

TOWN OF BRIGHAM, IOWA COUNTY

ORDINANCE 4.11 AN ORDINANCE FOR THE DEVELOPMENT OF BROADBAND

An ordinance to promote *Broadband Forward*; relating to approval of broadband network projects.

The TOWN OF BRIGHAM does enact as follows:

1.1 Purpose and policy. The purpose of this ordinance is to encourage the development of broadband access in the Town of Brigham by reducing administrative obstacles to broadband, service providers and coordinating the review of applications to ensure such applications are timely processed. This ordinance shall at all times be construed consistent with the foretasted purpose.

1.2 Definitions. In this ordinance:

- (1) "Applicant" means a person applying for a permit for a broadband network project.
- (2) "Broadband network project" means the construction or deployment of wireline or wireless communications facilities to provide broadband communications services in the Town of Brigham.
- (3) "Permit" means 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" means 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.

1.3 Point of contact. The Town of Brigham shall appoint a single point of contact for all matters related to a broadband network project. The Town of Brigham 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 2. ELECTRONIC SUBMISSION OF APPLICATIONS. An applicant may sign and file all forms, applications and documentation related to a broadband network project electronically.

SECTION 3. REVIEW OF APPLICATIONS. Notwithstanding any other provision in the Town of Brigham's ordinances, resolutions, regulations, policies or practices to the contrary, the following process shall apply exclusively upon receiving a broadband network project application:

3.1 Completeness review. Upon receiving a broadband network project application the Town of Brigham shall:

- (1) Determine whether an application is complete and notify the applicant of the determination by the Town of Brigham in writing within 10 calendar days of receiving an application. If the Town of Brigham does not notify the applicant in writing of its completeness determination within 10 calendar days of receiving the application, the application shall be considered complete.

(2) If the Town of Brigham 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.

3.2 Approval or denial of complete applications.

(1) Within 60 calendar days of receiving an application that is complete, or considered complete under sub. (1), the Town of Brigham shall approve or deny the application and provide the applicant written notification of the approval or denial. If the Town of Brigham does not notify the applicant of its approval or denial within 60 calendar days of receiving a complete application, the application shall be considered approved and any required permit shall be considered issued.

(2) If the Town of Brigham denies an application, the written notification of the denial under sub. (1) shall include evidence that the denial is not arbitrary and capricious.

SECTION 4. FEES. Any fee imposed by the Town of Brigham to review an application, issue a permit, or perform any other activity related to a broadband network project shall be reasonable. Refer to Fee Schedule.

SECTION 5. INITIAL APPLICABILITY. The treatment of this ordinance first applies to applications received by the Town of Brigham on or after the effective date of this ordinance.

SECTION 6. EFFECTIVE DATE. This ordinance takes effect on the day after publication.

Adopted by the Town Board of Brigham on the 8th day of March, 2017, on motion of _____, seconded by _____.

Approved:

Jason Carden, Town Chairman

Attest:

Audrey Rue, Town Clerk

Ayes _____ Noes _____ Absent _____

Date: _____