

Buffalo County Resolution



Drafted By: R Halverson

County Department: City Clk

Presented Month/Year: 6-17

Fiscal Impact: YES / NO

Involved Committees: Finance

CA Approved: YES / NO

ORDINANCE # 17-09-01

AN ORDINANCE TO CREATE THE BROADBAND FORWARD! ORDINANCE

WHEREAS, the Buffalo County Board wishes to create a framework for the approval of broadband networks within Buffalo County and does hereby ordain:

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 Buffalo County 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.

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 Buffalo County.
- (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. Buffalo County shall appoint a single point of contact for all matters related to a broadband network project. Buffalo County shall provide on its public website the contact information, including the email 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 Buffalo County's ordinances, resolutions, regulations, policies, or practices, the following process shall apply upon receiving a broadband network project application:

3.1 Completeness review. Upon receiving a broadband network project application, Buffalo County shall:

- (1) Determine whether an application is complete and notify the applicant of the determination by Buffalo County in writing within 10 days of receiving an application. If Buffalo County does not notify the applicant in writing of its completeness determination within 10 days of receiving the application, the application shall be considered complete.
- (2) If Buffalo County 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 days of receiving an application that is complete, or considered complete under sub. (1), Buffalo County shall approve or deny the application and provide the applicant written notification of the approval or denial. If Buffalo County does not notify the applicant of its approval or denial within 60 days of the receiving a complete application, the application shall be considered approved and any required permit shall be considered issued.

(2) If Buffalo County 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 Buffalo County 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 5. Initial Applicability. The treatment of this ordinance first applies to applications received by Buffalo County on or after the effective date of this ordinance.

Section 6. Effective Date. This ordinance takes effect on the day after publication.

Adopted at a duly called and noticed meeting of the Buffalo County Board of Supervisors on the 25th day of Sept., 2017.

Bryann M. Halverson
County Clerk

ATTEST:

Mary Anne McMillan Ullrich
County Board Chairperson

Respectfully Submitted:

Finance Committee

Douglas Kane
Douglas Kane

Don Hillert
Don Hillert

Larry Grisen
Larry Grisen

Nettie Rosenow
Nettie Rosenow

Yes - via phone.
David Danzinger