

**COUNTY OF DADE
STATE OF GEORGIA**

ORDINANCE NO. 04 – 04 – 19

**AN ORDINANCE IMPLEMENTING RULES AND PROCEDURES FOR A
BROADBAND READY COMMUNITY**

WHEREAS, the Board of Commissioners of Dade County, Georgia, is the local governing authority for Dade County, Georgia;

WHEREAS, the Georgia General Assembly has found a growing need to remove obstacles to providing the necessary infrastructure to the homes and businesswise without access to broadband services due to their location in rural and other underserved areas;

WHEREAS, the General Assembly has declared that ensuring broadband services deployment will have a positive effect on education, health care, public safety, business and industry, government services, and leisure activities throughout the entire state;

WHEREAS, the General Assembly accordingly adopted the Achieving Connectivity Everywhere Act (OCGA 50-39-40 et seq.), to encourage access to Broadband services throughout the State;

WHEREAS, the Board of Commissioners of Dade County, Georgia, further finds and declares that the deployment of broadband services throughout the County to be in the interests of protecting and preserving the public health, safety, and welfare of its citizens; and

WHEREAS, the Board of Commissioners of Dade County, Georgia, deems that becoming a Broadband Ready Community to be in the interests of the public health, safety, and welfare of its citizens.

NOW, THEREFORE, BE IT ENACTED by the Board of Commissioners of Dade County, Georgia, as follows:

SECTION I
Definitions

For purposes of this ordinance, the terms below shall have the following meanings:

“Broadband network project” means any deployment of broadband services.

“Political subdivision” means a county, municipal corporation, consolidated government, or local authority.

“County” means Dade County, Georgia.

“Applicant” means a person applying for a permit for a broadband network project.

“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.

SECTION II

Requirements

(1) Single Point of Contact.

The point of contact for all matters relating to a broadband network project within the unincorporated areas of the County shall be as follows:

- a) The single point of contact for the County shall be:
 - i. Chairperson/County Executive to the Board of Commissioners of Dade County, Georgia
 - ii. Name: Mr. Ted Rumley
 - iii. Organization: Board of Commissioners of Dade County, Georgia
 - iv. Phone number: 706-657-4625
 - v. Point of Contact email: trumley@dadecounty-ga.gov
 - vi. Organization Website: <http://dadecounty-ga.gov/172/County-Commissioners>
- b) The single point of contact shall be available for matters related to a broadband network project or a related liaison and 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 shall be updated within 15 calendar days of any changes thereto.

(2) Application Completeness Review.

- a) The County shall determine whether an application is incomplete and notify the applicant, by email, of the determination by the County within 10 calendar days of receiving an application.
- b) If the 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 the 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 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 calendar days the 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) The 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.

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

- a) 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 applicant is going to conduct work,
 - ii. When the work will be conducted,
 - iii. What type of work will be done,
 - iv. Who the County can contact for specific details or related questions, and
 - v. Any permit seeking approval under application.
 - vi. Following the joint meeting, the 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 the 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) The application fee shall be as set by the County, but in no case shall the fee exceed \$100.00, unless documentation is provided justifying such a fee based on a specific cost.

(6) Other Information.

- a) **Double Fee:** The County 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.
- 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 the County 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 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.

(7) The County acknowledges:

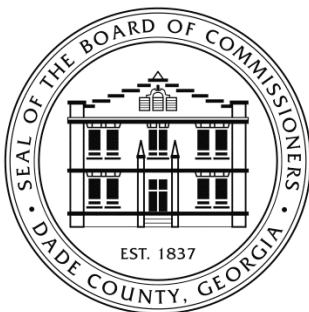
- a) A Georgia Certified Broadband Ready Community has an affirmative duty to notify the Georgia Department of Community Affairs of any changes to the information submitted as part of its application; and
- b) Failure to notify Georgia Department of Community Affairs of changes may result in revocation of the 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.

PROPOSED AND FIRST READING took place on the 7th day of March 2019.

SECOND READING AND ADOPTION took place on the 4th day of April 2019.

**BOARD OF COMMISSIONERS
DADE COUNTY, GEORGIA**



BY: _____
TED RUMLEY
Chairperson/County Executive

ATTEST:

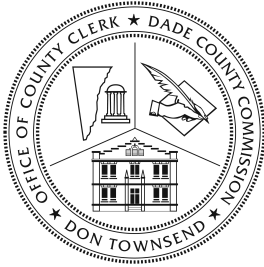
BY: _____
DON TOWNSEND
County Clerk

Dade County, Georgia

CLERK'S CERTIFICATE

I, Don Townsend, County Clerk of Dade County Board of Commissioners, do hereby certify that the foregoing Ordinance constitutes a true and correct copy of the Ordinance, adopted on March 7, 2019 and April 4, 2019, by the Dade County Board of Commissioners. After due notice was given in accordance with law; and the Commission being duly called and assembled, at which a quorum was present, the Dade County Board of Commissioners did adopt the attached Ordinance, the original appearing as a public record in the Minute Book of said Commission which is in my custody and control.

Given under my hand and the Seal of Dade County this 4th day of April 2019.



Patrick D. Townsend, Jr.
County Clerk
Dade County, Georgia