

The following EXAMPLE, drafted by a fellow Tennessee community, is available to assist political subdivisions in drafting their own ordinance or policy. This example should be used for informational purposes only and does not constitute legal advice. Political subdivisions should consult with their legal counsel concerning the appropriate approach for their respective communities to customize as necessary to comply with any local laws, rules, procedures or policies.

SAMPLE BROADBAND READY COMMUNITIES ORDINANCE

Whereas, (County Name), Tennessee finds that broadband internet availability in the County is of critical importance to all people living, visiting, and doing business in (County Name), Tennessee, and

Whereas, the Tennessee State Legislature recently created the ability for Tennessee communities to be designated as "Broadband Ready Communities" through the Tennessee Department of Economic and Community Development, and

Whereas, (County Name), Tennessee seeks to promote private investment in broadband infrastructure, and

Whereas, (County Name), Tennessee seeks to be designated as a Broadband Ready Community pursuant to Tennessee Public Chapter 228, 4-3-709.,

Public Chapter 228, S 4-3-709

(a)(1) A political subdivision may apply to the department of economic and community development for designation as a "broadband ready community" pursuant to guidelines established by the department. The guidelines for designation must include a requirement that the political subdivision has adopted an efficient and streamlined ordinance or policy for reviewing applications and issuing permits related to projects relative to broadband services.

NOW THEREFORE, BE IT ENACTED BY THE GOVERNING BODY OF THE COUNTY OF _____, THAT:

AN ORDINANCE FOR A BROADBAND READY COMMUNITY

Section 1. As used in this chapter, "permit" means any local permit, license, certificate, approval, registration, or similar form of approval required by policy, administrative rule, regulation, or ordinance with respect to a project.

Section 2. As used in this chapter, "project" means the construction or deployment of wireline or wireless communications facilities to provide communications services in a unit.

Section 3: Notwithstanding any other provision of (County Name)'s ordinance, the following shall apply to a project:

(1) (County Name), Tennessee has:

(A) Adopted an efficient and streamlined policy for reviewing applications and issuing permits related to projects relative to broadband services.

(B) Appointed a single point of contact in the (*County Name*) for all matters related to a broadband project;

(C) Established procedures to allow all forms, applications, and documentation related to a project be reviewed and either approved or denied within thirty (30) business days after the application is submitted; and to allow the project to be filed or submitted and signed by electronic means, where possible;

(2) (*County Name*) will not:

(A) Require an applicant to designate a final contractor to complete a project;

(B) Impose an unreasonable fee for reviewing an application or issuing a permit for a project. The fee will not exceed one hundred dollars (\$100);

(C) Impose a seasonal moratorium on the issuance of permits for projects; and

(D) Discriminate among communications services providers or utilities with respect to any action related to a broadband project, including granting access to public rights-of-way, infrastructure and poles, and any other physical assets owned or controlled by the political subdivision

(3) (*County Name*) acknowledges that:

(A) Tennessee Certified Broadband Ready Community has an affirmative duty to notify the Tennessee Economic and Community Development Department (TNECD) of any changes to the information submitted as part of its application.

(B) Failure to notify TNECD of changes may result in revocation of (*County Name*)'s Broadband Ready Certification.

Section 4. This ordinance shall take effect immediately upon adoption by the governing body upon final reading, the public welfare requiring.

PASSED AND SO ORDERED, this ____ day of _____, 2017.

(*Mayor's Name*)
Mayor
(*County Name*)