

**ORDINANCE
ROCK COUNTY BOARD OF SUPERVISORS**

Public Works Committee
INITIATED BY



March 21, 2022
DATE DRAFTED

**Creating Chapter 4, Subchapter 5, Part 14, of the Rock County Ordinances
(Broadband Network Project)**

The Rock County Board of Supervisors, at its regular meeting this 28th day of April, 2022, does ordain as follows:

I. Chapter 4, Subchapter 5, Part 14 of the Rock County Ordinances is created to read as follows:

Subchapter 5 – Broadband Network Project

Part 14 – Broadband Network Project

4.1401 Purpose and Policy.

The purpose of this chapter is to encourage the development of broadband access in the County of Rock 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 aforestated purpose.

4.1402 Definitions.

Applicant – means a person applying for a permit for a broadband network project.

Broadband Network Project – means the construction or deployment of wireline or wireless communications facilities to provide broadband communications services in Rock County.

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.

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.

4.1403 Point of Contact.

The Public Works Department shall be designated as the single point of contact for all matters related to a broadband network project. The Public Works Department 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.

4.1404 Electronic Submission of Applications.

An applicant may sign and file all forms, applications and documentation related to a broadband network project electronically.

48 **4.1405 Review of Applications.**

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50 Notwithstanding any other provision in the County of Rock’s ordinances, resolutions,
51 regulations, policies, or practices to the contrary, the following process shall apply
52 exclusively upon receiving a broadband network project application:

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54 (1) Completeness review. Upon receiving a broadband network project application,
55 the Public Works Department shall:

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57 (A) Determine whether an application is complete and notify the applicant of
58 the determination by the Public Works Department in writing within 10
59 calendar days of receiving an application. If the Public Works
60 Department does not notify the applicant in writing of its completeness
61 determination within 10 calendar days of receiving the application, the
62 application shall be considered complete.

63
64 (B) If the Public Works Department determines that an application is not
65 complete, the written notification to the applicant shall specify in detail
66 the required information that is not complete. The applicant may
67 resubmit an application as often as necessary until the application is
68 complete.

69
70 (2) Approval or denial of complete applications.

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72 (A) Within 60 calendar days of receiving an application that is complete or
73 considered complete under sub. (1), the Public Works Department shall
74 approve or deny the application and provide the applicant written
75 notification of the approval or denial. If the Public Works Department
76 does not notify the applicant of its approval or denial within 60 calendar
77 days of receiving a complete application, the application shall be
78 considered approved and any required permit shall be considered issued.

79
80 (B) If the Public Works Department denies an application, the written
81 notification of the denial under sub. (1) shall include evidence that the
82 denial is not arbitrary and capricious.

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84 **4.1406 Fees.**

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86 Any fee imposed by the Public Works Department to review an application, issue or
87 permit or perform any other activity related to a broadband network project shall be
88 reasonable. ~~An application fee that exceeds \$100 is unreasonable.~~ Fees shall be
89 consistent with the fee schedule provided in the Rock County Utility Accommodation
90 Policy.

91
92 **4.1407 Initial Applicability.**

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94 The treatment of this ordinance applies to applications received by the Public Works
95 Department on or after the effective date of this ordinance.

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97 II. This ordinance shall be effective upon publication.

FISCAL NOTE:

Minimal fiscal impact.

Sherry Oja
Finance Director

LEGAL NOTE:

The County Board is authorized to take this action pursuant to § 59.02(2), Wis. Stats.

Richard Greenlee
Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended.

Josh Smith
County Administrator

PUBLIC WORKS COMMITTEE:

Public Works Committee recommended the ordinance for approval by a unanimous voice vote with the following amendment, final sentence of 4.1406 Fees. ~~An application fee that exceeds \$100 is unreasonable.~~ Fees shall be consistent with the fee schedule provided in the Rock County Utility Accommodation Policy

PLANNING & DEVELOPMENT COMMITTEE

The Planning and Development Committee recommended this resolution for approval by a unanimous voice vote. Supervisor Gustina was absent.

Executive Summary

Ordinance - Creating Broadband Network Project Chapter

This Ordinance would create a new chapter for broadband network projects in conjunction with the recently submitted Public Service Commission Broadband Expansion grant application. The Public Service Commission certifies communities as being “broadband ready” by issuing a Broadband Forward! Certification that signals a local unit of government has taken steps to reduce obstacles to broadband infrastructure investment.

Adopting the Broadband Forward! Community Model Ordinance and obtaining Broadband Forward! Certification ensures the local unit of government has streamlined its administrative procedures by:

1. Appointing a single point of contact for all matters relating to a broadband network project.
2. Adhering to a timely approval process.
3. Charging only reasonable fees for reviewing applications and issuing permits.
4. Imposing only reasonable conditions on a permit and
5. Not discriminating between telecommunications service providers.

The above protocols provide a platform for broadband development in Rock County and is appropriate that the Public Works Department be assigned responsibility.