

BILL NO. 1636

ORDINANCE NO. 1269-23-04

**AN ORDINANCE AMENDING CHAPTER 105 BOARD OF PUBLIC WORKS BY
CREATING A NEW SECTION 105.190 – ATTACHMENTS TO POWER POLES**

WHEREAS, as a matter of federal law, municipally owned electric utilities are exempt from the federal pole attachment regulatory structure set forth in 47 U.S.C. § 224.

AND WHEREAS, in 2014 Missouri enacted Section 67.5104 of the Missouri Revised Statutes, which imposes regulation on municipal pole attachment practices in Missouri.

AND WHEREAS pursuant to the provisions of State Law, the City of Palmyra has promulgated a "master license agreement" that establishes the general terms and conditions governing an outside party's attachment of communications wires, cables, and other facilities, to a utility's poles, and further then provides for individual licenses.

AND WHEREAS the Palmyra City Council has determined that all such actions are within their reasonable police powers, within their powers as a constitutional charter city, and as allowed by Missouri State law, and that further it is reasonable and necessary for the safety and welfare of the citizens of Palmyra, for the City to require that all third party entities that attach to power poles of the City of Palmyra be required to obey the master license agreement and to enter into individual permits therewith.

NOW THEREFORE, be it Ordained by the City Council of the City of Palmyra:

Section 1. That the ordinances of the City of Palmyra are hereby amended to include a new Section 105.190 – ATTACHMENTS TO POWER POLES.

Section 2. That said Section 105.190 is hereby enacted as follows:

Section 105.190. Attachments to Power Poles

1. The Palmyra Board of Public Works Municipal Pole Attachment Agreement is hereby adopted as the official license agreement of the City of Palmyra regarding attachments to Power Poles of the Palmyra Board of Public Works.
2. That no third party utility or other party shall be allowed to attach to the power poles of the City of Palmyra, unless they have entered into an individual license agreement as provided with the said official license agreement.

3. That the provisions of said agreement are hereby further adopted as binding upon any third party attaching to the power poles of the City of Palmyra, and all provisions therein regarding required moving, removal, modification of attachments or any other provision therein shall be binding upon any such said third party.

Section 3. It hereby is declared to be the intention of the City Council that each and every part, portion and sub-portion of this Ordinance shall be separate and severable from each and every other part, portion or sub-portion hereof and that the City Council intends to adopt each said part, portion or sub-portion separately and independently of any other part, portion or sub-portion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and sub-portions shall be and remain in full force and effect.

Section 4. All ordinances and parts of ordinances in conflict with this ordinance, in so far as they conflict, are hereby repealed.

Section 5. That this Ordinance shall be in full force and effect from and after its passage and approval.

FIRST READING March 2, 2023

SECOND READING March 16, 2023

APPROVED March 16, 2023



Alan R. Adrian, Mayor

Attest: Deena L. Parsons

Deena L. Parsons, City Clerk

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