

TOWN OF SPRINGDALE
DANE COUNTY, WISCONSIN

ORDINANCE NO. 2021-12-1

AN ORDINANCE RELATING TO APPROVAL OF
BROADBAND NETWORK PROJECTS

RECITAL

After due consideration, the Town of Springdale has determined it is in the public interest to encourage the development of broadband access in the Town by reducing administrative obstacles and coordinating the review of broadband network project applications as provided for in this Ordinance.

ORDINANCE

NOW THEREFORE, the Town Board of the Town of Springdale do ordain as follows:

1. The provisions contained in Attachment A attached hereto and incorporated herein are adopted as Title 7 – Chapter 8 of the Town Code of Ordinances.
2. Within a reasonable time after the adoption of this Ordinance (which reasonable period of time shall be no longer than 10 days), the Town Clerk shall submit an application, which includes a copy of this Ordinance, to the Public Service Commission of Wisconsin for certification of the Town as a Broadband Forward! Community, pursuant to Wis. Stat. § 196.504(4).
3. The treatment of this Ordinance first applies to applications received by the Town on or after the effective date of this Ordinance.
4. This Ordinance shall be effective upon adoption and posting or publication as allowed by law.

This Ordinance was originally passed by the Town Board at its meeting on December 21, 2021 by a vote of 3 - 0. This ordinance was amended by the Town Board (Sec. 4, Fees) at its meeting on February 4, 2022 by a vote of ____ in favor, ____ opposed, and ____ not voting.

[Signature Page Follows]

TOWN OF SPRINGDALE

By: _____
John Rosenbaum
Interim Town Chairperson

ATTEST:

By: _____
Jackie Arthur
Town Administrator/Clerk

Attachment: Title 7 – Chapter 8 of the Town Code of Ordinances

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ATTACHMENT A
TITLE 7 – CHAPTER 8

Chapter 8. Broadband Network Project Applications

SECTION 1. GENERAL PROVISIONS.

1.1 Purpose and policy. The purpose of this chapter is to encourage the development of broadband access in the Town 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 aforestated purpose.

1.2 Definitions. In this chapter:

- (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.
- (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 shall appoint a single point of contact for all matters related to a broadband network project. The Town 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'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 shall:

(1) Determine whether an application is complete and notify the applicant of the determination by the Town in writing within 10 calendar days of receiving an application. If the Town 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 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 shall approve or deny the application and provide the applicant written notification of the approval or denial. If the Town 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 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 to review an application, issue a permit, or perform any other activity related to a broadband network project shall be reasonable. ~~The Town Board may adopt and change the amount of such fees by resolution.~~ An application fee that exceeds \$100 is unreasonable.

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