

- (6) Timing of application.
- (7) Recycling of grass clippings.
- (8) Type of spreader (gravity or centrifugal).
- (9) Name and contact information of applier.
- (10) Reference document(s) used to develop the plan

Records shall be kept and updated annually to document the actual implementation of these components. Nutrient quantities stored and applied shall be documented via sales receipts or similar records.

(f) Landowners and other individuals applying nutrients to areas less than two acres in size are encouraged to adopt manage practices to reduce the risk of surface water impacts and apply nutrients at rates recommended by the North Carolina Cooperative Extension Service.

Section 5-21 Penalties and Remedies.

(a) A violation of any of the provisions of this chapter, other than those set forth in Article III, shall constitute a misdemeanor, punishable as provided in G.S. 14-4.

(b) A violation of any of the provisions of this chapter, other than Section 5-15, shall subject the offender to a civil penalty of \$25.00 for the first offense, \$50.00 for the second offense within a 30-day period, and \$100.00 for the third or any additional offense that occurs within any 30-day period. A violation of the provisions of Section 5-15 shall subject the offender to a civil penalty in the amount by which the contribution exceeds \$250.00. If a person fails to pay this penalty within 10 days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt. (Amend. 11/18/08, 3/3/09)

(b1) A violation of the provisions of Article IV of this chapter shall subject the offender to a civil penalty of up to five thousand dollars (\$5,000.00). In determining the amount of the civil penalty assessment, the administrator shall consider the following factors, and the decision levying a civil penalty shall cite those factors deemed applicable: (Amend. 11/18/08)

- (1) The degree and extent of harm to the natural resources of the town, to the public health, or to private property resulting from the violation;
- (2) The duration and gravity of the violation;
- (3) The cost to the violator or others of rectifying the damage;
- (4) The amount of money saved by the violator by noncompliance;
- (5) Whether the violation was committed willfully or intentionally, negligently, or as the result of an unforeseeable or unavoidable accident;
- (6) Whether the violator promptly ceased the violation upon notice by the town and took whatever steps were reasonably possible to limit or correct any damage caused by the violation;

- (7) The prior record of the violator in complying or failing to comply with the provisions of Article IV of this chapter;
 - (8) The cost to the town of the enforcement procedures;
 - (9) Whether the civil penalty is levied for a single day's violation or a single event or whether it is levied on a daily basis for a continuing violation, as authorized under subsection (d) below. Civil penalties levied on a daily basis may cumulatively exceed the \$5,000.00 cap set forth in this subsection.
- (c) The town may seek to enforce this chapter through any appropriate equitable action.
- (d) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.
- (e) The town may seek to enforce this chapter by using any one or a combination of the foregoing remedies.
- (f) Complaints regarding alleged violations of the provisions of Subsection 5-12(4) (which deal with construction noise) may be filed with the police department or with the town manager or the manager's designee (other than a member of the police department). Complaints filed with the manager or the manager's designee shall be referred to the police department. The police department shall investigate such complaints and take such action as is warranted by the results of that investigation.(Created 3/24/15)