

## ORDINANCE NO. 15,255

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by repealing Sections 26-700, 26-702, 26-712, 26-721 and 26-723 thereof, and enacting new Sections 26-700, 26-702, 26-712, 26-721 and 26-723, and by adding and enacting a new Section 26-703 regarding the operation of steam boilers and engines and the licensing of power engineers and firemen.

BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as amended by Ordinance No. 15,206 passed August 12, 2013, be and is hereby amended by repealing Sections 26-700, 26-702, 26-712, 26-721 and 26-723 thereof, and enacting new Sections 26-700, 26-702, 26-712, 26-721 and 26-723, and by adding and enacting a new Section 26-703 thereto, regarding the operation of steam boilers and engines and the licensing of power engineers and firemen, as follows:

**Sec. 26-700. License required.**

No person shall operate, control, or assume responsible supervision of any stationary or portable steam engine, any stationary or portable boiler or any appurtenance thereto, unless and until he or she is properly licensed as provided in this article. No owner, user, or agent of any owner or user of any such engine, boiler or appurtenance thereto shall cause, permit, or allow such to operate or be operated without first having determined that the person operating and the person in responsible charge thereof are in possession of proper and valid licenses for that purpose. An operator licensed in accordance with section 26-721 shall be on site during normal business operating hours or when the building is occupied at a percentage greater than 10% of the building rated occupancy.

**Sec. 26-702. Exemptions from article.**

This article shall not apply to the following:

1. Boilers of railway locomotives subject to Federal inspection.
2. Boilers operated and regularly inspected by railway companies operating in interstate commerce.
3. Boilers under the jurisdiction and subject to inspection by the United States government.
4. Heating boilers and potable water heaters in single family residences.
5. Agricultural machinery.
6. Any boiler or other steam generating apparatus not in excess of six boiler horsepower.

**Sec. 26-703. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. *Boiler* means a vessel in which water or other liquids are heated, steam or other vapors are generated, steam or other vapors are superheated, or any combination thereof, under pressure or vacuum by the direct application of heat.
2. *Boiler horsepower* is equivalent to 33,475 btuh, or for the purpose of this division, ten square feet of heating surface shall be taken as one boiler horsepower.
3. *Licensed operator* means any person holding a First Class Engineer, Second Class Engineer, Third Class Engineer, First Class Fireman or Second Class Fireman operating license issued by the City of Des Moines.

**Sec. 26-712. Appeal from action of board of examiners.**

- (a) Any person questioning the action of the board of examiners in refusing to grant a license because of failure to pass the prescribed examination or for other cause or who feels aggrieved by an order of revocation or suspension by the board of examiners may, within ten days from the board action complained of, appeal his or her case to the city council. The council shall then appoint a special board of examiners consisting of three persons holding first class engineer licenses in the city, which shall review the action complained of together with other evidence or facts pertaining to the action in question, after which it shall submit a finding of facts to the city council together with a recommendation in the premises.
- (b) After the report and recommendation has been filed, the city council shall either affirm or reverse the action of the board of examiners.
- (c) Compensation for the special board of examiners shall be at the same rate as for the regular board of examiners.

**Sec. 26-721. Work authorized by license.**

- (a) *Holder of first class engineer license.* A first class engineer license, unless restricted in any manner by the board of examiners, shall entitle the holder to take charge of any plant referred to in this article.
- (b) *Holder of second class engineer license.* A second class engineer license, unless restricted in any manner by the board of examiners, shall entitle the holder to take charge of any plant not exceeding a combined capacity of 200 plant horsepower or to act as a shift engineer in a first class plant under the supervision of a first class engineer in charge.
- (c) *Holder of third class engineer license.* A third class engineer license, unless restricted in any manner by the board of examiners, shall entitle the holder to take charge of and operate any plant not exceeding a combined capacity of 125 plant horsepower, except plants in which steam engines are operated, or to act as a shift fireman under the immediate supervision of a shift engineer holding first or second class license.
- (d) *Holder of first class fireman's license.* A first class fireman license, unless restricted in any manner by the board of examiners, shall entitle the holder

to take charge of and operate any heating plant of not more than a combined capacity of 75 plant horsepower, unless a qualified engineer is in charge and on duty.

- (e) *Holder of second class fireman's license.* A second class fireman license, unless restricted in any manner by the board of examiners, shall be limited to heating plants of not more than a combined capacity of 50 plant horsepower.

**Sec. 26-723. License application.**

- (a) Any person desiring to act as an engineer or fireman shall apply to the board of examiners for a license to do so.
- (b) The application referred to in subsection (a) of this section shall be in writing, on forms furnished for that purpose; shall be accompanied by the required fee in the amount set forth in the schedule of fees adopted by the City Council by resolution; and shall set out the applicant's name, age, place of residence, present place and position of employment and a complete record of his or her experience as an engineer or fireman, all of which information shall be vouched for by two citizens of the city or may be verified under oath by the applicant. Applications must be received by 4pm Thursday prior to test date to sit for the exam.

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

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 14-0158), passed by the City Council of said City at a meeting held January 27, 2014 signed by the Mayor on January 27, 2014 and published and provided by law in the Business Record on February 14, 2014. Authorized by Publication Order No. 8763.

Diane Rauh, City Clerk

