

TOWN OF EGG HARBOR
ORDINANCE NO. 195
Broadband Forward!

The Town of Egg Harbor, Door County, Wisconsin, does ordain the creation of this ordinance relating to approval of broadband network projects as follows:

CHAPTER 1. 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 of Egg Harbor 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 afore stated 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 of Egg Harbor.
- (3) "Permit" means any local permit, license, certificate, approval, registration, or similar form of approval required by policy, administrative rule, regulations, ordinance, or resolution with respect to a broadband network project.
- (4) "Written" or "in writing" means information that is inscribed on the 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 Egg Harbor shall appoint a single point of contact for all matters related to a broadband network project. The Town of Egg Harbor 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 APPLICATION.

Notwithstanding any other provisions in the Town of Egg Harbor 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 Egg Harbor shall:

- (1). Determine whether an application is complete and notify the applicant of the determination by the Town of Egg Harbor in writing within 10 calendar days of receiving an application. If the Town of Egg Harbor 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 the Town of Egg Harbor 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 application.

- (1). Within 60 calendar days of receiving an application that is complete, or considered complete Under sub. (1), the Town of Egg Harbor shall approve or deny the application and provide the Applicant written notification of the approval or denial. If the Town of Egg Harbor 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 Egg Harbor 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

All applicants shall pay to the Town of Egg Harbor a fee payable upon submission of the application, in the amount designated under the Town Building Code, not to exceed the PSC determination of a reasonable fee for review of such applications (currently \$200).

SECTION 5. INITIAL APPLICABILITY.

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

SECTION 6. EFFECTIVE DATE.

This ordinance takes effect on the day after publication.

Dated this 16th day of December, 2019

Town of Egg Harbor

By: _____
Paul Peterson, Town Chairman

Attest:

Pam Krauel, Town Clerk-Treasurer

Date Introduced and adopted: December 16, 2019

Posting and Publication Date: December 18, 2019