

AN ORDINANCE TO AMEND CHAPTER 4 OF THE CITY CODE TO ELIMINATE (I) LICENSING REQUIREMENTS FOR STATIONARY ENGINEERS AND FIREMEN, (II) ATTENDANT AND INSPECTION REQUIREMENTS FOR POWER BOILERS, FIRED PRESSURE VESSELS AND INSTALLATIONS USING NUCLEAR FUEL, AND (III) THE BOARD OF EXAMINING ENGINEERS

#0097

Sponsor:

**Council
Member
Oliver**

WHEREAS, Sections 4-226 through 4-229 of the City Code establish certain (1) licensing requirements for stationary engineers and firemen operating steam boilers, turbines, and engines in the City and (2) attendant and inspection requirements for power boilers, fired pressure vessels, and installations using nuclear fuel; and

WHEREAS, Sections 4-241 through 4-246 of the City Code create the Board of Examining Engineers to control the examination and licensing of firemen and stationary engineers operating steam boilers, turbines, and engines in the City; and

WHEREAS, the majority of such stationary engineers and firemen work outside of the City; and

WHEREAS, all of the members of the Board of Examining Engineers have retired or resigned, and its activity has been dormant; and

WHEREAS, the State of Delaware has a Council on Boiler Safety that inspects boilers throughout the State; and

WHEREAS, the City believes that examination and licensing of stationary engineers and firemen operating steam boilers, turbines, and engines and attendant and inspection requirements for power boilers, fired pressure vessels, and installations using nuclear fuel should be governed by the State; and

WHEREAS, in light of the foregoing, City Council deems it necessary and appropriate to eliminate the City Code provisions regarding: (1) licensing requirements for stationary engineers and firemen operating steam boilers, turbines, and engines in the City;

(2) attendant and inspection requirements for power boilers, fired pressure vessels and installations using nuclear fuel; and (3) the Board of Examining Engineers.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON
HEREBY ORDAINS:**

SECTION 1. Chapter 4 of the City Code is hereby amended by repealing Subchapter 7 (being Sections 4-226 through 4-446) in its entirety as follows:

~~SUBCHAPTER 7. STATIONARY ENGINEERS AND FIREMEN~~

~~DIVISION 1. GENERALLY~~

~~Sec. 4-226. License.~~

- ~~(a) No person in charge of any generating facility shall operate, or cause or permit to be operated any steam boiler, turbine or engine within the city without first having secured a license from the board of examining engineers provided for by this subchapter and no owner, agent, superintendent, manager or other person having charge of any building in which any steam boiler, turbine or steam engine is used, shall use or cause to be used any steam boiler, turbine or steam engine unless the same is in charge or under the supervision of an engineer licensed in accordance with the provisions of this subchapter.~~
- ~~(b) The provisions of this section shall not require a license of any person in charge of or operating a steam boiler, turbine or steam engine under the control of the government of the United States, or any steam boiler in any railroad locomotive used in the service of a common carrier, or in connection with any fire department of the city or any steam boiler used exclusively for heating purposes in private residences.~~
- ~~(c) The provisions of this section shall not apply in cases of emergency or in the installation of new engines, turbines or boilers, at which time it shall be lawful to employ anyone not licensed as provided by this subchapter, for a period of not longer than 30 days, and the owner, agent, superintendent or manager in charge of any generating facility shall promptly notify the board of examining engineers in writing stating briefly the circumstances of such employment of a nonlicensed engineer.~~

~~Sec. 4-227. Fulltime attendant required for certain boilers, etc.~~

~~Any power boiler, fired pressure vessel, or installation using nuclear fuel as a source of power without fully automatic control, having a rated output~~

of 1,000 or more pounds per hour shall have a fulltime licensed attendant, who is familiar with its operation, while the unit is in service.

~~Sec. 4-228. Periodical inspection of certain boilers, etc., required.~~

- ~~(a) Any power boiler, fired pressure vessel or installation using nuclear fuel as a source of power without fully automatic control, having a rated output of 1,000 or less pounds per hour shall not be operated without being periodically checked by a licensed attendant who is familiar with its operation, while the unit is in service.~~
- ~~(b) Power boilers, fired pressure vessels or installations using nuclear fuel as a source of power with fully automatic control having a rated output of 1,000 or more pounds per hour shall not be operated without being periodically checked by a licensed attendant who is familiar with its operation, regardless of whether or not the boiler, fired pressure vessel or installation using nuclear fuel as a source of power is equipped with automatic feedwater regulator, fuel or damper regulator, high and low water alarm, or other form of automatic control when such unit is in service at a pressure exceeding 15 p.s.i.g.~~

~~Sec. 4-229. Violations.~~

~~Any person violating any of the provisions of this subchapter or any rules and regulations of the board of examining engineers relating thereto shall be guilty of a misdemeanor and, upon conviction thereof before a court of proper jurisdiction, shall be fined not less than \$250.00 nor more than \$1,000.00 for the first offense, not less than \$500.00 nor more than \$2,500.00 for the second offense, and not less than \$1,000.00 nor more than \$5,000.00 for the third and subsequent offenses.~~

~~Secs. 4-230—4-240.—Reserved.~~

~~Sec. 4-241.—Created; composition; functions; qualifications and terms of members; vacancies.~~

- ~~(a) The council hereby creates and establishes a board of examining engineers, which shall consist of three members each of whom shall be a resident of the city, whose duties it shall be to carry out the provisions of this subchapter.~~
- ~~(b) The qualifications of the members of such board are that two members shall have not less than six years' practical experience in the operation of steam boilers, turbines and stationary steam engines, and shall hold licenses under this subchapter, and the third member of such board shall be an executive head, plant engineer or plant supervisor of a manufacturing plant wherein is used a steam boiler carrying not less~~

~~than 5,000 pounds steam per hour or turbine or engine carrying not less than 100 horsepower.~~

- ~~(c) The terms of office of such members of the board of examining engineers as selected shall be three years or until their successors are duly elected and qualified.~~
- ~~(d) The board of examining engineers shall receive as compensation for their services under this subchapter the sum of \$3,000.00 for the chairman per year payable quarterly and \$2,400.00 for each of the other members per year payable quarterly, all of which compensation shall be paid out of the general fund by the city treasurer. The city treasurer is also authorized to pay each of the members of the special board of examining engineers sitting in appeal in any case under section 4-246, the sum of \$25.00 each for services rendered by them for each meeting of the special board of examining engineers sitting in appeal.~~
- ~~(e) If a vacancy occurs in the board of examining engineers and no city resident is found to have both the qualifications and the willingness to serve on the board, a nonresident of the city otherwise fully qualified may be appointed as a temporary member of the board for a term of 12 months, renewable only once, until such time as a qualified city resident is appointed.~~
- ~~(f) The department of public works shall provide any necessary technical advisory assistance to the board.~~

~~Sec. 4-242. Chairman; rules and regulations; meetings.~~

~~The board of examining engineers shall elect one of its members to serve as chairman of the board, shall make appropriate rules and regulations for its own government and procedure and shall hold a regular meeting at least once a month and such special meetings as it may deem necessary.~~

~~Sec. 4-243. Powers and duties—Generally.~~

~~The board of examining engineers shall have all the powers and duties concerning, and shall exercise supervisory control over, the examination and licensing of firemen and stationary engineers in the city.~~

~~Sec. 4-244. Same—Register of applicants for licenses.~~

~~In connection with its duties under the provisions of this subchapter, the board of examining engineers shall keep a register, in which shall be entered the following information:~~

- ~~(1) The name of the applicant for registration;~~
- ~~(2) The date of the application and the result thereof; and~~
- ~~(3) If a license is issued, the number of the license.~~

Sec. 4-245. Examination fees.

~~(a) The board of examining engineers shall charge the following fees for examinations and for licenses and renewals thereof required by this subchapter:~~

- ~~(1) Engineer's license, first year, \$30.00.~~
- ~~(2) Fireman's license, first year, \$30.00.~~
- ~~(3) Renewal of engineer's license for two years, \$50.00.~~
- ~~(4) Renewal of fireman's license for two years, \$50.00.~~
- ~~(5) Examination fee for engineer or fireman, \$30.00.~~

~~(b) Such fees shall be payable to the department of finance.~~

Sec. 4-246. Appeals from decisions of board.

~~(a) Any person dissatisfied with the action of the board of examining engineers in refusing to grant a license under the provisions of this subchapter when applied for or when revoking a license under this subchapter after the same has been granted, may appeal to the council from the decisions of the board of examining engineers in such case, which shall thereupon, without delay, appoint one licensed engineer residing in the city and such applicant making such appeal shall appoint one licensed engineer residing in the city; and the two engineers so appointed by the council and the applicant, respectively, shall choose a third licensed engineer, residing in the city, and the three such persons so chosen shall constitute a special board of examining engineers, for the purpose of rehearing such case, with all the powers and duties conferred and imposed by this subchapter. The decision of a majority of such special board of examining engineers sitting in appeal in such case, either granting or refusing a license to such applicant, shall be final.~~

~~(b) Any applicant who has been refused a license under this subchapter shall not be permitted to again apply before the board of examining engineers for such license for a period of six months.~~

SECTION 2. This Ordinance shall become effective upon its passage by City Council and approval by the Mayor.

First Reading.....October 7, 2021
Second Reading.....October 7, 2021
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2021.

Mayor

SYNOPSIS: This Ordinance amends Chapter 4 of the City Code by repealing Subchapter 7 in its entirety, which eliminates (1) licensing requirements for stationary engineers and firemen operating steam boilers, turbines, and engines in the City; (2) attendant and inspection requirements for power boilers, fired pressure vessels and installations using nuclear fuel; and (3) the Board of Examining Engineers.

FISCAL IMPACT STATEMENT: This Ordinance has no anticipated fiscal impact.

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