

ORDINANCE #23-07

Broadband Forward Community Ordinance

An ordinance to create Chapter 1; relating to approval of broadband network projects.

The Village Board of the Village of Fremont, WI hereby ordains as follows:

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 Village of Fremont by reducing administrative obstacles to broadband service providers and coordinating the review of applications to ensure applicants are timely processed. This chapter shall at all times be construed consistent with the aforestated 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 Village of Fremont.
- (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 that is retrievable in perceivable form.

1.3 Point of contact. The Village of Fremont shall appoint a single point of contact for all matters related to a broadband network project. The Village of Fremont shall provide on its public website the contact information, including the email 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 Village of Fremont ordinances, resolutions, regulations, policies or practices to the contrary, the following process shall apply exclusively upon receiving a broadband network:

3.1 COMPLETENESS REVIEW. Upon receiving a broadband network project application, the Village of Fremont shall:

(1) Determine whether an application is complete and notify the applicant of the determination of the Village of Fremont in writing within 10 calendar days of receiving the application. If the Village of Fremont does not notify the applicant in writing of its completeness determination within 10 calendar days of receiving the application, the application shall be considered complete.

(2) If the Village of Fremont 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 Village of Fremont shall approve or deny the application and provide the applicant written notification of the approval or denial. If the Village of Fremont 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 Village of Fremont 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 fee imposed by the Village of Fremont 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 Village of Fremont on or after the effective date of this ordinance.

Section 6. EFFECTIVE DATE. The Ordinance takes effect on the day after publication.

Adopted: October 24, 2023

Posted: October 25, 2023

Attest:



Megan Wunderlich
Clerk/Treasurer



Bobbi Marks
Village President