

## **500.9 Broadband Forward! Community Ordinance**

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### **SECTION I – GENERAL PROVISIONS**

- A. Purpose and policy. The purpose of this chapter is to encourage the development of broadband access in the Town of Berry by reducing administrative obstacles to broadband service providers and coordinating the review of applications to ensure such applications are timely processed. This chapter shall at all times be construed consistent with the aforesated purpose.
- B. Definitions. In this chapter:
  - 1. Applicant. A person applying for a permit for a broadband network project.
  - 2. Broadband Network Project. The construction or deployment of wireline or wireless communications facilities to provide broadband communications services in the Town of Berry.
  - 3. Permit. Any local permit, license, certificate, approval, registration, or similar form of approval required by policy, administrative rule, regulation, ordinance, or resolution with respect to a broadband network project.
  - 4. Written or In Writing. Information that is inscribed on a tangible medium or that is stored in an electronic or other intangible medium and is retrievable in perceivable form.
- C. Point of contact. The Town of Berry appoints the Town Clerk as the point of contact for all matters related to a broadband network project. The Town of Berry shall provide on its public website the contact information, including the e-mail address, for the point of contact authorized to receive a broadband network project application.

### **SECTION II – ELECTRONIC SUBMISSION OF APPLICATIONS**

An applicant may sign and file all forms, applications and documentation related to a broadband network project electronically.

### **SECTION III – REVIEW OF APPLICATIONS**

Notwithstanding any other provision in the Town of Berry ordinances, resolutions, regulations, policies or practices to the contrary, the following process shall apply exclusively upon receiving a broadband network project application:

- A. Completeness review. Upon receiving a broadband network project application the Town of Berry shall:
  - i. Determine whether an application is complete and notify the applicant of the determination by the Town of Berry in writing within ten (10) calendar days of receiving an application. If the Town of Berry does not notify the applicant in writing of its completeness determination within ten (10) calendar days of receiving the application, the application shall be considered complete.
  - ii. If the Town of Berry determines that an application is not complete, the written

notification to the applicant shall specify in detail the required information that is not complete. The applicant may resubmit an application as often as necessary until the application is complete.

- B. Approval or denial of complete applications. Within sixty (60) calendar days of receiving an application that is complete, or considered complete under sub. (A), the Town of Berry shall approve or deny the application and provide the applicant written notification of the approval or denial. If the Town of Berry does not notify the applicant of its approval or denial within sixty (60) calendar days of receiving a complete application, the application shall be considered approved and any required permit shall be considered issued. If the Town of Berry denies an application, the written notification of the denial under sub. (A) shall include evidence that the denial is not arbitrary and capricious.

#### **SECTION IV – FEES**

Any fee imposed by the Town of Berry to review an application, issue a permit, or perform any other activity related to a broadband network project shall be reasonable. An application fee that exceeds \$100 is unreasonable.

#### **SECTION V – INITIAL APPLICABILITY**

The treatment of this ordinance first applies to applications received by the Town of Berry on or after the effective date of this ordinance.

#### **SECTION VI – EFFECTIVE DATE**

This Ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

Adopted this 18<sup>th</sup> day of December, 2017      Posted: December 19, 2017

Brenda Kahl, Clerk/Treasurer  
Jeff Davis, Supervisor  
Joe Kruchten, Supervisor

Anthony Varda, Chair  
Michael Statz, Supervisor  
Duane Haag, Supervisor