

21 NCAC 07D .0104 FINE FOR LATE DEPOSITS

Any fine levied under G.S. 65-64(a) shall be one dollar (\$1.00) a day for each grave space, niche, and mausoleum crypt a deposit is delinquent on subject to a maximum fine of one hundred per cent of the amount that was or is late to the care and maintenance trust fund.

- (1) The first time a delinquency is found the cemetery will receive a 20 day notice in writing to cure the violation regardless of whether or not the delinquency was corrected before an examination by this Commission. The fine will start on the 21st day after notice of the violation if the money has not been deposited.
- (2) Once a cemetery has received one 20 day notice, the fine for any later delinquency will begin running on the first day of delinquency. No notice of delinquency need be sent before a fine is incurred, and the fine may reach the maximum amount of one hundred percent of the amount that was or is owed or deposited late to the care and maintenance trust fund before the delinquency is discovered.
- (3) A cemetery which has not been notified of or fined for a delinquency within the last five years will receive a new 20 day notice in the event of any delinquency.
- (4) In the event a delinquency is found in a cemetery's care and maintenance trust fund and the cemetery does not make up the deposit, if still owed, and/or the fine within 20 days after notice from the Commission that a fine is due, then the Commission will take immediate steps to revoke the cemetery's license.
- (5) It is the intent and policy of this Commission to levy a fine only for substantial, flagrant, or repeated late or delinquent deposits.

History Note: Authority G.S. 65-49; 65-54(a);
Eff. December 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 18, 2018.