

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HELENA,  
ALABAMA, TO PROVIDE REGULATION ON BROADBAND  
Ordinance 898-2022**

**Section One.** The intent of Broadband Regulations for the City of Helena, Alabama is to:

1. Define broadband and the benchmarks it must meet on new construction and/or reinstallation.
2. Provides dedicated fiber for any line laid to the City of Helena, Alabama.

**Section Two.** The Zoning and Ordinance of the City of Helena, Alabama, is hereby amended to add the Definition to Article IV:

1. BROADBAND – An internet connection that meets or exceeds the FCC benchmark for upload and download speeds.

**Section Three.** The Zoning Ordinance of the City of Helena, Alabama, is hereby amended to add the following as Article XXV U-3 BROADBAND:

**“ARTICLE XXV U-3 BROADBAND”**

**Section 1. General Regulations and Requirements**

1. Broadband infrastructure shall be required for all residential developments. Broadband infrastructure shall be inspected and approved by the City of Helena prior to final plat approval with the Helena Planning and Zoning Commission.
2. Any new development and/or at time of negotiation of existing franchise agreement a dedicated fiber buffer shall be given to the City of Helena, Alabama at time of installation.

**Section 2. Severability**

If any portion or provision of this Ordinance, or its application to any person or circumstance, shall be declared unconstitutional or otherwise declared void, voidable, or invalid for any reason or should any portion be pre-empted by State or Federal law or regulation, such portion or provision shall be deemed severed, and any such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 3. Effective Date**

This Ordinance shall become effective immediately upon its adoption and publication as required by law.

**Ordinance Number 898-2022**

[CONFIDENTIAL]

**APPROVED AND ADOPTED THIS 22<sup>nd</sup> DAY OF AUGUST, 2022.**

[SEAL]

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J. Brian Puckett, Mayor

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Leigh Hulsey, Council Member

ATTEST:

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Chris VanCleave, Council Member

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Alice Lobell, Council President

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Amanda C. Traywick, City Clerk

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Laura Joseph, Council Member

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Harold Woodman, Council Member

**STATE OF ALABAMA**

[CONFIDENTIAL]

## **SHELBY COUNTY**

I, Amanda C. Traywick, City Clerk of the City of Helena, do hereby certify that the above is a true correct copy of Ordinance Number 898-2022 duly adopted by the Council of the City of Helena at its meeting held 22<sup>nd</sup> day of August, 2022, and as same appears of record in the ordinance records of said City, and approved by the Mayor and City Council on 22<sup>nd</sup> day of August, 2022.

Given under my hand and corporate seal of the City of Helena, this the 22<sup>nd</sup> day of August, 2022.

[SEAL]

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Amanda C. Traywick, City Clerk

**CERTIFICATION**

[CONFIDENTIAL]

I, Amanda C. Traywick, the duly appointed and acting Clerk of the City of Helena, Alabama, do hereby certify that the within Ordinance Number 898-2022 is a true copy as recited in the said City Clerk's Minute Book and posted by me as provided by law in three public places in said City, being on the bulletin board of the City Hall, on our website [www.cityofhelena.org](http://www.cityofhelena.org), and in the Helena Public Library in said City, that said Ordinance shall become a duly lawful Ordinance of said City on the 22<sup>nd</sup> day of August, 2022, five or more days after the posting of the same as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 22<sup>nd</sup> day of August, 2022.

[SEAL]

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Amanda C. Traywick, City Clerk

[CONFIDENTIAL]