

★ **Roll Call Number**

**Agenda Item Number**

49

**Date** January 13, 2014

An Ordinance entitled, "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",

which was considered and voted for the first time upon under Roll Call No. 13- 1998 of December 23, 2013, again presented.

MOVED by \_\_\_\_\_ that this ordinance be considered and given second vote for passage.

(Second of three required readings)


COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRAY				
HENSLEY				
MAHAFFEY				
VOSS				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_ City Clerk

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> December 23, 2013
	<b>Agenda Item No.</b> 43 <b>Roll Call No.</b> [ 13-1998 ] <b>Communication No.</b> 13-606 <b>Submitted by:</b> Phillip Delafield, Community Development Director

**AGENDA HEADING:**

Amend steam and power operating equipment operators licensing requirements in Chapter 26 of the Municipal Code.

**SYNOPSIS:**

Approval of this action clarifies licensing requirements in Chapter 26 of Municipal Code for steam or power operating equipment operators. The proposed amendments clarify when licenses are required and when licensed personnel must be on site to monitor the operation of boilers and other equipment.

**FISCAL IMPACT: NONE**

**ADDITIONAL INFORMATION:**

The City of Des Moines Board of Power Engineer Examiners regulates the issuance of licenses for personnel who operate and maintain boilers and other equipment throughout the City. The Board has received communication from licensees indicating confusion associated with the current ordinance language. In response to this communication, the Board has proposed amending Municipal Code Chapter 26 to clarify when licensed operators are required and when licensed operators must be on site. The changes call for licensed operators to be employed for the operation of boilers in commercial buildings with equipment that exceeds 200,000 btu. The need for licensed operators comes from the potential hazards associated with pressure vessels of this size. The improper operation of a malfunctioning boiler has the potential to cause an explosion or injuries to building occupants. The proposed language clarifies that licensed operators are required to be on site during regular business hours and off hours when buildings are occupied at more than 10% of the rated capacity. For example, this will require operators to be on site for after hour school functions such as basketball games. The previous language indicated that licensed operators were required to be on site around the clock.

**PREVIOUS COUNCIL ACTION(S):**

Date: April 25, 2005

Roll Call Number: 05-1011

Action: Amending Chapter 26 of the Municipal Code to adopt 2003 International Building Code, 2003 International Existing Building Code, portions of the 2003 International Residential Code, 2003

International Mechanical Code, 2003 International Fuel Gas Code, 2005 National Electric Code, 2003 Uniform Plumbing Code, and miscellaneous amendments and reorganization. (Council Communication No. 05-219) Moved by Hensley that this ordinance be considered and given first vote for passage as amended; Article V- Plumbing Code, shall be removed and forwarded to City staff and the Licensing and Appeals Board for review and recommendation. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S):**

Board: Board of Power Engineer Examiners

Date: December 3, 2013

Action: Recommend amending City of Des Moines Municipal Code Chapter 26 Article VII as proposed.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).

13-1998  
43  
49

ORDINANCE NO. \_\_\_\_\_

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 ~~steam-boiler or other steam generating apparatus, 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 ~~other steam generating apparatus 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. state inspected boilers, to locomotives of common carriers, to mines and mining, to agricultural machinery, to any apparatus subject to

43  
49

the inspection laws of the United States, to miniature boilers used exclusively for process steam, or to any boiler or other steam generating apparatus not in excess of nine nominal horsepower when the safety valve is set to release at 15 pounds or less. For the purpose of this division, ten square feet of heating surface shall be taken as one nominal 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 ~~as engineers~~ 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 ~~license as~~ 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 ~~license as~~ 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.

13-1998  
43  
49

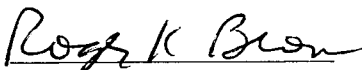
- (c) *Holder of third class engineer license. A ~~license as~~ third class engineer license, unless restricted in any manner by the board of examiners, shall entitle the holder to take charge of and operate any plant not exceeding a combined capacity of 125 plant horsepower, except plants in which steam 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 ~~license as~~ 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 ~~low pressure~~-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 ~~license as~~ a second class fireman license, unless restricted in any manner by the board of examiners, shall be limited to ~~low pressure~~-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 stationary-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

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