

BROADBAND FORWARD! COMMUNITY ORDINANCE

ORDINANCE NO. 2018-2

An ordinance to create Chapter 1; relating to approval of broadband network projects.

The Town of West Sweden does enact 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 West Sweden 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 West Sweden.

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 West Sweden shall appoint a single point of contact for all
19 matters related to a broadband network project. The Town of West Sweden shall provide on its

1 public website the contact information, including the e-mail address, for the point of contact
2 authorized to receive a broadband network project application.

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

5 **SECTION 3. REVIEW OF APPLICATIONS.** Notwithstanding any other provision in the Town of
West Sweden ordinances, resolutions, regulations, policies or practices to the contrary, the
6 following process shall apply exclusively upon receiving a broadband network project
7 application:

8 **3.1 Completeness review.** Upon receiving a broadband network project application, the
9 Town of West Sweden shall:

10 (1) Determine whether an application is complete and notify the applicant of the
11 determination by the Town of West Sweden in writing within 10 calendar days of receiving an
12 application. If the Town of West Sweden does not notify the applicant in writing of its
13 completeness determination within 10 calendar days of receiving the application, the application
14 shall be considered complete.

15 (2) If the Town of West Sweden determines that an application is not complete, the
16 written notification to the applicant shall specify in detail the required information that is not
17 complete. The applicant may resubmit an application as often as necessary until the application
18 is complete.

19 **3.2 Approval or denial of complete applications.**

20 (1) Within 60 calendar days of receiving an application that is complete, or considered
21 complete under sub. (1), the Town of West Sweden shall approve or deny the application and
22 provide the applicant written notification of the approval or denial. If the Town of West Sweden

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

4 (2) If the Town of West Sweden denies an application, the written notification of the
5 denial under sub. (1) shall include evidence that the denial is not arbitrary and capricious.

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

9 **SECTION 5. INITIAL APPLICABILITY.** The treatment of this ordinance first applies to applications
10 received by the Town of West Sweden on or after the effective date of this ordinance.

11 **SECTION 6. EFFECTIVE DATE.** This ordinance takes effect on the day after publication.

Adopted this 19th day of June, 2018.

Town Board Chairman


Simon Nelson, Chairman


Glenn Meier, Supervisor


Scott Wilder, Supervisor

Attest:


Phyllis Wilder, Municipal Clerk