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# MEMORANDUM

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**DATE:** April 30, 2010  
**TO:** City Council Members  
**FROM:** Russell Weeks  
**RE:** Proposed Ordinance to Repeal Existing Ordinances Requiring Boiler Operators and Steam Engineer License  
**CC:** Cindy Gust-Jenson, David Everitt, Ed Rutan, Frank Gray, Orion Goff, Laura Kirwan

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This memorandum pertains to a proposed ordinance that would repeal Salt Lake City requirements that operators of steam or hot water plants or steam engines and other machines obtain a boiler operator or steam engineer license from the City.

The proposed ordinance is scheduled for a briefing at the City Council's work session May 4 and formal consideration at the City Council meeting later that day.

## **OPTIONS**

- Suspend the rules and adopt the proposed ordinance.
- Do not adopt the proposed ordinance.
- Postpone consideration of the proposed ordinance until a later date.

## **POTENTIAL MOTIONS**

- I move that the City Council suspend the rules and adopt the ordinance repealing Salt Lake City Code Chapter 18.16 Article II titled, *Boiler Operators and Steam Engineers* and containing sections 18.16.080 through 18.16.260
- I move that the City Council consider the next item on the agenda.
- I move that the City Council postpone formal consideration of this item until a later date.

## **DISCUSSION/BACKGROUND**

The Administration has forwarded the proposed ordinance to as part of an effort to reduce unnecessary or marginal work for City offices that may face reduced staff levels in the next fiscal year.

According to the Administration transmittal pertaining to the issue, the Building Services Division has issued licenses and maintained records for boiler operators and steam engine operators at least since 1965. However, the bulk of the roughly 450 licenses issued are issued to applicants who live and work elsewhere in Utah and the nation. Repealing the proposed ordinance would free up time staff in the Building Services Division would allow staff to apply more time to work such as design reviews, according to the transmittal. According to the Administration, the potential revenue loss from the applications would be offset by more purposeful work on more necessary tasks. According to the transmittal, the State of Utah does not require by law that boiler operators or steam

engineers have licenses to operate heating equipment. In addition, boiler and steam plant operators are certified in “internationally recognized organizations such as the American Society of Mechanical Engineers and the International Union of Operating Engineers, according to the transmittal.

FRANK B. GRAY  
DIRECTOR

# SALT LAKE CITY CORPORATION

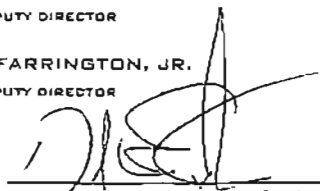
DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT  
OFFICE OF THE DIRECTOR

RALPH BECKER  
MAYOR

MARY DE LA MARE-SCHAEFER  
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.  
DEPUTY DIRECTOR

## CITY COUNCIL TRANSMITTAL

  
David Everitt, Chief of Staff

Date Received: 01/08/2010

Date Sent to City Council: 01/13/2010

TO: Salt Lake City Council  
Carlton Christensen, Council Chair

DATE: January 6, 2010

FROM: Frank Gray, Community & Economic Development Director



RE: Request to repeal S.L.C. Ordinance Chapter 18.16 Article II "Boiler Operators and Steam Engineers" Sections:

- 18.16.080 Boiler plants – Supervisor license requirements.
- 18.16.090 Boiler plants – Unlicensed operation prohibited – Exemptions.
- 18.16.100 Boiler operator – Examination application.
- 18.16.110. Boiler operator – Classes of license
- 18.16.120. Fees for examination and license
- 18.16.130. License grant condition.
- 18.16.140. Boiler operator – License certificate
- 18.16.150. Boiler operator – Renewal of license
- 18.16.160. Steam engineer – Unlimited – License qualifications
- 18.16.170. Steam engineer – Unlimited – Boiler operator authority.
- 18.16.180. Steam engineer – Limited – Qualifications for applicants.
- 18.16.190. Steam engineer – Limited – Plant operation authority.
- 18.16.200. High-pressure boiler operator – Qualifications.
- 18.16.210. High-pressure boiler operator – Operation authority.
- 18.16.220. High-pressure boiler operator – Provisional license.
- 18.16.230. Emergency operation exceptions.
- 18.16.240. Operation standards – Posting of license
- 18.16.250. Report of accidents and defective operation.
- 18.16.260. Suspension, revocation and reinstatement of licenses,

STAFF CONTACTS: Orion Goff, Building Services Director, 535-6681  
Laura Kirwan, Senior City Attorney, 535-6799

RECOMMENDATION: That the City Council repeal this ordinance

DOCUMENT TYPE: Ordinance

SCANNED TO:   
SCANNED BY:   
DATE: 01/08/10  
451 SOUTH STATE STREET, ROOM 404  
P.O. BOX 145486, SALT LAKE CITY, UTAH 84114-5486  
TELEPHONE: 801-535-6230 FAX: 801-535-6005  
WWW.SLCGOV.COM/CEO  
♻️ RECYCLED PAPER



**BUDGET IMPACT:** Proposed ordinance change will decrease revenue from the Building Services Division however; it will save clerical and administrative time which is costing the division more than the revenue generated from the sale of licenses.

**DISCUSSION:** This proposed ordinance repeal will provide relief from national and state-wide requests to provide Licenses for boiler operators and steam engineers by the Salt Lake City Building Permits office. At the State level, The Utah Division of Occupational Licensing (DOPL) has no licensing requirements for Boiler Operators or Steam Engineers.

This ordinance remains from a day and age when boiler and steam operators were engaged in often highly hazardous maintenance and operation of large and dangerous boilers and steam plants. As the mechanical equipment manufacturing industry improved their designs and equipment with stronger materials, improved safety and controls, and decentralized, smaller boiler and steam operations, this profession has become markedly safer. Professional organizations evolved that strive to protect the health, safety, and welfare of people, and a new professional practice is now in place that does not require licensing but instead requires on professional training and certification.

Currently, boiler and steam operators are certified by internationally recognized organizations such as the American Society of Mechanical Engineers (ASME) and the International Union of Operating Engineers (IUOE). Organizations such as ASME provide Boiler and Steam Operator education and experience verification that meet or exceed the requirements stated in the current Salt Lake City Ordinance. The International Union of Operating Engineers (IUOE) sponsors apprenticeship programs and is the principal union for stationary engineers and boiler operators. An apprenticeship usually lasts 4 years and includes 8,000 hours of on-the-job training. In addition, apprentices receive 600 hours of classroom instruction in subjects such as boiler design and operation, elementary physics, pneumatics, refrigeration, air-conditioning, electricity, and electronics. As professional organizations such as ASME and IUOE have evolved to meet educational and apprenticeship requirements for boiler and operators with professional certification, the requirement for licensing of Boiler Operators and Steam Engineers by Salt Lake City has become obsolete.

Further, the marginal income provided by licensing fees exceeds the manpower cost of providing the licensing. Yearly, this service takes up over 500 man-hours to provide testing, scoring, license certificates, and mailing to process over 450 applications. At an average direct labor cost of \$24.64 per hour with benefits, the city activity fees do not cover expenses. The income from this activity brings in \$15 per license resulting in a net loss to Salt Lake City. This same staff supports other activities such as design reviews that historically have a backlog. Repealing the ordinance and removing this workload burden can help provide much needed manpower to assist in this area.

There are outdated job descriptions in jurisdictions outside of Salt Lake City that still require boiler operators to have a license. However, other than the current requirement in this Salt Lake City, there is no similar requirement in any other jurisdiction or at the County or State level. Job descriptions may need to be updated to reflect current professional practice which relies on Certification and not Licensing. It is anticipated Salt Lake City will receive complaints from

former license holders within and outside of Salt Lake City when this is repealed. In 2009, 479 licenses were issued. Of these, the majority were for applicants outside of Salt Lake City (361 out of 479). Salt Lake City has no enforcement capability over whether or not a person has a Boiler Operator and Steam Engineer license.

### ***Issue Origin***

Since 1965 Salt Lake City Building Services has issued licenses and maintained records for boiler operators and steam engineer operators. The City routinely issues licenses to individuals working both within the State of Utah other surrounding states at a cost to the City. Building Services has not been able to enforce the provisions outlined in Chapter 18.16 Article II “Boiler Operators and Steam Engineers” due to limited staff resources and the logistics of licenses issued outside of the City.

Further research into the regulatory needs and requirements for boiler operators and steam engineers indicates that other states do not issue licenses or regulate licensure of individuals. However; most states do maintain a state level division to provide regulatory and inspections for boiler/pressure vessel heating systems.

### ***Analysis***

As the Boiler Operator and Steam Plant Engineer profession as evolved, a current educational and certification program has become the norm. As a result, the Boiler Operator and Steam Engineers licensing provided by Salt Lake City no longer meets any compelling needs for Salt Lake City or the State of Utah.

Other professional programs provide the academic and professional rigor that meets or exceeds professional verification requirements identified in the Salt Lake City ordinance. For example, the ASME Boiler Operator Certification program is part of the ASME Codes and Standard's portfolio of internationally renowned Boiler and Pressure Vessel programs. This program provides the means for qualification and certification of the knowledge of operators of oil, gas, and coal fired boilers. Certification involves the health and safety of plant operators and staff, and the facility. The advantage of this certification is that operators have the training, experience, and knowledge of how to properly operate boiler and steam equipment.

The State of Utah does not require through statute licensed boiler operators or steam engineers to operate heating equipment. Such equipment used today has been updated with redundant safety systems to ensure safe operation without a person being on site 24/7 to supervise. (See the attached letter from Mr. Pete C. Hackford, Safety Director for the Utah labor Commission dated March 16, 2007.

The current Salt Lake City requirement to license Boiler Operators and Steam Engineers provides no added value. Professional certifying organizations now effectively fill this role. Administration of this program results in a net financial loss. It further hurts the City by taking needed manpower away from other customer service activities. It is recommended that Salt Lake City Ordinance Chapter 18.16 Article II be repealed.

**PUBLIC PROCESS:** The City is required to hold a public hearing before repealing this ordinance.

**RELEVANT ORDINANCES:** Section 18.16.080 through 18.16.260 (Boiler Operators and Steam Engineers)



JON M. HUNTSMAN, JR.  
*Governor*

GARY R. HERBERT  
*Lieutenant Governor*

**State of Utah**

**Labor Commission**

SHERRIE HAYASHI  
*Commissioner*

**Division of Boiler  
and Elevator Safety**

PETE C. HACKFORD  
*Division Director*

Representative Larry B. Wiley  
Salt Lake City Corporation  
451 south State street #406  
Salt Lake City, Utah 84111

March 16, 2007

RE: Boiler Operator License's

Dear Representative Wiley,

Since our discussion during the recent Legislative session, I have done some research on various states and cities that require Boiler operating licenses; it seems to be the consensus that this requirement is one that has been around since the early to middle part of the 20<sup>th</sup> century. This was an era of the steam revolution and mass production, industries were using large steam plants for all sorts of power and processing. The industry was young and the plants were very dangerous, the need for trained boiler operators was inevitable for the safety of personnel that worked on or around these large boiler units. Since the time of the steam revolution the industry has become more automated and safety controls are the norm. State lawmakers have made inspections mandatory and devoted whole divisions to make sure these units are safe. These inspections are required on all boilers regardless of size; the need for operators on site has largely been diminished and/or limited to very large power and refining boilers, thus eliminating the requirement for operators on all other units.

I have taken the privilege of gathering information on jurisdictions throughout North America and have passed this on to you.

Currently:

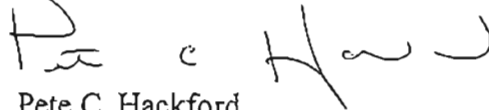
There are 16 states that have boiler operator statutes in place. Along with those 16 states there are 36 local jurisdictions such as large cities and counties that have some sort of a boiler operator license division.

For the future of a new boiler operator licensing program, the consensus is that the industry is training and certifying their own operators through their programs and limiting these to large units only because smaller units have the controls necessary for safe operation.

As the Director of the boiler/pressure vessel inspection division for the state of Utah, I concur with the majority of the states, that there is no need at this time to have a state operator licensing program and I am confident that the industry in our state can and will use their own in house certification programs. If a State or City feels that it has a need for one of these programs they would need to fund it completely and enforce it absolutely and in its entirety. The safety of our employees and the public is as always our number one concern.

I hope this information helps you in determining the future of your program.  
Feel free to contact me if any questions arise.

Sincerely,

A handwritten signature in black ink, appearing to read "Pete C. Hackford". The signature is fluid and cursive, with a large initial "P" and a long horizontal stroke at the end.

Pete C. Hackford  
Safety Director  
Utah Labor Commission

Cc. Sherrie Hayashi  
Labor Commissioner



SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2009  
(Boiler Operators and Steam Engineers)

An ordinance repealing sections 18.16.080 through 18.16.260, *Salt Lake City Code*, relating to licensing requirements for boiler operators and steam engineers.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Sections 18.16.080 through 18.16.260, *Salt Lake City Code*, pertaining to boiler operators and steam engineers is repealed.

SECTION 2. This ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2009.  
Published: \_\_\_\_\_.

HB\_ATTYY-#987-v1-ordinance\_repealing\_18\_16\_080\_through\_260

APPROVED AS TO FORM  
Salt Lake City Attorney's Office

Date 10/13/09  
By [Signature]

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2009  
(Boiler Operators and Steam Engineers)

An ordinance repealing sections 18.16.080 through 18.16.260, *Salt Lake City Code*, relating to licensing requirements for boiler operators and steam engineers.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Sections 18.16.080 through 18.16.260, *Salt Lake City Code*, pertaining to boiler operators and steam engineers is repealed.

~~18.16.080 Boiler plants Supervisor license requirements.~~

~~Each steam boiler plant and each hot water boiler plant shall have a person in charge who is in possession of a proper and valid license, as provided by this chapter, when such boiler plants are working under pressure. The building official shall have authority to order discontinuance of boiler operation for noncompliance with the provisions of this code. (Prior code § 5-4-23)~~

~~18.16.090 Boiler plants Unlicensed operation prohibited Exceptions.~~

~~A. — It is unlawful to operate, have control of, manage or take charge of any portion of a steam or hot water plant, absorption system, or appliance connected therewith while working under pressure unless such plant, system, or appliance is being operated by a steam engineer or boiler operator who has been duly licensed for such operation.~~

~~B. — This section shall not apply to operators of:~~

- ~~1. Residential heating boilers to and including four dwelling units;~~
  - ~~2. Boilers and pressure vessels under ten horsepower (three hundred forty thousand BTU) output rating, or operating on pressure under fifteen pounds per square inch; or~~
  - ~~3. Boilers or plants coming under the jurisdiction of the Interstate Commerce Commission.~~
- ~~(Prior code § 5-4-8)~~

~~18.16.100 Boiler operator Examination application.~~

~~All persons desiring to be licensed to perform the duties of engineer and/or boiler operator of stationary or portable boilers shall make application to the division on forms to be furnished by the division, after payment of the fees, as hereinafter provided in this chapter. (Prior code § 5-4-9)~~

~~18.16.110 Boiler operator Classes of licenses.~~

~~The licenses required for this title shall be divided into two classes for engineers and one class for boiler operators, as follows:~~

~~A. — Steam engineer Unlimited;~~

~~B. — Steam engineer Limited;~~

~~C. — Boiler operator High pressure. (Prior code § 5-4-10)~~

~~18.16.120 Fees for examination and license.~~

~~The fees for steam engineer or boiler operator examination and license shall be as follows:~~

~~A. — Steam engineer Unlimited — \$30.00~~

~~B. — Steam engineer Limited — 25.00~~

~~C. — Boiler operator high pressure 25.00~~

~~D. — Duplicate license — 10.00~~

~~E. — Renewal of license prior to expiration — 15.00~~

~~F. — Renewal of license to one year after expiration — 25.00~~

~~G. — Late renewal fee, \$25.00 first year; \$30.00 second year late; \$35.00 third year late.~~

~~Examination required thereafter. (Prior code § 5-4-15)~~

~~18.16.130 License grant conditions.~~

~~If such applicant, after examination by the building official, is found to have the requisite knowledge of mechanical equipment and experience to safely operate same and minimize fire, explosion, asphyxiation hazards and smoke nuisance, such applicant shall be granted the appropriate license. (Prior code § 5-4-16)~~

~~18.16.140 Boiler operator License certificate.~~

~~Each person who has successfully passed the required examination shall be issued a license certificate of the proper grade. (Prior code § 5-4-17)~~

~~18.16.150 Boiler operator Renewal of license.~~

~~A. — Any person who holds a license issued under the provisions of this title may have the same renewed annually without examination, provided that such person pays the annual renewal fee as stated in Section 18.16.120 of this chapter, or its successor, and presents a receipt for the same from the city treasurer. A new examination must be taken by any applicant who fails to renew his/her license within three years from the expiration of the license. The expiration date of each license issued shall be the June 30th next following the date of issuance.~~

~~B. — All records of licenses and examination may be removed from city files after three years from expiration date of such licenses and destroyed. (Prior code § 5-4-18)~~

~~18.16.160 Steam engineer Unlimited License qualifications.~~

~~An applicant for a steam engineer's license unlimited, must be an engineer, oiler or boiler operator having at least five years' actual operating experience in the management, control or operation of high pressure steam boilers or steam plants of three hundred horsepower (ten million two hundred thousand BTU) or more. Up to four years will be credited an applicant~~

~~having previous equivalent training course in mechanical engineering at an accredited engineering school. (Prior code § 5-4-11)~~

~~18.16.170 Steam engineer Unlimited Boiler operator authority.~~

~~Persons holding a steam engineer unlimited license may take charge of and operate any steam or hot water plant. (Prior code § 5-4-19)~~

~~18.16.180 Steam engineer Limited Qualifications for applicants.~~

~~An applicant for a steam engineer license limited must be an engineer, oiler or boiler operator having at least four years' actual operating experience in the management, control or operation of high-pressure steam boilers, or steam plants of not less than one hundred horsepower (three million, four hundred thousand BTU). Up to four years will be credited an applicant having previous equivalent training course in mechanical engineering at an accredited engineering school. (Prior code § 5-4-12)~~

~~18.16.190 Steam engineer Limited Plant operation authority~~

~~Persons holding a steam engineer limited license may take charge of and operate any steam or hot water plant not exceeding three hundred horsepower (ten million, two hundred thousand BTU). (Prior code § 5-4-20)~~

~~18.16.200 High-pressure boiler operator Qualifications.~~

~~An applicant for a high-pressure boiler operator's license must have at least one year's actual operating experience under the supervision of a licensed steam engineer or boiler operator in the management, control and operation of a high-pressure steam boiler above fifteen pounds operating pressure, or a hot water boiler above thirty pounds' pressure of one hundred sixty degrees Fahrenheit. (Prior code § 5-4-13)~~

~~18.16.210 High-pressure boiler operator Operation authority.~~

~~Persons holding a high-pressure boiler operator license shall have the right to operate any steam or hot water boiler not exceeding seventy-five horsepower (two million, five hundred fifty-five thousand BTU). Any high-pressure boiler operator operating high-pressure boilers greater than seventy-five horsepower (two million, five hundred fifty-five thousand BTU) shall be under the supervision of a qualified steam engineer. (Prior code § 5-4-21)~~

~~18.16.220 High-pressure boiler operator Provisional license.~~

~~A. — If an applicant for a high-pressure boiler operator's license has not had actual operating experience in the management, control or operation of boilers, a provisional license may be granted by the director for not more than a one-year period, providing the applicant demonstrates sufficient knowledge and ability to safely and properly operate any boiler to which such applicant may be assigned.~~

~~B. — A provisional boiler operator's license is subject to review of qualifications at any time, at the discretion of the building official. (Prior code § 5-4-14)~~

~~18.16.230 Emergency operation exceptions.~~

~~In all cases of temporary disability from accident, sickness or other cause, a steam engineer with a lower grade of license, or without a license, may operate boilers and machinery of an engineer of a higher grade, having charge of the plant for a period of not to exceed thirty days, provided that the employer of the steam engineer so disabled shall notify the building official as soon as possible after the occurrence of such disability and an application is submitted for a provisional license pursuant to the provisions of Section 18.16.220 of this chapter, or its successor. (Prior code § 5-4-22)~~

~~18.16.240 Operation standards-Posting of license.~~

~~A. — Each person licensed under this chapter shall display such person's license certificate in a conspicuous place in the boiler room at all times.~~

~~B. — It shall be the duty of each person licensed under this title to operate the boiler under his/her charge in a safe and proper manner in accordance with the provisions of the Uniform Mechanical Code, as adopted by ordinances codified in the Salt Lake City Code, and with standards approved by the building official. Copies of such approved standards shall be available for public inspection at the office of the city division of building and housing services. (Prior code § 5-4-24)~~

~~18.16.250 Report of accidents and defective operation.~~

~~It shall be the duty of every licensed steam engineer and boiler operator to report to the building official any defect, or any accident in any steam boiler, hot water boiler, stack, stoker, burners, furnace, smoke prevention device, absorption system, or appurtenances belonging thereto, any fire hazard coming under his/her care, or any condition of the plant in violation of the Uniform Mechanical Code, as adopted by city ordinances or contrary to the standards adopted by Section 18.16.240 of this chapter, or its successor. (Prior code § 5-4-25)~~

~~18.16.260 Suspension, revocation and reinstatement of licenses.~~

~~A. — The building official shall have the power to suspend or revoke the license of a steam engineer or boiler operator:~~

- ~~1. For permitting water to get too low in the boiler;~~
- ~~2. For carrying a higher pressure of steam than allowed;~~

~~3. For allowing or permitting a fire hazard to exist in any boiler room after being duly notified by the authority having jurisdiction over such hazard;~~

~~4. For persistent violation of the air pollution code;~~

~~5. For an unnecessary absence from his/her post of duty;~~

~~6. For the excessive use of intoxicating liquors or other neglect or capacity.~~

~~B. — Provided, however, that no license shall be suspended or revoked without first giving an accused person an opportunity to be heard in such person's own defense.~~

~~C. — When a license of an engineer or boiler operator is revoked, no license shall be issued to such person for ninety days thereafter; and for any subsequent revocation, no license shall be issued to such person. (Prior code § 5-4-26)~~SECTION 2. This ordinance shall take effect

immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY RECORDER



(SEAL)

Bill No. \_\_\_\_\_ of 2009.

Published: \_\_\_\_\_.

HB\_ATTYY-#987-vI-ordinance\_repealing\_18\_16\_080\_through\_260