

Summary of Violations by Auto Businesses on 2300 Block of Rebel Rd.

Problems—Causes—Suggested/Potential Solutions

May 2018

History of the Problem at Least Over the Last 24 Years

- The auto body shop, located at 2311 Rebel Rd. and the used car lot adjacent to it, have been a nuisance to the neighborhood for at least the last 24 years. Their type of business, their operation policies, and intensity of the noise they generate is incompatible with the adjoining residential and commercial land uses.
- Almost daily, both of these businesses have inoperable vehicles dropped off by tow trucks, and then proceed to repair them on the public right-of-way (ROW).
- Over the years, there have been as much as ten inoperable vehicles parked in the ROW in the block.
- These businesses create traffic congestion, and make it impossible to drive through the block.
- The used car lot is equally guilty of repairing its vehicles in the ROW prior to placing them for sale, at times in the ROW.
- The used car lot has no indoor work space. All noise is generated in the yard.
- This month they parked and repaired a retired Capital Metro bus and a trashed-out motor home for over a week on the ROW.
- After we reported the situation to APD, they removed these vehicles from the ROW – only to have them return to the street the following weekend.
- In dropping off or picking up vehicles from the ROW, the tow trucks make very loud noises in the vicinity of Rebel Rd. and Sunrise Cr.
- These businesses constantly pound and grind metal and operate boom-boxes in the service yards. This practice makes it very difficult for residents to enjoy our properties at any hour of the day or night during mild weather, and even early mornings during hot weather.
- The personnel involved yell at each other at the top of their lungs; they use their horns incessantly and play music from boom-boxes at all times.
- These businesses, and their operational policies are negatively affecting our property values.
- This goes on all year long, all day and all night, and much too frequently. We don't know quiet in our immediate neighborhood.
- When we confronted one of the owners, he glared and threatened us as if it is their right to pollute the neighborhood and street with their junked vehicles and their presence.
- The body shop personnel have been known to proposition women in the neighborhood.

- After 6:00 AM and before 7:00 AM on May 1, 2018, four households hear 7 shots, and on May 11, 2018, 3 households heard 3 shots just after 3:00 AM. All agreed the shots came from the general direction of the auto businesses.
- The auto body shop on innumerable occasions operates after hours and generate extremely loud noises beyond that permitted by ordinance.
- In the first week of May 2018, we had to call 911 four times to have an APD patrol officer make them stop their racket. We don't ask for the officer to talk to us after their visit to the auto body shop because we know these people would retaliate if they knew who was making the 911 call. We had to call again on May 18.
- For over ten years, we complained to the City about toxic fumes emanating from the auto body shop's paint booth, whose door would often be kept open while painting. Code Enforcement finally checked their permit files, and found no permit for the paint booth.
- A minor fine may have been paid by the owner or operator, but the next day the paint booth was again polluting the neighborhood. Residents from as far as Live Oak and East Side have reported smelling the pollution.
- Over the years we complained to Code Enforcement about these businesses' dumpster placed in the ROW and the trash that would fill the street and our yards because its lid would be left open, and its being emptied in the middle of the night.
- After about ten years, Code Enforcement forced them to move it inside the fence, and required them to have it emptied in mid-morning. They push it in and out of the yard on the service day.
- APD has had to educate each new owner/manager of these businesses over the years on the pertinent City ordinances governing their operations as they all have appeared ignorant of these ordinances. All of them have then proceeded to ignore them.

Reasons/Caused of the Problem

- One Code Enforcement official was annoyed at us, telling us that we shouldn't hinder a small business.
- City staff appear to be concerned that strictly enforcing the pertinent City Ordinance prohibiting the ongoing violations may be excessive on their part. The neighborhood, on the other hand, continues to be adversely affected by these businesses, including negatively impacting the value of our properties.
- The overall problem has also persisted because APD has insufficient Vehicle Abatement and Area Representative resources. APD often responds a week or longer after our reports of violations.

- The attitude of the owner/manager of the property and businesses seems to be “Maximize cash flow at the expense of the surrounding neighborhood, irrespective of City Ordinances.”
- The auto body shop’s building must be insufficient for its operations since they use the ROW for its operations.
- If they were to keep their service yard relatively vacant, they could have tow trucks back into the yard to drop off and pick up vehicles.

What the Neighborhood Needs from SRCC

- Support in bringing this issue to the entire City Council and City Manager.
- Support in bringing this issue to the Austin Neighborhood Council to determine if other Austin neighborhoods are experiencing similar problems, and what solutions may have been found or could be suggested for application throughout the city.
- Requesting a meeting with Kathie Tovo’s office and the appropriate APD, Code Enforcement, Legal, and Transportation Department personnel to:
 - Comprehensively and openly discuss the City’s authority to enforce the pertinent ordinance on these businesses,
 - the rights of citizens against such ongoing violators, and
 - a commitment on the part of the City to strictly enforce all pertinent ordinances.
- A periodic review by SRCC on the performance of the City of its commitment to carry out its authority against the ongoing violations.

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