Steven W. Troxler
Commissioner

North Carolina Department of Agriculture and Consumer Services
Veterinary Division

David T. Marshall, DVM
State Veterinarian

September 27, 2011

CERTIFIED MAIL RETURN RECEIPT REQUESTED

7006 2760 0003 0472 2365

Elma Rae Greene, Director
Warren County Ark
142 Rafters Lane
Warrenton, NC 27589

Notice of Warning
Re: Violation of Title 02, N.C. Administrative Code Chapter 52JB, Section

Shelter: Warren County Ark (Animal Shelter)
142 Rafters Lane

Dear Ms. Greene:

Mr. Joe Blomquist, Animal Health Technician with the North Carolina Department of Agriculture & Consumer Services, Animal Welfare Section, Veterinary Division, inspected your facility on July 18, 2011. This office has reviewed the information he received and the information previously received in a written complaint. From this review I have determined that the shelter facility may be in violation of state law and regulations.

In the course of this inspection Mr. Blomquist determined that, on the date in question, the temperature inside one of the animal transport boxes in your vehicle was 82 degrees, at 10:00 a.m., and that the vehicles' transport boxes do not have forced air heating or cooling systems.

Mr. Blomquist obtained copies of the shelter intake records and Standard Operating Procedures.

Based on the foregoing, you may have violated the following Agriculture regulation:

02 NORTH CAROLINA ADMINSTRATIVE CODE.

02 NCAC 52J .0302 PRIMARY ENCLOSURES USED IN TRANSPORTING DOGS AND CATS

(a) Primary enclosures such as compartments or transport cages, cartons, or crates used by persons subject to the Animal Welfare Act to transport cats and dogs shall be constructed, ventilated and designed to protect the health and insure the safety of the animals. Such enclosures shall be constructed or positioned in the vehicle in such a manner that:

(1) Each animal in the vehicle has sufficient fresh air for normal breathing.
(2) The openings of such enclosures are easily accessible for emergency removals at all times.
(3) The animals are adequately protected from the elements.

The ambient temperature shall be maintained between 50 degrees F and 85 degrees F. A shelter shall be deemed as being in compliance if its vehicles' animal containment units are equipped with operable air-conditioning, forced-air cooling and heating or other temperature control mechanisms.

(b) Animals transported in the same primary enclosure shall be of the same species. Puppies or kittens less than four months of age shall not be transported in the same primary enclosure with adult dogs and cats other than their dams.
(c) Primary enclosures used to transport dogs and cats shall be large enough for each animal to turn about freely, and to easily stand, sit, or lie down in a natural position. Primary enclosures used to transport dogs and cats shall be secured to the vehicle to prevent sliding or tipping of the enclosure during transit.
(d) Animals shall not be placed in primary enclosures over other animals in transit unless such enclosure is constructed so as to prevent animal excreta from entering lower enclosures.
(e) All primary enclosures used to transport dogs and cats shall be sanitized between use for shipments.

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

Would you please provide the Animal Welfare Section with the remedial steps to be taken to solve this problems and the date when you expect that you will have done so? We would appreciate a reply to this letter by no later than ten days from the date of receipt. Please feel free to respond directly to the Animal Welfare Section by fax or by letter. The address and fax number appears on the enclosed report.

If you have any questions about the applicable law or the shelter's status, please feel free to speak with me or with Dr. Lee Hunter, the Section's director.

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
Mr. Joe Blomquist, Outreach Coordinator