

**NCDA&CS, VETERINARY DIVISION
ANIMAL WELFARE SECTION
1030 MAIL SERVICE CENTER,
RALEIGH, NC 27699-1030
PHONE: 919/715-7111, FAX: 919/733-6431**

INDOOR
OUTDOOR
BOTH

Type of Inspection
 New _____
 Annual _____
 Follow-Up _____
 (Prev. Inspection Date)
 Complaint _____
 Courtesy _____
 Random _____

ANIMAL WELFARE INSPECTION

GPS Coordinates - N: 35 .62697 W: 80 .48422

LICENSE #: 36
 TYPE FACILITY: Animal Shelter (Private/Public) Boarding Kennel Pet Shop Public Auction
 BUSINESS NAME: _____
 OWNER: _____
 ADDRESS: _____
 TELEPHONE: (704) 216-7772
 VMO _____
 COUNTY: Rowan

Number of Primary Enclosures 61 Animals Present: Dogs 53 Cats 23
1 horse 1 pig 1 g.p.

**Inspector: Mark "X" in each box, if adequate.
 Circle each item number, if inadequate.
 Use NA if not applicable**

STRUCTURE

Housing Facilities

- 1. Structure & Repair
- 2. Ventilation & Temp.
- 3. Lighting
- 4. Ceiling, Wall, Floors
- 5. Storage
- 6. Water Drainage

Primary Enclosures

- 7. Structure & Repair
- 8. Space
- 9. Ventilation & Temp.
- 10. Adequate Shelter

SANITATION

- 11. Waste Disposal
- 12. Odor
- 13. Ceiling, Wall, Floors
- 14. Primary Enclosures
- 15. Equipment & Supplies
- 16. Washrooms, Sinks, Basins
- 17. Insect/Vermin Control
- 18. Building & Grounds

HUSBANDRY

- 19. Adequate Feed/Water
- 20. Food Storage
- 21. Personnel
- 22. Ratio of 1:10 personnel to animals if >4 in primary enclosure or common area
- 23. Animals' Appearance

SPECIAL ITEMS

- Records not viewed
- 24. Description of Animals
 - 25. Records/Vet Treatment
 - 26. Origin/Disposition
 - 27. Signature (boarding kennel)
 - 28. Written permission from owner for commingling (doggie daycare)

Transportation not discussed

- 29. Care in Transit Discussed

Veterinary Care

- 30. Isolation Facility
- 31. No Signs of Illness/Treated

APPROVED DISAPPROVED Date: Dec 21, 2010 Time: 0800 - 11:00

Shelley J. Swan

 Inspector's Signature

 Owner/Authorized Agent's Signature

NCDA&CS VETERINARY DIVISION
ANIMAL WELFARE SECTION
1030 MAIL SERVICE CENTER
RALEIGH, NC 27699-1030
PHONE: 919/715-7111, FAX: 919/733-6431

On December 21, 2010 08:00 I met with Clai Martin at the Rowan County Animal Shelter to investigate two separate complaints submitted to this office by Ms. Brenda Kirby on December 10 and 17, 2010. Ms. Kirby's complaint is attached. During my investigation I reviewed all cleaning protocols and practices and have attached a copy of same. I also interviewed staff and examined all records related to Ms. Kirby's complaints and statements of interactions she had with employees at the shelter.

Complaint states the following (in red) findings from investigation follow each specific issue of alleged non-compliance.

Dr. Hunter,

The purpose of this message is to bring a harmful situation to the attention of the AWS. This message is to serve as an official complaint and a request your immediate assistance.

The animal control employees at Rowan County Animal Control are forcing (dogs and cats to remain outdoors for extended periods of time. The animals are kept in the outdoor section of the indoor-outdoor kennels. The guillotine doors are left down to prevent the dogs from coming back inside.

Examination of all cleaning protocols as well as observation of the kennel cleaning process was conducted.

The animals housed in the kennel area are allowed access to both indoor and outdoor runs in the afternoon and throughout the night. An exception to this protocol could be bitches with puppies, young puppies and kittens or debilitated animals. If inclement weather is expected or occurring animals are kept in and guillotine doors are closed.

Cleaning protocol is as follows:

07:30-08:00-Animals in kennel area are placed in inside kennel runs, guillotine doors are closed and outside kennels are cleaned, sanitized, excess water is removed with a squeegee and allowed to dry.

11:00 after outside kennel runs have dried and clean water has been placed in each enclosure animals are moved to outside kennels and procedure is repeated inside the kennel area.

16:00 Animals are fed and allowed access to entire kennel.
Animals are always removed from enclosures that are being cleaned using a hosing or flushing method as per AWA guidelines.
Kennels are cleaned and maintained throughout the day.
Protocol is attached and meets or exceeds AWA standards.

Cleaning of kennel area is performed by inmates from Rowan Correctional Center #4540 and are supervised by Kennel Manager Jim Rich. Copy of that contract is attached and states on page 8 that "inmates are not allowed to be in the presence or escort members of the general public for any reason"

There is no protection from weather conditions. There is a roof over their heads, that doesn't protect them from the frigid temperatures, wind, or the high temperatures in the summer. As you know, the temperature has been below freezing recently and adverse weather conditions will continue through the winter. Not to mention the wind chill. It is uncomfortable and harmful for animals to be forced to stay outside all day. There are no resting surfaces and no houses. I've seen them shivering and scratching trying to get in. How can this be compliance to the AWA when the animals are suffering, caused by the intentional action of the employees. The resources are in place.

Animals are allowed access to outdoor runs from 11:00-16:00 hours while kennels and shelter are being cleaned and dried. An exception could be inclement weather in which case animals could be allowed access to indoor kennel area. Outdoor kennels are all under roof and entire kennel including outdoor runs are heated via radiant, subfloor, hydronic heating. Blue prints attached.

The (dogs/cats) are not brought back inside the building until late in the afternoon. Regardless of the weather conditions these animals are not brought back into the building until the late afternoon.

On typical days animals remain in outside runs from 11:00-16:00, approximately five hours. All areas of the outside kennels are under roof and heated by radiant subfloor heating. Animals may be allowed access to indoor runs during inclement weather.

I have witnessed this many times so this complaint is based on first hand observation. Other people have also been witnesses to this mistreatment of the animals.

This wrongdoing has been brought to the attention of the animal control management. No corrective actions have been taken. The problem and the animals have been ignored. The manager has offered excuses which primarily involve the amount of time it takes for the kennel floors to dry after cleaning. Under normal circumstances it should not take over 1 hr. for floors

to dry adequately. Fans can be used , if necessary , to accelerate the drying time. Under no circumstance is it acceptable to force the dogs and cats to stay outdoors without shelter all day.

In my opinion, this is being done for the convenience of the employees and to reduce the amount of their work. However, the county is paying the employees for a full days work which includes cleaning the kennels as needed. As a result of the employees actions, the task of cleaning the kennels is reduced and there is no waste that requires disposal during the day because the dogs are kept outside of the building. This results from poor management, lazy employees and zero consideration of the well being of the animals.

The Rowan County Standard Operating procedures and guidelines have been reviewed and determined to meet or exceed the AWA.

I have never witnessed intentional neglect or mistreatment of any animal housed therein during any inspection. Employees have always been courteous to myself and any interaction with the public that I have witnessed was always polite, helpful, and many times educational. Cleaning is continuous by employees and inmates.

Any inadequacies noted during past inspections were always addressed by management, and in many instances corrected before the inspection was completed.

This mistreatment of impounded animals has resulted in the death of animals and in pain and suffering that constitutes animal cruelty. In statute 14-360 it is stated that cruel treatment includes any act, omission, or neglect causing or permitting unjustifiable pain, suffering, or death. The AWS should report this animal cruelty to the local district attorney for prosecution.

The rules for the Animal Welfare Act cover housing requirements. Specifically, 02 NCAC 52J .0202 INDOOR FACILITIES is applicable in this situation. The Rowan County facility is an indoor facility and therefore this rule is applicable. The dogs and cats impounded in this facility must be maintained with an ambient temperature between 50 degrees F. and 85 degrees F.

There are areas of this facility that would fall under housing requirements for indoor facilities; however the kennel area which is in question is an indoor outdoor component to the shelter.

The indoor areas of this facility are well within ambient temperature requirements. These areas include the cat adoption room, puppy/small dog stray/adoption area, and cat quarantine.

There is no exception made for the outdoor section of indoor-outdoor runs. And even if the outdoor section of the runs was addressed it would have to include provisions to protect

animals from adverse weather conditions and there would have to be a limit of the length of time that a dog could be confined outdoors without the ability to reenter the indoor section of the run.

Indoor/outdoor kennels are not subject to Indoor Facility Requirements, however animals housed within indoor outdoor enclosures are afforded "Radiant sub-floor heating" throughout entire kennel area, including outdoor kennels. (Blueprints are attached)

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. ...

(definition -

(2) "Adequate" means a condition which, when met, does not jeopardize an animal's comfort, safety or health.)

(d) Interior building surfaces of indoor facilities with which animals come in contact shall be constructed and maintained so that they are impervious to moisture, and can be readily sanitized.

(e) A suitable method of drainage shall be provided to rapidly eliminate excess water from an indoor housing facility. If closed drain systems are used, they shall be equipped with traps and installed to prevent odors and backup of sewage. The drainage system shall be constructed to prevent cross-contamination among animals.

In addition to the civil penalty that can be imposed upon the responsible local government entity, there are additional penalties that should be considered in this situation. Two of them are listed below and I urge you to prosecute the responsible employees and impose the fines if they are found guilty..

§ 19A-35. Penalty for failure to adequately care for animals; disposition of animals.

Failure of any person licensed or registered under this Article to adequately house, feed, and water animals in his possession or custody shall constitute a Class 3 misdemeanor, and such person shall be subject to a fine of not less than five dollars (\$5.00) per animal or more than a total of one thousand dollars (\$1,000). Such animals shall be subject to seizure and impoundment and upon conviction may be sold or euthanized at the discretion of the Director and such failure shall also constitute grounds for revocation of license after public hearing. (1977, 2nd Sess., c. 1217, s. 16; 1999-408, s. 4.)

§ 19A-36. Penalty for violation of Article by dog warden.

Violation of any provision of this Article which relates to the seizing, impoundment, and custody of an animal by a dog warden shall constitute a Class 3 misdemeanor and the person convicted thereof shall be subject to a fine of not less than fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00), and each animal handled in violation shall constitute a separate offense. (1977, 2nd Sess., c. 1217, s. 17; 1993, c. 539, s. 317; 1994, Ex. Sess., c. 24, s. 14(c).)

In the meantime, please instruct the officials in Rowan County to comply with the AWA rules. Also, please instruct the officials and the employees to stop forcing the animals to remain outdoors all day at this "indoor" facility.

Thank you for your assistance,

Brenda Kirby

Member, The Humane Society of Eastern NC

In addition to the original complaint, on Tuesday, Dec. 14 around 3:50pm, I visited the RCAC. The dogs/cats were still shut out in the cold. Two medium size dogs in two different runs were scratching and pushing at the door, along with sounds of desperation trying to get in. The temperature that day was forecasted for the high to be in the low 30's and it was windy, making it seem colder. How can anyone in charge of the humane treatment of these unfortunate animals justify making them stay outside when all that has to be done is open the door? A roof is not shelter from the elements. Cold cement to lay on all day does not a resting surface make. Or is the cement heated like Shelley told me last February?

After a thorough investigation, multiple interviews with employees and direct observation of cleaning practices and animal housing protocols, the statements made in this complaint cannot be substantiated.



Shelley J Swaim

Daily & Routine Tasks

Back Kennel/Garage Area

- Assist Officer Jim Rich or shelter staff in running the animals inside.
- Clean & disinfect all outside runs with the cleaning machine using the 8-15 Max mixture & Tru Clean tablets, as instructed by shelter staff. Make sure all runs are thoroughly squeegeed off & all water containers are cleaned & filled. Once runs are finished make sure all kennel gates are properly closed and all latches are in place. Make sure both outside drain troughs are completely washed out and all debris is washed down the drains.
- When cleaning the cat runs (#'s 21, 22, 23 & 24), remove all cat litter pans & shelving before applying any water or disinfectant. Cat litter pans are to be scooped out daily with the debris being put in plastic trash bags, and disposed of in the trash truck. Cat litter pans are to be routinely emptied completely out & disinfected every Tuesday & Friday. Make sure the tray is completely dry before placing fresh litter back into the tray. Change litter in cat litter pans more often if necessary.

DO NOT PUT ANY CAT LITTER WASTE IN THE DRAIN TROUGHES.

- Run all animals outside by 10:45 am. Make sure all run floors are completely dry first.
- Clean & disinfect all food bowls using Lemon Quat. Make sure all bowls are thoroughly dry before serving food in them. Clean bowls can be stored in the feed room or in the garage area on the shelf near the sink.
- Open all inside doors to allow animals to be run outside. If there are any animals that will not go outside, get with Officer Jim Rich to assist. If he is not available, get with shelter staff to assist.
- Clean & disinfect all inside runs with the cleaning machine using the 8-15 Max mixture & Tru Clean tablets, as instructed by shelter staff. Squeegee off all excessive water from kennel runs and kennel walk way. Make sure both inside drain troughs are completely washed out and all debris is washed down the drains.
- Clean all debris from the concrete walls of the kennel runs (both inside & out) using the bristled scrub brush and the 8-15 Max mixture or the Tru Clean solution.
- Wash & dry dirty towels, rags & bedding daily using the washer machine/dryer and laundry detergent and bleach.
- Use the Check List to count the number of animals in each run to determine how many bowls of food will be needed. Recount the runs again around 4:00 pm, place filled food bowls on the inside of the runs (before opening the guillotine door). Get with Officer Jim Rich (or shelter staff) if you have any questions surrounding the feeding procedures. Open guillotine doors by 4:15 pm to allow animals inside to have access to food.
- On a daily basis, empty all trash from the garage area and place new trash bags in all trash cans.
- On a daily basis, sweep and straighten up all areas of the garage. If there are any items you have questions about, get with Officer Jim Rich or the Supervisor, Clai Martin.
- On a daily basis, sweep and straighten up the Feed Room. Re-fill food & litter bins as needed.
- On a daily basis, give "Porky" (the pig) fresh water & food. Feed Porky ONLY pig food & do not over-feed him. Feed according to the serving suggestions on the package.
- Assist with the cleaning of work trucks, filling of food bins, unloading of animal supplies, cleaning of the cooler & incinerator, emptying of the trash truck, routine cleaning of the back compound area & storage buildings and the receiving of donations (food, newspapers, etc.).
- **Note:** Any issues with the drain troughs, cleaning equipment or supplies are to be addressed directly to Officer Jim Rich. Should Officer Rich be off, address concerns/needs with the supervisor, Clai Martin. Complete a Supply Request List for all needed supplies and give this list to Officer Jim Rich.

Daily & Routine Tasks

Front/Lobby Area

- Empty, clean & disinfect as needed, all trash cans from: Clai's office, kitchen, officer's area, bathroom, reception & Fran's area.
- Sweep all floor areas daily. Take mats from front lobby area outside and sweep off. Mop all floor areas daily using the appropriate mixture of Vision cleaner. Make sure to set out the Wet Floor signs after mopping.
DO NOT USE BLEACH ON ANY OF THE FLOOR SURFACES.
- Clean all windows daily (front door, front windows, adoption room doors, kitchen, officer's room & back door) using the Sparkle glass cleaner.
- Remove, and place in the appropriate area, any donated items that may be setting in the lobby or hallway areas.
- Clean the entire bathroom daily using Clorox Clean-Up-including the outside & base of the toilet. Wipe down, on a daily basis, the wall containing the light switch and the bathroom door around the handle. Make sure toilet paper holders are maintained with toilet rolls and an appropriate amount of hand towels are supplied. Re-stock, as needed, the basket holding extra rolls of toilet paper. Clean the vanity area with Clorox Clean-Up and use Sparkle glass cleaner on the mirror. Fill the hand cleaner container, as needed, with Escort Herbal.
- Clean both adoption rooms daily as instructed by shelter staff. Make sure the floors in both rooms are mopped at the end of the cleaning process and all needed supplies (newspapers, food, rags, etc.) are stocked up. Feed & water any cats located in these room, but only supply water to any dogs. Dogs are given food at the end of the day at approximately 4:10 pm.
- Clean the entire kitchen area daily using Clorox Clean-Up, Dish Detergent & Sparkle glass cleaner. This includes wiping down all counter tops, kitchen table washing any dishes, wiping down the outside of the refrigerator, and any other areas that need to be cleaned. At the end of the day, make sure the coffee pot is turned off and rinsed out. Routinely check the condition of the inside of the refrigerator – clean out old food & wipe inside of frig out with Clorox Clean-Up.
ALWAYS CHECK WITH STAFF BEFORE THROWING AWAY ANY FOOD.
- Clean Mr. Hanky's (shelter mascot) cage on Monday's & Thursday's. Mr. Hanky is not handled on a regular basis, so get with office staff to remove him from the cage before cleaning. Check the bottom of the cage, once the shavings are emptied, to see if it needs to be washed out. If it needs to be washed, use the hose and a small amount of Lemon Quat. Make sure the cage bottom is completely dry before placing fresh newspaper & shavings in it. Before filling with shavings place fresh layers of newspaper in the bottom of the cage. Shavings for Mr. Hanky's cage are normally located in the metal building in the compound or the storage shed in the corral area.
- On a daily basis, sweep & hose off the breezeway area located between the main building & the kennel area. Squeegee off all excessive water from the breezeway after hosing.
- On a regular basis, dust all areas of the lobby and wipe down all counter tops. Dusting can be done with a damp rag and counter tops can be wiped down using Clorox Clean-Up.
- On a regular basis, sweep the sidewalk areas out front, along the parking lot and through the side gate. Pick-up any trash or debris from the parking lot area.
- On a regular basis, clean the dust from the ventilation grates in the adoption rooms & the hallway. This can be done with a broom or the shop vacuum.
- Assist with the cleaning of work trucks, filling of food bins, unloading of animal supplies, cleaning of the cooler & incinerator, emptying of the trash truck, routine cleaning of the back compound area & storage buildings, and the receiving of donations (food, newspapers, etc.).