

ORDINANCE 2021 - 01

AN ORDINANCE QUALIFYING THE CITY OF SYLVESTER FOR CERTIFICATION AS A BROADBAND READY COMMUNITY

WHEREAS, the City Council of Sylvester believes it to be in the best interest and welfare of the citizens to promote the deployment of broadband services by broadband services providers, and towards that end, to seek certification of the City of Sylvester as a Broadband Ready Community.

BE IT ORDAINED, based on the above and foregoing, Chapter 94 (Utilities) of the Code of Sylvester, Georgia is amended to add Article VII, as follows:

ARTICLE VI: BROADBAND READY COMMUNITY

Sec. 94-430. - Definitions

As used in this ordinance, “broadband network project” means any deployment of broadband services.

As used in this ordinance, “political subdivision” means City of Sylvester, Georgia (hereafter, “Sylvester”).

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. 94-431. - Single Point of Contact.

Sylvester hereby appoints the City Manager as a single point of contact for all matters related to a broadband network project:

- a) The single point of contact documentation shall include;

**Autron Hayes or his successor
City Manager, City of Sylvester, Georgia
101 N. Main Street
P.O. Box 370
Sylvester, Georgia 31791
(229) 776-8505 (Office)
(229) 776-8519 (Fax)
ahayes@cityofsylvester.com**

- 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 14 calendar days of change.

Sec. 94-432. - Application Completeness Review.

- a) Sylvester shall determine whether an application is incomplete and notify the applicant, by email, of the determination by Sylvester within 14 calendar days of receiving an application.
- b) If Sylvester does not respond to the applicant on whether the application is incomplete, within 14 calendar days, the application shall be assumed to be complete on the 15th day.

Sec. 94-433. - Notification of Incomplete Application.

- a) If Sylvester 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) Sylvester’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 cancelled.
- c) If within 10 calendar days Sylvester 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) Sylvester shall require a new submission and reset the process and application fees should an application be deemed incomplete a second time.

Sec. 94-434. - Approval or Denial Notification;

If, on or before the 11th day as described in Sec. 94-433. (b), an application is deemed complete, Sylvester shall approve or deny an application within 10 calendar days unless a joint meeting between the applicant and Sylvester 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:
 - i) Where the applicant is going to conduct work;
 - ii) When the work will be conducted;
 - iii) What type of work will be done;
 - iv) Who Sylvester 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 Sylvester, Sylvester shall deny or approve the application within 10 calendar days.
- b) Upon final approval, any required permit permitted shall be deemed issued.

Sec. 94-435. - Related Fees.

- a) Any fee imposed by Sylvester 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) As set forth in O.C.G.A. §50-40-42(a), any application fee that exceeds \$100.00 (or such other amount as may be deemed maximum reasonable amount in the event O.C.G.A. §50-40-42(a) is so amended) shall be considered unreasonable unless Sylvester can provide documentation justifying such fee based on specific cost.

Sec. 94-436. - Other Information.

- a) **Double Fee:** Sylvester 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 at the County prior to access of right of way within the County's 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, and it shall require a new permit approval and any associated fees, as applicable.
- c) **Single Service Drop:** Sylvester 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 deminimis 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.

Sec. 94-437. - Sylvester acknowledges:

- a) Sylvester, as 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 Sylvester's Broadband Ready Certification, should the certification be granted.

Sec. 94-438 to Sec. 94-439 Reserved

Otherwise, the Code of Sylvester, Georgia shall remain in full force and effect.

This ordinance shall take effect immediately upon adoption by the City Council upon final reading.

SO ORDAINED, this _____ day of February, 2021.

**CITY COUNCIL,
CITY OF SYLVESTER, GEORGIA**

Charles Jones
Mayor, Sylvester, Georgia

Walter Dupree, Councilman

ATTEST:

Isaac Jackson, Councilman

Carolyn Williams
City Clerk, Sylvester, Georgia

Mark Giddens, Councilman

First Reading: _____

Second Reading: Waived unanimously pursuant to Rule 12 of Section 2-31. of the Code of Sylvester, Georgia