

**TOWN OF LIBERTY GROVE
ORDINANCE #5-17
Broadband Forward!**

An ordinance for approval of broadband network projects.

The Town Board of the Town of Liberty Grove (hereinafter referred to as “the Town”), in the County of Door, State of Wisconsin, does hereby ordain as follows:

Broadband Network Project Applications

Section I. General Provisions

1.1. Purpose and policy.

The purpose of this ordinance 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 ordinance shall at all times be construed consistent with the aforestated 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.
- (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 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 3.1.(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 3.2. (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. An application fee that exceeds \$100 is unreasonable.

Section 5. Initial applicability. The treatment of this ordinance first applies to applications received by the Town on or after the effective date of this ordinance.

Section 6. Severance Clause. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this ordinance.

Section 7. Interpretation. The provisions of this ordinance shall be liberally construed in favor of the Town, and shall not be construed to be a limitation on or repeal of any other power granted the Town under the Wisconsin Statutes.

Section 8. Adoption. This ordinance shall take effect upon passage and publication as provided by law. Adoption of this ordinance by the Liberty Grove Town Board does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. Issuance of a citation hereunder shall not preclude the Town Board or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, citation or order.

This ordinance shall take effect after passage and notice as provided by law.

Adopted at a regular meeting of the Town Board of the Town of Liberty Grove, Door County, Wisconsin, this 6th day of September, 2017.

CERTIFICATION:

I, Janet Johnson, Clerk of the Town of Liberty Grove, hereby certify that the above is a true and correct copy of an ordinance that was adopted on the 6th day of September, 2017 by the Town of Liberty Grove Board of Supervisors.

Dated this 7th day of September, 2017.

Janet Johnson, Clerk/Treasurer