



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

Christina L. Waggett
Assistant Commissioner
for Consumer Protection

Michael Martin, DVM
State Veterinarian

September 5, 2023

Steve Garrison
Rutherford County Manager
289 North Main Street
Rutherford, NC 28139
via email:

Steve.garrison@rutherfordcountync.gov

NOTICE of CIVIL PENALTY and NOTICE of WARNING

Re: CIVIL PENALTY ASSESSMENT for VIOLATIONS of TITLE 02 N.C. ADMINISTRATIVE CODE (NCAC) CHAPTER 52J SECTIONS .0101(4), (5) and (6); .0103; .0203(d)(2); .0206(a); 0207(a); .0209(7)(a); and .0210(a)(3), (d), and (h) and NOTICE OF WARNING for VIOLATION of 02 NCAC 52J .0202(a)(2) and (b)(3); .0204(h) and (m); .0206(e); and .0207(f).

AWS-CP-2023-16

**Facility: Rutherford County Animal Shelter
Registration Number 65**

Dear County Manager Garrison:

Pursuant to NCGS § 19A-40, I am issuing this notice that Rutherford County as the operator of the Rutherford County Animal Shelter (“the shelter”) is hereby assessed a civil penalty of \$6,100.00 as provided in the enclosed Notice of Violation.

With regard to the civil penalty, within 60 days from the date of receipt, you must do one of the following:

1. Pay the civil penalty assessment; or
2. File a written petition for a contested case hearing with the N.C. Office of Administrative Hearings to appeal the penalty assessment.

Pursuant to NCGS § 150B-22, either party to a dispute may initiate informal settlement negotiations at any time. To negotiate a settlement of this assessment, you may contact me by telephone at (919) 707-3280. Settlement offers do not extend the 60-day deadline for payment or filing of a contested case petition.

Additional information about your options is provided below:

PAYMENT

To pay the penalty, please send your payment by check or money order made payable to the North Carolina Department of Agriculture and Consumer Services to:

North Carolina Department of Agriculture and Consumer Services
Dr. Patricia Norris
Director, Animal Welfare Section
1030 Mail Service Center
Raleigh, NC 27699-1030

APPEAL

If you file a contested case petition, it must be in writing and in the form prescribed by NCGS § 150B-23. The petition must be filed with the N.C. Office of Administrative Hearings (“OAH”) within 60 days from the date of this document. Additionally, the petition must be accompanied by a filing fee of twenty dollars (\$20.00). Payment can be made by cash, money order, certified check or check drawn on an attorney’s trust account. Make checks payable to: Office of Administrative Hearings. File the petition and one copy with:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714

Any questions about filing a petition may be directed to the Clerk of OAH by telephone at 919-431-3000.

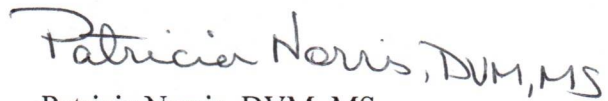
You must serve NCDA&CS by mailing a copy of the petition to:

Mr. Jonathan Lanier
North Carolina Department of Agriculture and Consumer Services
Registered Agent and General Counsel
1001 Mail Service Center
Raleigh, NC 27699-1001

Payment of the penalty will not foreclose further enforcement action against you for any new violation. If the violations which resulted in the assessment are of a continuing nature, NCDA&CS reserves the right to assess additional civil penalties in the future or take other enforcement action against you.

Your attention to this matter is appreciated.

Sincerely,

A handwritten signature in black ink that reads "Patricia Norris, DVM, MS". The signature is written in a cursive style.

Patricia Norris, DVM, MS
Director, Animal Welfare Section

Attachment: Notice of Violations, Assessment of Civil Penalty

cc: Michael Martin, DVM, State Veterinarian
Jonathan Lanier, General Counsel, NCDA&CS
Christina L. Waggett, Assistant Commissioner, NCDA&CS
Christopher R. McLennan, Special Deputy Attorney General

STATE OF NORTH CAROLINA
COUNTY OF WAKE

NORTH CAROLINA DEPARTMENT
OF AGRICULTURE AND CONSUMER
SERVICES, VETERINARY DIVISION
ANIMAL WELFARE SECTION

IN THE MATTER OF)
RUTHERFORD COUNTY)
OPERATOR of)
RUTHERFORD COUNTY)
ANIMAL SHELTER)

) NOTICE of VIOLATION and
) ASSESSMENT of CIVIL PENALTY
) for VIOLATIONS of TITLE 02 NC
) ADMINISTRATIVE CODE (“NCAC”)
) CHAPTER 52J SECTIONS .0101(4), (5) and (6);
) .0103; .0203(d)(2); .0206(a); .0207(a); .0209(7)(a);
) and .0210(a)(3), (d) and (h); and NOTICE of
) WARNING for VIOLATIONS OF 02 NCAC 52J
) .0202(a)(2) and (b)(3); .0204(h) and (m); .0206(e)
) and .0207(f).

Acting pursuant to NCGS § 19A-40, Dr. Patricia Norris, Director, Animal Welfare Section (“AWS”), North Carolina Department of Agriculture and Consumer Services (“NCDA&CS”) makes the following:

FINDINGS OF FACT

1. At all times pertinent to this matter, the Rutherford County Animal Shelter (“the shelter”), operated by Rutherford County, was an animal shelter registered pursuant to NCGS §19A-26.
2. On July 24, 2023, AWS Animal Health Technician Joshua James (“Inspector James”) conducted a site visit of the shelter due to the shelter’s failure to submit a complete animal shelter registration renewal application by June 15, 2023 in violation of 02 NCAC 52J .0105(4). The site visit which occurred in the late afternoon of July 24, 2023, revealed the following:
 - a. a review of the shelter’s Program of Veterinary Care (PVC) shows that it states that the shelter will take an ill or injured animal to a veterinary clinic if the veterinary clinic is open or on the weekend, will contact a local veterinarian for advice on treating an animal. It also states that if an animal is obviously suffering the shelter is to document and euthanize;
 - b. a mother dog and her 3 puppies were housed in the euthanasia room. Two of the puppies were kenneled together in one enclosure. These 2 puppies were housed without water in violation of 02 NCAC 52J .0206(a);
 - c. the enclosure housing the 2 puppies had an extensive amount of bloody feces such that the puppies were unable to move without coming in contact with the fecal material in violation of 02 NCAC 52J .0207(a);
 - d. conversation with the shelter staff revealed that the puppies had been surrendered as strays during the previous day and the person who surrendered the puppies informed the shelter staff that the puppies were ill with parvo. Review of the records showed that these puppies had not received veterinary care or been euthanized in violation of 02 NCAC 52J .0210(a)(3) and (d);
 - e. the third puppy was housed in a separate kennel that did not have any water present in violation of 02 NCAC 52J .0206(a). This puppy was deceased and in rigor. Conversation with the shelter staff revealed that they were unaware that the puppy was deceased, and that

- the staff had been informed that this puppy was ill upon surrender. Review of the animal's shelter records show that this puppy was recumbent for its intake photo, appeared to be severely ill and had not received veterinary care or been euthanized in violation of 02 NCAC 52J .0210(d);
- f. observation of the euthanasia room and other areas of the shelter revealed that areas of the shelter had a large population of flies and other flying insects in violation of 02 NCAC 52J .0207(f);
 - g. the euthanasia room had a very strong foul odor in violation of 02 NCAC 52J.0202(b)(3);
3. On August 1, 2023, AWS received a complaint alleging the shelter was failing to keep accurate animal records and failing to properly administer rabies vaccinations. Based on this information, AWS opened an investigation. The investigation centered on possible violation(s) of the N.C. Animal Welfare Act ("AWA") as these statutes and associated regulations are the extent of the jurisdiction of AWS.
 4. On August 7, 2023, Inspector James conducted the site visit portion of the investigation. The site visit revealed the following:
 - a. a black kitten housed with its mother and littermates was observed with a significant eye infection. The shelter staff said they had been treating it for 3 days without it having been seen by a veterinarian in violation of their PVC. This failure to follow the shelter's PVC was in violation of 02 NCAC 52J .0210(a)(3). Initially the shelter staff could not identify the medication administered. The administration of the medication was not documented as required by 02 NCAC 52J .0101(5). The shelter staff member could not match the kitten to any shelter identification number in violation of 02 NCAC 52J .0103. The failure to provide adequate veterinary care in a timely manner is in violation of 02 NCAC 52J .0210(d);
 - b. the shelter staff was unable to access the animal's records including intake and disposition records upon request in violation of 02 NCAC 52J .0103;
 - c. the ambient temperature in multiple areas of the shelter were 86.3 – 87.9°F in violation of 02 NCAC 52J .0202(a)(2)
 - d. one kennel housing 3 dogs did not have any water present; therefore, the animals did not have continuous access to water in violation of 02 NCAC 52J .0206(a);
 - e. dogs housed outside did not have dog houses available in the kennels in violation of 02 NCAC 52J .0203(d)(2);
 - f. in the cat quarantine area, a deceased kitten in rigor was found in a litter box. Conversation with the shelter staff revealed that a staff member had just been in the room and had failed to note the deceased kitten;
 - g. in the quarantine area and trailer 5 cages were housing 2 or more cats without an elevated resting surface in violation of 02 NCAC 52J .0204(h); and
 - h. 6 adult cats housed in the small cat cages in the trailer and quarantine area did not have the minimum of four-square feet of floor space in violation of 02 NCAC 52J .0204(m).
 5. On August 8, 2023, Inspector James returned to the shelter to continue the complaint investigation. This visit revealed:
 - a. review of the shelter report provided by the shelter staff compared with the current census of the animals actually present on the shelter's premises show that 70 animals did not have a disposition entered into the animal's records resulting in the records showing that these 70 were still in the care and custody of the shelter when this was no longer accurate. The missing

- disposition information for these 70 animals was in violation of 02 NCAC 52J .0101(4);
- b. review of the medication administration logs revealed inconsistent and inadequate documentation of the administration of medication in violation of 02 NCAC 52J .0101(5);
 - c. review of the shelter records revealed that the shelter was inconsistent in the generation of records within 48 hours in violation of 02 NCAC 52J .0101(6). 15 animals were present in the shelter for more than 48 hours before intake records were generated and identification numbers were assigned;
 - d. dogs in 2 separate kennels did not have any water available in their enclosures in violation of 02 NCAC 52J .0206(a);
 - e. a pile of regurgitated dog food in the first outdoor run next to the quarantine building photographed during the August 7, 2023 site visit was still present apparently untouched. As it was 23 hours since the August 7, 2023 site visit, the enclosure should have been properly cleaned twice, the shelter failed to properly clean this enclosure a minimum of twice daily in violation of 02 NCAC 52J .0207(a);
 - f. the black kitten with the eye infection noted on August 7, 2023 was taken to the veterinarian and found to have a severe URI that had caused the skin around the eyes to blister. This kitten was now assigned the shelter identification number of PS1774618. The failure to provide adequate veterinary care in a timely manner was in violation of 02 NCAC 52J .0210(d);
 - g. plastic buckets that have been chewed and therefore unable to be adequately sanitized were being used rather than being replaced in violation of 02 NCAC .0206(e);
 - h. a review of the shelter documentation, showed, in violation of 02 NCAC 52J .0209(7)(a), the shelter failed to document the provision of daily social interactions and enrichment required by 02 NCAC 52J .0209(7) for those animals that have been housed for longer than 30 days;
 - i. review of animals' intake records showed that they were administered 2-3 different medications as flea treatments simultaneously. This inappropriate administration is not consistent with the veterinary intake protocols established by the shelter's veterinarian and is contrary to the veterinarian's recommendations. This combination of multiple flea medications is not adequate veterinary care and is in violation of 02 NCAC 52J .0210(d);
 - j. review of the shelter animal records from June 1, 2023 – July 23, 2023 showed that 7 animals of sufficient age that had been housed in the shelter for more than 14 days had not received a rabies vaccination in violation of 02 NCAC 52J .0210(h)

CONCLUSIONS

To the extent that the Findings of Fact contain Conclusions of Law, or that the Conclusions of Law are Findings of Fact, they should be so considered without regard to the given labels. Based on the findings of the AWS investigation, AWS concludes that the shelter has violated 02 NCAC 52J .0101(4), (5) and (6); .0103; .0202(a)(2) and (b)(3); .0203(d)(2); .0204(h) and (m); .0206(a) and (e); .0207(a) and (f); .0209(7)(a); and .0210(a)(3), (d), and (h)

AWS concludes that the shelter violated the following provisions:

02 NCAC 52J .0101(4) for failure to properly record the disposition of 70 animals as noted on August 8, 2023

02 NCAC 52J .0101(5) for failure to properly document the provision of veterinary care for several animals as noted on August 7 and 8, 2023

02 NCAC 52J .0101(6) for failure to create records within 48 hours for the intake of 15 animals as noted on August 8, 2023

02 NCAC 52J .0103 for failure to be able to match each animal to its record and to make all required records upon request as noted on August 7 and 8, 2023

02 NCAC 52J .0202(a)(2) for allowing the ambient temperature within the shelter facility to exceed 85°F as measured on August 7, 2023

02 NCAC 52J .0202(b)(3) for failure to sufficient air flow to minimize odors as noted on July 24, 2023

02 NCAC 52J .0203(d)(2) for the failure to provide one house for each animal within each outdoor enclosure as noted on August 7, 2023

02 NCAC 52J .0204(h) for failure to provide elevated resting surfaces in 5 enclosures housing 2 or more cats

02 NCAC 52J .0204(m) for failure to provide a minimum of 4 square feet of floor space to 6 cats as noted on August 7, 2023

02 NCAC 52J .0206(a) for failure to provide continuous access to water to 5 enclosures housing a total of 8 dogs on July 24, 2023, and August 7 and 8, 2023

02 NCAC 52J .0206(e) for failure to replace damaged water receptacles as noted on August 7, 2023

02 NCAC 52J .0207(a) for failure to failure to adequately clean an enclosure so that the animals were able to walk or lie down without coming in contact with any waste as noted on July 24, 2023

02 NCAC 52J .0207(a) for failure to properly clean an enclosure a minimum of two times per day as noted on August 8, 2023

02 NCAC 52J .0207(f) for failure to establish and maintain an effective program for the control of insects

02 NCAC 52J .0210(a)(3) for failure to follow the shelter's written program of veterinary care as noted on July 24, 2023 for the ill puppies and for the black kitten as noted on August 7, 2023

02 NCAC 52J .0210(d) for failure to provide adequate veterinary care in a timely manner for or euthanize the puppy found deceased on July 24, 2023

02 NCAC 52J .0210(d) for failure to provide adequate veterinary care in a timely manner for the 2 puppies suffering from parvo virus gastroenteritis as noted on July 24, 2023

02 NCAC 52J .0210(d) for failure to provide adequate veterinary care for the black kitten suffering from the severe URI as noted on August 7, 2023

02 NCAC 52 J .0210(d) for failure to provide adequate veterinary care in the administration multiple flea medications simultaneously during intake contrary to the shelter's intake protocol and veterinary recommendations as noted on August 8, 2023

02 NCAC 52 J .0210(h) for failure to administer rabies vaccinations for 7 animals that had been housed at the shelter for more than 14 days as noted on August 8, 2023

Pursuant to NCGS §§ 19A-30 and 19A-40, these violations can result in the suspension, revocation or refusal to renew a registration for any animal shelter and/or the assessment of a civil penalty of up to \$5,000 per violation.

CIVIL PENALTIES

As required by NCGS § 19A-40, in determining the amount of the civil penalty, I have considered the degree and extent of harm caused by the violations listed above.

Accordingly, Rutherford County as the operator of the Rutherford County Animal Shelter is hereby assessed a civil penalty for the following violations:

\$500.00 for violation of 02 NCAC 52J .0101(4) for failure to properly record the disposition of ~70 animals as noted on August 8, 2023

\$250.00 for violation of 02 NCAC 52J .0101(5) for failure to properly document the provision of veterinary care for several animals as noted on August 7 and 8, 2023

\$250.00 for violation of 02 NCAC 52J .0101(6) for failure to create records within 48 hours for the intake of 15 animals on August 8, 2023

\$200.00 for violation of 02 NCAC 52J .0103 for failure to be able to match each animal to its record and to make all required records upon request as noted on August 7 and 8, 2023

\$200.00 for violation of 02 NCAC 52J .0203(d)(2) for the failure to provide one house for each animal within each outdoor enclosure as noted on August 7, 2023

\$1,000.00 for 5 violations (\$200.00 per violation) of 02 NCAC 52J .0206(a) for failure to provide continuous access to water to 5 enclosures housing a total of 8 dogs on July 24, 2023, and August 7 and 8, 2023

\$250.00 for violation of 02 NCAC 52J .0207(a) for failure to failure to adequately clean an enclosure so that the animals were able to walk or lie down without coming in contact with any waste as noted on July 24, 2023

\$250.00 for violation of 02 NCAC 52J .0207(a) for failure to properly clean an enclosure a minimum of two times per day as noted on August 8, 2023

\$250.00 for violation of 02 NCAC 52J .0210(a)(3) for failure to follow the shelter's written program of veterinary care as noted on July 24, 2023 for the ill puppies and for the black kitten as noted on August 7, 2023

\$1,000.00 for violation of 02 NCAC 52J .0210(d) for failure to provide adequate veterinary care in a timely manner for or euthanize the puppy found deceased on July 24, 2023

\$500.00 for violation of 02 NCAC 52J .0210(d) for failure to provide adequate veterinary care in a timely manner for the 2 puppies suffering from parvo virus gastroenteritis as noted on July 24, 2023

\$250.00 for violation of 02 NCAC 52J .0210(d) for failure to provide adequate veterinary care for the black kitten suffering from the severe URI as noted on August 7, 2023

\$500.00 for violation of 02 NCAC 52 J .0210(d) for failure to provide adequate veterinary care in the administration multiple flea medications simultaneously during intake contrary to the shelter's intake protocol and veterinary recommendations as noted on August 8, 2023

\$700.00 for 7 violations (\$100.00 per violation) of 02 NCAC 52 J .0210(h) for failure to administer rabies vaccinations for 7 animals that had been housed at the shelter for more than 14 days as noted on August 8, 2023

\$6,100.00 TOTAL AMOUNT ASSESSED

Continued or future violation of the statutes or regulations referenced in this letter will be considered a willful disregard or violation of the N.C. Animal Welfare Act and the rules issued pursuant thereto. Such willful disregard or violation may result in action against your facility's license pursuant to NCGS § 19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under NCGS § 19A-40.

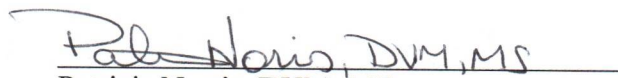
NOTICE of WARNING

As to the remaining violations of 02 NCAC 52J .0202(a)(2) for allowing the ambient temperature within the shelter facility to exceed 85°F; 02 NCAC 52J .0202(b)(3) for failure to sufficient air flow to minimize odors; of 02 NCAC 52J .0204(h) for failure to provide elevated resting surfaces in 5 enclosures housing 2 or more cats; 02 NCAC 52J .0204(m) for failure to provide a minimum of 4 square feet of floor space to 6 cats; 02 NCAC 52J .0206(e) for failure to replace damaged water receptacles; and 02 NCAC 52J .0207(f) for failure to establish and maintain an effective program for the control of insects, this Warning Letter serves as written notice indicating in which respects the shelter may have violated the NC Animal Welfare Act and the rules issued pursuant thereto.

Continued or future violation of these statutes or regulations will be considered a willful disregard or violation of the N.C. Animal Welfare Act and the rules issued pursuant thereto. Such willful disregard or violation may result in action against your facility's registration pursuant to N.C. General Statute § 19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under N.C. General Statute § 19A-40.

(See Appendix for text of referenced General Statutes and Administrative Code)

September 5, 2023
Date


Patricia Norris, DVM, MS
Director, Animal Welfare Section
North Carolina Department of
Agriculture & Consumer Services

Appendix

REFERENCED LAWS AND REGULATIONS

§ 19A-26. Certificate of registration required for animal shelter.

No person shall operate an animal shelter unless a certificate of registration for such animal shelter shall have been granted by the Director. Application for such certificate shall be made in the manner provided by the Director. No fee shall be required for such application or certificate. Certificates of registration shall be valid for a period of one year or until suspended or revoked and may be renewed for like periods upon application in the manner provided.

§ 19A-30. Refusal, suspension or revocation of certificate or license.

The Director may refuse to issue or renew or may suspend or revoke a certificate of registration for any animal shelter or a license for any public auction, kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he determines that any one or more of the following grounds apply:

- (1) Material misstatement in the application for the original certificate of registration or license or in the application for any renewal under this Article;
- (2) Willful disregard or violation of this Article or any rules issued pursuant thereto;
- (3) Failure to provide adequate housing facilities and/or primary enclosures for the purposes of this Article, or if the feeding, watering, sanitizing and housing practices at the animal shelter, public auction, pet shop, or kennel are not consistent with the intent of this Article or the rules adopted under this Article;
- (4) Allowing one's license under this Article to be used by an unlicensed person;
- (5) Conviction of any crime an essential element of which is misstatement, fraud, or dishonesty, or conviction of any felony;
- (6) Making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce in connection with the business of a public auction, commercial kennel, pet shop, or dealer;
- (7) Pursuing a continued course of misrepresentation of or making false promises through advertising, salesmen, agents, or otherwise in connection with the business to be licensed;
- (8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final

judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect.

§ 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

02 NCAC 52J .0101 RECORDS; ANIMAL SHELTERS, ETC.

Operators of all animal shelters, pet shops, public auctions, and dealers shall maintain records on all dogs and cats showing the following:

- (4) disposition of animals including name and address of person to whom animal is sold, traded, transferred, or adopted, and the date and time of such transaction; name and address of intermediary transporter if used; in the event of death, the record shall show the date, signs of illness, and cause of death if identified; if euthanized, the record shall show date and type of euthanasia;
- (5) record of veterinary care including medications, treatments, procedures, and immunizations. The record shall include: diagnosis(es), diagnostic testing and results, date and time of administration or procedure, description of medication and initials of person administering any product, medication or procedure. The description of the medication shall include the name, strength or concentration, dosage, and dosing regimen. The dosage regimen shall include the frequency, duration to include the number of dosages or days to be given and the reason for the administration; and
- (6) all records shall be created and/or updated within 48 hours of the occurrence of procedures, including but not limited to intake, change of location, medication or treatment administration and/or disposition. The record shall be accurate; creation of a misleading record or deliberate or non-incident falsification of a record including medication administration documentation during or after an investigation or inspection shall be considered a violation of this regulation.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985; Readopted Eff. September 1, 2022.

02 NCAC 52J .0103 INSPECTION OF RECORDS

All operators of animal shelters, pet shops, boarding kennels, public auctions, and persons operating as dealers shall make all required records available to the Director or his or her authorized representative on request, during the business and cleaning hours listed on the license application and/or during an inspection of the facility or an investigation. The operator must be able to match each animal to its record upon request. Records shall be maintained for a period of one year after the animal is released from a boarding kennel or sold from a pet store or public auction. Animal shelters shall maintain records required by the Animal Welfare Act or this Subchapter for a period of three years after the disposition of the animal.

History Note: Authority G.S. 19A-24; 19A-25; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985; Readopted Eff. September 1, 2022.

02 NCAC 52J .0202 INDOOR FACILITIES

(a) Heating and cooling of indoor facilities:

(2) the ambient temperature shall not be allowed to fall below 50 degrees F or exceed 85 degrees F; and

(b) Ventilation of indoor facilities:

(3) air flow shall be adequate to minimize odors and moisture condensation.

History Note: Authority G.S. 19A-24; 19A-30(3); Eff. April 1, 1984; Amended Eff. January 1, 2005; Readopted Eff. September 1, 2022.

02 NCAC 52J .0203 OUTDOOR FACILITIES

(d) Dogs and cats in outdoor primary enclosures shall be provided housing to allow them to remain dry and comfortable during inclement weather:

(2) one house shall be available for each animal within each primary enclosure. The house(s) shall be of adequate size for the animal housed in the enclosure. In the case of a mother and her unweaned offspring, one house of adequate size to comfortably house the mother and all the offspring together must be provided;

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. March 23, 2009; January 1, 2005; Readopted Eff. September 1, 2022.

02 NCAC 52J .0204 PRIMARY ENCLOSURES

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

(m) In addition to Paragraphs (d), (e) and (h) of this Rule, each feline older than six months housed in any primary enclosure or exercise area 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.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985; Readopted Eff. September 1, 2022.

02 NCAC 52J .0206 WATERING

(a) Animals shall have continuous access to fresh, potable water, except as might otherwise be required to provide adequate veterinary care.

(e) Damaged receptacles shall be replaced.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; Readopted Eff. September 1, 2022.

02 NCAC 52J .0207 SANITATION

(a) Waste shall be removed from primary enclosures, exercise areas and common 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 shall 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.

(f) 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; Readopted Eff. September 1, 2022.

02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION

(7) Animals in long term care must be provided with human interaction other than interaction for enclosure cleaning, same species social interaction, opportunity for play and exercise, and environmental enrichment daily. The provision of these daily interactions and enrichment shall be adequate for the animal's species, age, size and behavior needs. In addition:

(a) The provision of the daily social interactions and enrichment shall be documented in the animal's records and the records maintained for three years; and

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; Readopted Eff. September 1, 2022.

02 NCAC 52J .0210 VETERINARY CARE

(a) A written program of veterinary care ('PVC') to include disease control and prevention, vaccination, euthanasia (animal shelters only), disposition of diseased, ill, injured, infirm or deformed animals, and provision of adequate routine and emergency veterinary care shall be established with the assistance of a licensed veterinarian by any person who is required to be licensed or registered under the Animal Welfare Act, Article 3 of Chapter 19A of the General Statutes. The following is required of each PVC:

(3) The facility shall implement and follow the PVC; and

(d) Each dog and cat shall be observed daily by the animal caretaker who has been adequately trained or is experienced in animal care or is under the direct supervision of a person who has such training or experience. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with adequate veterinary care in a timely manner or be euthanized, provided that the euthanasia shall not affect compliance with any state or local law requiring the holding, for a specified period, of animals suspected of being diseased. If an animal cannot be euthanized due to a required holding period and does not meet the criteria of G.S. 19A-32.1(b)(2), then adequate veterinary care shall be provided to the animal.

(h) All animals in a licensed or registered facility shall be in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6. This subsection shall not apply to animals which have been in the facility less than 15 days.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. March 23, 2009; January 1, 2005; Readopted Eff. September 1, 2022.