

RESOLUTION NO. 2022-__

**AN ORDINANCE FOR A BROADBAND READY COMMUNITY FOR
BEN HILL COUNTY GEORGIA**

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.

(1) Single Point of Contact.

Ben Hill 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. Title: County Manager
 - ii. Name: Michael Dinnerman
 - iii. Phone Number: (229) 426-5100
 - iv. Email: mike.dinnerman@benhillcounty-ga.gov
 - v. Website: www.benhillcounty-ga.gov
- 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 the designation by updating with such change in contact information on web pages and associated sources within 15 calendar days of the change.

(2) Application Completeness Review.

- a) Ben Hill County shall determine whether an application is incomplete and notify the applicant by mail of the County's determination within 10 calendar days of receiving an application.
- b) Ben Hill County 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.

(3) Notification of Incomplete Application.

- a) If Ben Hill 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) Ben Hill County 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 with corrections; and
- ii. If the applicant does not respond within 40 calendar days, the application is deemed canceled.
- c) If within 10 calendar days the Ben Hill County 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) Ben Hill County shall require a new submission and reset the process and application fees, should an application be deemed incomplete a second time.

(4) Approval or Denial Notification.

- a) If, on or before the 11th day as described in 2 (b), an application is deemed complete, the Ben Hill County shall approve or deny an application within 10 calendar days unless a joint meeting between the applicant and the Ben Hill County is deemed as necessary. If a joint meeting is deemed necessary, the joint meeting must occur within 15 calendars days of notification of completion, and the joint meeting shall include:
 - i. Where the applicant is going to conduct work,
 - ii. When the work will be performed,
 - iii. What type of work will be done,
 - iv. Who Ben Hill County can contact for specific details or related questions, and
 - v. Any permit seeking approval under the application.
 - i. Following a joint meeting between the applicant and Ben Hill County, Ben Hill County shall deny or approve the application within 10 calendar days.
- b) Upon final approval, any required permit permitted shall be deemed issued.

(5) Related Fees.

- a) Any fee imposed by Ben Hill 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 Ben Hill County can provide documentation justifying such fee based on a specific cost.

(6) Other Information.

- a) **Double Fee:** No City or County shall 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 at the City or County prior to access right-of-way within the County jurisdiction.
- 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. It shall require a new permit approval and any associated fees, as applicable.
- c) **Single Service Drop:** The County shall not require a permit for a broadband service provider to install broadband service at an individual customer's service address as long as the facility being utilized only transverses a de minimus 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.

(7) Ben Hill 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 the Georgia Department of Community Affairs of changes may result in revocation of Ben Hill County's Broadband Ready Certification, should the certification be granted.
- (8) This ordinance shall take effect immediately upon adoption by the governing body upon final reading.

PASSED AND SO ORDERED, this 5th day of **July**, 2022.

Steve Taylor, Chairman
Ben Hill County

Attest:

Donna R. Prather, County Clerk