

ORDINANCE NO. 13,552

AN ORDINANCE to amend the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, and amended by Ordinance No. 11,931, passed February 1, 1993, by repealing subsection (b) of Section 26-56, thereof and enacting a new subsection (b) of Section 26-56, and by enacting a new paragraph (4) in Section 26-57, providing an exemption for governmental entities and agencies from the license fee, insurance, and bond requirements for issuance of communications licences.

Be It Ordained by the City Council of the City of Des Moines,

Iowa:

Section 1. That the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, and amended by Ordinance No. 11,931, passed February 1, 1993, be and is hereby amended by repealing subsection (b) of Section 26-56 thereof and enacting a new subsection (b) of Section 26-56, and by enacting a new paragraph (4) in Section 26-57, providing an exemption for governmental entities and agencies from the license fee, insurance, and bond requirements for issuance of communications licenses, as follows:

**26-56. LICENSE FEES.**

----- (b) The following communications systems shall be exempt from the use fee requirements:

(1) Local exchange systems either operated pursuant to authority granted by the state of Iowa or operated in competition with another local exchange system provided the other system is operated pursuant to authority granted by the state of Iowa. For the purposes of this subsection, the term "competition" shall have the meaning ascribed to the term in section 476.1, 1985 Code of Iowa.

(2) Long distance systems.

(3) Communications systems franchised by the city or used for a purpose accessory and subordinate to the conduct of a utility franchised by the city.

(4) Communications systems owned and operated by governmental entities or agencies for the purpose of providing communications services to governmental users for governmental purposes.

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**26-57. HOLD HARMLESS; INSURANCE; BOND.**

It shall be a term and condition of any license issued pursuant to this article that, as part of the consideration supporting the issuance of such license and the city's permission thereby to occupy and use the public right-of-way of the city, the license shall assume the following obligations:

----- (4) Governmental entities or agencies which obtain a communications license to operate a communications system for the purpose of providing communications services to governmental users for governmental purposes shall be exempt from the insurance and bond requirements provided in paragraphs (2) and (3) above.

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Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Terrence L. Timmins

City Solicitor