

**AN ORDINANCE OF THE SUMTER COUNTY BOARD OF COMMISSIONERS TO AMEND THE BROADBAND ORDINANCE ADOPTED ON APRIL 20, 2021 AND TO CREATE ARTICLE VI OF CHAPTER 70 OF THE CODE OF ORDINANCES OF SUMTER COUNTY, GEORGIA, INCLUDING SECTIONS 70-95 THROUGH 70-101, WHICH SHALL BE DESIGNATED AS THE BROADBAND READY COMMUNITY ORDINANCE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES**

WHEREAS, in the exercise of its lawful authority pursuant to O.C.G.A. Section 36-1-20 and other applicable provisions, Sumter County, a political subdivision of the State of Georgia, by and through its Board of Commissioners, may enact, amend, and repeal ordinances to promote and protect the health, safety, and welfare of the public and to provide for the orderly administration of Sumter County's provision of public services;

WHEREAS, the Board of Commissioners has determined it is in the best interest of the public's health, safety, and welfare to adopt an ordinance for the purpose of being designated as a broadband ready community and previously adopted such an ordinance on or about April 20, 2021; and

WHEREAS, the Board of Commissioners wishes to designate the specific chapter, article, and sections in which such broadband ordinance shall be placed and to amend the provisions of such ordinance by replacing it in its entirety with the below ordinance.

**Section 1**

NOW, THEREFORE, BE IT ORDAINED by the Sumter County Board of Commissioners, that its existing broadband ordinance adopted on or about April 20, 2021 shall be replaced in its entirety with the following Article VI of Chapter 70 of the Code of Ordinances of Sumter County, Georgia, including Sections 70-95 through Section 70-101, which shall be titled "Broadband Ready Community:"

CHAPTER 70 – UTILITIES.

ARTICLE VI – BROADBAND READY COMMUNITY.

Sec. 70-95. – Definitions and Single Point of Contact.

- a) *As used in this ordinance, the following terms shall have the following meanings:*
1. *“County” means Sumter County, Georgia;*
  2. *“Broadband network project” means any deployment of broadband services;*
  3. *“Applicant” means a person applying for a permit for a broadband network project;*
  4. *“Application” means a written request on the form(s) designated by the County for a permit for a broadband network project; and*
  5. *“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.*
- b) *The County shall appoint a single point of contact for all matters related to a broadband network project.*
1. *The single point of contact shall be the Sumter County Planning and Zoning Administrator, who may be reached at phone number (229) 928-4547.*
  2. *The single point of contact shall be available for matters related to a broadband network project or a related liaison who may direct such inquiry in real time, with general scope and responsibilities to include permitting and right-of-way; and*
  3. *The County shall update the single point of contact information on its web pages and associated sources within 30 calendar days of any such change.*

Sec. 70-96. – Application Completeness Review.

- a) *Within 14 calendar days of receiving an application, the County shall determine whether such application is incomplete and shall notify the applicant by email of the County's determination.*
- b) *If the County does not notify the applicant whether the application is incomplete within 14 calendar days of receipt of such application, the application shall be assumed to be complete as of the 15<sup>th</sup> day after the County's receipt of the application.*

Sec. 70-97. – Notification of Incomplete Application.

- a) *If the County determines that an application is not complete, the County's email notification to the applicant shall specify all required components of the submitted application that were considered "incomplete."*
- b) *The County's email notification of incompleteness shall include a list of specific items that resulted in the application being deemed "incomplete," and the review timeline shall be as follows:*
  1. *The applicant has up to 40 calendar days from the date of the County's issuance of the notification of incompleteness to respond to the County with corrections or such information or records necessary to complete the application: and*
  2. *If the applicant does not provide the required response to the County within such 40 calendar days, the application shall be deemed canceled.*
  3. *If within 14 calendar days of receipt of a corrected application the County does not notify the applicant as to whether the corrected application is incomplete, the application shall be assumed to be complete on the 15<sup>th</sup> day after the County's receipt of the corrected application.*
  4. *If an applicant's corrected application is deemed incomplete, the County shall*

*deny that application. If the applicant still wishes to proceed, the County shall require a new application, new fee, and shall restart the processes outlined in Sections 70-96 and 70-97 of this Article.*

*Sec. 70-98. – Approval or Denial Notification.*

- a) If, on or before the 15<sup>th</sup> day as described in Section 70-96, the County deems an application complete, the County shall approve or deny said completed application within 14 calendar days of the County's determination of completeness, unless a joint meeting between the applicant and the County is deemed reasonably necessary by the County.*
- b) If a joint meeting is deemed reasonably necessary by the County, the joint meeting shall occur within 15 calendar days of the County's issuance of the notification of completion. The joint meeting shall include:*
- 1. Where the applicant is going to conduct work;*
  - 2. When the work will be conducted;*
  - 3. What type of work will be performed;*
  - 4. Who the County may contact for specific details or related questions; and*
  - 5. Any permit seeking approval under the application.*

*Following a joint meeting between the applicant and the County, the County shall deny or approve the application within 14 calendar days of such meeting.*

- c) Upon the County's final approval of an application, any required permit shall be deemed issued.*

*Sec. 70-99. – Related Fees.*

- a) Any fee imposed by the County to review an application, issue a permit, or perform any other*

*activity related to a broadband network project shall be reasonable, cost based, and nondiscriminatory to all applicants.*

- b) Any application fee that exceeds \$100.00 shall be considered unreasonable unless the County can provide documentation justifying such fee based on a specific cost.*

*Sec. 70-100. – Other Information.*

*a) Double Fee: The County shall not require an application or permit(s) when already approved by an authorized state or federal jurisdiction. Any such provider shall notify and provide a copy of the approved permit to the single-point-of-contact at the County prior to accessing the right-of-way within the County jurisdiction.*

*b) Application Validity Timeline: Should an applicant not commence the service request outlined in the approved application within six months from the date of the County's issuance of its approval, the application shall expire, and the applicant shall be required to submit a new application and associated fee.*

*c) Single Service Drop: The County shall not require a permit for a broadband service provider to perform an installation of broadband service at an individual customer's service address as long as the facility being utilized only transverses a deminimis portion of the public right-of-way to reach the customer's property. The provider must still comply with the provisions of Chapter 9 of Title 25 of the O.C.G.A., as amended from time to time.*

*Sec. 70-101. – County Acknowledgments.*

*a) A Georgia Certified Broadband Ready Community has an affirmative duty to notify the Georgia Department of Community Affairs of any changes to the information submitted as part of*

*its application; and*

*b) Failure to notify the Georgia Department of Community Affairs of changes to the information submitted as part of its application may result in revocation of the County's Broadband Ready Certification, should the certification be granted.*

#### Section 2

It is hereby ordained that the provisions of this ordinance shall become a part of the Code of Ordinances of Sumter County, Georgia, and the sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

#### Section 3

a) It is hereby declared to be the intention of the Sumter County Board of Commissioners that all sections, paragraphs, sentences, clauses, and phrases of this ordinance are and were, upon their enactment, believed by the Sumter County Board of Commissioners to be fully valid, enforceable, and constitutional.

b) It is hereby declared to be the intention of the Sumter County Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause, or phrase of this Chapter is severable from every other section, paragraph, sentence, clause, or phrase of this ordinance. It is hereby further declared to be the intention of the Sumter County Board of Commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this ordinance is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this ordinance.

c) In the event that any phrase, clause, sentence, paragraph, or section of this ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of

the Sumter County Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4

All ordinances or parts of ordinances in conflict with this ordinance are, to the extent of such conflict, hereby repealed or set aside.

Section 5

This ordinance shall become effective immediately upon its adoption.

SO ORDAINED, APPROVED, AND ADOPTED this 10<sup>th</sup> day of May, 2022.

SUMTER COUNTY, GEORGIA



By: *Mark Waddell*  
Mark Waddell, Chair  
Board of Commissioners

Attest: *Latoya McCants-Rice*  
Latoya McCants-Rice, County Clerk

Votes:

Clay Jones Yes

Scott Roberson Yes

Jim Reid Yes

Jessie Smith Yes

Mark Waddell N/A