

TOWN OF EUREKA

Polk County, Wisconsin

ORDINANCE NO 17-3

An Ordinance Relating to Approval of Broadband Network Projects

Chapter 1. Broadband Network Project Applications

SECTION 1. GENERAL PROVISIONS.

1.1 Purpose and policy. The purpose of this chapter is to encourage the development of broadband access in the Town of Eureka 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 aforesaid purpose.

1.2 **Definitions.** In this chapter:

- (1) "Applicant" means a person applying for a permit for a broadband network project.
- (2) "Broadband network project" means the construction or deployment of wireline or wireless communications facilities to provide broadband communications services in the Town of Eureka.
- (3) "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.
- (4) "Written" or "in writing" mean 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.

1.3 **Point of contact.** The Town of Eureka shall appoint a single point of contact for all matters related to a broadband network project. The Town of Eureka 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.

SECTION 2. ELECTRONIC SUBMISSION OF APPLICATIONS. An applicant may sign and file all forms, applications and documentation related to a broadband network project electronically.

SECTION 3. REVIEW OF APPLICATIONS. Notwithstanding any other provision in the Town of Eureka ordinances, resolutions, regulations, policies or practices to the contrary, the following process shall apply exclusively upon receiving a broadband network project application.

3.1 Completeness review. Upon receiving a broadband network project application the Town of Eureka shall:

- (1) Determine whether an application is complete and notify the applicant of the determination by the Town of Eureka in writing with 10 calendar days of receiving an application. If the Town of Eureka does

not notify the applicant in writing of its completeness determination with 10 calendar days of receiving the application, the application shall be considered complete.

(2) If the Town of Eureka determines that an application is not complete, the written notification to the applicant shall specify in

detail the required information that is not complete. The applicant may resubmit an application as often as necessary until the application is complete.

3.2 Approval or denial of complete applications.

(1) Within 60 calendar days of receiving an application that is complete, or considered complete under sub. (1), the Town of Eureka shall approve or deny the application and provide the applicant written notification of the approval or denial. If the Town of Eureka does not notify the applicant of its approval or denial within 60 calendar days of receiving a complete application, the application shall be considered approved and any required permit shall be considered Issued.

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

SECTION 4.FEES. Any fees imposed by the Town of Eureka to review an application, issue a permit, or perform any other activity related to a broadband network project shall be reasonable. An application fee that exceeds \$100 is unreasonable.

SECTION 5.INITIAL APPLICABILITY. The treatment of this ordinance first applies to applications received by the Town of Eureka on or after the effective date of this ordinance.

SECTION 6.EFFECTIVE DATE. This ordinance takes effect on the day of publication.

Adopted this 27th day of December 2017

/s/Gene Krull, Chairman

Attest: /s/David Anderson, Clerk