

SUBSTITUTE NUMBER 1 TO ORDINANCE NO. 22-032

**AN ORDINANCE TO AMEND CHAPTER 4 OF THE CITY CODE TO
CREATE PAYMENT STRUCTURE FOR LICENSING FEES FOR
STATIONARY ENGINEERS AND FIREMEN AND TO REDUCE THE
NUMBER OF PERSONS ON THE BOARD OF EXAMINING ENGINEERS
FROM THREE TO ONE TWO***

Rev. 1
#0211

Sponsor:

Council
Member
Spadola

WHEREAS, Section 4-226 of the Wilmington City Code requires stationary engineers and firemen operating boilers and steam turbines within City limits to obtain and renew a license;

WHEREAS, the majority of the stationary engineers and firemen seeking licensure work outside City limits;

WHEREAS, Section 4-241 created the Board of Examining Engineers to administer testing necessary for licensure;

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

WHEREAS, the City has been subsidizing nonresidents by charging a flat fee for license and registration;

WHEREAS, the City believes that it is beneficial to offer residents of the city who are stationary engineers or firemen a discount; and

WHEREAS, in light of the foregoing, City Council deems it necessary and appropriate to implement different registration and licensing fees for city residents and nonresidents and reduce the number of Examining Engineers from three to one.

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

SECTION 1. Section 4-241 of the City Code is hereby amended by deleting the stricken language and adding in the underlined language as follows:

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

- (a) The council hereby creates and establishes * a position of examining engineer, ~~a board of examining engineers, which shall consist of three members, who shall be a~~ *City resident, each of whom shall be a resident of the city,* whose duties duty it shall be to carry out the provisions of this subchapter.
- (b) The examining engineer's ~~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 examining engineer* shall be appointed by the Mayor with approval by a majority vote of City Council.
- (e) ~~(d)~~ The examining engineer's term of office ~~terms of office of such members of the board of examining engineers~~ as selected shall be three years or until a successor is ~~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 temporarily 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.

SECTION 2. Section 4-242 of the City Code is hereby deleted in its entirety by deleting the stricken language as follows:

~~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.~~

SECTION 3. Section 4-243 of the City Code is hereby renamed Section 4-242 and amended by deleting the stricken language and adding in the underlined language as follows:

***~~Sec. 4-242~~Sec. 4-243. - Powers and duties—Generally.**

The examining engineer^{*}~~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.

SECTION 4. Section 4-244 of the City Code is hereby renamed Section 4-243 and amended by deleting the stricken language and adding in the underlined language as follows:

***~~Sec. 4-243~~Sec. 4-244. - Same—Register of applicants for licenses.**

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

- (1) The name and residential address 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.

SECTION 5. Section 4-245 of the City Code is hereby renamed Section 4-244 and amended by deleting the stricken language and adding in the underlined language as follows:

***~~Sec. 4-244~~Sec. 4-245. - Examination fees.**

(a) The examining engineer^{*}~~board of examining engineers~~ shall charge the following fees for examinations and for licenses and renewals of city residents 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) The examining engineer shall charge the following fees for examinations and for licenses and renewals of residents outside of the city thereof required by this subchapter:

- (1) Engineer's license, first year, \$60.00.
- (2) Fireman's license, first year, \$60.00.
- (3) Renewal of engineer's license for two years, \$100.00.
- (4) Renewal of fireman's license for two years, \$100.00.
- (5) Examination fee for engineer or fireman, \$30.00.

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

SECTION 6. Section 4-246 of the City Code is hereby renamed Section 4-245 and amended by deleting the stricken language and adding in the underlined language as follows:

***Sec. 4-245Sec. 4-246. - Appeals from decisions of board. Denial of Application; six-month waiting period**

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

SECTION 7. This Ordinance shall become effective upon its passage by City Council and approval by the Mayor.

First Reading..... July 7, 2022
Second Reading..... July 7, 2022
Third Reading.....October 6, 2022

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2022.

Mayor

SYNOPSIS: This Ordinance amends Chapter 4 of the City Code by establishing fee structures for residents and nonresidents. Further, it reduces the Board of Examining Engineers from three members to ~~one~~.
*two

FISCAL IMPACT STATEMENT: The fiscal impact will be minimal.

FLOOR AMENDMENT TO SUBSTITUTE NO. 1 TO ORDINANCE NO. 22-032

President Congo, I move to amend the Ordinance, so it allows for 2 Examining Engineers instead of 1 and to increase the yearly salary of each Engineer from \$0.00 to \$1,000 each.

I move to amend the Ordinance in the following 4 ways:

- 1) Replace the phrase “a position of examining engineer” in Section 4-241(a) with the phrase “two positions of examining engineers” and replace “a City resident,” whose duty” with “City residents, whose duties” in the same subsection.
- 2) Replace “examining engineer” with the plural in Sections 4-241, 4-242, 4-243, 4-244, and 4-245.
- 3) Replace the phrase “three members to one” in the Synopsis and Title to the phrase “three members to two.”
- 4) Insert the following subsection (g) into Section 4-241 to read as follows: “Each examining engineer shall receive as compensation for their services under this subchapter the sum of \$1,000 each per year.”