

REQUEST FOR REVOCATION OF SIGN REGISTRATION AS PER § 25-10-236

The Code Compliance Department of the City of Austin respectfully requests and recommends that the Sign Review Board take the following action:

- Revoke off-premise sign registration 2008 078298 TR issued to National Media Corporation, Curtis Ford, President and Director, for the sign at the location 8600 W US 290 Hwy;

for the following reasons:

- The sign registrant, National Media Corporation, Curtis Ford, President and Director, has violated applicable provisions of Austin City Code relating to registration and alteration of this sign.

The violations include:

- (1) Fraud or deceit in registering the sign (Violation of 25-10-236(A)(1));
- (2) Intentionally making a false or misleading material statement on the application for a sign installation permit or in providing facts to support the building official's determination that a particular sign is a nonconforming sign (Violation of 25-10-236(A)(4));
- (3) Installing, moving, or structurally altering or repairing a sign in violation of the City's sign regulations (Violation of 25-10-236(5);

Based on my receipt, review, and analysis of documentation and information presented to the City by the sign registrant, and which I have attached to this statement and incorporate herein as further evidence in support of the City's determination of violations of applicable sign regulations by the registrant, I have determined that the registrant intentionally made false or misleading material statements and/or intentionally provided false or misleading factual information at time of application that the registrant intended to support and mislead the building official's determination that the sign in question is a nonconforming sign rather than illegal sign or an on premise sign; that the applicant in fact intentionally registered as a nonconforming/off-premise sign an on premise sign. Despite having conducted extensive research into the history of the sign in question, I have found no permit records indicating that the sign in question was ever registered with the City as a billboard, nonconforming sign, or off-premise sign prior to the registrant's application with the City, despite that a City registration requirement for such signs has been operative for well over ten years. Were the sign in question to have been legitimately a nonconforming off-premise sign in existence and use from the time when such signs obtained amnesty, this sign would have been continuously registered and was required to be registered from that time.

No permit record indicating City authorization for installation of sign in question has been found. Because of this sign's location in the extra territorial jurisdiction, a sign installation permit would not have been required for the sign if it was installed and maintained as an on-premise sign, further supporting the determination that the historical use and only legitimate authorization for this sign is for on premise advertising of a business or property located on the same lot as the sign.

I have reviewed applicable City records and determined that this sign does not appear on the City's 1999 inventory of billboards, although an actual off-premise sign 40 yards away from the subject location does.

I have attached the following supporting documents as further evidence to support the Sign Review Board's consideration and determination of violations by the registrant:

- 2008 registrant's application for registration of the sign as a nonconforming sign made to the City's Watershed Protection and Development Review Department;
- 2009-10 Registrant's renewal application for registration of the sign as a nonconforming sign made to the City's Code Compliance Department;
- Assembled photographs showing status of a structure at the stated location circa January 2010 with historic aerial images showing historic size of structure at the location, which demonstrates unauthorized alteration of the sign during time periods represented by the registrant as associated with the registrant's sign ownership.

On this date, the 18th of June, 2010, I, Charles Boas, of sound mind and legal age, do hereby swear or affirm that the information provided above is true and correct to the best of my knowledge and belief.



Charles Boas
Registered Code Enforcement Inspector
City of Austin Code Compliance
Department

CITY OF AUSTIN

08-078278
18-

WATERSHED PROTECTION AND DEVELOPMENT REVIEW
DEPARTMENT

OFF-PREMISE SIGN REGISTRATION FORM

Section 25-10-152 of the Land Development Code requires registration of every off-premise sign every two years by the property owner. Registration of the sign is not proof that the sign was legally permitted and installed. The following information is required for registration purposes. Please complete and submit with a check for \$220 for each board.

Sign Location 8600 Hwy 290 West Austin TX 78736

Height of board 42.5 Illumination: Yes ☒ No ☐

Construction type Multi Pole Number of Poles 3

Materials Wood & Metal

Setback from property boundaries 5'

Sign face height and width 12 x 40

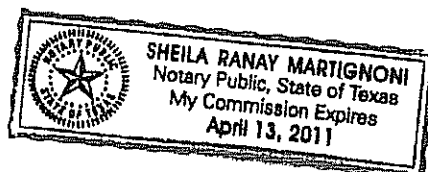
Name of Property Owner HAWKINS FAMILY PARTNERS

Address of Property Owner 5716 Hwy 290 West
AUSTIN, TX 78735

Telephone Number 512-892-6000

Billboard Company Home Partnership

Signature of Property Owner [Signature]



State of Texas

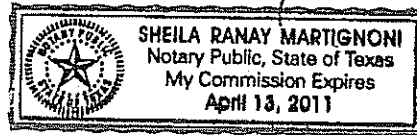
County of Comal

Before me Sheila Ranay Martignoni on this day
personally appeared Kris Hawkins, known to me (or
proved to me on the oath of n/a through n/a
to be the person whose name is subscribed to the foregoing instrument and
acknowledged to me that he executed the same for the purposes and
consideration therein expressed.

Given under my hand and seal of office this 4 day of Sept, 2008.

Sheila Ranay Martignoni
Notary Public's Signature

Seal



Mail to: City of Austin – Watershed Protection and Development Review
Attn: Clara Hilling
P.O. Box 1088
Austin, TX 78767-1088

8/7/07



DOES ADVERTISING WORK?

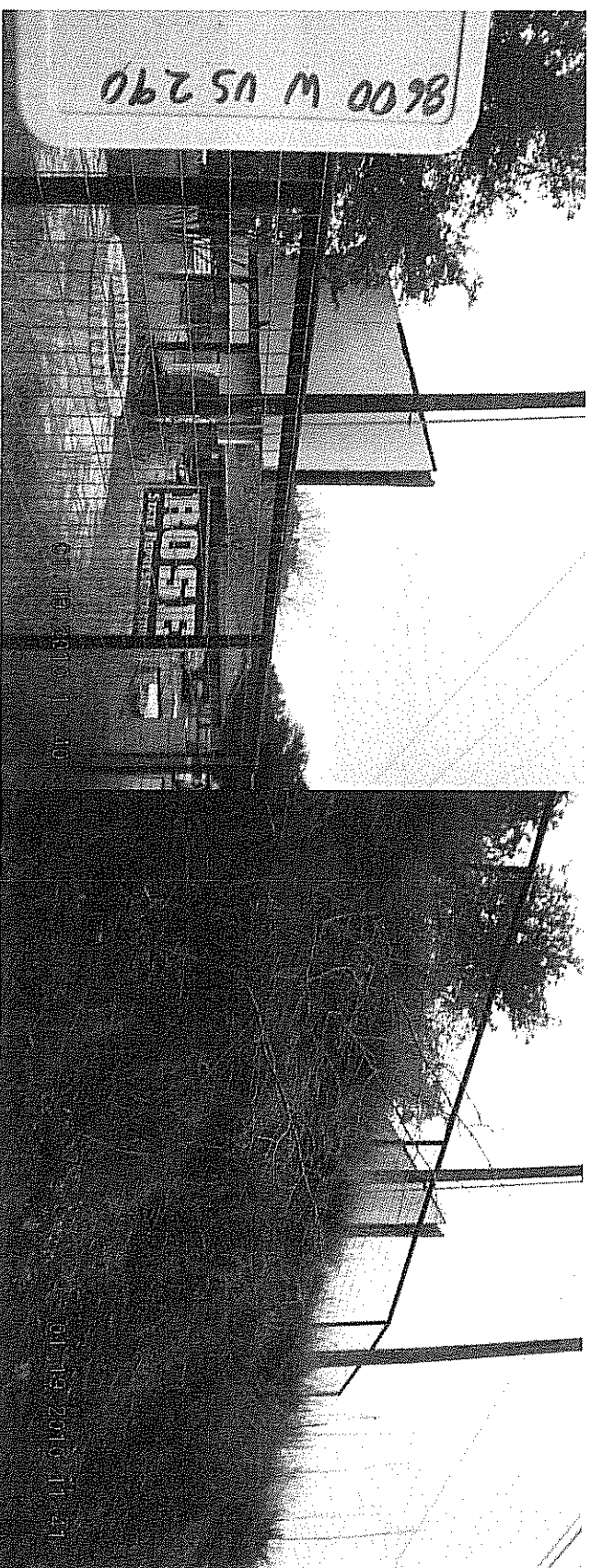
JUST DID!

888-567-2424



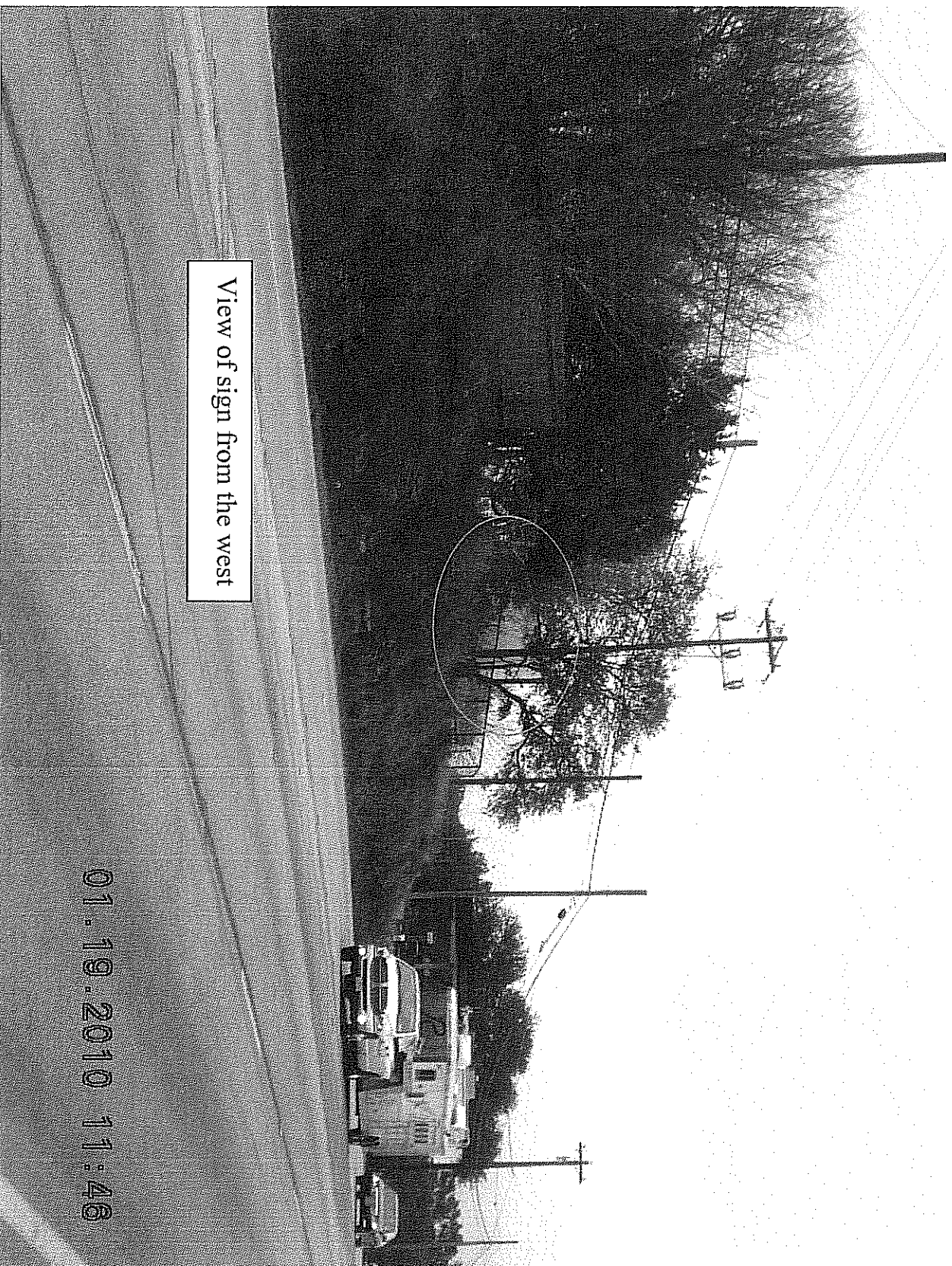
8600 W US 290 Hwy
Case 2008 078298 TR

1/19/2010 & 1/21/2010
Investigator C Boas



8600 W US 290 Hwy
Case 2008 078298 TR

1/19/2010 & 1/21/2010
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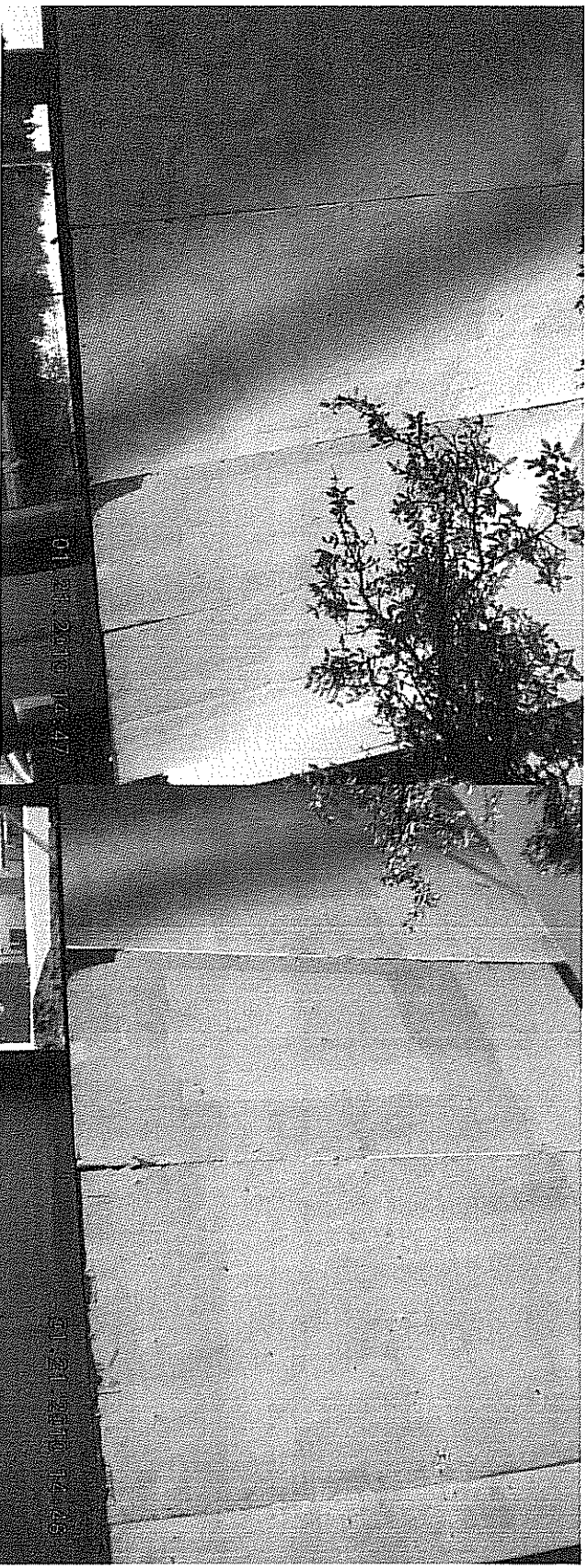


View of sign from the west

01.19.2010 11:46

8600 W US 290 Hwy
Case 2008 078298 TR

1/19/2010 & 1/21/2010
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Newly added sign face on west side of sign.



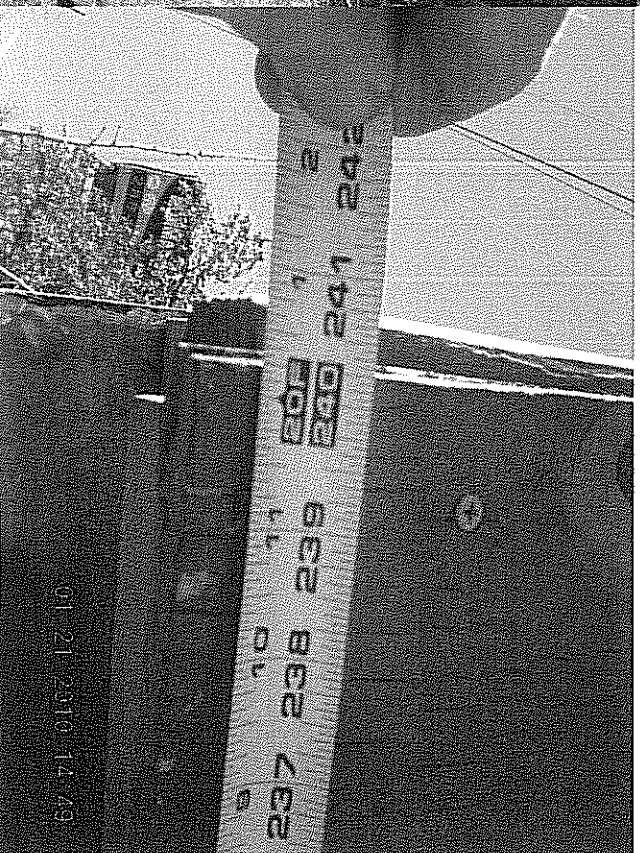
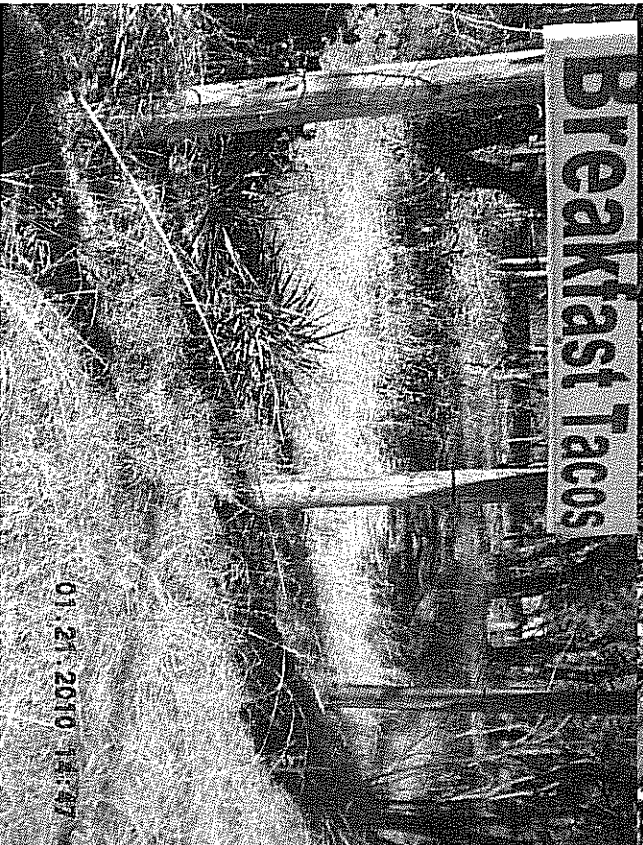
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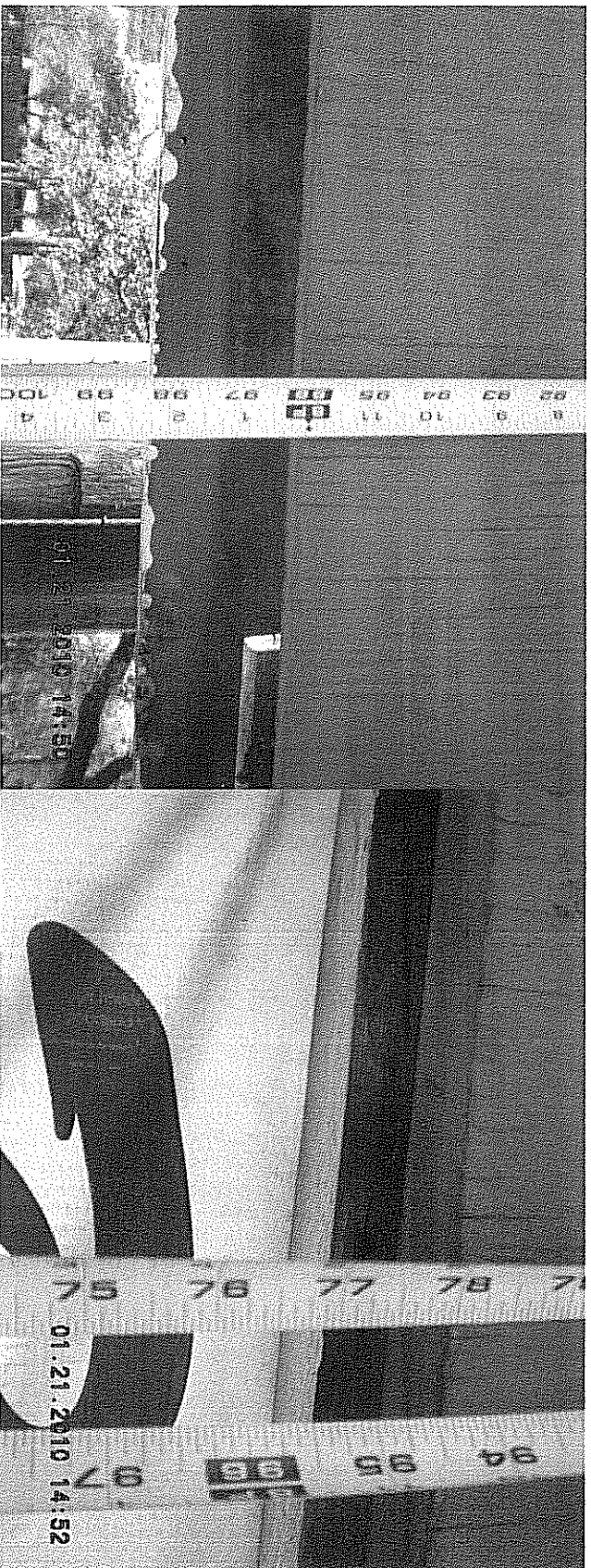
Sign poles are about 15' from outside to outside.

Current sign face is 20' wide.



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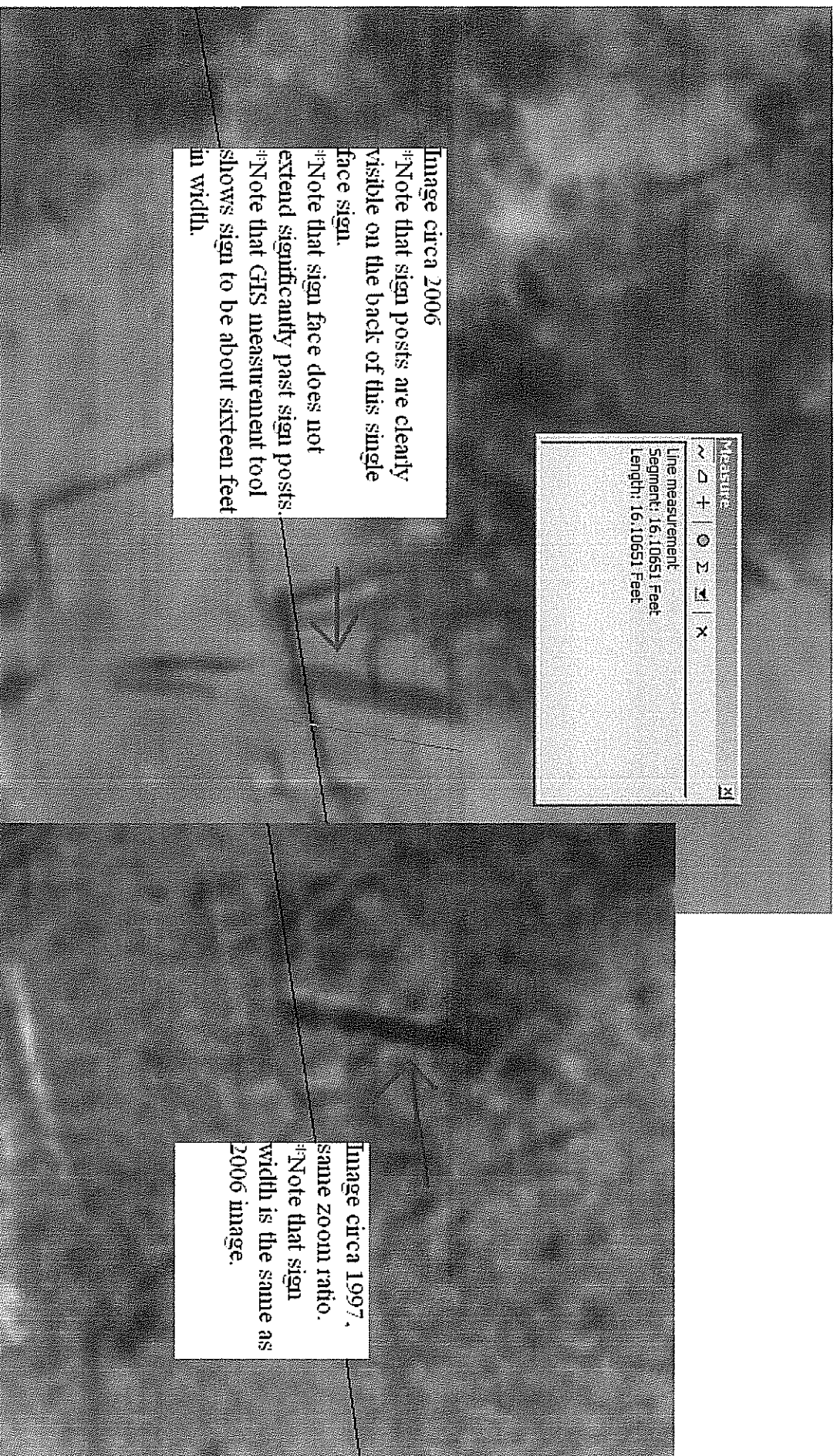


Sign face is 8'tall.

Lower edge of sign is 6'6" above grade.

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Aerial imagery.

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CODE ENFORCEMENT DIVISION

2009 OFF-PREMISE SIGN REGISTRATION FORM - CITY OF AUSTIN SOLID WASTE SERVICES DEPARTMENT, CODE ENFORCEMENT DIVISION

Section 25-10-152 of the Land Development Code requires sign owners to annually register all off-premise signs (aka billboards). Registration of the sign is not proof that the sign was legally permitted and installed. The following information is **required** to register an off-premise sign.

Sign

Location:

Address: 8600 W. US Hwy 290

Legal Description:

Tax Parcel ID #: 312259

Longitude/Latitude:

TXDOT Permit #: (if applicable) N/A

Setback from property line

Sign

Description:

Total Height of sign: 42.5'

← 24'

Sign Face Dimensions: 12 x 40

← 8 x 16 (1999 size)

Total # of sign faces: 2

← ONE (1999 config)

of sign trifold faces: 0

Date of permit for trifold conversion/construction

Facing Materials: WOOD

of Poles: 3

Pole Construction Material: CRESSO

Sign

Illumination:

☐ not illuminated

☒ not Energy Efficient/Dark Skies Compliant

NO ELECTRIC

Date of Energy Efficient/Dark Skies Compliant conversion permit.

Property

Owner:

Name HAWKINS FAMILY PARTNERS

Mailing Address 5116 HWY 290 WEST

City, State, Zip AUSTIN TX 78735

Email Address

Phone No. 512-892-6000

Fax No.

Sign

Owner:

Name NATIONAL MEDIA CORP.

Agent/Contact Person RANDY FLEMING

Address 3701 BEE CAVE ROAD SU 101

City, State, Zip AUSTIN, TX 78746

Email Address randy@nmediachoice.com

Phone 979-966-2185

Fax 512-693-9904

Signature of Sign Owner/Responsible Party [Signature]

Bill to:

Name NATH. MEDIA CORP.

Mailing Address 3701 BEE CAVE ROAD

City, State, Zip AUSTIN, TX 78746

§ 25-10-232 REGISTRATION FEE.

An applicant must pay a registration fee in the amount established by separate ordinance when the applicant files an application for the registration required by this article.

Source: Section 13-2-910; Ord. 990225-70; Ord. 031211-11.

§ 25-10-233 PREREQUISITES; EXPIRATION; NONTRANSFERABLE.

- (A) The indemnification agreement and proof of insurance required by this article is a prerequisite to registration.
- (B) Registration expires on December 31 of each calendar year.
- (C) Registration under this article is not transferable.

Source: Section 13-2-906; Ord. 990225-70; Ord. 031211-11.

§ 25-10-234 INDEMNIFICATION.

A registrant shall:

- (1) indemnify the City from all liability arising from the person's activities or operations; and
- (2) pay all expenses incurred in defending against a claim made against the City.

Source: Section 13-2-907; Ord. 990225-70; Ord. 031211-11.

§ 25-10-235 INSURANCE.

A registrant shall purchase and maintain at all times insurance for bodily injury and property damage liability in amounts and with the coverages, terms, and

conditions required by rules promulgated by the city manager in accordance with Chapter 1-2 (*Adoption Of Rules*) of the Code.

Source: Section 13-2-908; Ord. 990225-70; Ord. 031211-11.

§ 25-10-236 REVOCATION AND SUSPENSION.

(A) The Sign Review Board may suspend or revoke the registration of a person after determining that the person is guilty of:

- (1) fraud or deceit in registering under this article;
- (2) allowing a person other than the registrant who obtained the sign installation permit, or an employee acting under the direct supervision of that person, to perform work for which that permit is required;
- (3) gross negligence, incompetency, or misconduct in the performance of sign work;
- (4) intentionally making a false or misleading material statement on the application for a sign installation permit or in providing facts to support the building official's determination that a particular sign is a nonconforming sign;
- (5) installing, moving, or structurally altering or repairing a sign in violation of this chapter; or
- (6) failing to maintain the insurance required by this article.

(B) This subsection prescribes the procedure by which the Sign Review Board shall determine whether a registrant has violated a provision of Subsection (A).

- (1) If the Sign Review Board receives sworn information alleging a violation from a person of sound mind and legal age, the Sign Review Board shall determine whether the information is sufficient to support further action in its part.
 - (2) If the Sign Review Board determines that the information supports further action, it shall schedule a public hearing on the allegation.
 - (3) Notice of the date, time, and place of the hearing shall be mailed to the registrant by registered mail, not less than 15 days before the date of the hearing.
 - (4) The registrant may appear in person or be represented by counsel to present a defense to the Sign Review Board. If the registrant does not appear, the Sign Review Board may hear evidence and make a determination on the allegation in the registrant's absence.
 - (5) If the registrant admits the violation, or if the Sign Review Board, by at least a two-thirds vote, determines that the allegation is true, the Sign Review Board shall suspend or revoke the registration. A suspension shall be for a period of not less than 30 days and not more than 180 days.
 - (6) When the Sign Review Board has completed its hearing, it shall file a record of its determination with the city clerk and forward a certified copy of its finding and decision to the registrant.
- (C) The Board's decision may be appealed to the city council in accordance with Chapter 25-1, Article 7, Division 1 (*Appeals*).
- (D) A person whose registration is revoked may not register for a period of one year after the revocation.
- Source: Section 13-2-909; Ord. 990225-70; Ord. 031211-11.*
- § 25-10-237 PENALTY FOR FAILURE TO REGISTER.**
- A person who fails to register a sign as required by Section 25-10-152(F) commits an offense punishable by a fine of up to \$500 per day for each day that the offense continues, and for each sign that is not registered. A person who violates Section 25-10-152(B)(6)(b) commits an offense punishable by a fine of up to \$500 per day for each day the violation continues.
- Source: Ord. 20080605-076.*