

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF HOGANSVILLE TO AMEND THE CODE OF THE CITY; TO DEFINE BROADBAND NETWORK PROJECTS; TO ESTABLISH A SINGLE POINT OF CONTACT, AN APPLICATION AND REVIEW PROCESS AND TIMELINE FOR SUCH PROCESS; TO ADOPT THOSE PARAMETERS NECESSARY FOR DESIGNATION AS A BROADBAND READY COMMUNITY; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE COUNCIL OF THE CITY OF HOGANSVILLE HEREBY ORDAINS:

SECTION 1:

The Code of Ordinances of the City of Hogansville be amended by inserting within Chapter 98 a new Article V to be entitled "Broadband Ready Community" and to read as follows:

"Sec. 98-200. - 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, municipal corporation, consolidated government, or local authority.

As used in this 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.

Sec. 98-201. - Single Point of Contact.

The City of Hogansville, 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;

David Milliron, City Manager
City of Hogansville
400 East Main Street
Hogansville GA 30230
706-637-8629
david.milliron@cityofhogansville.org
www.cityofhogansville.org

- (b) The single point of contact shall be available for matters related to 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.

Sec. 98-202. - Application Completeness Review.

- (a) The City of Hogansville shall determine whether an application is incomplete and notify the applicant, by email, of the determination by the City of Hogansville within 10 calendar days of receiving an application.
- (b) If the City of Hogansville does not respond to the applicant on whether the application is incomplete, within 10 calendar days, the application shall be assumed to be complete on the 11th day.

Sec. 98-203. - Notification of Incomplete Application.

- (a) If the City of Hogansville 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 City of Hogansville'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:
 - (1) The applicant has up to 40 calendar days from the date of notification of incompleteness to respond back with corrections; and
 - (2) If the applicant does not respond back within 40 calendar days, the application is deemed canceled.
- (c) If within 10 calendar days the City of Hogansville does not respond to the applicant on whether the corrected application is incomplete, the application shall be assumed to be complete on the 11th day; and
- (d) The City of Hogansville shall require a new submission and reset the process and application fees, should an application be deemed incomplete a second time.

Sec. 98-204. - Approval or Denial Notification.

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

- (a) If a joint meeting is deemed necessary, the joint meeting must occur within 15 calendar days of notification of completion and the joint meeting shall include:
 - (1) Where applicant is going to conduct work;
 - (2) When the work will be conducted;
 - (3) What type of work will be done;
 - (4) Who the City of Hogansville can contact for specific details or related questions; and
 - (5) Any permit seeking approval under application.

- (b) Following a joint meeting between the applicant and the City of Hogansville, the City of Hogansville shall deny or approve the application within 10 calendar days.
- (c) Upon final approval, any required permit permitted shall be deemed issued.

Sec. 98-205. - Related Fees.

- (a) Any fee imposed by City of Hogansville 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 City of Hogansville can provide documentation justifying such fee based on a specific cost.

Sec. 98-206. - Other Information.

- (a) **Double Fee:** The city shall not require an application or permit(s) when already approved by an authorized state or federal jurisdiction. Provider shall notify and provide a copy of the approved permit to the single-point-of-contact prior to access of right-of-way within the city.
- (b) **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.
- (c) **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 comply with the provisions of Chapter 9 of Title 25 of the O.C.G.A.
- (d) The City of Hogansville acknowledges:
 - (1) 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
 - (2) Failure to notify Georgia Department of Community Affairs of changes may result in revocation of the City of Hogansville's Broadband Ready Certification, should the certification be granted."

SECTION 2:

All ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be and the same are hereby repealed.

SECTION 3:

This ordinance, after adoption by the Council and upon approval by the Mayor, shall become effective immediately.

INTRODUCED AND FIRST READING _____

SECOND READING AND ADOPTED/REJECTED _____

SUBMITTED TO MAYOR AND APPROVED/DISAPPROVED _____

BY: _____
Mayor

ATTEST: _____
Clerk