

## **NOTICE**

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This version may, occasionally, differ from the official version and should only be relied upon for general information purposes. Any errors or omissions should be reported to the Clerk of Council. In no event shall the City of Kettering be held liable for damages of any nature, direct or indirect, arising from the use of this service or reliance on this unofficial document.

## CHAPTER 478 SHARED MOBILITY DEVICES

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### SECTION 478.01 Purpose

The purpose of this Chapter is to regulate the operation of Shared Mobility Devices and the entities that own or manage Shared Mobility Device Programs within the City of Kettering in an effort to provide the public with safe and efficient transportation options.

### SECTION 478.02 Definitions

**For purposes of this Chapter, the words listed below, whether capitalized throughout this Chapter or not, shall have the following meanings unless the context clearly indicates an alternative meaning:**

"Bicycle" is defined in Section 402.05.

"Block face" means one side of a street between two consecutive intersecting streets.

"City" means the City of Kettering, Ohio.

"Docked Shared Mobility Device Program" means a program in which Operators distribute Shared Mobility Devices to Users via a stationary location or dock and the Shared Mobility Devices must be returned at specific stationary locations or docks. Shared Mobility Devices are tracked via GPS or other similar technology and can be located by Users and Operators.

"Dockless Shared Mobility Device Program" means a program in which Operators distribute Shared Mobility Devices to Users throughout a City to be rented per trip. The Shared Mobility Devices can be locked at any lawful location subject to Section 478.07 of this Chapter, such as a bike or scooter rack(s). These Devices are tracked via GPS or other similar technology and can be located by Users and Operators.

"Electric bicycle," or "e-bike" means a two-wheeled device that has handlebars, a seat, and pedals designed to be operated similar to a bicycle, and is powered by electricity. The electricity is stored on board in a battery.

"Electric Scooter" or "e-scooter" means a two-wheeled device that has handlebars, a floor board, is designed to be stood upon when operating, and is powered by electricity. The electricity is stored on board in a battery.

"Geo-fencing" means the use of a Global Positioning System (GPS), Radio Frequency Identification (RFID), or other similar technology to create a virtual geographic boundary, enabling software to trigger a disabling response when a shared mobility device enters or leaves a particular area.

"Free Operator" means a company, person, or philanthropic organization that manages, owns, or operates a Shared Mobility Device Program but does not charge for the use of their Shared Mobility Device Program.

"Operator" means a company or person that manages, owns, or operates a Shared Mobility Device Program, business, or enterprise.

"Shared Mobility Device Program Fee" means a per vehicle annual fee paid by Operators to repair, maintain, and build public infrastructure and cover the City's administrative costs associated with Shared Mobility Device Programs.

"Shared mobility Device Program Permit" means a permit issued by the City to Operators as described in this Chapter.

"Shared Mobility Device Program" means a transportation business or operation managed by an Operator or Free Operator that is ideal for short distance, point-to-point trips providing Users the ability to pick up a Shared Mobility Device from one location and leave it at another within a Program's area. The Program provides Users unencumbered access to Shared Mobility Devices within a defined Program area. Shared Mobility Devices can be remotely accessed via a smart phone application or other means and do not need to be attended by the Operator.

"Shared Mobility Device" means bicycles, electric bicycles, electric scooters, or other similar devices that are part of a Shared Mobility Device Program.

"Users" means any individual operating or riding a Shared Mobility Device.

### **SECTION 478.03 Permit Required, Term, and Fees**

- (A) All Operators wishing to operate a Shared Mobility Device Program within the City shall submit a Shared Mobility Device Program Application ("Program Application"), a Shared Mobility Device Program Application Fee, (Program Application Fee") and secure a Shared Mobility Device Program Permit ("Program Permit"), as issued by the City of Kettering Engineering Department, and submit a Shared Mobility Device Program Fee ("Program Permit Fee"). The decision to issue a Program Permit is at the sole discretion of the City.
- (B) Each Program Permit shall be active for one year from the date of issuance. Prior to the expiration of the Program Permit, applicants desiring to continue to operate their Shared Mobility Device Programs within the City must apply for a renewal of the Program Permit.
- (C) The Program Application Fee, Program Permit Fee, and other fees as applicable, shall be established and maintained in a fee schedule by the City of Kettering Engineering Department.
- (D) All Operators shall pay the City, through the City of Kettering Engineering Department, a Program Permit Fee per Shared Mobility Device, per year, calculated based upon the fleet size requested and approved in the Program Permit Application. Should an increase in fleet size be approved in accordance with Section 478.06 of this Chapter, the Program Permit Fee amount shall also be increased to reflect the new fleet size. The Program Fee shall pay for the City's administrative costs and the cost of installation, maintenance, and repair of City's infrastructure related to or necessitated by the Shared Mobility Device Program.
- (E) Shared Mobility Device Programs that are managed by Free Operators shall be required to secure a Program Permit as stated in this Section. However, Shared Mobility Device Programs that are managed by Free Operators shall be exempt from the fees required in subsections (C) and (D) of this Section for each fiscal year in which the Shared Mobility Device Program continues to be managed by a Free Operator.
- (F) The Program Permit Application shall, at a minimum, require the following:
  - (1) The form of business of the applicant and, if the business is a corporation, association, or other legal entity, a copy of the documents establishing the business and the name and address of each person with a 20 percent or greater ownership interest in the business;
  - (2) The address of the fixed facilities to be used in the operation, if any, and the address of the applicant's corporate headquarters, if different from the address of the fixed facilities;

- (3) The name of a person designated by the applicant to receive, on behalf of the applicant, any future notices sent by the City to the Operator and that person's contact information, including a mailing address, telephone number, and e-mail address;
  - (4) The plans and information required under Section 478.09 of this Chapter regarding alternative means for Users to pay for the use of Operator's Shared Mobility Devices and the equitable distribution of Shared Mobility Devices to low-income, minority, non-English speaking, and zero-car populations;
  - (5) Documentary evidence from an insurance company indicating that such insurance company has bound itself to provide the applicant with the liability insurance required in Section 478.12 of this Chapter;
  - (6) Documentary evidence from a bonding company, insurance company, or bank indicating that it has bound itself to provide the applicant with the performance bond or irrevocable line of credit required in Section 478.12 of this Chapter;
  - (7) The number and type of Shared Mobility Devices to be operated under the Program Permit, not to exceed the limits set in Section 478.06 of this Chapter, unless otherwise approved by the City;
  - (8) A signed agreement to indemnify and hold harmless the City from any damages related to the use of Shared Mobility Devices in the City;
  - (9) An example of the language agreed to by any User of the Operator's Shared Mobility Devices that holds the City harmless from and indemnifies the City from any damages related to the User's use of the Operator's Shared Mobility Devices in the City;
  - (10) A notarized signature of the applicant; and
  - (11) Any additional information requested by the City necessary to determine whether the Applicant is able to meet the requirements of this Chapter.
- (G) At a minimum, the Program Permit shall contain the following:
- (1) The amount of Shared Mobility Devices the Operator is permitted to have in service;
  - (2) The hours that the Shared Mobility Devices may be in service;
  - (3) The expiration date of the permit; and
  - (4) The name, address, and contact information of the Operator.
- (H) The City may refuse to issue or renew a Program Permit under the following circumstances:
- (1) If the Operator or applicant intentionally or knowingly makes a false statement in an Application for a Program Permit;
  - (2) If the Operator or applicant has violated any state, local, or federal law, rule, or regulation;
  - (3) If the City determines, in its sole discretion, that the amount of Shared Mobility Devices deployed within the City exceeds the amount of Shared Mobility Devices permitted to operate within the City or exceeds an amount that the City Rights of Way is capable of withstanding; or
  - (4) If the City, in its sole discretion, determines that the Operator has not been responsive to community or City concerns in its use of the Rights of Way.
- (I) It shall be unlawful to operate a Shared Mobility Device Program without a valid Program Permit obtained in accordance with this Chapter and a valid Rights of Way Certificate of Registration obtained in accordance with Chapter 901 – Rights of Way Administration of this Code.
- (J) A Program Permit is non-transferable.

#### **SECTION 478.04 Use of Rights of Way**

- (A) Docked Shared Mobility Device Programs may locate their docking stations on private property as permitted in writing by the owners of that property. Docked Shared Mobility Device Programs may locate their docking

stations in public Rights of Way pursuant to the Operator's receipt of a Certificate of Registration in accordance with Chapter 901 – Rights of Way Administration of this Code. The locations of docking stations in the public Rights of Way shall be determined by the City in its sole discretion. A user, having activated and completed use of the Shared Mobility Device in accordance with the Operator's rules, must leave the Shared Mobility Device at the docking station designated by the Docked Shared Mobility Device Program within the Program's service area for the next User.

- (B) Dockless Shared Mobility Device Programs may locate their Shared Mobility Devices, racks, and other parking equipment on private property as permitted in writing by the owners of that property, or on public Rights of Way pursuant to the Operator's receipt of a Certificate of Registration in accordance with Chapter 901- Rights of Way Administration of this Code. The locations of Dockless Shared Mobility Devices and their racks or other parking equipment in the public Rights of Way shall be determined by the City in its sole discretion. A User, having activated and used the Shared Mobility Device in accordance with the Operator's rules, may leave the Shared Mobility Device at any designated lawful location, subject to Section 478.07 of this Chapter, within the Dockless Shared Mobility Device Program's service area. The Shared Mobility Device is then available for another's use.

### **SECTION 478.05    Operations and Maintenance**

- (A) All Operators shall have staffed operations located within the City for the purpose of Shared Mobility Device maintenance and rebalancing.
- (B) All Operators shall have a staffed 24-hour customer service phone number for Users to report safety concerns, maintenance issues, complaints, or ask questions.
- (C) Every Shared Mobility Device shall have the Operator's name, phone number for reporting issues, and a unique identifier for each Shared Mobility Device that is clearly displayed and visible to the User on the Shared Mobility Device.
- (D) All Operators must affix to each of their Shared Mobility Devices a readily accessible, clearly displayed, tactile sign containing raised characters and accompanying Braille that identifies the Operator's name, phone number for reporting issues, the unique identifier of the Shared Mobility Device, and the contact information for the City of Kettering.
- (E) All Shared Mobility Device Program websites and mobile applications must be accessible to visually impaired pedestrians to report issues with any Shared Mobility Devices.
- (F) Operators shall deploy their Shared Mobility Devices for use by Users prior to 7:00 a.m., local time, daily from the Shared Mobility Devices' docks, racks, or designated parking areas approved by the City in accordance with section 478.07(F) of this Chapter. All Shared Mobility Devices must be immobilized each day by 8:00 p.m. Operators must retrieve any Shared Mobility Devices that are left outside of a dock, rack, or designated parking area and return the Shared Mobility Device to a dock, rack, or designated parking area by 9:00 p.m. An Operator's failure to perform these duties may result in the impoundment of any Shared Mobility Device(s) left outside of a dock, rack, or designated parking area past 9:00 p.m., and Operator must pay all costs of impoundment. Continued failure to adhere to this Section may result in the termination, suspension, revocation of Operator's Program Permit or a refusal to renew the Program Permit upon Operator's submission of a Program Permit Application.
- (G) Any inoperable, faulty, or damaged Shared Mobility Device shall be removed from the public Rights of Way within 2 hours of notice given by any means to the Operator by any individual or entity. Any inoperable or unsafe Shared Mobility Device shall be repaired to full working order before being placed back into operation by Operators.
- (H) If the City determines that a Shared Mobility Device is a safety hazard to the public or that a Shared Mobility Device is parked in violation of this Section or Section 478.07 of this Chapter then the City may impound the Shared Mobility Device(s). Notice of impoundment shall be sent via regular U.S. Mail or certified mail to the Operator at the mailing address listed in Operator's Program Permit Application and shall state that the Shared Mobility Device shall be disposed of if Operator does not claim it within ten (10) days of the date listed in the notice. The Operator may reclaim the Shared Mobility Device upon the presentation of proof of ownership of

the Shared Mobility Device and the payment of an impoundment fee covering the cost of retrieval and storage of the Shared Mobility Device. The City will not be liable for any damages that occur as a result of impoundment. The Operator shall pay for the cost of removal and storage related to impoundment of the Shared Mobility Device(s). Any Shared Mobility Device, removed by the City from public Rights of Way pursuant to this Chapter, which is not claimed by the Operator in accordance with this Section and remains unclaimed with the City for 60 days, shall be considered abandoned, and the City may assert ownership of same, and keep or dispose of said Shared Mobility Device as City sees fit, including public sale. The proceeds of any such sale shall belong to City.

- (I) The City may, with or without notice, inspect Operator's compliance with this Chapter. If an Operator is found to be in non-compliance, the City may terminate, suspend, or revoke the Operator's Program Permit in accordance with Section 478.13 of this Chapter or may refuse to renew the Operator's Program Permit upon Operator's submission of a Program Permit Application.

### **SECTION 478.06 Fleet Size Requirements**

- (A) Permitted bicycle Operators for both bicycles and electric bicycles shall have a minimum fleet size of 50 bicycles/electric bicycles, and a maximum bicycle/electric bicycle fleet size of 100 bicycles.
- (B) Permitted electric scooter Operators shall have a minimum fleet size of 50 electric scooters, and a maximum fleet size of 100 electric scooters.
- (C) Permitted Operators with a combination of bicycles/electric bicycles and scooters shall have a minimum fleet size of 50 Shared Mobility Devices and a maximum of 150 Shared Mobility Devices, provided that there is a minimum of 20 of each type of Shared Mobility Device.
- (D) The total number of Shared Mobility Devices permitted within the City shall be limited to a cumulative total of 500 between all permittees.
- (E) All applicants shall include their fleet size in their Program Permit Application.
- (F) The City may increase the maximum number of Shared Mobility Devices allowed in an Operator's fleet above the maximums in subsections (A)—(C) at its sole discretion and will consider doing so on a permit-by-permit basis. In order to increase the maximum number of Shared Mobility Devices, an Operator must demonstrate that, on average, each Shared Mobility Device in their fleet is being used more than three times per day. Operators may request an increase to their fleet size above the maximum amount up to one time per month, provided that at least two months have elapsed after their initial Program Permit issuance. Each request will be subject to an increase in the Operator's Program Permit Fee upon renewal of the Operator's Program Permit, as provided in Section 478.03.

### **SECTION 478.07 Shared Mobility Device Parking**

- (A) Shared Mobility Devices may not be parked in a manner that would impede normal and reasonable pedestrian access on a sidewalk, or in any manner that would impede the pedestrian zone of a sidewalk to less than five feet, or in any manner that would impede the opening or closing of automobile doors, or in any manner the exiting or entry to an automobile.
- (B) The City may prohibit the parking of Shared Mobility Devices in certain block faces.
- (C) Shared Mobility Devices may not be parked in a manner that would impede vehicular traffic on a street or alley.
- (D) Shared Mobility Devices shall not be parked in a manner such that access to the following is impeded:
  - (1) ADA handicap parking zones;
  - (2) Street furniture that requires pedestrian access (i.e. benches, parking pay stations, bus shelters, etc.);
  - (3) Curb ramps;
  - (4) Entryways; and
  - (5) Driveways.

- (E) Shared Mobility Devices shall not be parked within:
  - (1) Transit zones, including bus stops, shelters, passenger waiting areas and bus staging zones, except at existing bicycle racks;
  - (2) Loading zones; and
  - (3) Landscape planting beds or other landscape materials, including islands and boulevards.
- (F) The City may require that Shared Mobility Devices be parked within certain designed parking stations or areas within the City, and the City may require that those stations or areas be Geo-fenced (“designated parking areas”).
- (G) Incorrectly parked Shared Mobility Devices shall be moved within 2 hours of notice to the Operator by any means, unless the Shared Mobility Device is creating a public safety hazard at which time the Shared Mobility Device must be moved immediately. Such notice to the Operator may be made by any individual or entity.
- (H) The City may immediately remove and impound, in accordance with Section 478.05(F) of this Chapter, a Shared Mobility Device from the Rights of Way if it is found to be a safety hazard or is found to be in violation of any part of this Chapter.

### **SECTION 478.08 Safety Requirements**

- (A) All bicycles used in Shared Mobility Device Programs issued a Program Permit under this Chapter shall meet the standards outlined in the Code of Federal Regulations (CFR) under Title 16, Chapter II, Subchapter C, Part 1512—Requirements for Bicycles. Additionally, permitted Shared Mobility Device Programs shall meet the safety standards outlined in the International Organization for Standardization (ISO) Section 43.150—Cycles, subsection 4210.
- (B) All electric bicycles used in Shared Mobility Device Programs issued a Program Permit under this Chapter shall meet the Consumer Product Safety Act definition of low-speed electric bicycles; and shall be subject to the same requirements as ordinary bicycles described in subsection (A). This means, among other requirements, that electric bicycles shall have fully operable pedals, an electric motor of less than 750 watts, and a top motor-powered speed of less than 20 miles per hour when operated by a rider weighing 170 pounds. Additionally, the City may terminate any Program Permit issued if the battery or motor on an electric bicycle is determined by the City to be unsafe for public use.
- (C) All electric bicycles used in Shared Mobility Device Programs issued a Program Permit under this ordinance shall meet the requirements of Section 4511.522 of the Ohio Revised Code.
- (D) All electric scooters used in Shared Mobility Device Programs issued a Program Permit under this Chapter shall meet the Consumer Product Safety Act definition of electric scooters, in addition to requirements provided by the City's definition for electric scooters as defined in Section 478.02.
- (E) All Shared Mobility Devices shall meet City's requirements for lights during hours of darkness, including a front light that emits white light and a rear red light as described in Section 474.05(a) of this Code and all other applicable requirements of City and state law.
- (F) All Shared Mobility Devices used in Shared Mobility Device Programs issued a Program Permit under this Chapter shall meet the requirements of Section 4511.711 of the Ohio Revised Code.
- (G) All permitted Shared Mobility Device Programs shall have visible language located via signage on the Shared Mobility Device and on the mobile payment application to rent the Shared Mobility Device that notifies the User that:
  - (1) Helmet use is encouraged while riding a Shared Mobility Device;
  - (2) Users of class 2 electric bicycles and electric scooters shall yield to bicycles in bike lanes;
  - (3) Users of Shared Mobility Devices, including e-scooters, shall follow Section 474 of this Code and Section 4511.711 of the Ohio Revised Code;

- (4) Whenever any person is riding a Shared Mobility Device upon a sidewalk, the rider must disengage the motor, and such person shall yield the Rights of Way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian;
- (5) No person shall ride a Shared Mobility Device upon a sidewalk within a business district where such sidewalk extends from store front to curb; and
- (6) When riding on-street, Shared Mobility Devices shall follow all posted traffic signs and signals.

#### **SECTION 478.09 Distribution**

- (A) If an Operator has over 150 Shared Mobility Devices, at least 20 percent shall be rebalanced once per day to be located in underserved areas of the City, as determined by City staff.
- (B) All Operators shall provide the City with a plan for equitable Shared Mobility Device sharing service, including: education of, marketing to, and engagement with low-income, minority, non-English speaking, and zero-car populations. The plan should address such topics as how to use Shared Mobility Device Programs, Shared Mobility Device safety, and Shared Mobility Device laws and regulations.
- (C) All Operators shall provide information on how Users can use the Shared Mobility Device Program without (1) a smartphone; and/or (2) a credit or debit card.

#### **SECTION 478.10 Geo-fencing**

- (A) The City shall maintain a list of areas of the City that are Geo-fenced. Geo-fencing may include streets, sidewalks, paths, parks, campuses, and other areas of the City. Operators shall make the necessary adjustments to their Shared Mobility Devices and Shared Mobility Device Programs to account for Geo-fenced areas so that Users are notified of all Geo-fenced locations.
- (B) During temporary street or other Rights of Way closures due to scheduled construction, special events, or other planned activities the City shall provide Operators with at least 21-day notice of the change in order to establish temporary Geo-fenced areas. In order to protect the public health, safety, and welfare during an emergency, the City may require Operators to immediately establish temporary Geo-fenced areas.
- (C) Operators shall make all necessary adjustments to their Shared Mobility Device Programs and Shared Mobility Devices to ensure that the Operator's Shared Mobility Devices become inoperable when entering a Geo-fenced area.

#### **SECTION 478.11 Data, Statistics, and Reporting**

- (A) All Operators must include active location tracking capabilities on each Shared Mobility Device to ensure the easy location of all Shared Mobility Devices, as well as to facilitate data collection and data sharing as outlined in this Section.
- (B) All Operators will provide Users with a privacy policy that safeguards Users' personal, financial, and travel information and usage, including but not limited to trip origination and destination data.
- (C) All Operators shall maintain a record of maintenance activities, including but not limited to Shared Mobility Device identification number and maintenance records. These records shall be made available to the City upon request.
- (D) All Operators shall provide the City, or a third-party researcher designated by the City, the following data on a monthly basis in a format approved by the City:
  - (1) Aggregated breakdown of Users by gender and age;
  - (2) The number of Shared Mobility Devices in circulation;
  - (3) Daily, weekly and monthly active Users;
  - (4) Shared Mobility Device usage, including:



- (a) Total User miles, broken out daily, monthly, quarterly, and annually; and
- (b) The number and duration of rides per User per day, as well as the number of rides per Shared Mobility Device per day.
- (5) Anonymized aggregated data taken by the Operator's Shared Mobility Devices in the form of heat maps showing routes, trends, origins, and destinations;
- (6) Anonymized trip data taken by the Operator's Shared Mobility Devices that includes the origin and destination, trip duration, and date and time of trip;
- (7) Customer comments/complaints and resolution, theft/vandalism, and average repair times; and
- (8) Reported collisions.
- (E) All Operators shall provide the City with anonymous real-time data (information that is delivered immediately after collection) on the availability and location of the entire Operator fleet in the City upon request.
- (F) All Operators shall conduct qualitative surveys, developed collaboratively between the City and Operator, after the first six months of operation, and then annually after the first six-month survey.

### **SECTION 478.12 Insurance and Indemnification**

- (A) All Operators shall continuously maintain throughout the entire term of the Program Permit general commercial liability insurance that covers the operation of Operator's Shared Mobility Device Program with a minimum liability limit of \$1,000,000.00, listing the City as additionally insured, and issued by an insurance company licensed to do business in Ohio, and any additional insurance requirements as specified in the Program Permit Application.
- (B) Prior to the Program Permit being issued, all applicants shall sign an agreement indemnifying and holding harmless the City as outlined in the Shared Mobility Device Program Permit.
- (C) All Operators shall provide the City with a surety bond or an irrevocable, unconditional letter of credit in accordance with the requirements of Chapter 901.121 of this Code.
- (D) All Operators shall agree that the City is not responsible for educating Users regarding safety requirements and other laws, nor is the City responsible for educating Users on how to ride or operate a Shared Mobility Device. Operators agree to educate Users regarding laws applicable to riding and operating a Shared Mobility Device in the City and to instruct Users to comply with applicable laws pertaining to Shared Mobility Devices.

### **SECTION 478.13 Termination, Suspension, and Revocation**

- (A) Termination of Program Permit. The City may, for cause or convenience in its sole discretion, terminate a Program Permit by providing the Operator with a notice of termination. If a Program Permit is terminated then the Operator must remove all Shared Mobility Devices and all equipment and infrastructure related to the Shared Mobility Device Program from the Rights of Way within seven (7) days of the notice of termination. If the Shared Mobility Devices and related equipment and infrastructure are not removed in accordance with the notice of termination, the City may impound the Shared Mobility Devices and all related equipment and infrastructure pursuant to the provisions of this Chapter.
- (B) Suspension of Program Permit. The City may suspend a Program Permit if the City determines that the Operator has failed to comply with Sections 478.05 or 478.07 of this Chapter. The City may suspend a Program Permit for any other municipal purpose to protect the public health, safety, or welfare. A suspension of a Program Permit will not extend or alter the expiration date of the Program Permit.
- (C) Revocation of Program Permit. The City may revoke a Program Permit if it determines:
  - (1) The Operator, or their agents or employees made a false statement in the Program Permit Application;
  - (2) The Operator has diminished, failed to maintain, or altered the insurance required under this Chapter;

- (3) The Operator has diminished, failed to maintain, or altered the performance bond or letter of credit required by this Chapter;
- (4) The Operator has failed to pay a fee or fees as required by this Chapter; or
- (5) The Operator, to the satisfaction of the City, has not adequately responded to issues or concerns of which the Operator has received notice.

If a Program Permit is revoked by the City, the Operator and any person with a twenty percent (20%) or larger interest in the Operator, shall not be eligible for another Program Permit for a period of up to two years.

#### **SECTION 478.14 Appeal**

Any applicant who is denied a Program Permit, or an Operator whose Program Permit is terminated, suspended, or revoked as outlined in Section 478.13, may appeal, or request a review or reconsideration of that Program Permit decision. An appeal of a Program Permit decision may be made to the City of Kettering Business License Review Board, under Section 711.16 of this Code, by submitting the notice of termination, suspension, or revocation or Program Permit denial as well as a request for the appeal, in writing, within ten calendar days of the original Program Permit decision. The request must include:

- (1) The Program Permit Application that is up for review or reconsideration. The Program Permit may be identified by its identification number and the Program Permit Application address;
- (2) The specific objections to the original City decision;
- (3) The specific actions being proposed by the Operator that could change the Program Permit decision; and
- (4) Any fee required to process the appeal as established in the fee schedule maintained by City's Engineering Department.

**LEGISLATIVE HISTORY:** Ord. 4337-20; passed 2/11/20. Ord. 4371-21; passed 12/07/2021.