



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

David T. Marshall, DVM
State Veterinarian

March 9, 2012

VIA FAX: (910) 844-5802

Maxton Animal Holding
Attn: Hugh Montgomery
Interim City Manager
105 North Florence Street
Maxton, North Carolina 28364

NOTICE OF WARNING

Re: Maxton Animal Holding; Maxton Public Works Hayes Pond Road
Animal Shelter Registration No. 117

Dear Mr. Long:

On February 23, 2012, Animal Health Technician Pat Sholar conducted a follow-up inspection of the above-referenced facility for the North Carolina Department of Agriculture and Consumer Services and determined that your shelter facility may be in violation of state law and regulations. This inspection was a follow-up inspection to determine if deficiencies found on November 3, 2011, had been corrected.

During this inspection, Ms. Sholar found the deficiencies listed below:

- 1) The Transport unit welded wire had not been repaired. This deficiency had been identified during the inspection done on November 3, 2011;
- 2) Dried dog waste was found in a kennel, indicating that the kennel had not been cleaned and sanitized on a daily basis;
- 3) Dog bedding had not been cleaned out of a dog house;
- 4) No one on the facility staff could produce or provide access to shelter facility records;
- 5) An outside fence gate was warped and in need of repair;
- 6) A cat was found in the dog box of the facility truck, without food, water or litter pan, apparently left there overnight.

Based on the results of the above visit, you may have violated the following Agriculture regulation(s):

02 NORTH CAROLINA ADMINISTRATIVE CODE 52J .0201 **GENERAL**

(a) Housing facilities for dogs and cats shall be structurally sound and maintained in good repair to protect the animals from injury, contain the animals and restrict the entrance of other animals and people.

History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. January 1, 2005.

02 NORTH CAROLINA ADMINISTRATIVE CODE 52J .0204 **PRIMARY ENCLOSURES**

(a) Primary enclosures shall be constructed so as to prevent contamination from waste and wastewater from animals in other enclosures. All surfaces with which an animal comes in contact shall be impervious to moisture. For primary enclosures placed into service on or after January 1, 2005, no wood shall be within the animal's reach. For primary enclosures in use in a licensed or registered facility prior to January 1, 2005, any damaged wood must be replaced in a manner that does not permit contact with wood by the animal.

(b) Primary enclosures for dogs and cats shall be structurally sound and maintained in good repair and in a manner to prevent injury to animals and keep other animals out. Primary enclosures shall be constructed so as to provide space to allow each dog or cat to walk, urn about freely, and to easily stand, sit, or lie in a natural position. The height of a primary enclosure other than a cage shall be no less than five feet. All enclosures shall be constructed to prevent the escape of animals.

(c) Each primary enclosure shall be provided with a solid resting surface or surfaces adequate to comfortably hold all occupants of the primary enclosure at the same time. All resting surfaces must be of a non-porous or easily sanitized material, such as a towel, or a disposable material such as newspaper. The resting surface or surfaces shall be elevated in primary enclosures housing two or more cats.

(d) In addition to Paragraph (b) of this Rule, each dog shall be provided a minimum square footage of floor space equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail, plus six inches, then divide the product by 144. The calculation is: $(\text{length of dog in inches} + 6) \times (\text{length of dog in inches} + 6) = \text{required floor space in square inches}$. $\text{Required floor space in square inches} \div 144 = \text{required floor space in square feet}$. The calculation shall be expressed in square feet. Not more than four adult dogs shall be housed in the same primary enclosure without supervision.

(e) If more than four dogs are housed in a common area or enclosure, then there must be at least one person supervising each 10 dogs housed within each enclosure or common area.

(f) In addition to Paragraph (b) of this Rule, each feline older than six months housed in any primary enclosure shall be provided a minimum of four square feet of floor space which may include elevated resting surfaces. Each feline younger than six months shall be provided 1.5 square feet. Not more than 12 cats shall be housed in the same primary enclosure.

(g) In all cat enclosures, a receptacle containing clean litter shall be provided for waste. A minimum of one receptacle per three cats is required.

*History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. January 1, 2005; April 1, 1985.*

02 NORTH CAROLINA ADMINISTRATIVE CODE 52J .0206 **WATERING**

Animals shall have continuous access to fresh water, except as might otherwise be required to provide adequate veterinary care. Watering receptacles shall be durable and kept clean and sanitized. Damaged receptacles shall be replaced.

*History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. January 1, 2005.*

02 NORTH CAROLINA ADMINISTRATIVE CODE 52J .0207 **SANITATION**

(a) Waste shall be removed from primary enclosures and exercise areas to prevent contamination of the dogs or cats contained therein and to reduce disease hazards and odors. Enclosures and exercise areas for dogs and cats must be properly cleaned a minimum of two times per day. The animal must be able to walk or lie down without coming in contact with any waste or debris. When a hosing or flushing method is used for cleaning an enclosure, dogs or cats contained therein shall be removed during the cleaning process, and adequate measures shall be taken to protect the animals in other such enclosures from being contaminated with water and other wastes.

(b) Sanitation shall be as follows:

- (1) Prior to the introduction of dogs or cats into empty primary enclosures previously occupied, enclosures and accessories shall be sanitized in the manner provided in Subparagraph (b)(3) of this Rule.
- (2) In addition to primary enclosures being properly cleaned a minimum of two times per day, enclosures and accessories shall be sanitized a minimum of once every seven days in the manner provided in Subparagraph (b)(3) of this Rule if the same animal is housed in the same enclosure more than seven days.

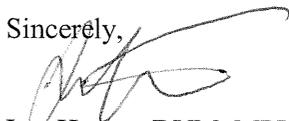
- (3) Cages, rooms and hard-surfaced pens or runs shall be sanitized by:
 - (A) washing them with hot water (180 degrees F.) and soap or detergent as in a mechanical cage washer; or
 - (B) washing all soiled surfaces with a detergent solution to remove all organic matter followed by application of a safe and effective disinfectant; or
 - (C) cleaning all soiled surfaces with live steam.
 - (4) Food and water receptacles shall be sanitized daily with hot water, detergent, and disinfectant.
 - (5) Soiled linens and cloth products shall be mechanically washed with detergent and sanitized.
 - (6) Any area accessible to multiple animals shall be kept clean and sanitary.
- (c) Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this Rule. Premises shall remain free of accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes must be controlled so as to facilitate cleaning of the premises and to improve pest control, and to protect the health and well-being of the animals.
- (d) An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

*History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. January 1, 2005; April 1, 1985.*

Please provide this section with a proposed plan and time frame for curing these deficiencies.

This letter shall constitute a WARNING. If a future violation of these statutes or regulations occurs, it could result in disciplinary action against your facility registration pursuant to G.S. § 19A-30 or the assessment of a civil penalty of up to \$5,000.00 per violation under G.S. § 19A-40.

Sincerely,



Lee Hunter, DVM, MPH
Director, Animal Welfare Section

BHB

cc: Mr. Barry H. Bloch, Assistant Attorney General, NCDOJ
Ms. Pat Sholar, Animal Health Technician, NCDA&CS
Mr. Howard Isley, Assistant Commissioner, NCDA&CS
Dr. David T. Marshall, State Veterinarian, NCDA&CS