



Roll Call Number

Agenda Item Number

57

Date August 8, 2022

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 Article VII of Chapter 26, relating to Steam or Power Operating Equipment",

(Council Communication No. 22-354)

presented.

Moved by _____ that this ordinance be considered and given first vote for passage. Second by _____.

FORM APPROVED:

(First of three required readings)

Handwritten signature of Thomas G. Fisher Jr.

Thomas G. Fisher Jr. Deputy City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, SHEUMAKER, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

MOTION CARRIED

APPROVED

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Mayor

City Clerk

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 Article VII of Chapter 26, relating to Steam or Power Operating Equipment.

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

Section 1. That Article VII of Chapter 26, relating to Steam or Power Operating Equipment, of the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is repealed, as follows:

~~ARTICLE VII. STEAM OR POWER OPERATING EQUIPMENT~~

~~Division 1. Required Licenses and Reports~~

~~Sec. 26-700—26-799. License required~~Repealed by Ord. No --,---.

~~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. 26-701. Operator's report.~~

~~Any person owning, using or controlling the use of any engine, boiler or other apparatus coming under this division shall furnish annually to the mechanical section of the building safety division, at such time and in such form as shall be required by the board of power engineer examiners, a complete physical description and record of all such engines, boilers, or other apparatus and a complete roster of all employees engaged in any capacity in its operation, control or management. This roster shall include the name, residence address and license number of each person so engaged and shall be kept up to date by notice to the department within five days of when the name of any person is removed or added. The roster should identify which vessels the licensed operators are in charge of controlling/ maintaining/ operating.~~

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 BTU/h, 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.

Sees. 26-704—26-709. Reserved.

Division 2. Board of Power Engineer Examiners

Sec. 26-710. Board of power engineer examiners created.

- (a) There is created and established a board of power engineer examiners, referred to in this division as the "board of examiners."
- (b) The board of examiners shall be composed of six members.
- (c) Five members of the board of examiners shall be nominated by the mayor and appointed by the city council. The building official, or the official's designee, shall be an ex officio member. A majority of those appointed and serving on the board shall constitute a quorum for the conduct of business. Notwithstanding section 2-1059 regarding term limits, members of the board of examiners may be reappointed for a third or subsequent consecutive term.
- (d) Each appointee of the board of examiners shall be the holder of a first class engineer's license in the city and shall not be interested, directly or indirectly, in the sale or agency of any equipment, apparatus, or service that could be construed in any manner as affecting his or her impartial judgment as contemplated in this division.
- (e) All appointments to membership on the board of examiners shall be made for a period of three years.

Sec. 26-711. Powers and duties of the board of examiners.

- (a) ~~The board of examiners shall hold regular stated meetings at least once monthly for the purpose of examining into and determining the qualifications of applicants for license as engineers or firemen and shall make and post such rules and regulations not inconsistent with this article, other provisions of this Code or state statutes as shall be necessary and proper for carrying into effect the provisions relative to examinations and hearings.~~
- (b) ~~The board of examiners shall have the power to issue licenses, as provided for in this article, to those found to be eligible after due examination.~~
- (c) ~~After giving the accused licensee an opportunity to be heard, the board of examiners shall have the power to suspend or revoke the licenses provided in this article for the following reasons:~~
 - (1) ~~Carrying a higher steam pressure than authorized by the senior mechanical inspector;~~
 - (2) ~~Intoxication or the drinking of intoxicating liquors while on duty.~~
 - (3) ~~Any unauthorized absence from the post of duty.~~
 - (4) ~~Defacing or obstructing a license certificate.~~
 - (5) ~~Any negligence, incompetence or incapacity that may endanger life or property.~~
 - (6) ~~Any violation of this division.~~

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.~~

Secs. 26-713 — 26-719. Reserved.

Division 3. Licensing

Sec. 26-720. Classes of licenses.

~~_____ Licenses required under this article shall be of the following classifications: first class engineer, second class engineer, third class engineer, first class fireman, and second class fireman.~~

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. 26-722. Limited or restricted licenses.

~~_____ If, after examination, the board of examiners finds that an applicant is qualified to operate a type of plant or a specific plant within the general classifications, set out in section 26-459, but is not qualified to hold an unrestricted license in any of such classifications, the board may issue a limited license within any of these classifications, upon which the restriction shall be noted.~~

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 4 p.m. Thursday prior to test date to sit for the exam.

Sec. 26-724. Qualifications of license applicant:

To be eligible for examination in any classification, an applicant for a license, under the provisions of this article, shall be not less than 18 years of age, shall be of temperate habits and not addicted to the use of drugs or the excessive use of intoxicating liquor, and shall be able to meet the requirements of the particular class of license applied for.

Sec. 26-725. Experience of license applicant:

No person shall be granted a license required by this article until he or she furnishes the board of examiners with the following satisfactory proof:

- (1) For a first class engineer, that he or she has had five years' experience in steam engineering or refrigeration plants and has had experience in the operation of heating ventilation and electric apparatus.
- (2) For a second class engineer, that he or she has had three years' experience in steam engineering and knowledge of refrigeration, heating, ventilation and electric apparatus.
- (3) For third class engineer, that he or she has had two years' experience in steam engineering as fireman or helper around a boiler plant.
- (4) For a first class fireman's license, that he or she has had two years' experience as fireman or helper around a boiler plant.
- (5) For a second class fireman's license, that he or she has had one year's experience as fireman's helper around a boiler plant.

Sec. 26-726. Examinations:

- (a) Notice shall be given to applicants of the time and place of the examination required by this article at least three days prior thereto.
- (b) Examinations shall be designed to test fairly the applicant's knowledge of engineering matters and to determine his or her competence and fitness to hold the grade of license applied for.
- (c) All examinations shall be in writing or oral, by the question and answer method, and shall be graded on a percentage basis.
- (d) If, after examination, it shall appear to the board of examiners that the applicant is not qualified to serve in the classification for which he or she has taken the examination, the board shall refuse to issue the applicant a license in that classification.

Sec. 26-727. Display of license and certificate of boiler inspection:

- (a) Each engineer and fireman licensed under this division shall at all times keep his or her license posted under glass in a conspicuous place at the plant in which he or she is

~~employed. He or she shall report at once to the mechanical division any change in his or her employment or in his or her place of residence.~~

~~(b) — The owner, agent or lessee shall post the current certificate of inspection of the boiler in a conspicuous place near the boiler.~~

~~**Sec. 26-728. License expiration and proration of fees.**~~

~~— Any applicant who qualifies for the issuance or renewal of a license pursuant to this division shall be issued such license upon payment of the license fee in the amount set in the schedule of fees adopted by the city council by resolution. All licenses required by this division shall expire on January 1 of each year. Original license fees shall be prorated quarterly to the following January 1. Licenses expiring other than on January 1 shall be prorated on the quarterly basis to the following January 1, at which time they shall be renewed on the annual basis. Any license not renewed within 30 days from the date of expiration shall be considered void, and its holder shall be required to pass another examination to operate within the city.~~

~~**Secs. 26-729—26-799. Reserved.**~~

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

FORM APPROVED:

Thomas G. Fisher Jr.
Deputy City Attorney