



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

November 14, 2023

Kayla Walters  
Owner  
Tails of Lake Norman Pet Spa & Boarding  
335 South Main Street  
Troutman, North Carolina 28166

**NOTICE of CIVIL PENALTY and NOTICE OF WARNING**

**Re: CIVIL PENALTY ASSESSMENT for VIOLATION of N.C. GENERAL STATUTE § 19A-28 and TITLE 02 N.C. ADMINISTRATIVE CODE (NCAC) CHAPTER 52J SECTIONS .0102(1) – (4); .0103; .0201(h); .0203(a)(1), (b)(4), (e) and (f); .0204(h), (j) and (p)(5); .0207(a) and (d)(4); 0209(2); and .0210(a), (a)(3), and (h) and NOTICE OF WARNING for VIOLATION of 02 NCAC 52J .0201(m) and .0209(8).**

**AWS-CP-2023-22**

**Facility: Tails of Lake Norman Pet Spa and Boarding  
Unlicensed**

Dear Ms. Walters:

Pursuant to NCGS § 19A-40, I am issuing this notice that you, as owner of Tails of Lake Norman Pet Spa & Boarding, are hereby assessed a civil penalty of \$17,800.00 as provided in the enclosed Notice of Violations.

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,



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, Assistant 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  
KAYLA DILLMAN  
OWNER OF TAILS OF LAKE  
NORMAN PET SPA & BOARDING

) NOTICE OF VIOLATION and  
) ASSESSMENT of CIVIL PENALTY  
) for VIOLATION of N.C. GENERAL  
) STATUTE (“NCGS”) § 19A-28 and  
) TITLE 02 NC ADMINISTRATIVE  
) CODE (“NCAC”) CHAPTER 52J  
) SECTIONS .0102(1) – (4); .0103; .0201(h);  
) .0203(a)(1), (b)(4), (e) and (f); .0204(h), (j)  
) and (p)(5); .0207(a) and (d)(4); .0209(2)  
) and .0210(a), (a)(3) and (h); and NOTICE  
) of WARNING for VIOLATION of 02 NCAC  
) .0201(m); and .0209(8).  
)

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. From January 22, 2019 until September 27, 2021, Tails of Lake Norman Pet Spa & Boarding (“the kennel”) was a boarding kennel, licensed pursuant to N.C. General Statute (“NCGS”) § 19A-28.
2. On September 27, 2021, the kennel voluntarily surrendered its AWS boarding kennel license. Therefore, from that date forward the kennel which was still offering to the public the service of boarding dogs for a fee was not licensed pursuant to NCGS § 19A-28.
3. On July 11, 2022, AWS received a complaint alleging that this facility was an unlicensed boarding kennel and that two dogs were injured while boarding at the kennel and that the kennel owner did not seek veterinary care for the dogs. Based on the information in the complaint, AWS opened an investigation in coordination with Iredell County Animal Control.
4. On August 9, 2022, AWS assessed a Civil Penalty to the owner of the kennel for \$11,250.00 for violation of NCGS § 19A-28 and Title 02 NCAC Chapter 52J Sections .0102(1) – (3); .0103; .0201(h) and (j); .0203(a); .0209; 0209(2); and .0210(a), (c) and (d) and issued a Notice of Warning for Violation of 02 NCAC 52J .0102(1) and (2); .0103; .0201(b); .0202(c) and (d); .0203(a), (b), and (c); .0204(b), (d) and (e); .0206; and .0210(a) and (d).
5. On October 16, 2023, AWS received a complaint that the kennel had offered boarding services to the complainant. Furthermore, when the complainant toured the kennel, she noted that there was not a boarding kennel license visible, the animals did not have any water and that the facility was “filthy.” Based on the information in the complaint, AWS opened an investigation.
6. On October 18, 2023, AWS Animal Health Technicians Shore and Harris (“Inspectors Shore and

Harris”) conducted the site visit portion of the AWS investigation. The site visit on October 18, 2023 revealed the following:

- a. the kennel’s business sign on the outside of the building advertised boarding services;
- b. a sign hanging on the wall in the main room of the kennel advertised the availability of boarding and daycare services at the kennel. This sign specified the cost of boarding to be \$15.00 per day and \$25.00 per night;
- c. the kennel owner admitted that the 8 dogs in the outside play area belonged to her sister and friends and were at the facility for daytime boarding services. She admitted that she did accept a fee to provide daycare boarding services for these dogs;
- d. when asked about the owners of the dogs present for daycare services, the kennel owner first stated that 5 dogs belonged to friends and that 3 dogs belonged to her sister. Later when AWS Inspector Shore offered to call the owners of the dogs to get information on the dogs, the kennel owner stated that the owner of the 3 dogs was not her sister but was a friend. Provision of inaccurate information during an investigation is a violation of 02 NCAC 52J .0201(m);
- e. when asked to provide the kennel records required by 02 NCAC 52J .0102(1) – (4), the kennel owner stated that she did not have any records for the 8 dogs boarding in the outdoor exercise area or for any previous boarding animals in violation of 02 NCAC 52J .0102(1) – (4) and .0103;
- f. the 8 dogs were left unsupervised in the outside play area which was not enclosed by a separate perimeter fence in violation of 02 NCAC 52J .0201(h);
- g. the outdoor play area contained a wooden deck and steps which were not impervious to moisture in violation of 02 NCAC 52J .0203(a)(1);
- h. the outdoor play area enclosure had a large amount of bare dirt in violation of 02 NCAC 52J .0203(b)(4);
- i. the 8 dogs were comingling in the outside play area without adequate protection from inclement weather and the sun in violation of 02 NCAC 52J .0203(e);
- j. the outside play area containing the 8 dogs was not maintained in good repair or properly cleaned/sanitized as viewed on October 18, 2023 in violation of 02 NCAC 52J .0203(f);
- k. the 8 comingling dogs left in the outside play area were unsupervised in violation of 02 NCAC 52J .0204(j);
- l. 2 damaged kiddie pools were present in the outdoor play area housing the 8 dogs and 1 of these pools had damaged sharp plastic edges accessible to the dogs in violation of 02 NCAC 52J .0204(p)(5);
- m. the outside exercise area had not been properly cleaned a minimum of two times per day in violation of 02 NCAC 52J .0207(a) as evidenced by the debris in the enclosure;
- n. the common areas of the kennel accessible to multiple animals such as the deck and porch area where the dogs entered the exercise area were covered in dried red mud and not kept clean and sanitary in violation of 02 NCAC 52J .0207(d)(4);
- o. no written permission for comingling had been obtained from the owners of the 8 dogs in the outside exercise area in violation of 02 NCAC 52J .0209(2);
- p. none of the enclosures or the exercise area housing dogs during this October 18, 2023 site visit had been inspected by AWS and found to be in compliance with the AWA rules since the kennel owner had surrendered her boarding kennel license in violation of 02 NCAC 52J .0209(8);
- q. in the inside enclosures, the dogs were forced to rest directly on the wire of the crate as the crates did not have solid resting surfaces in violation of 02 NCAC 52J .0204(h);
- r. inside the facility, 7 dogs housed in individual crates did not have access to water in violation of 02 NCAC 52J .0206(a);
- s. the kennel had not established a written program of veterinary care (“PVC”) in violation of 02 NCAC 52J .0210(a);

- t. the kennel had not implemented or followed a PVC in violation of 02 NCAC 52J .0210(a)(3); and
- u. the kennel did not have any rabies vaccination information at the kennel for the 8 comingling, boarding dogs in violation of 02 NCAC 52J .0210(d). The kennel later provided information for 6 of the 8 dogs.

7. A review of relevant AWS documents showed the following:

- a. On November 13, 2019, the kennel was assessed a Civil Penalty for violation of 02 NCAC 52J .0102(1) and (3); .0206; .0207(a), (b)(1), (3) and (6); and .0209(7);
- b. On March 19, 2020, AWS issued a Notice of Suspension of Boarding Kennel License for violation of 02 NCAC 52J .0102(1) and (3) and .0206;
- c. On September 27, 2021, AWS issued a Notice of Suspension of Boarding Kennel License for violation of 02 NCAC 52J .0102(1) – (3); .0103; .0201(a), (d) and (h); .0203(a); .0204(a), (b) and(c); .0206; .0207(a) and (b)(6); and .0208;
- d. On September 27, 2021, the kennel owner emailed AWS and voluntarily surrendered the Boarding Kennel License for this kennel;
- e. On August 9, 2022, the kennel was assessed a Civil Penalty for violation of NCGS § 19A-28 and Title 02 NCAC Chapter 52J Sections .0102(1) – (3); .0103; .0201(h) and (j); .0203(a); 0209; 0209(2); and .0210(a), (c) and (d) and issued a Notice of Warning for Violation of 02 NCAC 52J .0102(1) and (2); .0103; .0201(b); .0202(c) and (d); .0203(a), (b), and (c); .0204(b), (d) and (e); .0206; and .0210(a) and (d); and
- f. a review of AWS records show that the kennel has not submitted an application for a boarding kennel license as of the date of this Notice of Civil Penalty.

## 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 this investigation, AWS concludes that the kennel violated the following provisions:

NCGS §19A-28 for operating a boarding kennel without obtaining a license granted by the AWS Director to operate such an establishment as noted on October 18, 2023. This is the SECOND violation of this statute as the kennel was previously cited on August 9, 2022 for violation of this statute.

02 NCAC 52J .0102(1) for failure to maintain records of the date of entry and the name, address and signature of the persons responsible for the 8 dogs boarding on October 18, 2023. This is the FIFTH violation of this rule as the kennel was previously cited on November 13, 2019, March 19, 2020, September 27, 2021 and August 9, 2022 for violation of this rule;

02 NCAC 52J .0102(2) for failure to maintain records of the description of the animal(s) including breed, sex, age and color markings for the 8 dogs boarding on October 18, 2023. This is the THIRD violation of this rule as the kennel was previously cited for this rule on September 27, 2021 and August 9, 2022;

02 NCAC 52J .0102(3) for failure to maintain records of veterinary care provided while boarding, including date, times, description of medication (including name and dosage), and initials of person administering the product or procedure to boarding animals as noted on October 18, 2023. This is the FIFTH violation of this rule as the kennel was previously cited on November 13, 2019, March 19, 2020 and September 27, 2021 and August 9, 2022 for violation of this rule;

02 NCAC 52J .0102(4) for failure to create and/or update all records at the time of the occurrence such as intake as noted on October 18, 2023;

02 NCAC 52J .0103 for failure to make the required records available upon request during the October 18, 2023 investigation site visit. This is the THIRD violation of this rule as the kennel was previously cited for this rule on September 27, 2021 and August 9, 2022;

02 NCAC 52J .0201(h) for failure to provide a five-foot perimeter fence when the 8 dogs boarding on October 18, 2023 had unsupervised access to the outdoor enclosure. This is the THIRD violation of this rule as the kennel was previously cited for this rule on September 27, 2021 and August 9, 2022;

02 NCAC 52J .0201(m) for failure to be truthful initially with the AWS Inspectors concerning the ownership of 3 of the 8 boarding dogs during the October 18, 2023 investigation site visit;

02 NCAC 52J .0203(a)(1) for failure to provide outdoor enclosures and walkways that are constructed of sealed concrete or other surfaces impervious to moisture in the outdoor facility for the 8 dogs boarding on October 18, 2023. This is the THIRD violation of this rule as the kennel was previously cited for violation of this rule on September 27, 2021 and August 9, 2022;

02 NCAC 52J .0203(b)(4) for having large areas of bare dirt in the outdoor exercise area as noted on October 18, 2023;

02 NCAC 52J .0203(e) for failure to provide adequate protection from inclement weather and the Sun sufficient to protect all animals simultaneously in the exercise area as noted on October 18, 2023. This is the SECOND violation of this rule as the kennel was previously cited for violation of this rule on August 9, 2022;

02 NCAC 52J .0203(f) for failure to maintain the outdoor exercise area in good repair and to properly clean and sanitize the area as noted on October 18, 2023;

02 NCAC 52J .0204(h) for failure to provide solid resting surfaces for the dogs housed inside in the wire crates as noted on October 18, 2023;

02 NCAC 52J .0204(j) for failure to provide supervision of the group of 8 dogs comingling in the outside exercise area on October 18, 2023. This is the SECOND violation of this rule as the kennel was previously cited for this rule on August 9, 2022;

02 NCAC 52J .0204(p)(5) for failure to properly clean, sanitize and keep in good repair the 2 kiddie pools in the outside exercise area as noted on October 18, 2023;

02 NCAC 52J .0207(a) for failure to properly clean the outside exercise area a minimum of twice daily as noted on October 18, 2023;

02 NCAC 52J .0207(d)(4) for failure to keep common areas and other areas accessible to multiple animals clean and sanitary as noted on October 18, 2023. This is the SECOND violation of this rule as the kennel was previously cited on November 13, 2019;

02 NCAC 52J .0209(2) for comingling the dogs boarded on October 18, 2023, with dogs of different owners without written permission from the dogs' owner. This is the SECOND violation of this rule as the kennel was previously cited on August 9, 2022 for violation of this rule;

02 NCAC 52J .0209(8) for failure to have the primary enclosures and exercise areas inspected after the kennel owner voluntarily surrendered the kennel's boarding kennel license and before she housed animals in those enclosures and exercise areas when she resumed boarding as noted on October 18, 2023;

02 NCAC 52J .0210(a) for not having a written program of veterinary care while providing boarding services to the public. This is the SECOND violation of this rule as the kennel was previously cited on August 9, 2022 for violation of this rule;

02 NCAC 52J .0210(a)(3) for not implementing and following a written program of veterinary care while providing boarding services to the public as noted on October 18, 2023; and

02 NCAC 52J .0210(h) for failing to have documentation of the rabies vaccination status of the 3 dogs boarding during October 18, 2023 investigation site visit. This is the SECOND violation of this rule as the kennel was previously cited on August 9, 2022 for violation of this rule.

## **CIVIL PENALTY**

As required by N.C. General Statute § 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, Kayla Dillman, as owner of Tails of Lake Norman Pet Spa and Boarding, is hereby assessed a civil penalty for the following violations:

\$2,000.00 for the fifth cited violation of 02 NCAC 52J .0102(1) for failure to maintain records of the date of entry and name, address and signature of the persons responsible for the 8 dogs boarding on October 18, 2023;

\$1,000.00 for the third cited violation of 02 NCAC 52J .0102(2) for failure to maintain records of the description of the animal(s) including breed, sex, age and color markings for the 8 dogs boarding on October 18, 2023;

\$2,000.00 for the fifth cited violation of 02 NCAC 52J .0102(3) for failure to maintain records documenting veterinary care provided to boarding animals as noted on October 18, 2023;

\$200.00 for violation of 02 NCAC 52J .0102(4) for failure to create and/or update all records at the time of the occurrence such as intake as noted on October 18, 2023;

\$1,000.00 for the third cited violation of 02 NCAC 52J .0103 for failure to provide required records when requested during the October 18, 2023 investigation site visit;

\$1,000.00 for the third cited violation of 02 NCAC 52J .0201(h) for failure to provide a five-foot perimeter fence when the 8 dogs boarding on October 18, 2023 had unsupervised access to the outdoor exercise area;



\$1,000.00 for the third cited violation of 02 NCAC 52J .0203(a)(1) for failure to provide outside outdoor enclosures and walkways that are constructed of sealed concrete or other surfaces impervious to moisture in the outdoor facility for the 8 dogs boarding on October 18, 2023;

\$200.00 for violation of 02 NCAC 52J .0203(b)(4) for having large areas of bare dirt in the outdoor exercise area as noted on October 18, 2023;

\$500.00 for the second cited violation of 02 NCAC 52J .0203(e) for failure to provide adequate protection from inclement weather and the Sun sufficient to protect all animals simultaneously in the exercise area as noted on October 18, 2023;

\$200.00 for violation of 02 NCAC 52J .0203(f) for failure to maintain the outdoor exercise area in good repair and to properly clean and sanitize the area as noted on October 18, 2023;

\$200.00 for violation of 02 NCAC 52J .0204(h) for failure to provide solid resting surfaces for the dogs housed inside in the wire crates as noted on October 18, 2023;

\$500.00 for the second cited violation 02 NCAC 52J .0204(j) for failure to provide supervision of the group of 8 dogs comingling in the outside exercise area on October 18, 2023;

\$200.00 for violation of 02 NCAC 52J .0204(p)(5) for failure to properly clean, sanitize and keep in good repair the 2 kiddie pools in the outside exercise area as noted on October 18, 2023;

\$200.00 for violation of 02 NCAC 52J .0207(a) for failure to properly clean the outside exercise area a minimum of twice daily as noted on October 18, 2023;

\$400.00 for the second violation of 02 NCAC 52J .0207(d)(4) for failure to keep common areas and other areas accessible to multiple animals clean and sanitary as noted on October 18, 2023;

\$500.00 for the second cited violation of 02 NCAC 52J .0209(2) for allowing animals of different owners to have contact with other animals without written permission from the animals' owner on October 18, 2023;

\$500.00 for the second cited violation of 02 NCAC 52J .0210(a) for failure to establish a written program of veterinary care while providing boarding services to 8 dogs on October 18, 2023;

\$200.00 for violation of 02 NCAC 52J .0210(a)(3) for not implementing and following a written program of veterinary care while providing boarding services to the public as noted on October 18, 2023;

\$500.00 for the second cited violation of 02 NCAC 52J .0210(h) for failure to maintain 8 boarding dogs in compliance with the NC rabies law, G.S. 130A, Article 6 as noted on October 18, 2023;  
and

\$5,000.00 for the second violation of NCGS § 19A-28 for operating a boarding kennel without obtaining a license granted by the AWS Director to operate such an establishment as noted on October 18, 2023

**\$17,800.00 TOTAL AMOUNT ASSESSED**

## NOTICE OF WARNING

As to the remaining violations of 02 NCAC 52J .0201(m) and .0209(8) that were noted during the October 18, 2023 investigation site visit this Warning Letter serves as written notice indicating in which respects the kennel additionally violated the NC Animal Welfare Act and the rules issued pursuant thereto. The facility owner is directed to immediately comply with the AWA and its associated rules. In addition, AWS strongly recommends that the facility owner immediately implement a system that easily and accurately identifies the purpose for which an animal is present. Without the implementation of such a system, all animals on the premises will be considered subject to the AWA and its associated rules. The facility owner is reminded that provision of day care services for an animal that is also being groomed is the provision of boarding services to the public and requires a boarding kennel license from AWS.


The facility owner is directed to immediately cease providing boarding and day care services until the facility has a valid AWS boarding kennel license.

Continued or future violation of the 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 suspension, revocation or denial of a 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.

In addition, operation of a boarding kennel without a currently valid license is a Class 3 misdemeanor under NCGS 19A-33 and each day constitutes a separate offense.

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

November 13, 2023  
Date

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

## Appendix

### REFERENCED LAWS AND REGULATIONS

#### **§ 19A-28. License required for public auction or boarding kennel.**

No person shall operate a public auction or a boarding kennel unless a license to operate such establishment shall have been granted by the Director. Application for such license shall be made in the manner provided by the Director. The license period shall be the fiscal year and the license fee shall be seventy-five dollars (\$75.00) for each license period or part thereof beginning with the first day of the fiscal year.

#### **§ 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-33. Penalty for operation of pet shop, kennel or auction without license.**

Operation of a pet shop, kennel, or public auction without a currently valid license shall constitute a Class 3 misdemeanor subject only to a penalty of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), and each day of operation shall constitute a separate offense.

**§ 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 .0102 RECORDS; BOARDING KENNELS**

Operators of boarding kennels shall maintain records of all dogs and cats showing the following:

- (1) name and address of owner or person responsible for animal, the date of entry and signature of the person leaving the animal; and the date of release and signature and address of individual to whom animal is released;
- (2) description of animal including breed or breed type, sex, age and color markings;
- (3) veterinary care provided while boarded, which shall include date, times of administration, description of medication and initials of person administering product 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 and duration to include the number of dosages or days to be given and the reason for the administration;
- (4) all records shall be created and/or updated at the time of the occurrence such as intake, medication or treatment administration and/or release. The record shall be accurate; creation of a misleading record or deliberate or non-incidental falsification of a record including medication administration during or after an investigation or inspection shall be considered a violation of this regulation;
- (5) an incident file shall be kept within each facility for animals sustaining injury or illness requiring veterinary care; animal death; and/or any animal escape. Each report shall include date of incident, pet's name, breed or breed type/species, age, owner's name and contact information, description of incident and course of action; 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 .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 .0201            GENERAL**

(h) A separate five-foot tall perimeter fence is required if any animal(s) has/have unsupervised access to an outdoor primary enclosure, common area, and/or exercise area. Supervision of animals is required for any animal(s) within any outdoor enclosure, common area, or exercise area without a separate five-foot tall perimeter fence.

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

**02 NCAC 52J .0203            OUTDOOR FACILITIES**

(a) In outdoor facilities that are subject to the Animal Welfare Act, primary enclosures, common areas and walkways with which an animal comes in contact:

(1) shall have groundcover constructed of sealed concrete or other surfaces so long as it is impervious to moisture, and/or;

(b) Exercise areas of outdoor facilities:

(4) may contain established grass so long as the animal(s) do not have access to bare dirt and the grass covered area(s) must be kept properly cleaned and sanitized as prescribed in Rule .0207 of this Subchapter. In the event of a contagious disease outbreak, the sanitation, management, and use of the grass area shall be addressed in the veterinarian's written protocol required by 02 NCAC 52J .0210(b) and (c).

(e) Dogs and cats in outdoor areas shall be provided adequate protection from inclement weather and the Sun. This protection shall be sufficient to protect all animals simultaneously in the exercise area. If an animal cannot maintain its normal body temperature in an outdoor exercise area, the animal shall not be placed in an outside exercise area.

(f) Outdoor common areas used for play, enrichment and elimination shall be maintained in good repair and be properly cleaned and sanitized as set forth in 02 NCAC 52J .0207 to protect the animals from injury and/or illness.

*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.

(j) Not more than four adult dogs shall be housed or confined in the same primary enclosure or exercise area without supervision. Dogs younger than six months of age shall not be housed or confined or comingled with adult dogs other than their dams without supervision; this includes any animals owned by the staff or operator of the facility.

(p) Pools in primary enclosures and/or exercise areas:

(5) Typical kiddie wading pools are to be considered accessories for the purposes of cleaning, sanitation, repair and maintenance.

*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.

*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.

(d) Sanitation shall be as follows:

- (4) common areas, any area accessible to multiple animals and exercise areas not covered by 02 NCAC 52J .0207(d)(3) shall be kept clean and sanitary. These areas are to be properly cleaned a minimum of two times per day. Hard and/or impervious surfaces of these areas shall be sanitized a minimum of once every seven days in the manner provided in Subparagraph (d)(3) of this Rule;
- (5) food and water receptacles shall be sanitized daily with hot water, detergent, and disinfectant. The disinfectant shall be used consistent with the manufacturer's directions;
- (6) soiled linens and cloth products shall be mechanically washed with detergent and sanitized;
- (7) any area accessible to multiple animals shall be kept clean and sanitary; and
- (8) fans, including floor fans, ceiling fans, wall fans, vent fans, etc. shall be kept clean of accumulated debris, dust and biological material.

*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**

Animals housed in the same primary enclosure or confined to an exercise area shall be maintained in compatible groups, with the following additional restrictions:

- (2) In boarding kennels, animals of different owners shall not have contact with other animals, unless written permission is obtained from the animal's owner. The documentation of this written permission shall be kept as part of the animal's record for one year and must be renewed yearly thereafter.
- (8) All animals shall be confined in primary enclosures or exercise areas. Primary enclosures and exercise areas shall be inspected by the Animal Welfare Section and in compliance with the rules of this Subchapter before an animal can be confined in the enclosure or area.

*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

(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.*