

# ORDINANCE 2021-ORD-001

## ORDINANCE FOR A BROADBAND READY COMMUNITY

- I. PURPOSE:** The Toombs County Board of Commissioners having determined that Broadband is essential to business, education, healthcare, agriculture and overall quality of life seek to promote the availability of Broadband to all of its citizens. In so doing, the Board seeks for Toombs County to be recognized as a Broadband Ready Community by establishing this Ordinance. Through which the process to bring Broadband infrastructure to its citizens is efficient and timely.
- II. ENACTMENT:** Toombs County Board of Commissioners hereby ordained that this ordinance was passed by the Toombs County Board of Commissioners and shall be enforced from and after said effective date. So adopted and approved by the Toombs County Board of Commissioners, Toombs County, Georgia this \_\_\_\_\_ Day of \_\_\_\_\_, \_\_\_\_\_.
- III. DEFINITIONS:**
- As used in this ordinance, “broadband network project” means any deployment of broadband services.
- As used in this ordinance, “Political subdivision” means a county,
- As used in the ordinance, “applicant” means a person applying for a permit for a broadband network project.
- As used in this ordinance, “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.
- As used in this ordinance, “business day” means a day in which the county government is operating and under no state of emergencies.
- As used in this ordinance, “de minimis” means leaving a pole and crossing no more than 20 feet to leave the County right-of-way and no crossing county, state, or federal roadway.

## **SECTION 1:**

### **Contact**

1. Toombs County, Georgia shall appoint a single point of contact for all matters related to a broadband network project:
  - a) The single point of contact documentation shall include:
    - i. County Manager
    - ii. John M. Jones
    - iii. Organization: Toombs County
    - iv. Phone Number: 912-526-3311
    - v. Email: [tccommissioners@bellsouth.net](mailto:tccommissioners@bellsouth.net)
  - b) The single point of contact shall be available for matters related to a broadband network project or a related liaison who may direct such inquiry in real time, with general scope and responsibilities to include permitting and right-of-way; and
  - c) The single point of contact information must be current to maintain designation, by updating with such change in contact information on web pages and associated sources, within 15 calendar days of change.

## **SECTION 2**

### **Application Review**

- a) Toombs County shall determine whether an application is incomplete and notify the applicant, by email, or the determination by Toombs County within 10 calendar days of receiving an application.
- b) If Toombs County does not respond to the applicant on whether their application is incomplete, within 10 business days, the application shall be assumed to be complete on the 11<sup>th</sup> day.

## **SECTION 3**

### **Notification**

- a) If the Toombs County determines that an application is not complete, the notification by email to the applicant shall specify all required components of the submitted application that were considered 'incomplete';
- b) The Toombs County's response shall include a checklist of sequenced items that resulted in the application being deemed 'incomplete' and the review timeline shall be as follows:
  - i. The applicant has up to 40 calendar days from the date of notification of incompleteness to respond back with corrections; and

- ii. If the applicant does not respond back within 40 calendar days, the application is deemed canceled.
- c) If within 10 business days the Toombs County does not respond to the applicant on whether the corrected application is incomplete, the application shall be assumed to be complete on the 11<sup>th</sup> day; and
- d) The Toombs County shall require a new submission and reset the process and application fees, should an application be deemed incomplete a second time.

#### **SECTION 4**

##### **Application Approval or Denial**

If, on or before the 11<sup>th</sup> day as described in 2 (b), an application is deemed complete, the Toombs County shall approve or deny an application within 10 calendar days unless a joint meeting between the applicant and the Toombs County is deemed as necessary.

- a) If a joint meeting is deemed necessary, the joint meeting must occur within 15 calendar days of notification and the joint meeting shall include:
  - i. Where applicant is going to conduct work,
  - ii. When the work will be conducted,
  - iii. What type of work will be done,
  - iv. Who the Toombs County can contact for specific details or related questions, and,
  - v. Any permit seeking approval under application.
  - vi. Following a joint meeting between the applicant and the Toombs County, the Toombs County shall deny or approve the application within 10 calendar days.
- b) Upon final approval, any required permit permitted shall be deemed issued.

#### **SECTION 5**

##### **Fees:**

- a) Any fee imposed by Toombs County to review an application, issue a permit, or perform any other activity related to a broadband network project shall be reasonable, cost based, and nondiscriminatory to all applicants.
- b) Any application fee that exceeds \$100.00 shall be considered unreasonable unless Toombs County can provide documentation justifying such fee based on a specific cost.

**SECTION 6**

**Other Information:**

- a) **Application Validity Timeline:** Any approved application shall be valid for six months from the date of approval. Should a provider not commence the service request qualified in the approved application within six months, the application shall expire, and it shall require a new permit approval and any associated fees, as applicable.
- b) **Single Service Drop:** A City or County shall not require a permit for a broadband service provider to perform an installation of broadband service at an individual customer's service address as long as the facility being utilized only transverses a de minimis portion of the public right-of-way to reach the customer's property. The provider must still identify to the location and comply with the provisions of Chapter 9 of Title 25 of the O.C.G.A.

**SECTION 7**

**Toombs County acknowledges:**

- a) A Georgia Certified Broadband Ready Community has an affirmative duty to notify the Georgia Department of Community Affairs of any changes to the information submitted as part of its application; and
- b) Failure to notify Georgia Department of Community Affairs of changes may result in revocation of Toombs County's Broadband Ready Certification, should the certification be granted.

This ordinance shall take effect immediately upon adoption by the governing body upon final reading.

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David Sikes  
Chairman  
Toombs County, Georgia