

ORDINANCE

SUBJECT: BROADBAND FORWARD COMMUNITY

COMMITTEE: PLANNING, RESOURCES AND DEVELOPMENT

FIRST CONSIDERATION: December 15, 2022

FINAL CONSIDERATION: January 19, 2023

ORDINANCE # 201 – 01/23 **PUBLICATION DATE** January 25, 2023

The County Board of Supervisors of La Crosse County does ordain as follows:

**AN ORDINANCE TO CREATE CHAPTER 34 "BROADBAND FORWARD COMMUNITY"
OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN**

ANALYSIS

- This ordinance is created to meet the statutory criteria in Wis. Stat. § 196.504(5) to become a Broadband Forward! Community.
- This ordinance is required to be eligible for Broadband Forward! Certification.
- This ordinance outlines that La Crosse County:
 - streamlined its administrative procedures;
 - appointed a single point of contact for all matters relating to broadband network projects;
 - accepts electronic submission of applications;
 - reviews and processes applications within the specified time frame;
 - agrees to charge only reasonable fees for reviewing applications and issuing permits;
 - will impose only reasonable conditions on a permit;
 - will not discriminate between telecommunications service providers.
- This ordinance signifies that La Crosse County views broadband access and adoption as a priority.

INFORMATION:

County Board Rules: Governing Body s. 2.02(8) states, in part: Ordinances are drafted by the Corporation Counsel. After the ordinance has been reviewed by a standing committee, each Supervisor will be given a copy of the ordinance showing the deleted language (grayed) and the new language (underlined) and an analysis of the intent of the ordinance. After introduction to the County Board, the ordinance shall be referred to the next monthly meeting unless waived by a 2/3 vote of the Supervisors present and a public hearing may be held if requested by a Supervisor. An amendment may be introduced and debated at either the original or the referred meeting. Copies of the ordinances of the County of La Crosse in their entirety are available with Corporation Counsel, County Clerk, or www.co.la-crosse.wi.us/code/.

(rev. 3/03)

ORDINANCE # 201 – 01/23

**AN ORDINANCE TO CREATE CHAPTER 34 "BROADBAND FORWARD COMMUNITY"
OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN**

The County Board of Supervisors of the County of La Crosse does ordain as follows:

Section 1. Chapter 34 entitled "Broadband Forward Community" is created to read:

34.01 BROADBAND NETWORK PROJECT APPLICATIONS

- (1) **Purpose and policy.** The purpose of this chapter is to encourage the development of broadband access in La Crosse County 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 aforestated purpose.
- (2) **Definitions.** In this chapter:
 - (a) "*Applicant*" means a person applying for a permit for a broadband network project.
 - (b) "*Broadband network project*" means the construction or deployment of wireline or wireless communications facilities to provide broadband communications services in La Crosse County.
 - (c) "*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.
 - (d) "*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.
- (3) **Point of contact.** La Crosse County shall appoint a single point of contact for all matters related to a broadband network project. The County 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.

34.02 ELECTRONIC SUBMISSION OF APPLICATIONS

An applicant may sign and file all forms, applications and documentation related to a broadband network project electronically.

34.03 REVIEW OF APPLICATIONS

Notwithstanding any other provision in La Crosse County ordinances, resolutions, regulations, policies or practices to the contrary, the following process shall apply exclusively upon receiving a broadband network project application:

- (1) **Completeness review.** Upon receiving a broadband network project application La Crosse County shall:
- (a) Determine whether an application is complete and notify the applicant of the determination by the County in writing within 10 calendar days of receiving an application. If the County 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.
 - (b) If the County 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.

34.04 APPROVAL OR DENIAL OF COMPLETE APPLICATIONS

- (1) Within 60 calendar days of receiving an application that is complete, or considered complete under sub. (1), La Crosse County shall approve or deny the application and provide the applicant written notification of the approval or denial. If the County 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 La Crosse County denies an application, the written notification of the denial under sub. (1) shall include evidence that the denial is not arbitrary and capricious.

34.05 FEES

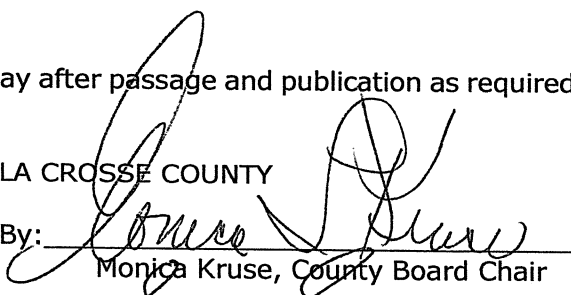
Any fee imposed by the County to review an application, issue a permit, or perform any other activity related to a broadband network project shall be reasonable. An application fee that exceeds \$100 is unreasonable.

34.06 INITIAL APPLICABILITY

The treatment of this ordinance first applies to applications received on or after the effective date of this ordinance.

Section 2. This Ordinance shall take effect the day after passage and publication as required by law.

LA CROSSE COUNTY

By: 
 Monica Kruse, County Board Chair

By: 
 Ginny Dankmeyer, County Clerk

PASSED: January 19, 2023
 PUBLISHED: January 25, 2023

STATE OF WISCONSIN
 COUNTY OF LA CROSSE

I, Ginny Dankmeyer, County Clerk of La Crosse County do hereby certify that this document is a true and correct copy of the original ordinance required by law to be in my custody and which the County Board of Supervisors of La Crosse County adopted at a meeting held on the 19th day of January 2023.


 Ginny Dankmeyer, La Crosse County Clerk