# ORDINANCE 21-05

# BROADBAND READY COMMUNITY

# AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF BURKE COUNTY, GEORGIA BY ADDING CHAPTER 31, BROADBAND; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

# SECTION 1. The Burke County Code of Ordinances is hereby amended to add Chapter 31. Broadband which shall read as follows:

# CHAPTER 31 - BROADBAND

**ARTICLE I. DEFINITIONS**

“broadband” means high-speed internet service at a minimum speed of 25 Mbps download and 3 Mbps upload (25/3).

“broadband network project" means any deployment of broadband services.

“political subdivision”means Burke County, Georgia

“applicant” means a person applying for a permit for a broadband network project.

“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.

**ARTICLE II. PERMIT REQUIRED**

**Section 31.02** Any broadband service provider that wishes to initiate a broadband network project in the right of ways of Burke County will need to obtain a permit from Burke County as specified in this chapter of the Code of Ordinances.

**ARTICLE III. SINGLE POINT OF CONTACT.**

**Section 31.03** Burke County, Georgia shall appoint a single point of contact for all matters related to a broadband network project:

1. The single point of contact for Burke County is:

COUNTY MANAGER

BURKE COUNTY BOARD OF COMMISSIONERS

PO BOX 89

602 LIBERTY STREET

WAYNESBORO, GA 30830

706-554-2324

[www.burkecounty-ga.gov/departments/administration](http://www.burkecounty-ga.gov/departments/administration)

1. The County Manager is available for matters related to a broadband network project such as general scope and responsibilities to include permitting and right-of-way; and
2. The County Manager’s current contact information will be maintained by updating Burke County’s web site within 15 calendar days of any changes.

**ARTICLE IV APPLICATION**

**Section 31.04 Application Completeness Review.**

1. Burke County shall determine whether an application is incomplete and notify the applicant, by email, of the determination by the County within 10 calendar days of receiving an application.
2. If Burke County 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.

**Section 31.05 Notification of Incomplete Application.**

1. If the County 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’.
2. The County’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:
3. The applicant has up to 40 calendar days from the date of notification of incompleteness to respond back with corrections; and
4. If the applicant does not respond back within 40 calendar days, the application is deemed canceled.
5. If within 10 calendar days the County 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
6. The County shall require a new submission and reset the process and application fees, should an application be deemed incomplete a second time.

**Section 31.06 Approval or Denial Notification.**

If, on or before the 11th day as described in 31.04 (b), an application is deemed complete, the County shall approve or deny an application within 10 calendar days unless a joint meeting between the applicant and the County is deemed as necessary.

1. 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:
2. Where applicant is going to conduct work,
3. When the work will be conducted,
4. What type of work will be done,
5. Who the County can contact for specific details or related questions, and
6. Any permit seeking approval under application.
7. Following a joint meeting between the applicant and the County, the County shall deny or approve the application within 10 calendar days.
8. Upon final approval, any required permit permitted shall be deemed issued.

**Section 31.07 Related Fees.**

1. Any applicant for a broadband network project must submit with his application a fee of $100 to cover staff time to review said application.
2. The application fee must be paid before the application completeness review noted in Sec 31.04 above will commence.

**Section 31.08 Other Information.**

1. **Double Fee:** The County shall not require an application or permit(s) when one has already been approved by an authorized state or federal jurisdiction. A Broadband Service Provider shall notify and furnish a copy of the approved permit to the single-point-of-contact at the County prior to access of right-of-way within the County’s jurisdiction.
2. **Application Validity Timeline:** Any approved application shall be valid for six months from the date of approval. Should a Broadband Service 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.
3. **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.

**Section 31.09 Burke County acknowledges:**

1. 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
2. Failure to notify Georgia Department of Community Affairs of changes may result in revocation of Burke County’s Broadband Ready Certification, should the certification be granted.

SECTION 2. SEVERABILITY.

If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

SECTION 3. This ordinance shall take effect immediately upon adoption by the governing body upon final reading.

**ADOPTED ON FIRST READING ON THIS THE 11th DAY OF MAY 2021.**

**ADOPTED ON SECOND READING ON THIS THE 8th DAY OF JUNE 2021.**

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 Terri Lodge Kelly

 Chairman

Burke County Board of Commissioners

ATTEST:

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Merv Waldrop

County Manager