Cumberland Town Council

Ordinance 2018-13

AN ORDINANCE ADOPTING BROADBAND READY COMMUNITY PROCEDURES

Whereas, the Town of Cumberland seeks to promote private investment in broadband infrastructure; and

Whereas, the Town of Cumberland seeks to be designated as a Broadband Ready Community pursuant to IC 5-28·28.5; and

Whereas, in order to qualify for this designation the town needs to establish procedures for the review broadband projects and permits;

Therefore, it is ordained that Section 00·09·95·63 be amended as follows to regarding broadband projects and permits and Section 00·09·95·64 and Section 00·09·95·65 be deleted and these sections shall read as follows:

“§ 00·09·95·63 PERMIT FOR CONSTRUCTION OF NEW WIRELESS SUPPORT STRUCTURES

(A) Definitions. As used in this Section, the following definitions apply:

“Permit” shall mean 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.

“Project” shall mean the construction or deployment of wireline or wireless communications facilities to provide communications services (as defined in IC 8-1-32.5-3) in a unit.
(B) Notwithstanding any other provision of the Town of Cumberland’s ordinances, regulations, policies, or practices the following shall apply to a project:

(1) The Town Manager or his/her designee will oversee all matters related to a project;

(2) All necessary forms, applications, or documents related to a project may be submitted or filed and signed by electronic means;

(3) The Town Manager or his/her designee shall review and either approve or reject all applications for a permit related to a project within ten (10) business days after an application is filed or submitted;

(4) Once a project is approved in accordance with subsection (A(3)) above, all inspections, including any additional necessary approvals, related to a project will occur in a timely expeditious manner.

(C) The Town of Cumberland shall adopt the following process and procedures to implement the provisions above.

(1) The Town Manager or his/her designee shall provide prescribed application forms at the request of a project manager. Submittals should be accompanied with maps of locations, profiles, and technical specifications as required on the appropriate applications;

(2) Upon receipt of a broadband project permit, the application will be forwarded to the Town Manager or his/her designee for review;

(3) The Town Manager or his/her designee will contact the applicant with any deficiencies as soon as possible;

(4) As with other cuts or excavations for installation of utilities, applicants shall comply with Section 00-09-95-61 of the Town Code;

(2) Processes and procedures established in this section hereunder may not do the following:

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

(b) Impose a fee to review an application or issue a permit for a project;

(c) Impose a seasonal moratorium on the issuance of permits for a project;
(d) 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 the Town of Cumberland.

It is further ordained that this ordinance shall be effective upon adoption.

It is further ordained that all other provisions of the Cumberland Code of Ordinances which are not specifically amended by this ordinance shall remain in full force and effect. If any part of this ordinance is determined to be unenforceable, the remaining provisions of the ordinance remain in effect.

Adopted this 20th day of June, 2018.

Cumberland Town Council:

Anna Pea, President

Joe Seifker, Vice-President

Brian Gritter, Member

Nicole Bell, Member

Aaron Cutshaw, Member