

TOWN OF JACKSONPORT, DOOR COUNTY, WI
ORDINANCE NO. 2019- 01
BROADBAND FORWARD! COMMUNITY ORDINANCE

An ordinance relating to approval of broadband network projects.

Whereas, the Town of Jacksonport Town Board deems it in the public interest to apply to the Wisconsin Public Service Commission for certification as a Broadband Forward! Community for purposes of facilitating the development of broadband infrastructure to serve the town; and

Whereas, pursuant to Sec. 196.504 (5), Wis. Stat., the town must enact an ordinance pertaining to the review of applications and issuing permits related to broadband network projects in conformance with Sec. 196.504 (5), Wis. Stat. in order to qualify for such certification;

Now therefore, the Town Board of the Town of Jacksonport do ordain as follows:

1 Chapter 1. Broadband Network Project Applications

2 SECTION 1. GENERAL PROVISIONS.

3 1.1 Purpose and policy. The purpose of this chapter is to encourage the development of
4 broadband access in the Town of Jacksonport by reducing administrative obstacles to broadband
5 service providers and coordinating the review of applications to ensure such applications are
6 timely processed. This chapter shall at all times be construed consistent with the aforesaid
7 purpose.

8 1.2 Definitions. In this chapter:

9 (1) "Applicant" means a person applying for a permit for a broadband network project.

10 (2) "Broadband network project" means the construction or deployment of wireline or
11 wireless communications facilities to provide broadband communications services in the
12 Town of Jacksonport, Door County, WI.

13 (3) "Permit" means any local permit, license, certificate, approval, registration, or similar
14 form of approval required by policy, administrative rule, regulation, ordinance, or resolution with
15 respect to a broadband network project.

16 (4) "Written" or "in writing" means information that is inscribed on a tangible medium or
17 that is stored in an electronic or other intangible medium and is retrievable in perceivable form.

18 **1.3 Point of contact.** The Town of Jacksonport shall appoint a single point of contact for all
19 matters related to a broadband network project. The Town of Jacksonport shall provide on its
20 public website the contact information, including the e-mail address, for the point of contact
21 authorized to receive a broadband network project application.

22 **SECTION 2. ELECTRONIC SUBMISSION OF APPLICATIONS.** An applicant may sign and file all
23 forms, applications and documentation related to a broadband network project electronically.

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

28 **3.1 Completeness review.** Upon receiving a broadband network project application the
29 Town of Jacksonport shall:

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

35 (2) If the Town of Jacksonport determines that an application is not complete, the
36 written notification to the applicant shall specify in detail the required information that is not
37 complete. The applicant may resubmit an application as often as necessary until the application
38 is complete.

39 **3.2 Approval or denial of complete applications.**

40 (1) Within 60 calendar days of receiving an application that is complete, or considered
41 complete under sub. 3.1 (1), the Town of Jacksonport shall approve or deny the application and
42 provide the applicant written notification of the approval or denial. If the Town of Jacksonport

43 does not notify the applicant of its approval or denial within 60 calendar days of receiving a
44 complete application, the application shall be considered approved and any required permit shall
44 be considered issued.

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

47 **SECTION 4. FEES.** Any fee imposed by the Town of Jacksonport to review an application, issue
48 a permit, or perform any other activity related to a broadband network project shall be
49 reasonable. An application fee that exceeds \$100 is unreasonable.

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

52 **SECTION 6. EFFECTIVE DATE.** This ordinance takes effect on the day after publication or posting
53 as required by law.

54 Adopted: December 12, 2019

55 **TOWN OF JACKSONPORT**

56 By: Randy Halstead
57 Randy Halstead, Chairman.

59 Attest: Theresa Cain-Bieri
60 Theresa Cain-Bieri, Clerk-Treasurer