

The following EXAMPLE, drafted by Georgia Department of Community Affairs, is available to assist City's and County's in drafting their own ordinance or policy. Cities and counties should consult with their legal counsel concerning the appropriate approach for their respective communities to customize as necessary to comply with any local laws, rules, procedures or policies.

AN ORDINANCE FOR A BROADBAND READY COMMUNITY

As used in this ordinance, "broadband network project" means any deployment of broadband services.

As used in this ordinance, "political subdivision" means a county, municipal corporation, consolidated government, or local authority.

As used in this ordinance, "applicant" means a person applying for a permit for a broadband network project.

As used in this ordinance, "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.

(1) Single Point of Contact.

(City/County Name), Georgia shall appoint a single point of contact for all matters related to a broadband network project:

- a) The single point of contact documentation shall include;
 - i. Position & Title
 - ii. Name (first, last)
 - iii. Organization (municipality, county, or authority with participating entities involved in the (City/County Name) request designation)
 - iv. Phone Number(s) (work and mobile if applicable)
 - v. Email(s) (preferred email alias that can be directed to point of contact or acceptable official work email)
 - vi. Website URL to Contacts Page (required if applicable/available)
- b) 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
- c) The single point of contact information must be current to maintain designation, by updating with such change in contact information on web pages and associated sources, within 15 calendar days of change.

(2) Application Completeness Review.

- a) (City/County Name) shall determine whether an application is incomplete and notify the applicant, by email, of the determination by (City/County Name) within 10 calendar days of receiving an application.
- b) If (City/County Name) does not respond to the applicant on whether the application is incomplete, within 10 calendar days, the application shall be assumed to be complete on the 11th day.

(3) Notification of Incomplete Application.

- a) If the *(City/County Name)* determines that an application is not complete, the notification by email to the applicant shall specify all required components of the submitted application that were considered ‘incomplete’;
- b) The *(City/County Name)*’s response shall include a checklist of sequenced items that resulted in the application being deemed ‘incomplete’ and the review timeline shall be as follows:
 - i. The applicant has up to 40 calendar days from the date of notification of incompleteness to respond back with corrections; and
 - ii. If the applicant does not respond back within 40 calendar days, the application is deemed canceled.
- c) If within 10 calendar days the *(City/County Name)* does not respond to the applicant on whether the corrected application is incomplete, the application shall be assumed to be complete on the 11th day; and
- d) The *(City/County Name)* shall require a new submission and reset the process and application fees, should an application be deemed incomplete a second time.

(4) Approval or Denial Notification.

If, on or before the 11th day as described in 2 (b), an application is deemed complete, the *(City/County Name)* shall approve or deny an application within 10 calendar days unless a joint meeting between the applicant and the *(City/County Name)* is deemed as necessary.

- a) If a joint meeting is deemed necessary, the joint meeting must occur within 15 calendar days of notification of completion and the joint meeting shall include:
 - i. Where applicant is going to conduct work,
 - ii. When the work will be conducted,
 - iii. What type of work will be done,
 - iv. Who the *(City/County Name)* can contact for specific details or related questions, and
 - v. Any permit seeking approval under application.
 - vi. Following a joint meeting between the applicant and the *(City/County Name)*, the *(City/County Name)* shall deny or approve the application within 10 calendar days.
- b) Upon final approval, any required permit permitted shall be deemed issued.

(5) Related Fees.

- a) Any fee imposed by *(City/County Name)* 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 *(City/County Name)* can provide documentation justifying such fee based on a specific cost.

(6) Other Information.

- a) **Double Fee:** No City or County shall require an application or permit(s) when already approved by an authorized state or federal jurisdiction. Provider shall notify and provide a copy of the approved permit to the single-point-of-contact at the City or County prior to access of right-of-way within the City or County jurisdiction.
- b) **Application Validity Timeline:** Any approved application shall be valid for six months from the date of approval. Should a provider not commence the service request qualified in the approved application within six months, the application shall expire, and it shall require a new permit approval and any associated fees, as applicable.
- c) **Single Service Drop:** A City or 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.

(7) (City/County Name) acknowledges:

- 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 Georgia Department of Community Affairs of changes may result in revocation of (City/County Name)'s Broadband Ready Certification, should the certification be granted.

(8) This ordinance shall take effect immediately upon adoption by the governing body upon final reading.

PASSED AND SO ORDERED, this _____ day of _____, 2019.

(Mayor's Name)

Mayor

(City/County Name)

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