



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

August 25, 2021

Mary Beth Jensen
Owner
Friendly Pets DBA Jensen & Sons, Inc.
625 Friendly Center Road
Greensboro, North Carolina 27408

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(5); .0202(b); .0204(b) and (c); .0206; .0207(a) and (b)(4); .0209(5) and .0210(c) and NOTICE of WARNING for VIOLATION of 02 NCAC 52J .0202(a).

AWS-CP-2021-15

Facility: Friendly Pets DBA Jensen & Sons, Inc.
License Number 20446

Dear Ms. Jensen:

Pursuant to NCGS § 19A-40, I am issuing this notice that you individually and Friendly Pets d/b/a Jensen & Sons, Inc., are hereby assessed a civil penalty of \$15,800.00 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.

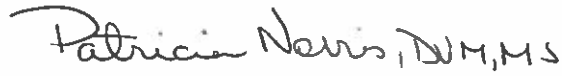
You must serve NCDA&CS by mailing a copy of the petition to:

Ms. Tina Hlabse
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 cursive script that reads "Patricia Norris, DVM, MS".

Patricia Norris, DVM, MS
Director, Animal Welfare Section

Attachment: Notice of Violations, Assessment of Civil Penalty

cc: Michael Martin, DVM, State Veterinarian;
Tina Hlabse, 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	)	NOTICE of VIOLATIONS and
	)	ASSESSMENT of CIVIL PENALTY
MARY BETH JENSEN	)	for VIOLATIONS of TITLE 02 N.C.
OWNER OF	)	ADMINISTRATIVE CODE CHAPTER
FRIENDLY PETS	)	52J SECTIONS .0101(5); .0202(b);
DBA JENSON & SONS, INC	)	.0204(b) and (c); .0206; .0207(a) and (b)(4);
	)	.0209(5); and .0210(c) and NOTICE
	)	of WARNING for VIOLATION of 02
	)	NCAC 52J .0202(a).
	)	

Acting pursuant to N.C. General Statute § 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, Friendly Pets DBA Jensen and Sons, Inc. ("the pet shop") was a pet shop, licensed pursuant to N.C. General Statute ("NCGS") § 19A-27.
2. On July 6, 2021, AWS received a complaint alleging serious overcrowding of puppies in the kennels, incompatible groupings of puppies resulting in aggression, lack of solid resting surfaces and inadequate ventilation. Based on the information in the complaint, AWS opened an investigation.
3. As part of the investigation, the AWS Inspector conducted an unannounced site visit to the pet shop on July 12, 2021. This site visit revealed the following:
 - a. the AWS Inspector noted that none of the animals were provided with resting surfaces in the primary enclosures and had no option other than to stand, sit or lay on the wire flooring. None of the 24 primary enclosures had solid resting surfaces adequate to comfortably hold all occupants of the primary enclosure at the same time in violation of 02 NCAC 52J .0204(c). The AWS had previously discussed this issue with the pet shop management and had approved black plastic panels to be placed in the kennels for solid resting surfaces;
 - b. upon walking into the housing area behind the glass front enclosures, the AWS Inspector noted a very strong odor of feces and urine in the facility in violation of 02 NCAC 52J .0202(b) which requires that air flow be adequate to minimize odors;
 - c. 8 dogs were noted to be without any access to water in violation of 02 NCAC 52J .0206 which requires that animals have continuous access to fresh water. The AWS Inspector directed the pet shop staff to immediately provide water to the dogs.

The dogs were observed drinking the water very vigorously as if they had been without water for a significant amount of time. When asked when the dogs were last provided with water, a staff member replied that she had given them water the night before at closing time, but none had been given yet that day and this statement was made at 11:00 AM. The AWS Inspector stressed again to the staff and management of the importance of providing the animals with continuous access to water;

- d. in 2 primary enclosures, 3 large puppies were housed together in each of the enclosures. The puppies in these 2 primary enclosures did not have sufficient space for the animals to easily stand, sit or lie in a natural position in violation of 02 NCAC 52J .0204(b). The AWS Inspector directed the pet shop manager to separate the puppies or move them to larger enclosures to comply with this rule. Later during the site visit, the AWS Inspector noted that the puppies had not been moved. She again directed the pet shop manager to move the puppies to provide them with adequate space. The AWS Inspector returned at 3:45 PM the same day to pick up records she had requested. She noted that the 6 puppies were still housed in the 2 overcrowded primary enclosures and that these holding cages had still not been cleaned;
- e. 2 Persian kittens on the sale floor were observed to have excessive eye and nasal discharges, consistent with an infectious respiratory disease. These kittens were not isolated from the general population in violation of 02 NCAC 52J .0209(5). The staff indicated that the kittens had not been provided veterinary care for their respiratory illness in violation of 02 NCAC 52J .0210(c);
- f. in discussion with the pet shop manager, she indicated that 1 employee, 11 cats and possibly the guinea pigs were infected with ringworm or were being monitored for ringworm due to showing signs consistent with this infectious disease;
- g. the isolation room was noted to be housing 2 puppies recovering from parvovirus enteritis, 3 puppies with infectious upper respiratory infections and the 11 cats with ringworm. The temperature in the isolation room was 83°F. The air was stifling due to inadequate ventilation in violation of 02 NCAC 2J .0202(b). The inadequate ventilation in the isolation room is significant as the animals in this room were suffering from respiratory infections and other infectious disease and adequate ventilation is a critical aspect of the veterinary care and for the potential of recovery for these animals;
- h. 3 of the 4 Berna-doodle puppies on the sale floor had thick, green nasal discharge consistent with infectious upper respiratory infections. According to the pet shop manager, the puppies were being treated for the infections. These puppies were not isolated from the general population in violation of 02 NCAC .0209(5);
- i. the pet shop manager noted that one puppy had died from parvovirus enteritis on July 1, 2021 and a second puppy had died the morning of July 12, 2021 at a veterinary clinic;
- j. the most recent pet shop license renewal application noted that the maximum number of dogs on the premises was 80. The July 12, 2021 site visit documented 85 dogs on the premises. This overcrowding is significant given the inability of the staff to properly clean the facility and the presence of multiple infectious diseases in the animals housed at the facility;
- k. during the July 12, 2021 site visit, the AWS Inspector noted the facility's most recent license renewal application notes that the first cleaning of the facility starts at 8 AM.

By 11 AM of the July 12, 2021 site visit, the facility cleaning still had not been completed as all the holding area enclosures were dirty with fecal matter and urine. The pet shop manager explained that because there were so many dogs on the premises, they could not move the dogs to do the cleaning. When the AWS Inspector returned at 3:45 PM, she noted that still none of the holding area enclosures had been cleaned. The grates were covered with feces and the trays were almost overflowing with urine. The Inspector also noted that some waste trays had dried feces that appeared to be more than a day old. A staff member remarked that the feces could have been there that long. Therefore, the facility failed to properly clean the enclosures in violation of 02 NCAC 52J .0207(a). The failure to properly clean the enclosures housing the animals can contribute significantly to the spread of infectious disease; and

1. during the 3:45 PM visit, the AWS noted that the Weimaraner puppy that had been housed in one of the overcrowded enclosure kennels had separated out to another enclosure. The enclosure did not have any water or water receptacle. This puppy was not provided with continuous access to fresh water in violation of 02 NCAC 52J .0206.
4. On July 13, 2021, the AWS Inspector spoke with the veterinarian that had examined and treated the animals at the facility earlier that day. The veterinarian relayed the following:
 - a. she believed that facility staff was not implementing the written recommendations she had provided to the facility during the previous parvo outbreak in February 2021. In particular, she felt the store was overcrowded with puppies. The Inspector informed her that she observed that staff not using the plastic aprons to minimize cross contamination of the animals. The veterinarian replied that the use of the aprons was one of her previous recommendations;
 - b. the veterinarian relayed that her visit had occurred on July 13, 2021 at 4 PM and that the holding area enclosures had not been cleaned that day. She stated the cages were filthy and that she had observed a Bassett hound was covered in feces;
 - c. the veterinarian informed the AWS Inspector that on July 9, 2021, she had directed the pet shop to close for intake of new animals and the sale of animals to the public for 2 weeks;
 - d. the veterinarian also relayed that she and the pet shop owner had agreed to close the facility to the public for a week for a “deep cleaning;” and
 - e. on July 14, 2021, the veterinarian forwarded to the AWS Inspector the updated written veterinary recommendations to mitigate the infectious diseases at the facility.
5. On July 15, 2021, the AWS Inspector returned to the facility to clarify the documentation of administration of medication. The Inspector found that the dates in the animals’ vaccination records that are given to the public represent the scheduled administration, not the actual administration of medication.
6. A review of the pet shop medical records for the animals revealed that following:
 - a. the administration of tests for parvovirus infections by the pet shop staff or the results of these tests were not being recorded in the pet shop’s medical records for the animals in violation of 02 NCAC 52J .0101(5); and

- b. the diagnosis of ringworm was not documented in the medical records for the 3 Bengal cats. The administration of Lotrimin for the treatment of ringworm was documented in the medical records.
- 7. On July 27, 2021, AWS received another complaint alleging overcrowding of the animals, unsanitary conditions, unsafe conditions, and inadequate ventilation for the animals at the pet shop. Based on the information in the complaint, AWS extended the investigation that was initiated on July 6, 2021.
- 8. On July 29, 2021, the AWS Inspector conducted another site visit to the pet shop. During the July 29, 2021 site visit, the following was noted:
 - a. 59 dogs did not have any water or water receptacles in their enclosures in violation of 02 NCAC 52J .0206, which requires that animals have continuous access to fresh water. The facility again failed to provide continuous access to fresh water despite this issue being discussed at length with the staff on July 12, 2021;
 - b. The pet shop staff stated that they remove the water receptacles and wash them 2 or 3 times a week. Washing water receptacles only 2 or 3 times a week is a violation of 02 NCAC 52J .0207(b)(4) which requires that food and water receptacles to be sanitized daily with hot water, detergent, and disinfectant;
 - c. the AWS Inspector noted that it was excessively warm in the housing area. The ambient temperature was checked and found to range from 83° to 86°F in violation of 02 NC 52J .0202(a) which requires that the ambient temperature not to exceed 85°F in indoor housing facilities;
 - d. a boxer puppy housed in general population was noted to be receiving an antibiotic for signs consistent with an infectious disease. This puppy was not isolated in violation of 02 NCAC 52J .0209(5) and in violation of the July 14, 2021 written veterinary recommendations that were in place since the veterinarian's visit;
 - e. a Weimaraner was noted to be housed in an enclosure that did not allow the dog to easily stand in violation of 02 NCAC 52J .0204(b);
 - f. most of the primary enclosures in the isolation room did not have solid resting surfaces and numerous primary enclosures in the holding area did not have sufficient solid resting surfaces adequate to comfortably hold all occupants of the primary enclosure at the same time in violation of 02 NCAC 52J .0204(c). The facility was in violation of this regulation despite this issue being discussed extensively during the July 12, 2021 site visit; and
 - g. overall, the cleanliness of the facility had improved since the July 12, 2021 site visit except that the glass sections of the primary enclosures appeared to be excessively dirty. The staff relayed that they only clean this portion of the primary enclosures once daily at 2 PM. Therefore, the glass sections of the primary enclosures were not being properly cleaned twice daily in violation of 02 NCAC 52J .0207(a).
- 9. A review of the Facility Compliance Inspection ("FCI") reports for this facility from 2019 – 2021 reveal the following:
 - a. the July 6, 2019 FCI report noted inadequate ventilation in violation of 02 NCAC 52J .0202(b). The Inspector noted that she discussed with the facility management the importance of adequate ventilation especially in the presence of infectious

- respiratory diseases;
- b. the October 8, 2020 FCI report cited the facility for violation of 02 NCAC 52J .0206 due to the failure to provide the animals with continuous access to fresh water;
- c. the October 8, 2020 FCI report cited the facility for violation of 02 NCAC 52J .0204(c) due to insufficient and/or missing solid resting surfaces in enclosures; and
- d. the February 23, 2021 FCI report which was marked as “Disapproved” due to the number, severity and repetitive nature of the violations also cited the facility for violation of 02 NCAC 52J .0204(c) due to insufficient and/or missing solid resting surfaces in enclosures

CONCLUSIONS

As a result of this investigation, AWS concludes that the pet shop, either by act or omission, violated the following provisions:

02 NCAC 52J .0101(5) for failing to maintain records of veterinary care for parvovirus tests administered by the facility staff to the animals in their care as discovered on July 15, 2021;

02 NCAC 52J .0202(a) for allowing the ambient temperature of the indoor housing facility to exceed 85°F on July 29, 2021;

02 NCAC 52J .0202(b) for failing to maintain adequate air flow to minimize odors in the indoor housing facility and in the isolation room on July 12, 2021. The facility had previously been cited for this violation in the July 6, 2019 FCI report;

02 NCAC 52J .0204(b) for failing to provide sufficient space in 2 enclosures to allow each dog to walk, turn about freely and to easily stand, sit, or lie in a natural position on July 12, 2021 and in 1 enclosure on July 29, 2021;

02 NCAC 52J .0204(c) for failing to provide solid resting surfaces adequate to comfortably hold all occupants of the primary enclosure at the same time on July 12, 2021 and again on July 29, 2021. The facility had previously been cited for this violation in the October 8, 2020 and the February 23, 2021 FCI reports;

02 NCAC 52J .0206 for failing to provide continuous access to fresh water to 9 dogs on July 12, 2021 and 59 dogs on July 29, 2021. The facility had previously been cited for this violation in the October 8, 2020 FCI report;

02 NCAC 52J .0207(a) for failing to properly clean enclosures a minimum of two times per day on July 12, 2021 and again on July 29, 2021;

02 NCAC 52J .0207(b)(4) for failing to sanitize water receptacles daily with hot water, detergent, and disinfectant as discovered on July 29, 2021;

02 NCAC 52J .0209(5) for failing to separate animals being treated or observed for communicable disease on July 12, 2021 and again on July 29, 2021; and

02 NCAC 52J .0210(c) for failing to provide veterinary care to the 2 Persian kittens for infectious upper respiratory disease.

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, Mary Beth Jensen individually and Friendly Pets d/b/a Jensen & Sons, Inc., is hereby assessed a civil penalty for the following violations:

\$100.00 for violation of 02 NCAC 52J .0101(5) for failing to maintain records of veterinary care for parvovirus tests administered by the facility staff to the animals in their care as discovered on July 15, 2021;

\$200.00 for violation of 02 NCAC 52J .0202(b) for failing to maintain adequate air flow to minimize odors in the indoor housing facility and in the isolation room on July 12, 2021;

\$300.00 for 3 violations (\$100.00 per violation) of 02 NCAC 52J .0204(b) for failing to provide sufficient space in 2 enclosures to allow each dog to walk, turn about freely and to easily stand, sit, or lie in a natural position on July 12, 2021 and in 1 enclosure on July 29, 2021;

\$400.00 for 2 violations (\$200.00 per violation) of 02 NCAC 52J .0204(c) for failing to have provide solid resting surfaces adequate to comfortably hold all occupants of the primary enclosure at the same time on July 12, 2021 and again on July 29, 2021;

\$13,600.00 for 68 violations (\$200.00 per violation) of 02 NCAC 52J .0206 for failing to provide continuous access to fresh water to 9 dogs on July 12, 2021 and 59 dogs on July 29, 2021;

\$400.00 for 2 violations (\$200.00 per violation) of 02 NCAC 52J .0207(a) for failing to properly clean enclosures a minimum of two times per day on July 12, 2021 and again on July 29, 2021;

\$100.00 for violation of 02 NCAC 52J .0207(b)(4) for failing to sanitize water receptacles daily with hot water, detergent, and disinfectant as discovered on July 29, 2021;

\$400.00 for 2 violations (\$200.00 per violation) of 02 NCAC 52J .0209(5) for failing to separate animals being treated or observed for communicable disease on July 12, 2021 and again on July 29, 2021; and

\$200.00 for violation of 02 NCAC 52J .0210(c) for failing to provide veterinary care to the 2 Persian kittens for infectious upper respiratory disease.

\$15,800.00 TOTAL AMOUNT ASSESSED

NOTICE of WARNING

As to the remaining violation of 02 NCAC 52J .0202(a) for allowing the ambient temperature of the indoor housing facility to exceed 85°F on July 29, 2021, this Warning Letter serves as written notice indicating in which respects the pet shop may have violated the NC Animal Welfare Act and the rules issued pursuant thereto.

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.

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

August 25, 2021
Date

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

Appendix

REFERENCED LAWS AND REGULATIONS

§ 19A-27. License required for operation of pet shop.

No person shall operate a pet shop 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 shall be for 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-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:

- (5) record of veterinary care including treatments, immunization and date, time, description of medication (including name and dosage), and initials of person administering any product or procedure.

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

02 NCAC 52J .0202 INDOOR FACILITIES

(a) Indoor housing facilities for dogs and cats shall be adequately heated and cooled when necessary to protect the dogs and cats from cold and excessive heat and provide for their health and comfort. The ambient temperature shall not be allowed to fall below 50 degrees F. or exceed 85 degrees F.

(b) Indoor housing facilities for dogs and cats shall be adequately ventilated to provide for the health and comfort of the animals at all times. The facilities shall be provided with fresh air either by means of windows, doors, vents or air conditioning and shall be ventilated so as to minimize drafts. Air flow shall be adequate to minimize odors and moisture condensation.

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

02 NCAC 52J .0204 PRIMARY ENCLOSURES

(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.

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

02 NCAC 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 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:

- (4) Food and water receptacles shall be sanitized daily with hot water, detergent, and disinfectant.

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

02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION

Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

(5) All facilities shall designate an isolation area for animals being treated or observed for communicable diseases. Dogs or cats in isolation that are being treated for a communicable disease shall be separated from other dogs or cats and other susceptible species of animals in such a manner as to minimize dissemination of such disease. A sign shall be posted at the cage or isolation area when in use, giving notice of a communicable disease.

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

02 NCAC 52J .0210 VETERINARY CARE

(c) Each dog and cat shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with veterinary care or be euthanized, provided that this shall not affect compliance with any state

or local law requiring the holding, for a specified period, of animals suspected of being diseased. If euthanasia is performed at a certified facility, a list of personnel approved to perform euthanasia shall be maintained in a Policy and Procedure Manual as described in 02 NCAC 52J .0800. Diseased or deformed animals shall be sold or adopted only under the policy set forth in the "Program of Veterinary Care." Full written disclosure of the medical condition of the animal shall be provided to the new owner.

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