Steven W. Troxler
Commissioner

North Carolina Department of Agriculture and Consumer Services

Veterinary Division

David T. Marshall, DVM
State Veterinarian

June 3, 2011

Lance L. Metzler
County Manager
PO Box 425
Troy, N.C. 27371

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED
7006 2760 0003 0472 2884

Notice of Warning
Re: Violations of Title 02, N.C. Administrative Code (NCAC) Chapter 52J, Section(s) listed below

Shelter: Montgomery County Animal Control
205 Boone Road

Dear Mr. Metzler:

Ms. Elizabeth Garner, Animal Health Technician with the North Carolina Department of Agriculture & Consumer Services, Animal Welfare Section, Veterinary Division, inspected your facility on May 26, 2011, and determined that the shelter facility may be in violation of state law and regulations. On that date Ms. Garner found a significant number of deficiencies in conditions and/or practices at your shelter which can constitute violations of the Animal Welfare Act and its regulations. **The following list is what must be done between the present and the next inspection before this office can renew your facility's registration. Further, those conditions that were found to be satisfactory must be maintained as such. If you fail to pass inspection and qualify for renewal of your registration before 1 July 2011, your registration will expire; if your facility remains open following expiration, such action violates GS 19A-26 of the North Carolina Animal Welfare Act.**

1) The facility's inadequate lighting can be brought up to standard by installing a new light fixture on the left side of the front kennel overhang;

2) All kennel doors must be repaired and painted;

3) All kennel floors and walls must be sealed with epoxy or paint;

4) Animal husbandry must be improved by washing all dishes daily, using hot, soapy water and sanitizer, with cleaned dishes stored in a clean, dry area;

5) All traps and accessories should be cleaned and sanitized after every use;

6) Vent screens in the front kennels should be repaired; any kennel having a broken vent screen should not be used;

7) Every cage should have a number tag;

8) A concrete drain should be installed in the front kennel area;

9) The recently-acquired euthanasia building should be set up on the facility property and connected to electric power, enabling your facility staff to maintain the building's temperature between 50 and 80 degrees F.;

Based on the results of the above visit, you may have violated the following Agriculture regulations:

02 NCAC 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.
(b) All light fixtures and electrical outlets in animal areas shall be in compliance with the State Building Code.
(c) Facilities shall have reliable and safe electric power as necessary to comply with the Animal Welfare Act.
(d) Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin and insects. All open bags of food shall be stored in airtight containers with lids. Refrigeration shall be provided for supplies of perishable food.
(e) Provisions shall be made for the daily removal and disposal of animal and food waste, bedding and debris from the housing facility in accordance with local ordinances, to assure facility will be maintained in a clean and sanitary manner.
(f) Hot and cold running, potable water must be available. Facilities such as washroom, basin or sink shall be provided to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles.
(g) Each facility shall have the ability to confirm ambient temperature.
(h) A separate five-foot perimeter fence is required if any animals have access to an outdoor enclosure, including unsupervised exercise areas.
(i) An adequate drainage system must be provided for the housing facility.
(j) All areas of a facility are subject to review or inspection by North Carolina Department of Agriculture and Consumer Services employees during normal business hours (8:00 a.m. through 5:30 p.m. Monday through Friday).
(k) All animals in a facility are subject to the requirements of the Animal Welfare Act, regardless of ownership.
(l) A licensee or registrant shall comply with all federal, state and local laws, rules and ordinances relating to or affecting the welfare of dogs and cats in its facility.
(m) No dog or cat shall be in a window display except during business hours and then only in compliance with standards set forth in this Section.

02 NCAC 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: (length of dog in inches + 6) x (length of dog in inches + 6) = required floor space in square inches. Required floor space in square inches ÷ 144 = 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.

02 NCAC 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.

The Section has extremely serious concerns about the nature and extent of the violations described above. You are hereby requested to address those concerns by providing a timeline informing the Section of the time

needed, by calendar date, to rectify each of the nine conditions listed above and return to full compliance with the NCAWA. You should address those concerns individually, stating in a written reply to the Section by no later than ten business days from the date you receive this Notice of Warning. If you do not respond, providing a full time table for rectifying all of these violations, the Section may, upon confirming that serious violations continue to exist in your facility, take appropriate action as authorized under the NCAWA. Such action may include suspension or revocation of your shelter registration.

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's certificate of registration pursuant to G.S. 19A-30 or the assessment of a civil penalty of up to $5,000.00 per violation under N.C. Gen. Stat. § 19A-40.

Sincerely,

Lee Hunter, DVM, MPH
Director, Animal Welfare Section

BHB/bhb
cc: Mr. Barry Bloch, Assistant Attorney General
Ms. Elizabeth Garner, Animal Health Technician
Mr. Leon Everett, Montgomery County AC