

WALTER RABON
COMMISSIONER

MIKE ENGLAND
COLONEL

MEMORANDUM

TO: Wild Animal License for Dealing/Breeding Regulated Fish Applicants

FROM: Special Permit Unit

SUBJECT: Instructions for Completing Application

This memo is in reference to meeting requirements for a Wild Animal License as provided for by Official Code of Georgia Annotated § 27-5-4. Attached is a copy of the law's provisions and requirements and an application form which you must complete and return to the Law Enforcement Division, Special Permit Unit, in Social Circle. The following information must be provided fully for each item on the form:

1. Give complete name, mailing address, email and home telephone number, required information and Provide name, address (including county), and phone number of facility or business (if any) and a Fein tax id Number.
2. Describe proposed dealing or breeding goals.
3. List species (including scientific name), number, sex, and age of animals to be exhibited or bred.
4. Provide sizes of cages, lay out, etc., where animals are to be held and exhibited. Describe construction, including building materials. Drawings and photographs are helpful, but not required.
5. List all sources and/or suppliers of animals. Applicants should not be in possession of animals prior to issuance of a license, unless special arrangements have been made with the Special Permit office.
6. Give means of transporting animals (motor vehicle, air freight, etc.), by whom, and final destination.
7. Provide detailed history and educational background in handling and dealing or breeding wildlife.
8. Provide county and municipal business licenses or provide documentation that such licenses are not required by the county and municipality in which you will be operating your business.
9. **Provide documentation that the proposed construction of facilities and the holding of wild animals is not prohibited by county or municipal ordinance.**
10. If the animals which you will be handling are listed as inherently dangerous in O.C.G.A. § 27-5-5, you are required to obtain liability insurance for the animals as outlined in O.C.G.A. § 27-5-4(f). If you are required to ensure your animals, **a copy of the insurance voucher or a certificate of liability (not an insurance application) must be attached.**
11. Enclose a check, money order or credit card information in the amount of **\$255.00**, payable to Georgia Department of Natural Resources.

Wild Animal facilities are subject to inspection by Department of Natural Resources personnel prior to approval of a license for any activity involving wildlife and at any reasonable time thereafter.

Rev/12/23/jrh

Department of Natural Resources
Law Enforcement Division
Special Permit Unit
2070 U.S. Highway 278, S.E.
Social Circle, Georgia 30025
(770) 918-6408

**WILD ANIMAL LICENSE APPLICATION
FOR DEALING/BREEDING REGULATED FISH**

(Use attachments if more space is needed)

Fee \$255.00

Please choose an account type:

Business Acct

FEIN# _____

Personal Acct

* **Social Security #** _____

1 Applicant name: _____

Address: _____

City: _____ State: _____ Zip: _____ County: _____

Email: _____ Business Phone _____ Cell # _____

*** If using the social security number above, please complete this required information.**

Date of Birth _____ **Driver's License Number** _____ **Issue State:** _____

2. Business, corporation, public agency, or institution to be covered by license (Include name and type):

3. Describe in detail your proposed purpose for holding these animals: _____

4. Address or location where proposed business activity is to be conducted:

County _____

5. Species, Number, Sex, and Age (if known) of animals to be licensed:

Triploid Grass Carp

Tilapia

Other

6. Describe in detail facilities for holding/transporting animals: _____

7. Source or Supplier of animal(s):

8. Give a detailed history of all experience and training in handling and dealing or breeding wildlife:

O.C.G.A. § 16-10-20: "A person who knowingly and willingly makes a false, fictitious, or fraudulent statement...in any matter within the jurisdiction of any department or agency of state government...shall, upon conviction thereof, be punished by a fine of not more than \$1000 or by imprisonment for not less than one or more than five years, or both."

Date

Signature (in ink)

Payment: DNR only accepts **Visa:** **MasterCard:** **Discover**

Paying by Credit card, enter card # here: _____ / _____ / _____ **Amount \$** 255.00
(Preferred payment)

Expiration Date: _____ / _____ / **Security Code #** _____

Paying by check or money order: **Check #** _____

27-5-1. Legislative intent and findings.

The General Assembly finds and declares that it is in the public interest to insure the public health, safety, and welfare strictly regulating in this state the importation, transportation, sale, transfer, and possession of those wild animals which pose a possibility of:

- (1) Harmful competition for wildlife;
- (2) The introduction of a disease or pest harmful to wildlife;
- (3) Problems of enforcing laws and regulations relative to wildlife;
- (4) Threatening wildlife or other natural resources; or
- (5) Endangering the physical safety of human beings.

The importation, transportation, sale, transfer, and possession of wild animals are privileges not to be granted unless it can be clearly demonstrated that such actions can be accomplished in such a manner that does not pose unnecessary risk to Georgia's wildlife and other natural resources or to the citizens of and visitors to this state. For these reasons, the General Assembly further finds and declares that only certain wild animals may be held for scientific or educational purposes, for public exhibition, or as pets and may only be lawfully held when the requirements of this chapter are met. The General Assembly further finds and declares that any wild animal for which a license or permit, or both, is required under the provisions of this chapter and for which no such license or permit, or both, has been obtained is a nuisance and is contraband and is subject to seizure by any peace officer authorized to enforce this chapter. (Code 1933, § 45-1101, enacted by Ga. L. 1979, O. 1094, § 4.)

27-5-2. Powers of board generally.

(a) The board shall have the authority to regulate the importation, transportation, sale, and possession of wild animals when and to the extent that the importation, transportation, sale, or possession poses a possibility of:

- (1) Harmful competition for wildlife;
- (2) The introduction of a disease or pest harmful to wildlife;
- (3) Problems of enforcement of laws and regulations relating to wildlife;
- (4) Danger to wildlife or other natural resources; or
- (5) Danger to the physical safety of human beings.

(b) The board is specifically authorized to supplement the list of wild animals set forth in this chapter for which a permit or license, or both, is required.

(c) The board shall have the authority to require that any listed wild animal that is imported, transported, possessed, sold, or transferred by any person, including wild animal dealers, be labeled with the correct species, number, age, or other relevant information.

(d) The board shall have the authority to require an applicant for a permit or license required under this chapter to supply such information and to supply it in such form as the board deems necessary for the department to discharge its responsibilities under this chapter. (Ga. L. 1975, p. 1254, § 2; Code 1933, § 45-1107, enacted by Ga. L. 1977, p. 396, § 1; Ga. L. 1979, p. 1094, § 17,18.)

27-5-3. Powers of the department generally.

(a) The department shall have the authority to prescribe the form and contents of the license and permit applications provided in this chapter.

(b) The department shall issue or deny all permits and licenses required by this chapter and any rules and regulations adopted pursuant to this chapter.

(c) The department may, prior to a hearing, issue a cease and desist order or other appropriate order to any person who is violating this chapter or any regulation, permit, or license issued pursuant to this chapter.

(d) The department may quarantine or otherwise dispose of or order the disposition of any wild animal when it determines that the wild animal is affected with or exposed to a contagious or infectious disease or is infested with a parasite or pest harmful to wildlife.

(e) The department shall have the authority, based upon the standards set forth in Code Section 27-5-6, to determine if the necessary facilities, conditions, and standards prescribed by this chapter are sufficient for safety to the public and for the humane handling, care, confinement, and transportation of the wild animal for which application for a permit or license, or both, has been received. The department shall be authorized to make such determinations by inspecting the facilities of the permit or license holder. Following such a determination, the department also has the authority to condition the license or permit so that the standards and intent of this chapter are met.

(f) The department is authorized to capture and contain any wild animal regulated by this chapter which has escaped or been released when such wild animal is determined by the department to pose a risk to Georgia's wildlife or other natural resources or to the citizens of and visitors to this state. (Ga. L. 1975, p. 1254, § 5; Code 1933, § 45-1106, enacted by Ga. L. 1977, p. 396, § 1; Ga. L. 1979, p. 1094, § 16.)

27-5-4 Wild animal licenses and permits generally.

(a) Unless otherwise provided in Code Section 27-5-5, it shall be unlawful for any person to import, transport, transfer, sell, purchase, or possess any wild animal listed in Code Section 27-5-5 or specified by the board by regulation without first obtaining a wild animal license from the department as provided in Code Section 27-2-23 or a wild animal permit as provided in this Code section. Unless otherwise specified by the department, such license or permit shall be effective from April 1 through March 31 and may contain such conditions and restrictions, including restrictions as to numbers and species of animals, as the department determines appropriate in light of provisions of this chapter. An applicant for a wild animal license or permit shall have the burden of proving that any wild animals subject to such license or permit are or will be imported, transported, transferred, sold, purchased, or possessed in compliance with this chapter.

(b) Wild animal licenses will be issued only to persons engaged in the wholesale or retail wild animal business or persons exhibiting wild animals to the public. Wild animal permits will be issued at no cost and only to persons for scientific or educational purposes or to a pond owner for grass carp or grass carp hybrids where the department has determined that the possession of such carp by the pond owner will not constitute a threat to wildlife; provided, however, that no such permit shall be required for persons buying triploid grass carp from properly licensed wild animal dealers authorized to sell grass carp where the bill of sale is retained by the buyer as proof of such sale and where the triploid grass carp are to be stocked only into a private pond; provided, further, that no such license or permit shall be required solely for the transportation of wild animals through this state where the animals remain in this state no more than 24 hours and are not sold or transferred while in this state.

(c) It shall be unlawful for any person to sell, transfer, deliver, or surrender a wild animal listed in Code Section 27-5-5 or specified by the board by regulation to any other person unless that other person holds a license or permit issued pursuant to this chapter for such wild animal or is exempt from the requirement for such a permit or license by the provisions of subsection (d) of this Code section.

(d) No wild animal license or permit shall be required for a carrier regulated either by the Interstate Commerce Commission, the Civil Aeronautics Board, or the Public Service Commission to import or transport any wild animal.

(e) Any license issued by the department to any person for public exhibition purposes shall be conditioned so that the person operating a wild animal exhibition in a nontraveling, fixed facility shall make the facility open to the public for a time no less than 30 hours per week for at least six months each year; and the person operating a wild animal exhibition in a transient facility shall make the facility open to the public for a reasonable period of time and for reasonable hours of the day, depending upon the nature of the exhibition. The department is authorized to issue such licenses in accordance with this chapter requiring adequate facilities for the humane handling, care, and confinement of wild animals and ensuring public safety. Notwithstanding any other provision of this title, exhibitions of wild animals by federal, state, city, county, or municipal governments or their agencies and transient circuses, which circuses can demonstrate to the satisfaction of the department that 10 percent of the proceeds from such exhibitions shall be devoted to charitable purposes in this state, shall not be required to purchase a wild animal license but shall be required to obtain the license, at no charge, from the department; provided, however, all other provisions of this chapter and all regulations relating to the humane handling, care, and confinement of wild animals must be complied with.

(f) Except as otherwise provided Chapter 5 of this Title, a wild animal license or permit is required for any wild animal listed in Code Section 27-5-5 or by regulation of the Board. Additionally, liability insurance is required for any

wild animal that is classified as being inherently dangerous to people in Code Section 27-5-5 or by regulation of the Board. Prior to issuance of a wild animal license or permit for inherently dangerous animals, any applicant other than a governmental agency must provide proof of liability insurance from a company licensed to do business in this state or an authorized insurer if permitted by Chapter 5 of Title 33. This insurance must be maintained in force and effect and cover claims for injury or damage to persons or property in an amount equal to \$40,000 for each inherently dangerous animal up to a maximum of \$500,000. The insurance company shall notify the department at least 30 days prior to the termination of the policy by the company. Liability insurance is not required for wild animals that are not considered to be inherently dangerous to people.

(g) Any license or permit issued in accordance with Chapter 5 of this Title shall be valid only for the species and numbers of wild animals referenced on the application and the license or permit. The license or permit to hold a female wild animal shall cover her progeny only while the progeny are physically dependent upon her or until her progeny are two months of age, whichever period is longer. It shall also be unlawful to transfer any license or permit issued by the department from one person to another person.

(h) It shall be unlawful for any person holding a license or permit issued pursuant to this chapter to import, transport, sell, transfer, or possess any wild animal in facilities not approved by the department as described in Code Section 27-5-6.

(i) In the event that a determination has been made to revoke, suspend, deny or refuse to renew any license or permit issued pursuant to this Chapter, the applicant for the license or permit may appeal the determination according to the provisions stated in Code Section 27-2-25.

(j) It shall be unlawful for any person holding a license or permit pursuant to this chapter to import, purchase, transport, sell, or transfer any wild animal and fail to record in a record book, within 24 hours after the completion of such a transaction, the date, place, manner, and names and addresses of all persons involved in such a transaction. It shall also be unlawful to fail to maintain such records for a period of 12 months or to fail to provide the department access to such records during all regular business hours.

(k) Wild animal licenses shall not be issued unless the following conditions are met:

- (A) The applicant must be at least 18 years of age;
- (B) Applicants requesting a license for mammals must obtain a license from the United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA/APHIS), or provide written documentation that the applicant is exempt from USDA/APHIS requirements;
- (C) Applicants must submit documentation verifying that proposed construction of facilities and holding of wild animals is not prohibited by county or municipal ordinances;
- (D) The applicant must obtain required business licenses;
- (E) Facilities for holding and/or exhibiting wild animals must be completely separated from a residence and meet specifications for humane handling, care and confinement as provided in Code Section 27-5-6.

27-5-5 Wild animals for which a license or permit is required.

(A) Wild animals that are classified as being inherently dangerous to people. Except as provided in this Code subsection, liability insurance and a license or permit are required for all inherently dangerous wild animals listed in this subsection or specified by regulation of the Board.

(1) Class Mammalia:

- (A) Order Marsupialia: Family Macropodidae: Genus Macropus (Kangaroos) - All species;
- (B) Order Primates:
 - (i) Family Pongidae (gibbons, orangutan, chimpanzees, siamangs, and gorillas) - All species;
 - (ii) Family Cercopithecidae:
 - (I) Genus Macaca (macaques) - All species;
 - (II) Genus Papio (mandrills, drills, and baboons) - All species;
 - (III) Theropithecus gelada (Gelada baboon);
- (C) Order Carnivora:

- (i) Family Canidae:
 - (I) Genus *Canis* (wolves, jackals, and dingos); - all species; except that any person possessing hybrid crosses between wolves and domestic animals on July 1, 1994 shall have until July 1, 1995 to apply for a fee-exempt permit to possess these animals as pets; provided however that the said hybrid is sexually neutered; also provided that it shall be unlawful to transfer possession or ownership of said hybrid without prior written approval from the Department. Liability insurance shall not be mandatory for wolf hybrids possessed under this fee-exempt permit.
 - (II) *Chrysocyon brachyurus* (maned wolf);
 - (III) *Cuon alpinus* (red dog);
 - (IV) *Lycaon pictus* (African hunting dog);
 - (ii) Family Ursidae (bears) - All species;
 - (iii) Family Mustelidae - *Gulo gulo* (wolverine);
 - (iv) Family Hyaenidae (hyenas) - All species;
 - (v) Family Felidae:
 - (I) Genus *Leo* or *Panthera* or *Neofelis* (lions, tigers, jaguars, and leopards) - All species;
 - (II) *Uncia unica* (snow leopard);
 - (III) *Acinonyx jubatus* (cheetah);
 - (IV) *Felis concolor* (cougar) - All subspecies
 - (D) Order Proboscidea: Family Elephantidae (elephants) - All species;
 - (E) Order Perissodactyla: Family Rhinocerotidae (rhinoceroses) - All species;
 - (F) Order Artiodactyla:
 - (i) Family Suidae - *Phacochoerus aethiopicus* (wart hog);
 - (ii) Family Hippopotamidae - *Hippopotamus amphibius* (hippopotamus)
 - (iii) Family Bovidae:
 - (I) Genus *Taurotragus* (eland) - All species;
 - (II) *Boselaphus tragocamelus* (nilgai);
 - (III) *Bos sauveli* (kouprey);
 - (IV) *Syncerus caffer* (African buffalo);
 - (V) *Hippotragus niger* (sable);
 - (VI) *Oryx gazella* (gemsbok);
 - (VII) *Addax nasomaculatus* (addax);
 - (VIII) Genus *Alcelaphus* (hartebeests) - All species;
 - (IX) Genus *Connochaetes* (gnu; wildebeest) - All species;
- (2) Class Reptilia:
- (A) Order Crocodylia:
 - (i) Family Crocodylidae (crocodiles, gavials, etc.) - All species;
 - (ii) Family Alligatoridae - (alligators and caimans) - All species;
 - (B) Order Squamata:
 - (i) Suborder Serpentes:
 - (I) Family Elapidae (cobras, coral snakes, etc.) - All species;
 - (II) Family Viperidae (adders, vipers, etc.) - All species;
 - (III) Family Colubridae - All poisonous rear-fanged species (*Opisthoglypis*);
 - (IV) Family Crotalidae (pit vipers) - All species;
 - (ii) Suborder Lacertilia: Family Helodermatidae (*Gila* monsters and beaded lizards) - All species;
- (3) Class Osteichthyes:
- (A) Order Cypriniformes (Suborder Characoidei): Family Characidae (tetra, piranha): Genera *Serrasalmus*, *Serrasalmo*, *Pygocentrus*, *Tadyyella*, *Rooseveltiella*, *Pygopristis* (piranhas) - All species;
 - (B) Order Siluriformes: Family Trichomycteridae (parasitic catfishes): Genera *Vandellia* (candiru) and *Urinophilus* - All species;
- (4) Class Chondrichthyes (cartilaginous fish); Order Rajiformes: Family Potamotrygonidae (fresh-water stingray) - All species;

(B) Except as provided in this Code section, a license or permit is required for all wild animals listed in this subsection or specified by regulation of the Board. Wild animals listed in this subsection do not require mandatory liability insurance.

(1) Class Mammalia:

- (A) Order Marsupialia (kangaroos, wallabies, etc.) - All species;
- (B) Order Insectivora (shrews, moles, etc.) - All species;
- (C) Order Dermoptera (flying lemurs) - All species;
- (D) Order Chiroptera (bats) - All species;
- (E) Order Primates (monkeys, apes, etc.) - All species except Family Hominidae;
- (F) Order Edentata (sloths, armadillos, etc.) - All species;
- (G) Order Pholidota (pangolins or scaly anteaters) - All species;
- (H) Order Lagomorpha (rabbits, hares, etc.) - All species except Genus *Oryctolagus*; or any other normally domesticated species;
- (I) Order Rodentia (rats, mice, etc) - All species except Genus *Cavia*; Genus *Gerbillus*; Genus *Mesocricetus*; *Mus musculus*; *Rattus rattus*; *Rattus norvegicus*; or any other normally domesticated species;
- (J) Order Cetacea (whales, dolphins, etc.) - All species;
- (K) Order Carnivora (weasels, ferrets, cats, bears, wolves, etc.) - All species, except that a European ferret (*Mustela putorius furo*) may be sold, purchased, exhibited or held as a pet without a license or permit; provided, however, that the ferret owner can provide valid documentation that the ferret is sexually neutered prior to seven months of age and is vaccinated against rabies with a properly administered vaccine approved for use on ferrets by the United States Department of Agriculture;
- (L) Order Tubulidentata (aardvark) - All species;
- (M) Order Proboscidae (elephants) - All species;
- (N) Order Hyracoidea (conies) - All species;
- (O) Order Sirenia (manatees, dugong) - All species;
- (P) Order Perissodactyla (odd-toed ungulates) - All species;
- (Q) Order Artiodactyla (even-toed ungulates) - All species except *Bison bison* (buffalo); *Llamaguanicoe*, *L. glama* and *L. pacos* (Llamas); red deer, and elk

(2) Class Aves:

- (A) Order Falconiformes (hawks, eagles, vultures, etc.)- All species; except that persons possessing a federal falconry license shall be allowed to possess birds in the Order Falconiformes without obtaining a wild animal license;
- (B) Order Galliformes: Family Meleagrididae (turkeys) - All species not normally domesticated;
- (C) Order Psittaciformes: *Myiopsitta monachus* (monk parakeet);
- (D) Order Cuculiformes: Family Cuculidae (cuckoos) - All species;
- (E) Order Strigiformes (owls) - All species;
- (F) Order Passeriformes:
 - (i) Family Alaudidae (larks): *Alauda arvensis* (sky larks);
 - (ii) Family Pycnonotidae (bulbuls) - All species;
 - (iii) Family Muscicapidae (thrushes, blackbirds, fieldfare, etc.): Genus *Turdus* - All species;
 - (iv) Family Zosteropidae (white eyes): Genus *Zosterops* - All species;
 - (v) Family Emberizidae (buntings, etc.): *Emberiza citrinella* (yellow hammer);
 - (vi) Family Ploceidae (sparrows, weavers, queleas, weaver finches, etc.):
 - (I) Genus *Passer* - All species except *Passer domesticus* (English house sparrow);
 - (II) *Ploceus capensis* (cape weaver);
 - (III) *Ploceus philippinus* (Baya weaver);
 - (V) Genus *Quelea* - All species;
 - (vii) Family Icteridae (blackbirds, grackles, orioles, etc.): Genera *Molothrus*, *Quiscalus*, and *Agelaius* - All species;
 - (viii) Family Estrildidae (waxbills, ricebirds, munias, weaver finches, etc.): *Padda oryzivora* (Java sparrow);
 - (ix) Family Sturnidae (starlings, mynas, etc.) - All species except *Sturnus vulgaris* (starling) and *Gracula religiosa* Hill mynas);
 - (x) Family Corvidae (crows, ravens, etc.) - All species;

(3) Class Amphibia (Order Anura):

- (A) Family Bufonidae (toads): *Bufo marinus*, *Bufo paracnemis*, *Bufo horribilis* (giant or marine toad group);

(4) Class Osteichthyes (bony fish):

- (A) Order Cypriniformes (Suborder Characoidei): Family Characidae (tetra, piranha):

- (i) *Astyanax fasciatus* (banded tetra);
- (ii) Genera *Serrasalmus*, *Serrasalmo*, *Pygocentrus*, *Taddeyella*, *Rooseveltiella*, *Pygopristis* (piranhas) - All Species;
- (B) Order Cypriniformes (Suborder Cyprinoidei): Family Cyprinidae (carp, grass carp, orfe, etc.):
 - (i) *Ctenopharyngodon idella* (grass carp);
 - (ii) *Hypophthalmichthys molitrix* (silver carp);
 - (iii) *Aristichthys nobilis* (bighead carp);
- (C) Order Siluriformes:
 - (i) Family Clariidae (air-breathing catfishes) - All species;
 - (ii) Family Trichomycteridae (parasitic catfishes): Genera *Vandellia* (candiru) and *Urinophilus* - All species;
 - (iii) Family Heteropneustidae (giant walking catfishes) Genus *Heteropneustes* - All species;
- (D) Order Perciformes (Suborder Channoidei): Family Channidae (snakeheads): Genera *Ophicephalus* and *Channa* - All species;
- (5) Class Chondrichthyes (cartilaginous fish): Order Rajiformes: Family Potamotrygonidae (freshwater stingray) - All species;
- (6) All exotic fish which are not held in aquaria or tanks, provided that, as used in this Code section, "aquaria or tanks" means containers for holding fish from which no water is discharged, except during periodic cleaning, and which discharged water is passed through a filtering system capable of removing all fish and fish eggs and is disposed of only in a septic tank permitted by the county or in a waste-water treatment system permitted by the Environmental Protection Division of the department; For purposes of this paragraph, exotic fish are all fish species not native to Georgia. This paragraph shall not apply to any species of fish regulated by any other chapter of this title;

(C) Any person who on July 1, 1994, possessed a wild animal for which a license or permit was not required prior to July 1, 1994, shall have until January 1, 1995 to apply for a fee-exempt permit, provided that the requirements of this chapter relating to insurance and humane handling, care, and confinement of wild animals are met. Such permits shall only be valid for wild animals possessed prior to July 1, 1994 and shall not authorize breeding, importation, sale or transfer without specific authorization from the department.

27-5-6. Specifications for humane handling, care, confinement, and transportation of wild animals.

It shall be unlawful to import, transport, sell, transfer, or possess any wild animal regulated by this chapter without meeting the specifications expressed in this Code section for the humane handling, care, confinement, and transportation of such animals.

(1) Facilities in general.

(A) The facility must be constructed of such material and of such strength as appropriate for the animals involved. The housing facilities shall be structurally sound and shall be maintained in good repair to protect and contain the animals. The facilities shall be designed in such a manner, including the inclusion of barriers of sufficient dimensions and conformation, to safeguard both the animals and the public against injury by direct contact.

(B) Reliable and adequate electric power and adequate potable water shall be available on the premises.

(C) Supplies of food and bedding shall be stored in facilities which adequately protect the supplies against deterioration, molding, or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(D) Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, trash, and debris. Disposal facilities shall be so provided and operated so as to minimize vermin infestation, odors, and disease hazards. The disposal facilities and any disposal of animal and food wastes, bedding, dead animals, trash, and debris shall comply with applicable federal, state, and local laws and regulations relating to pollution control or the protection of the environment.

(E) Facilities such as washrooms, basins, showers, or sinks shall be provided to maintain cleanliness among animal caretakers.

(2) Indoor facilities.

(A) Temperature in indoor housing facilities shall be sufficiently regulated by heating or cooling to protect the animals from extremes of temperature, to provide for their health, and to prevent their discomfort. The ambient temperature shall not be allowed to fall below nor rise above temperatures compatible with the health and comfort of the animal.

(B) Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health and to prevent discomfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, fans, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation.

(C) Indoor housing facilities shall have ample lighting, by natural or artificial means, or both, of good quality, distribution, and duration as appropriate for the species involved. Such lighting shall be uniformly distributed and of sufficient intensity to permit routine inspection and cleaning. Lighting of primary enclosures shall be designed to protect the animals from excessive illumination.

(D) A suitable sanitary method shall be provided for rapid elimination of excess water from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors and installed so as to prevent any backup of sewage. The method of drainage shall comply with applicable federal, state, and local laws and regulations relating to pollution control or the protection of the environment.

(3) Outdoor facilities.

(A) When sunlight is likely to cause overheating or discomfort of the animals, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to protect themselves from direct sunlight.

(B) Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided for all animals kept outdoors to afford them protection and to prevent discomfort to such animals. Individual animals shall be acclimated to before they are exposed to the extremes of the local climate.

(C) A suitable method shall be provided for rapid elimination of excess water. The method of drainage shall comply with applicable federal, state, and local laws and regulations relating to pollution control or the protection of the environment.

(4) Space requirements.

Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavioral patterns.

(5) Feeding.

(A) The food shall be wholesome, palatable, and free from contamination and of sufficient quality and nutritive value to maintain all animals in good health. The diet shall be prepared with consideration for the age, species, condition, size, and type of animal. Animals shall be fed at least once a day except as dictated by hibernation, veterinary treatment, normal fasts, or other professionally accepted practices.

(B) Food and food receptacles, if used, shall be sufficient in quantity and located so as to be accessible to all animals in the enclosure and shall be placed so as to minimize contamination. Food receptacles shall be kept clean and sanitary at all times. If self-feeders are used, adequate measures shall be taken to prevent molding, contamination, and deterioration or caking of food.

(6) Watering.

If potable water is not accessible to the animals, it must be provided as often as necessary for the health and comfort of the animal. Frequency of watering shall take into consideration the age, species, condition, size, and type of the animal. All water receptacles should be kept clean and sanitary.

(7) Sanitation.

(A) Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce odors. When enclosures are cleaned by hosing or flushing, adequate measures shall be taken to protect the animals confined in such enclosures from being directly sprayed with the water or wetted involuntarily.

(B) Subsequent to the presence of an animal with an infectious or transmissible disease, cages, rooms, and hard-surfaced pens or runs shall be sanitized either by washing them with hot water (180° F at source) and soap or detergent, as in a mechanical washer, or by washing all soiled surfaces with a detergent cleaning solution followed by a safe and effective disinfectant or by cleaning all soiled surfaces with saturated live steam under pressure. Pens or runs using gravel, sand, or dirt shall be sanitized when necessary.

(C) Premises (buildings or grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry. Accumulations of trash shall be placed in designated areas and cleared as

necessary to protect the health of the animals.

(D) A safe and effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

(8) Employees.

A sufficient number of adequately trained employees shall be utilized to maintain the professionally acceptable level of husbandry practices. Such employees shall be under a supervisor who has a background in animal care.

(9) Separation.

Animals housed in the same primary enclosure must be compatible. Animals shall not be housed near animals that interfere with their health or cause them discomfort.

(10) Veterinary care.

(A) Programs of disease prevention, parasite control, euthanasia, and adequate veterinary care shall be established and maintained. The pest control programs shall be reviewed for the safe use of materials and methods.

(B) Animals shall be observed every day by the person in charge of the care of the animals or by someone working under his direct supervision. Sick, diseased, stressed, injured, or lame animals shall be provided with veterinary care or humanely destroyed.

(11) Handling

(A) Handling of animals shall be done expeditiously and carefully so as not to cause unnecessary discomfort, behavioral stress, or physical harm to the animal. Care should be exercised also to avoid harm to the handler.

(B) Animals which are exhibited to the public shall only be displayed for periods of time and under conditions consistent with the animals' health and not leading to their discomfort.

(C) During public display, the animals must be handled so there is minimal risk of harm to the public with sufficient distance allowed between the animals and the viewing public to assure safety to both the public and the animals. Performing animals shall be allowed a rest period between performances equal to the time for one performance. There shall be no direct contact between animals and the public.

(12) Vehicles.

(A) Vehicles used in transporting animals shall be mechanically sound and equipped to provide the animals adequate fresh air, both when moving and stationary, without injurious drafts or discomfort.

(B) The animal cargo space shall be so constructed and maintained so as to prevent the ingress of the vehicle's exhaust gases.

(C) The interior of the animal cargo space shall be kept physically clean.

(D) The ambient temperature shall be sufficiently regulated by heating or cooling to protect animals from the extremes of temperature and to provide for their health and to prevent their discomfort. The ambient temperature shall not be allowed to fall below or rise above temperatures compatible with the health and comfort of the animals.

(13) Primary enclosures to transport animals.

(A) Primary enclosures, such as compartments used to transport animals, shall be well constructed, well ventilated, and designed to protect and assure the safety of the animals. Such enclosures shall be constructed or positioned in the vehicle in such a manner that each animal in the vehicle has access to sufficient air for normal breathing, the openings of such enclosures are easily accessible at all times for emergency removal of the animals, and the animals are afforded adequate protection from the elements.

(B) Animals transported in the same primary enclosure shall be compatible. Socially dependent animals (e.g., siblings, dam, and young cage mates) must be allowed visual and olfactory contact.

(C) Primary enclosures used to transport animals shall be large enough to ensure that each animal contained therein has sufficient space to turn about freely and to make normal postural adjustments; provided, however, that certain species may be restricted in their movements according to professionally acceptable standards when such freedom of movement would constitute a danger to the animals or their handlers.

(D) Animals shall not be placed in primary enclosures over other animals in transit unless each floor is fitted with a floor of a material which prevents animal excreta or other wastes from entering lower enclosures.

(E) Primary enclosures used to transport animals shall be cleaned and sanitized before and after each shipment. All bedding in the vehicle shall be clean at the beginning of each trip.

(14) Food and water requirements.

(A) Potable water shall be provided to each animal at least once in each 12 hour period except as directed by hibernation, veterinary treatment, or other professionally accepted practices. Those animals which, by common accepted practice, require watering more frequently shall be so watered.

(B) Each animal shall be fed at least once in each 24 hour period except as directed by hibernation, veterinary treatment, normal fasts, or other professionally accepted practices. Those animals which, by common accepted practice, require feeding more frequently shall be so fed.

(C) A sufficient quantity of food and water shall accompany the animal to provide food and water for the animal for a period of at least 24 hours, except as directed by hibernation, veterinary treatment, normal fasts, or other professionally accepted practice.

(15) Care in transit.

(A) It shall be the responsibility of the attendant or driver to inspect the animals frequently enough to assure the health and comfort of the animals.

(B) In the event of a breakdown or delay of the vehicle, it is the responsibility of the animal caretaker or vehicle operator to assure that animals get adequate ventilation and protection from fumes, vehicle exhaust, and extremes in temperature and to assure that the animals are not subjected to undue discomfort.

(C) In an emergency concerning the health and welfare of the animals, adequate veterinary care shall be provided without delay.

27-5-7. Release or escape from captivity.

It shall be unlawful for any person to release intentionally or accidentally from captivity any wild animal as defined in 27-1-2(75) or to import, transport, sell transfer, or possess such a wild animal in such a manner so as to cause its release or escape from captivity. In the event a person imports, transports, sells, transfers, or possesses a wild animal in such a manner so as to pose a reasonable possibility that such wild animal may be released accidentally or escape from captivity, the department may revoke the license or permit, or both, of such person pursuant to the procedure set forth in Code Section 27-2-25.

27-5-8. Seizure of wild animals as contraband; civil action to recover animals.

(a) Peace officers authorized to enforce this chapter may seize as contraband any wild animal for which a permit or license, or both, is required and for which no permit or license, or both, has been obtained.

(b) When any peace officer authorized to enforce this chapter has seized as contraband any wild animal, he shall deliver the same to the department. To recover such wild animal, the owner or the person in possession of the wild animal at the time of may file, in the state or superior court having jurisdiction in the county where the seizure was made, a civil action against the State of Georgia, Department of Natural Resources, within 30 days following such seizure. The person filing the action shall have the burden of proof of showing that the wild animal was not held in violation of this title, and the action shall be tried as other civil cases in such court. The wild animal for which the action has been filed shall be held pending the resolution of the action. Reasonable charges for storing shall be paid to the department by the owner and the person in possession of the wild animal at the time of seizure unless it is determined that the seizure was unlawful (Code 1933, § 45-11-04.1, enacted by Ga. L. 1979, p. 1094 § 14; Ga. L. 1985, p. 913, § 5.)

The 1985 amendment, effective May 1, 1985, in subsection (b), divided the former last sentence into the present last and next-to-last sentences by substituting a period for "; provided however," following "resolution of the action" in the next-to-last sentence and substituted "owner and the person in possession of the wild animal at the time of seizure unless it is determined that the seizure was unlawful" for "person filing the action in the event that such person does not prevail in the action" at the end of the last sentence.

27-5-9. Seizure of wild animals pursuant to administrative order; appeal.

(a) Authorized personnel of the department may seize any wild animal regulated by this chapter pursuant to an

administrative order or an emergency administrative order issued by the department.

(b) In the event that any person is adversely affected by a seizure pursuant to an administrative order or emergency administrative order issued by the department, such person shall be entitled to appeal such order pursuant to subsection (d) of Code Section 27-1-37.

(c) Any wild animal seized under this Code section shall be held until the expiration of the time for filing any administrative appeal. Reasonable charges for storage shall be paid to the department by the owner and the person in possession of the animal at the time of seizure unless it is determined that the seizure was unlawful. (Code 1933, § 45-1104.2, enacted by Ga. L. 1979, p. 1094, § 14; Ga. L. 1985, p. 913, § 6.)

The 1985 amendment, effective May 1, 1985, in subsection (b), substituted a "seizure pursuant to an" for "any" and substituted "appeal such order pursuant to subsection (d) of Code Section 27-1-37" for "all rights of appeal as stated in this title" and added subsection (c).

27-5-10. Disposal of wild animals recaptured after escape or seized under this title.

(a) The commissioner may authorize the disposal of any wild animal regulated by this chapter which has escaped and been recaptured or any wild animal which has been seized under this title. Such disposal shall be in the manner determined by the commissioner to be in the best interest of the state and shall not be in violation of this title, provided that no such disposal shall be made until there has been a final adjudication of any civil or administrative proceeding commenced by any person authorized to do so by this title.

(b) Notwithstanding any other provisions of this title, when a wild animal regulated by this chapter has escaped, the commissioner may authorize the destruction of the wild animal if he determines that the wild animal poses a threat to the safety of human beings or if he determines that there is very little likelihood that the wild animal can be recaptured. (Code 1933, § 45-1105, enacted by Ga. L. 1977, p. 396, § 1; Ga. L. 1978, p. 816, § 69, Ga. L. 1979, p. 1094, § 15.)

27-5-11. Wild animal auction license; applications; filing requirements.

(a) As used in this Code section, the term "auction" means a public or private sale of wild animals to the highest bidder.

(b) No person shall conduct an auction of wild animals without first obtaining a wild animal auction license from the department. Such license shall only be good for a specific auction of not more than seven days in duration at a single location.

(c) All applications for a wild animal auction license shall include:

- (1) A \$5,000.00 wild animal auction license fee which shall be refunded if the application is denied;
- (2) A cash bond or surety bond issued by a surety company authorized to do business in this state in the amount of \$50,000.00 made payable to the commissioner and conditioned upon the applicant's conducting the auction in accordance with this chapter, and the terms and conditions of the applicant's wild animal auction license;
- (3) A description by species and number of the wild animals to be sold at auction and plans of the facilities to be used to house such wild animals which include an explanation of which facilities are to house which animals;
- (4) A certificate or policy of insurance issued to the auctioneer and the owner of the auction facilities meeting all the requirements of subsection (f) of Code Section 27-5-4 if any wild animals inherently dangerous to human beings are to be sold at auction;
- (5) A description of the facilities to be provided for the obtainment of any insurance required by subsection (f) of Code Section 27-5-4 for persons who buy wild animals at the auction and an affidavit from an officer or agent of such an insurer that it is ready, willing, and able to provide such insurance;
- (6) Authorization for the department to inspect the proposed facilities for the auction prior to a determination on the application and, if the application is granted, at any time thereafter until all wild animals have been removed from the premises of the auction;
- (7) Copies of all materials to be distributed to the public or participants about the auction; and
- (8) Such other information as the commissioner deems necessary for the department to discharge its responsibilities under this code section.

(d) No application for a wild animal auction license shall be considered unless it is filed and completed at least 60 days prior to the proposed auction. The department shall have at least 30 days to respond to a completed application.

(e) All other provisions of this chapter, including, without limitation, those relating to licensing, insurance, humane handling, care, confinement and transportation of wild animals, and seizure and disposal of wild animals shall be applicable to a wild animal auction and any participants therein. (Code 1981, § 27-5-11, enacted by Ga. L. 1985, p. 913, § 7.)

Effective Date. - This code section § 4-6-42 et seq. Sales became effective May 1, 1985. by auction generally. Cross references. - Livestock auctions, § 11-2-328. Regulation of business of auctioneers generally, T. 43, Ch. 6 ,

27-5-12. Shooting, killing, or wounding of wild animals, generally.

It shall be unlawful to shoot, kill, or wound any wild animal held under a wild animal license or permit or any farmed deer for enjoyment, gain, amusement or sport. This code section does not prohibit:

(1) A licensed veterinarian from diagnosing, treating, or performing other duties within the standards of veterinary practice on a farmed deer;

(2) The slaughter of wild animals or farmed deer in compliance with the provisions of paragraph (16) of Code Section 27-5-6 and with the laws of this state relating to the slaughter of livestock; or

(3) The recapture or disposal of farmed deer which have escaped, and which have become classified as wild animals pursuant to Code Section 4-4-174 or the disposal of wild animals according to Code Section 27-5-10.