- (a) material misstatement in the application for the original license or in the application for the renewal license under this chapter;
 - (b) willful disregard or violation of any rule or regulation of this chapter;
 - (c) willful aiding or abetting another in any violation of this chapter;
 - (d) allowing a license issued under this chapter to be used by an unlicensed person;
 - (e) violation of any law of this state or any rule of the Commissioner related to the disposition of, dealing in, or handling of dogs, cats, equine, and other pets;
 - (f) making substantial misrepresentations or false promises in connection with the business or activity of a licensee under this chapter;
 - (g) pursuing a continued course of making misrepresentations or false promises through advertising, salesmen, agents, or otherwise in connection with the business or activity of a licensee;
 - (h) failure to possess the necessary qualifications or meet the requirements for the issuance or holding of a license;
 - (i) failure to provide proper facilities.

(10) License fees shall be increased by 100 percent for the renewal of any license that is not renewed within ten (10) days following the expiration date of the license. License fees shall be increased by 100 percent for the issuance of a new license to any person who has failed to apply for a license within ten (10) days following notice of the need to obtain such a license has been given to such person in writing by the Commissioner or his authorized representative.

(11) The Commissioner or his duly authorized representative is authorized to issue and enforce written or printed stop sale, stop use, or stop movement orders to the owners or custodians of any pets, ordering them to hold such animals at a designated place, when the Commissioner or his duly authorized representative finds such animals:

(a) to be held by a person who is required to be licensed under this chapter and whose license has expired;

(b) to be held by a person who is required to be licensed under this chapter and who has failed to obtain a license within ten (10) days of the date on which notice of the need to obtain a license was given in writing to such person by the Commissioner or his authorized representative.

(12) A separate license is required of each person and is not transferable, except for foster homes and rescue group members operating under an animal shelter's primary license.

Authority O.C.G.A. Secs. 4-10-1 et seq., 4-11-1 et seq. **History.** Original Rule entitled "Licenses" 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. **Repealed:** New Rule of same title adopted. F. Jan. 6, 1999; eff. Jan. 26, 1999.

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