

BROADBAND FORWARD! COMMUNITY ORDINANCE

ORDINANCE NO. 1-2020

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

The Town of Sherry in Wood County, WI 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 Sherry 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 Sherry.

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 Sherry shall appoint a single point of contact for all
19 matters related to a broadband network project. The Town of Sherry 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 [political
6 subdivision's] ordinances, resolutions, regulations, policies or practices to the contrary, the
7 following process shall apply exclusively upon receiving a broadband network project
8 application:

9 **3.1 Completeness review.** Upon receiving a broadband network project application the
10 Town of Sherry shall:

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

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

20 **3.2 Approval or denial of complete applications.**

21 (1) Within 60 calendar days of receiving an application that is complete, or considered
22 complete under sub. (1), the [political subdivision] shall approve or deny the application and
23 provide the applicant written notification of the approval or denial. If the Town of Sherry

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.

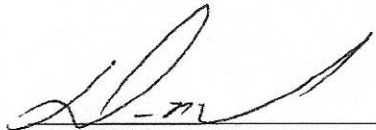
4 (2) If the Town of Sherry denies an application, the written notification of the
5 denial under sub. (1) shall include evidence that the denial is not arbitrary and capricious.

6 **SECTION 4. FEES.** Any fee imposed by the [political subdivision] 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 Town of Sherry on or after the effective date of this ordinance.

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

Adopted: August 18, 2020



David Homb, Town Chairman

Attested: 

Cheri Dimick, Town Clerk

Published: 8-19-2020

