

Enactment of the Polk County Broadband Network Project Ordinance
(Broadband Forward! Community Certification)

TO THE HONORABLE CHAIRPERSON AND SUPERVISORS OF THE COUNTY BOARD
OF THE COUNTY OF POLK:

Ladies and Gentlemen:

NOW THEREFORE, BE IT ORDAINED that, pursuant to Wisconsin Statute § 196. 504(5) of
the Broadband Forward! Community Certification law, the Polk County Board of Supervisors
enacts the Polk County Broadband Network Project Ordinance”, herein after “Ordinance”,
providing for an application process for broadband network applications.

SECTION 1. GENERAL PROVISIONS.

1.1 Purpose and policy. The purpose of this Ordinance is to encourage the development of
broadband access in Polk County reducing administrative obstacles to broadband service
providers and coordinating the review of applications to ensure such applications are timely
processed. This Ordinance shall at all times be construed consistent with such purpose.

1.2 Definitions. In this Ordinance:

(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 community of Polk County.

(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.

28 (4) "Written" or "in writing" means information that is inscribed on a tangible
29 medium or that is stored in an electronic or other intangible medium and is
30 retrievable in perceivable form.

31 **1.3 Point of contact.** The County Administrator shall designate a county department to
32 administer this ordinance and appoint a county officer as the single point of contact for all
33 matters related to a broadband network project. The County shall provide on its public website
34 the contact information, including the e-mail address, for the point of contact authorized to
35 receive a broadband network project application.

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

39 **SECTION 3. REVIEW OF APPLICATIONS.** Notwithstanding any other provision in the
40 County's ordinances, resolutions, regulations, policies or practices to the contrary, the following
41 process shall apply exclusively upon receiving a broadband network project application:

42 **3.1 Completeness review.** Upon receiving a broadband network project application the
43 County shall:

44 (1) Determine whether an application is complete and notify the applicant of the
45 determination by the County in writing within 10 calendar days of receiving an
46 application. If the County does not notify the applicant in writing of its
47 completeness determination within 10 calendar days of receiving the application,
48 the application shall be considered complete.

49 (2) If the County determines that an application is not complete, the written
50 notification to the applicant shall specify in detail the required information that is

51 not complete. The applicant may resubmit an application as often as necessary
52 until the application is complete.

53 **3.2 Approval or denial of complete applications**

54 (1) Within 60 calendar days of receiving an application that is complete, or
55 considered complete under Section 3.1(1), the County shall approve or deny the
56 application and provide the applicant written notification of the approval or
57 denial. If the County does not notify the applicant of its approval or denial within
58 60 calendar days of receiving a complete application, the application shall be
59 considered approved and any required permit shall be considered issued.

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

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

65 **SECTION 5. INITIAL APPLICABILITY.** The treatment of this ordinance first applies to
66 applications received by the County on or after the effective date of this ordinance.

67 **SECTION 6. EFFECTIVE DATE.** This ordinance takes effect on the day after publication.

68 (History: Enactment – Ordinance No. 06 -18)

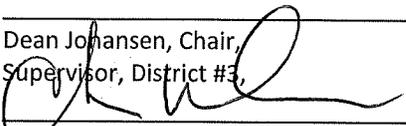
Proposed Ordinance No. 26-18: Enactment of the Polk County Broadband Network Project Ordinance (Broadband Forward! Community Certification), sponsored and submitted this _____ day of January 2018.

BY: _____

Brad Olson, Supervisor, District #1

Doug Route, Supervisor, District #2

Dean Johansen, Chair,
Supervisor, District #3,



Chris Nelson, Supervisor, District #4

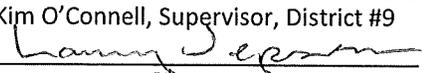
Tracy LaBlanc, Supervisor, District #5

Brian Masters, Supervisor, District #6

Michael Prichard, Supervisor, District #7

James Edgell, Supervisor, District #8

Kim O'Connell, Supervisor, District #9



Larry Jepsen, 2nd Vice Chair,
Supervisor, District # 10

Jay Luke, 1st Vice Chair,
Supervisor, District #11

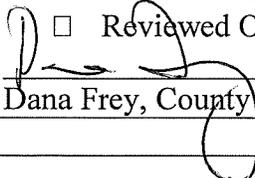
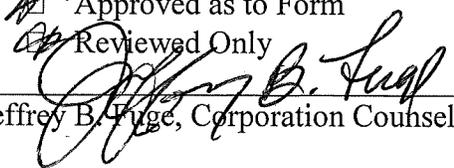
Kate Isakson, Supervisor, District #12

Russell Arcand, Supervisor, District #13

John Bonneprise, Supervisor, District #14

Joe DeMulling, Supervisor, District #15

Polk County Board of Supervisors
 Ordinance No. 06-18:
 Enactment of the Polk County Broadband Network Project Ordinance
 (Broadband Forward! Community Certification)

Funding Source/ Funding Amount:	None/Not Applicable
Effective Date:	Upon Passage and Publication
Dated Submitted To County Board	January __, 2018 First Reading: February 20, 2018
Review By County Administrator: <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only  Dana Frey, County Administrator	Review By Corporation Counsel: <input checked="" type="checkbox"/> Approved as to Form <input checked="" type="checkbox"/> Reviewed Only  Jeffrey B. Fuge, Corporation Counsel

Acknowledgement of County Board Action

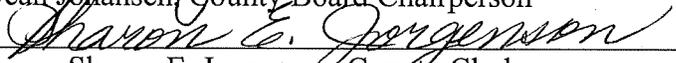
At its regular business meeting on the 19 of February, 2018, the Polk County Board of Supervisors enacted Ordinance No. 06-18: Enactment of the Polk County Broadband Network Project Ordinance (Broadband Forward! Community Certification), as follows:

- Enacted by simple majority of the board of supervisors by a vote of _____ in favor and _____ against.
- Enacted by unanimous vote. *voice vote*

SIGNED BY:



Dean Johansen, County Board Chairperson

Attest: 
 Sharon E. Jorgenson, County Clerk

Certification of Publication

Ordinance No. 06-18: Enactment of the Polk County Broadband Network Project Ordinance (Broadband Forward! Community Certification), was published in the Inter-County Leader on the 6th day of March, 2018.


 Sharon Jorgenson, County Clerk

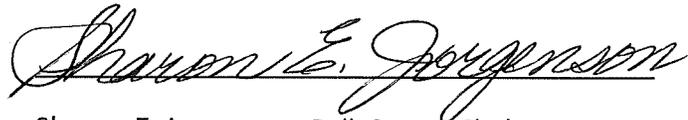
Dated: 2-19-18

CERTIFIED COPY OF POLK COUNTY ORDINANCE

STATE OF WISCONSIN

COUNTY OF POLK

I, Sharon E. Jorgenson, Polk County Clerk do hereby certify that the attached hereto and incorporated herein is a full, true and correct copy of the Polk County Ordinance No. 06-18: Enactment of the Polk County Broadband Network Project Ordinance (Broadband Forward! Community Certification), as adopted by the Polk County Board of Supervisors on the 19th day of February, 2018.

 2/19/18
Sharon E. Jorgenson, Polk County Clerk Date