

ORDINANCE NO. 2021-03

**AN ORDINANCE
OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF CARROLL
AUTHORIZING A PROCEDURE AND CONDITIONS FOR REVIEW OF
APPLICATIONS AND ISSUANCE OF PERMITS FOR BROADBAND
INFRASTRUCTURE PROJECTS**

Findings

The Board of Commissioners of the County of Carroll (the "Board") desires to promote private investment in broadband infrastructure in Carroll County. In pursuit of such investment, the Board desires that an application for certification of Carroll County as a Broadband Ready Community be submitted pursuant to Indiana Code chapter IC 5-28-28.5. The Board finds that IC 5-28-28.5-7 (the "statute") requires any unit which wishes to be certified as a Broadband Ready Community to establish a procedure to review applications and issue permits for broadband infrastructure projects. The Board further finds that the statute requires that the procedure established by the unit must contain specific components and precludes specifically prohibited requirements and practices. In exercise of the power of Home Rule for Carroll County, Indiana, the Board now finds that it is necessary and desirable to adopt the following ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CARROLL, OF THE STATE OF INDIANA, AS FOLLOWS:

Section 1. The Carroll County Code is hereby amended by the addition of a new chapter, Chapter 112, entitled "Broadband Infrastructure Projects", as follows:

CHAPTER 112: BROADBAND INFRASTRUCTURE PROJECTS

Section

- 112.01 Definitions
- 112.02 Applications, Review and Permits
- 112.03 Process, Forms and Prohibited Practices.

§ 112.01 DEFINITIONS.

As used in this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PROJECT. Construction or deployment of wireline or wireless communications facilities to provide communications services as defined by IC 8-1-32.5-3 in a unit.

PERMIT. 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 project.

DIRECTOR. Executive Director of the Area Plan Commission of Carroll County.

§ 112.02 APPLICATIONS, REVIEW, PERMITS.

(A) The provisions of this chapter shall apply to a project under this chapter exclusive of all other permitting processes of Carroll County.

(B) The Director is hereby designated Carroll County's single point of contact for all matters related to a project.

(C) All forms, applications, and documentation required for projects under this section shall be created to be filed and signed by electronic means.

(D) The Director shall review and approve or reject all applications for a permit related to a project within ten (10) business days after an application is filed or submitted.

(E) The Board gives its assurance that all inspections, including any necessary approvals, related to a project will occur in a timely and expeditious manner.

§ 112.03 PROCESS, FORMS AND PROHIBITED PRACTICES.

(A) The Director shall recommend the procedure and forms to implement this chapter. The procedure and forms shall be submitted to and subject to the approval of the Board and Area Plan Commission of Carroll County prior to use for a project.

(B) The procedure and forms may not do the following:

(1) Require an applicant to designate a final contractor to complete a project.

(2) Impose a fee to review an application or issue a permit for a project.

(3) Impose a seasonal moratorium on the issuance of permits for a project.

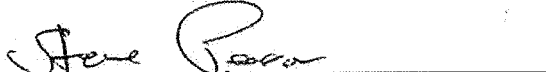
(4) Discriminate among communications service providers or utilities with respect to any action described in this section or otherwise related to a project, including granting access to public rights-of-way, infrastructure and poles, river and bridge crossings, and any other physical assets owned or controlled by Carroll County.

Section 2. This ordinance shall be effective upon its adoption and publication.

ADOPTED this 21 day of June 2021.

BOARD OF COMMISSIONERS OF CARROLL COUNTY, INDIANA


William R. Brown, Chairman


Steve Pearson


Loren Hylton

ATTEST:


Beth L. Myers, Auditor