A wide range of people and organizations—such as shelters, research facilities, and pet stores—work with and assume responsibility for animals. Laws at both state and federal levels have evolved over time into a fairly complex body of regulation for these operations. The laws focus primarily on the welfare of the animals and rely on licensing and registration as their primary regulatory tools. This chapter reviews the state and federal laws in this area, with particular attention to the regulation of animal shelters operated by North Carolina local governments.

State Law
Local governments are allowed, but not required, to have animal shelters. They have the authority to either (1) “establish, equip, operate, and maintain” an animal shelter or (2) fund a shelter operated by another entity, such as an animal welfare organization.1 Some local governments collaborate with neighboring jurisdictions to operate regional shelters, such as the Tri-County Animal Shelter that serves Chowan, Gates, and Perquimans counties.2

Until recently the state regulated only animal shelters run by private entities; those owned and operated by local governments were exempt.3 In 2004 and

1. N.C. Gen. Stat. 153A-442 (counties) (hereinafter G.S.); G.S. 160A-493 (cities). Note that state law specifically authorizes local governments to enter into contracts with private entities “to carry out any public purpose that the [city/county] is authorized by law to engage in.” G.S. 153A-449 (counties); 160A-20.1 (cities).
3. Prior to the most recent change, the statutory definition of animal shelter was limited to facilities “owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.” G.S. 19A-23(5).
2005, however, the General Assembly passed legislation expanding the regulatory authority of the North Carolina Department of Agriculture and Consumer Services (the Department) to include local government shelters.\textsuperscript{4} Under the state’s Animal Welfare Act (NCAWA), the Department now regulates all the different types of facilities that house and, sometimes, sell animals.\textsuperscript{5} The legislation explains that such regulation is necessary to

- protect pet owners from theft,
- prevent the sale or use of stolen pets,
- ensure that animals in commerce are provided humane care and treatment, and
- limit the sale, trade, or adoption of animals that show signs of being sick or having congenital abnormalities.\textsuperscript{6}

In addition to animal shelters, the act regulates pet shops, public auctions, boarding kennels, and dealers. It exempts from regulation four categories of operations: (1) veterinary hospitals; (2) people who occasionally board animals on a noncommercial basis; (3) dealers, pet shops, public auctions, commercial kennels, or research facilities while they hold a license or registration pursuant to the federal Animal Welfare Act;\textsuperscript{7} and (4) kennels establishments operated primarily for the boarding or training of hunting dogs.\textsuperscript{8}

Registration and Licensure Requirements
Animal shelter operators must obtain certificates of registration from the Animal Welfare Section of the Department and renew those certificates each year.\textsuperscript{9}

The other four operations (pet shops, public auctions, boarding kennels, and

\textsuperscript{4} S.L. 2004-199 (amending the law to provide local governments the authority to establish, equip, operate, and maintain animal shelters [G.S. 153A-442; 16A-493] by adding the following sentence: “The animal shelters shall meet the same standards as animal shelters regulated” under the NCAWA); S.L. 2005-276, sec. 11.5 (Uniform Regulation of Animal Shelters) (amending the NCAWA to include public shelters within the definition of animal shelter). For further discussion of these legislative changes, see Aimee Wall, “North Carolina Animal Control Law: 2005 Legislative Update,” Local Government Law Bulletin No. 107 (October 2005).

\textsuperscript{5} Article 3 of G.S. Ch. 19A.

\textsuperscript{6} G.S. 19A-21.

\textsuperscript{7} G.S. 19A-37.

\textsuperscript{8} G.S. 19A-26.

\textsuperscript{9} Id.
### Operations Regulated under the North Carolina Animal Welfare Act

<table>
<thead>
<tr>
<th>Operation</th>
<th>Definition</th>
</tr>
</thead>
</table>
| Animal shelter | A facility used to house or contain seized, stray, homeless, quarantined, abandoned, or unwanted animals. The term includes shelters under contract with, owned, operated, or maintained by either:  
• a local government (i.e., municipality or county) or  
• a nonprofit organization devoted to the welfare, protection, rehabilitation, or humane treatment of animals. |
| Boarding kennel| A facility or establishment that regularly offers to the public, for a fee, the service of boarding dogs or cats or both. The facility may offer other services, such as grooming. |
| Dealer         | Any person who sells, exchanges, or donates animals to any of the following:  
• other dealers  
• pet shops  
• research facilities  
The term does not include persons who breed and raise on their own premises no more than the offspring of five female dogs or cats per year (unless the animals are bred and raised specifically for research purposes). |
| Pet shop       | A person or establishment that acquires for resale animals bred by others and sells or trades them to the general public at retail or wholesale. |

Dealers (dealers) must obtain licenses. Certificates of registration required for animal shelters are free, whereas the licenses required for the other operations cost fifty dollars each year.

The law allows the Animal Welfare Section to deny an application for a license or certificate of registration and to suspend or revoke a license or certificate for various reasons: for example, willfully disregarding state law or making substantial misrepresentations or false promises in connection with the business to be licensed. Appeals of such decisions are handled as contested cases through the Office of Administrative Hearings.

To obtain a license or certificate of registration, facilities must meet the regulations’ detailed requirements for the housing and care of animals. Facilities must, for example, use a specified formula to calculate the minimum square footage of floor space for the primary enclosures for cats and dogs, and they

---

10. G.S. 19A-27 (pet shop); G.S. 19A-28 (public auctions and boarding kennels); G.S. 19A-29 (dealers).
11. G.S. 19A-26 through 29.
12. G.S. 19A-30 (outlining various grounds for denial, suspension, and revocation and detailing the process for doing so); G.S. 19A-35 (allowing revocation of license or registration for failure to adequately house, feed, and water animals).
15. 2 N.C.A.C. 52J .0204(d).
must ensure that enclosures and exercise areas are cleaned at least twice a day. 16 Regulations also govern the transportation of animals. 17

Euthanasia
In 2005 the General Assembly directed the Board of Agriculture to adopt regulations governing the methods of euthanasia used in animal shelters. 18 As discussed in Chapter 3, page 57, the board considered final regulations in February of 2008, but at the time of publication the rules had not been finalized. The draft rules address two primary subjects: (1) what methods of euthanasia may be used at shelters and (2) who is allowed to euthanize animals at shelters.

With respect to euthanasia methods, state law already provides that animals impounded for violations of the state’s rabies control laws may be euthanized by any method approved by one of three national organizations: the American Veterinary Medical Association, the Humane Society of the United States, or the American Humane Association. 19 The draft rules do not change this general guideline in that they also allow the use of any method approved by one of those organizations. 20 (A full list of methods approved by these three organizations is included as Appendix A.) The draft rules include specific requirements related to the two most frequently used euthanasia methods: injection and delivery of carbon monoxide gas in an enclosed chamber. Assuming the rules are finalized in their current form, shelters would still be permitted to use both of these methods, but they would need to comply with significant restrictions on the use of carbon monoxide gas. 21 The draft rules require that

- only commercially compressed, bottled gas be used,
- the gas be delivered in a commercially manufactured chamber,
- animals be individually separated within the chamber,
- animals placed inside the chamber be of the same species,
- live animals not be placed into a chamber with dead animals,
- the chamber rapidly achieve a minimum 6 percent uniform concentration of carbon monoxide,

16. 2 N.C.A.C. 52J .0207(a).
17. 2 N.C.A.C. 52J .0301–.0304.
18. S.L. 2005-276, sec. 11.5 (amending G.S. 19A-24(5)).
20. 2 N.C.A.C. 52J .0401.
21. 2 N.C.A.C. 52J .0600). Because the rules have not yet been finalized, citations to the administrative code in this section are somewhat premature. Nevertheless, the anticipated citations are included to assist readers with future research. Before relying upon the citation, it would be wise to verify the actual text of the rule once it has been finalized. The administrative code is available online at http://reports.oah.state.us/ncac.asp.
• death occur within five minutes of beginning the administration of the
gas, and
• animals remain in the chamber with the gas for a minimum of twenty
minutes.

In addition, the draft rules prohibit the use of gas for euthanizing certain types
of animals, including those that are very young or old, pregnant, ill or injured.
The draft rules also impose detailed requirements for the construction, ventila-
tion, and maintenance of the chamber. In “extraordinary circumstances,” the
draft rules allow shelter staff to euthanize an animal by shooting it or using
another “extreme” method approved by one of the three national organizations.
The rules explain that “an extraordinary circumstance or situation includes but
is not limited to a situation which is offsite from the shelter, in which an animal
poses a significant or immediate risk to life, limb or public health and in which
no alternative, less extreme measure of euthanasia is feasible. It also includes
circumstances or situations in which it would be inhumane to transport an ani-
mal to another location to perform euthanasia.”

With respect to who is authorized to perform euthanasia at a shelter, the
draft rules establish a new category of animal control professional: a certified
euthanasia technician. The term is defined as “a person employed by a certified
facility who has been instructed in the proper methods of humane euthanasia,
security, and record keeping and possesses other skills as deemed necessary
by the Animal Welfare Section.” These technicians are required to complete
specific training and pass an examination before being certified for up to five
years. Under certain circumstances, the Department has the authority to
discipline technicians, which could include suspension or revocation of certifi-
cation. Other professionals authorized to perform euthanasia include a proba-
tionary euthanasia technician (in some circumstances), a veterinarian licensed
in North Carolina, and a registered veterinary technician working under a vet-
erinarian’s supervision.

22. 2 N.C.A.C. 52J .0605–.0608.
23. 2 N.C.A.C. 52J .0700.
24. 2 N.C.A.C. 52J .0403.
25. 2 N.C.A.C. 52J .0404–.0407.
27. 2 N.C.A.C. 52J .0402; see also 2 N.C.A.C. 52J .0409 (requiring a probationary
euthanasia technician to be under the supervision of someone authorized to perform
euthanasia).
Penalties
State law provides for both civil and criminal penalties. It is a Class 3 misdemeanor to operate a pet shop, kennel, or public auction without a license and a Class 2 misdemeanor to act as a dealer without a license. It is also a Class 3 misdemeanor for a person who is licensed or registered pursuant to the state law to fail to adequately house, feed, and water animals in his or her care. When a person is charged with either (1) dealing without a license or (2) failing to adequately house, feed, and water animals, the Animal Welfare Section is authorized to immediately seize and impound the animals. If the person charged is subsequently convicted, the state may provide for the sale or euthanasia of the animals.

The director of the Animal Welfare Section has the authority to impose civil monetary penalties against any person who violates the state animal laws or regulations. The proceeds of penalties collected under this law are placed in a fund dedicated to the public schools.

Federal Law
The federal Animal Welfare Act (AWA), which is administered by the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA), regulates several different categories of animal operations. It focuses on operations that use animals for research, sell animals to the public, transport animals, and use animals in exhibits. There is obviously some overlap in jurisdiction between the federal and state laws, but there are also important distinctions.

The AWA requires some operations, specifically dealers and exhibitors, to obtain licenses. Other regulated operations (research facilities, handlers, transporters, and unlicensed exhibitors) must register with the USDA. The law requires regulated operations to maintain certain records and imposes detailed

28. G.S. 19A-33 to 34.
29. G.S. 19A-35.
30. G.S. 19A-34.
32. See Article 31A of G.S. Ch. 115C. When a civil fine is collected by a state agency, the agency is allowed to retain a small amount of the proceeds to cover the costs incurred in collecting the fine. That amount may not exceed 20 percent of the total amount collected. G.S. 115C-457.2.
34. 7 U.S.C. §§ 2131–2159.
requirements regarding the handling, care, treatment, and transportation of animals.\(^\text{37}\)

One provision of the federal law applies directly to local government animal shelters. It requires shelters to hold all dogs and cats for a minimum of five days before selling them to a dealer.\(^\text{38}\) This holding requirement also applies to private entities (such as humane societies) that are under contract to a state, county or city, or research facility licensed by the USDA.

The law authorizes the USDA to conduct investigations and inspections, impose civil money penalties, and apply for injunctions.\(^\text{39}\) Licensees may also be subject to criminal penalties.\(^\text{40}\)

### Operations Regulated under the Federal Animal Welfare Act\(^\text{41}\)

<table>
<thead>
<tr>
<th>Operation</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carriers</td>
<td>The operator of any airline, railroad, motor carrier, shipping line, or other enterprise engaged in the business of transporting any animals for hire.</td>
</tr>
<tr>
<td>Dealers</td>
<td>Any person who, for compensation or profit, delivers for transportation or transports (except as a carrier), or buys, sells, or negotiates the purchase or sale of (1) any animal (alive or dead) for research, teaching, exhibition, or use as a pet or (2) any dog for hunting, security, or breeding purposes. The term does not include retail pet stores (except a pet store that sells animals to research facilities, exhibitors, or dealers) and private persons who earn no more than $500 a year selling animals other than dogs, cats, and wild animals.</td>
</tr>
<tr>
<td>Exhibitors</td>
<td>Any person exhibiting any animal involved in commerce (e.g., one purchased or exhibited to the public for compensation). Includes carnivals, circuses, and zoos, whether operated for profit or not. Excludes retail pet stores, state and county fairs, livestock shows, rodeos, purebred dog and cat shows, and other exhibitions determined by the Department of Agriculture.</td>
</tr>
<tr>
<td>Intermediate handlers</td>
<td>Any person engaged in any business who receives custody of animals in connection with their transportation in commerce.</td>
</tr>
<tr>
<td>Research facilities</td>
<td>Any school (except an elementary or secondary school), institution, organization, or person that uses or intends to use live animals in research, tests, or experiments. The operation must also either (1) purchase or transport live animals in commerce or (2) receive federal funds for the purpose of supporting the research. Even if a facility meets the definition, the Department of Agriculture has the authority to exempt certain facilities under some circumstances.</td>
</tr>
</tbody>
</table>

---

\(^{38}\) 7 U.S.C. § 2158(a).
\(^{40}\) 7 U.S.C. § 2149(c)
\(^{41}\) 7 U.S.C. § 2132.
Relevant Statutes

Article 3 of Chapter 19A
Animal Welfare Act.

§ 19A-20. Title of Article.
This Article may be cited as the Animal Welfare Act.

The purposes of this Article are (i) to protect the owners of dogs and cats from the theft of such pets; (ii) to prevent the sale or use of stolen pets; (iii) to insure that animals, as items of commerce, are provided humane care and treatment by regulating the transportation, sale, purchase, housing, care, handling and treatment of such animals by persons or organizations engaged in transporting, buying, or selling them for such use; (iv) to insure that animals confined in pet shops, kennels, animal shelters and auction markets are provided humane care and treatment; (v) to prohibit the sale, trade or adoption of those animals which show physical signs of infection, communicable disease, or congenital abnormalities, unless veterinary care is assured subsequent to sale, trade or adoption.

§ 19A-22. Animal Welfare Section in Animal Health Division of Department of Agriculture and Consumer Services created; Director.
There is hereby created within the Animal Health Division of the North Carolina Department of Agriculture and Consumer Services, a new section thereof, to be known as the Animal Welfare Section of said division.

The Commissioner of Agriculture is hereby authorized to appoint a Director of said section whose duties and authority shall be determined by the Commissioner subject to the approval of the Board of Agriculture and subject to the provisions of this Article.

For the purposes of this Article, the following terms, when used in the Article or the rules or orders made pursuant thereto, shall be construed respectively to mean:

(1) “Adequate feed” means the provision at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. Such foodstuff shall be served in a sanitized receptacle, dish, or container.
(2) “Adequate water” means a constant access to a supply of clean, fresh, potable water provided in a sanitary manner or provided at suitable intervals for the species and not to exceed 24 hours at any interval.
(3) “Ambient temperature” means the temperature surrounding the animal.
(4) “Animal” means any domestic dog (Canis familiaris), or domestic cat (Felis domestica).
(5) “Animal shelter” means a facility which is used to house or contain seized, stray, homeless, quarantined, abandoned or unwanted animals and which is under contract with, owned, operated, or maintained by a county, city, town, or other municipality, or by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, rehabilitation, or humane treatment of animals.
(5a) “Boarding kennel” means a facility or establishment which regularly offers to the public the service of boarding dogs or cats or both for a fee. Such a facility or establishment may, in addition to providing shelter, food and water, offer grooming or other services for dogs and/or cats.
(6) “Commissioner” means the Commissioner of Agriculture of the State of North Carolina.
(7) “Dealer” means any person who sells, exchanges, or donates, or offers to sell, exchange, or donate animals to another dealer, pet shop, or research facility; provided, however, that an individual who breeds and raises on his own premises no more than the offspring of five canine or feline females per year, unless bred and raised specifically for research purposes shall not be considered to be a dealer for the purposes of this Article.
(8) “Director” means the Director of the Animal Welfare Section of the Animal Health Division of the Department of Agriculture and Consumer Services.
(9) “Euthanasia” means the humane destruction of an animal accomplished by a method that involves rapid unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during such loss of consciousness.
(10) “Housing facility” means any room, building, or area used to contain a primary enclosure or enclosures.
(11) “Person” means any individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity.

(12) “Pet shop” means a person or establishment that acquires for the purposes of resale animals bred by others whether as owner, agent, or on consignment, and that sells, trades or offers to sell or trade such animals to the general public at retail or wholesale.

(13) “Primary enclosure” means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage compartment or hutch.

(14) “Public auction” means any place or location where dogs or cats are sold at auction to the highest bidder regardless of whether such dogs or cats are offered as individuals, as a group, or by weight.

(15) “Research facility” means any place, laboratory, or institution at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.

(16) “Sanitize” means to make physically clean and to remove and destroy to a practical minimum, agents injurious to health.

The Board of Agriculture shall:

(1) Establish standards for the care of animals at animal shelters, boarding kennels, pet shops, and public auctions. A boarding kennel that offers dog day care services and has a ratio of dogs to employees or supervisors, or both employees and supervisors, of not more than 10 to one, shall not as to such services be subject to any regulations that restrict the number of dogs that are permitted within any primary enclosure.

(2) Prescribe the manner in which animals may be transported to and from registered or licensed premises.

(3) Require licensees and holders of certificates to keep records of the purchase and sale of animals and to identify animals at their establishments.

(4) Adopt rules to implement this Article, including federal regulations promulgated under Title 7, Chapter 54, of the United States Code.

(5) Adopt rules on the euthanasia of animals in the possession or custody of any person required to obtain a certificate of registration under this Article. An animal shall only be put to death by a method and delivery of method approved by the American Veterinary Medical Association, the Humane Society of the United States, or the American Humane Association. The Department shall establish
rules for the euthanasia process using any one or combination of methods and standards prescribed by the three aforementioned organizations. The rules shall address the equipment, the process, and the separation of animals, in addition to the animals’ age and condition. If the gas method of euthanasia is approved, rules shall require (i) that only commercially compressed carbon monoxide gas is approved for use, and (ii) that the gas must be delivered in a commercially manufactured chamber that allows for the individual separation of animals. Rules shall also mandate training for any person who participates in the euthanasia process.

§ 19A-25. Employees; investigations; right of entry. For the enforcement of the provisions of this Article, the Director is authorized, subject to the approval of the Commissioner to appoint employees as are necessary in order to carry out and enforce the provisions of this Article, and to assign them interchangeably with other employees of the Animal Health Division. The Director shall cause the investigation of all reports of violations of the provisions of this Article, and the rules adopted pursuant to the provisions hereof; provided further, that if any person shall deny the Director or his representative admittance to his property, either person shall be entitled to secure from any superior court judge a court order granting such admittance.

§ 19A-26. Certificate of registration required for animal shelter. No person shall operate an animal shelter unless a certificate of registration for such animal shelter shall have been granted by the Director. Application for such certificate shall be made in the manner provided by the Director. No fee shall be required for such application or certificate. Certificates of registration shall be valid for a period of one year or until suspended or revoked and may be renewed for like periods upon application in the manner provided.

§ 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 fifty dollars ($50.00) for each license period or part thereof beginning with the first day of the fiscal year.

§ 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 fifty dollars ($50.00) for each license period or part thereof beginning with the first day of the fiscal year.

§ 19A-29. License required for dealer.
No person shall be a dealer unless a license to deal shall have been granted by the Director to such person. Application for such license shall be in the manner provided by the Director. The license period shall be the fiscal year and the license fee shall be fifty dollars ($50.00) 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-31. License not transferable; change in management, etc., of business or operation.

A license is not transferable. When there is a transfer of ownership, management, or operation of a business of a licensee hereunder, the new owner, manager, or operator, as the case may be, whether it be an individual, firm, partnership, corporation, or other entity shall have 10 days from such sale or transfer to secure a new license from the Director to operate said business. A licensee shall promptly notify the Director of any change in the name, address, management, or substantial control of his business or operation.

§ 19A-32. Procedure for review of Director's decisions.

A denial, suspension, or revocation of a certificate or license under this Article shall be made in accordance with Chapter 150B of the General Statutes.
§ 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-34. **Penalty for acting as dealer without license; disposition of animals in custody of unlicensed dealer.**
Acting as a dealer in animals as defined in this Article without a currently valid dealer's license shall constitute a Class 2 misdemeanor. Continued illegal operation after conviction shall constitute a separate offense. Animals found in possession or custody of an unlicensed dealer shall be subject to immediate seizure and impoundment and upon conviction of such unlicensed dealer shall become subject to sale or euthanasia in the discretion of the Director.

§ 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.

§ 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.

§ 19A-37. **Application of Article.**
This Article shall not apply to a place or establishment which is operated under the immediate supervision of a duly licensed veterinarian as a hospital where animals are harbored, boarded, and cared for incidental to the treatment, prevention, or alleviation of disease processes during the routine practice of the profession of veterinary medicine. This Article shall not apply to any dealer, pet shop, public auction, commercial kennel or research facility during the period
such dealer or research facility is in the possession of a valid license or registration granted by the Secretary of Agriculture pursuant to Title 7, Chapter 54, of the United States Code. This Article shall not apply to any individual who occasionally boards an animal on a noncommercial basis, although such individual may receive nominal sums to cover the cost of such boarding.

§ 19A-38. Use of license fees.
All license fees collected shall be used in enforcing and administering this Article.

§ 19A-39. Article inapplicable to establishments for training hunting dogs.
Nothing in this Article shall apply to those kennels or establishments operated primarily for the purpose of boarding or training hunting dogs.

§ 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.

§ 19A-41. Legal representation by the Attorney General.
It shall be the duty of the Attorney General to represent the Commissioner of Agriculture and the Department of Agriculture and Consumer Services, or to designate some member of his staff to represent the Commissioner and the Department, in all actions or proceedings in connection with this Article.

§ 19A-65. Annual Report Required From Every Animal Shelter in Receipt of State or Local Funding.
Every county or city animal shelter, or animal shelter operated under contract with a county or city or otherwise in receipt of State or local funding shall prepare an annual report setting forth the numbers, by species, of animals received into the shelter, the number adopted out, the number returned to owner, and the number destroyed. The report shall also contain the total operating expenses of the shelter and the cost per animal handled. The report shall be filed with the Department of Health and Human Services by August 1 of each year.
A county may establish, equip, operate, and maintain an animal shelter or may contribute to the support of an animal shelter, and for these purposes may appropriate funds not otherwise limited as to use by law. The animal shelters shall meet the same standards as animal shelters regulated by the Department of Agriculture pursuant to its authority under Chapter 19A of the General Statutes.

§ 153A-449. Contracts with private entities.
A county may contract with and appropriate money to any person, association, or corporation, in order to carry out any public purpose that the county is authorized by law to engage in.

A city may contract with and appropriate money to any person, association, or corporation, in order to carry out any public purpose that the city is authorized by law to engage in.

A city may establish, equip, operate, and maintain an animal shelter or may contribute to the support of an animal shelter, and for these purposes may appropriate funds not otherwise limited as to use by law. The animal shelters shall meet the same standards as animal shelters regulated by the Department of Agriculture pursuant to its authority under Chapter 19A of the General Statutes.