



## NOTICE OF VIOLATION

July 26, 2019  
Case Number: 19-05646S  
Permit Number: 19-05261

Property Owner: NEW DAY PROPERTIES, LLC  
91 MAPLE DR  
ASHEVILLE, NC 28805

Financially Responsible Party: NEW DAY PROPERTIES, LLC % BILL GATEWOOD

Contractor: HNH CONSTRUCTION CO.

Violation Location: 1010 MERRIMON AVE

PIN: 9740-33-9805

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The City of Asheville inspected the above-captioned properties (hereinafter the "Site") on multiple occasions, and specifically on 7-26-2019 and determined that the site is in violation of the requirements of Section 7-12-2 of the City of Asheville Unified Development Ordinance (the "UDO"). The nature of the violation is offsite sedimentation (7-12-2(e)(1)(e)) and failure to protect property (7-12-2(c)(1)(a)). Specifically, it appears that you have begun pumping stormwater and sediment onto a neighboring property.

You have 10 days from receipt of this notice to respond to the City of Asheville with a mitigation plan and timeline for repair/remediation to meet City standards and if necessary exceed City standards to prevent future loss of sediment as advised by the project engineer. You also have 7 days from receipt of this notice to remove any sediment originating from your site that is now located on adjoining property owners. Please note that you will need to coordinate with the owners of the impacted properties in order to secure permission to enter their property and perform the necessary corrective work.

Should you fail to comply with this Notice of Violation, you will be subject to the assessment of a civil penalty in an amount to be determined at the time of issuance for offsite sedimentation and failure to protect property per the Table of Penalties set forth in the UDO Section 7-12-2(i). The penalty shall not exceed \$5000.00 per day. The civil penalty may be assessed each day, for the number of days the violation continues. Also, any further violations regarding this offense will be subject to an assessment of a civil penalty, without additional notice.

Please note that this violation can only be considered corrected after you have notified the site inspector (Danny Gibson 828-545-0958) and the Site is inspected and determined to be in compliance by the City. Should you have any questions, or to obtain additional information to assist you with developing corrective measures to remedy this violation, please do not hesitate to contact me by telephone (828)259-5434 or by email at [mclampett@ashevillenc.gov](mailto:mclampett@ashevillenc.gov).

Monte Clampett  
Construction Coordinator  
City of Asheville Development Services Dept.