

**TOWN OF LAND O' LAKES
VILAS COUNTY, WISCONSIN**

ORDINANCE

**#2017-02 BROADBAND NETWORK APPLICATION REVIEW AND
APPROVAL ORDINANCE**

This ordinance is proposed for establishing the review and approval process relating to applications for developing broadband network projects in the Town of Land O'Lakes, Wisconsin. This ordinance is designed to meet the intent of the Broadband Forward! Community Model Ordinance prepared by the Public Service Commission of Wisconsin.

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 Land O'Lakes by establishing administrative procedures coordinating the review of applications to ensure such applications are timely processed. This chapter shall at all times be construed consistent with the aforesated purpose.

1.2 Definition. 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 communication services in the Town of Land O'Lakes, Wisconsin.
- (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" means 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.
- (5) "Person" has the meaning provided in Section 183.0102(18) Wis., Stat. Person includes an individual, a partnership, domestic or foreign limited liability company, a trust, and estate, and association, a corporation or any other legal or commercial entity.

1.3 Point of contact. The Town of Land O'Lakes, Wisconsin has appointed the Town Zoning Administrator as the single point of contact for all matters related to a broadband network project permit applications. The Town of Land O'Lakes, Wisconsin 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.

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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 Land O'Lakes, Wisconsin, 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 Land O'Lakes, Wisconsin shall:

- (1) Determine whether an application is complete and notify the applicant of the determination by the Town of Land O'Lakes, Wisconsin in writing within 10 calendar days of receiving an application. If the Town of Land O'Lakes, Wisconsin 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 Land O'Lakes, Wisconsin 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 subparagraph (1), the Town of Land O'Lakes, Wisconsin shall approve or deny the application and provide the applicant written notification of the approval or denial. If the Town of Land O'Lakes, Wisconsin 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 Land O'Lakes, Wisconsin denies an application, the written notification of the denial under subparagraph (1) shall include evidence that the denial is not arbitrary and capricious.

Section 4. Fees. Any fee imposed by the Town of Land O'Lakes, Wisconsin 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.

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Section 5. Initial Applicability. The treatment of this ordinance first applies to applications received by the Town of Land O'Lakes, Wisconsin on or after the effective date of this ordinance.

Section 6. Effective Date. This ordinance takes effect on the day after publication.

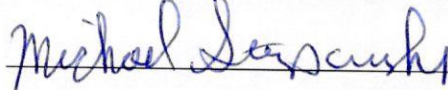
Dated this 9th day of August, 2017



Dan Balog, Town Chairman

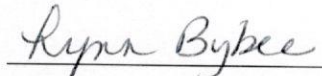


Samuel Otterpohl, Town Supervisor



Michael Stopczynski, Town Supervisor

Attest:



Lynn Bybee, Town Clerk-Treasurer