

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE 2018 – 19

**ORDINANCE CREATING A PERMIT
REQUIREMENT TO OPERATE A CRANE**

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality may make, amend, repeal and enforce ordinances not contrary to the laws of this State or of the United States, as it may deem necessary and proper for order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, the City of Union City (the “City”) is a municipality as defined by Title 40 of the New Jersey Statutes; and

WHEREAS, the City finds that it is in the best interest of the health, safety, and welfare of its residents to establish a uniform procedure concerning the operation of cranes within the City so as to preserve safety and prevent damage to personal property and real estate of residential properties located in the municipality; and

WHEREAS, active cranes in the municipality operate in a dense urban environment, often in close proximity to residential units, office spaces, and pedestrians, thus underscoring the need for professional crane operators who adhere to the highest standards of safety; and

WHEREAS, the licensing of crane operators is a matter of public safety; and

WHEREAS, the municipality wishes to enact legislation which will govern registration of cranes and use of cranes in the municipality.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey that the Code of the City of Union City is hereby amended and revised as follows:

SECTION ONE:

Chapter 426, “Building Construction Standards,” is hereby Amended to include Article II, to be entitled “Crane Operation,” which shall read as follows:

Article II: Crane Operation

§ 426-4 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

"Board" means the Crane Operators License Advisory Board established pursuant to N.J.S.A. 45:26-3.

"Certification" means certification from the National Commission for the Certification of Crane Operators or any other organization found by the Board to offer an equivalent testing and certification program meeting the requirements of the American Society of Mechanical Engineers ASME B30.5 and the accreditation requirements of the National Commission for Certifying Agencies.

"Commissioner" means the Commissioner of Labor.

"Crane" As used in this ordinance, the term "Crane" shall be defined in accordance with N.J.S.A. 45:26-1 through 45:26-17 (Licensure of Crane Operators Act), hereafter referred to as the Crane Operator Licensure Act and the 1926 OSHA Crane and Derricks in Construction also known as OSHA Subpart CC.

"Crane operator" means an individual engaged in the operation of a crane.

"Crane related experience" means operating, inspecting, training and maintenance experience acceptable to the board.

"Practical examination" means an examination demonstrating the applicant's ability to safely operate a particular category or type of crane. Practical examinations shall be conducted for the following crane categories: the lattice boom crawler cranes (LBC) lattice boom truck cranes (LBT), telescopic boom cranes (TLL, Swing Cab) & (TSS, Fixed Cab), Tower cranes and Overhead cranes.

§ 426-5 General Requirements.

1. Five (5) days before any crane operator, contractor or other person or company initiates the use of a crane within the municipality, a permit shall be obtained. In emergent situations, the building inspector may waive this requirement in his or her own discretion if the operator meets the balance of the requirements of this Ordinance.
2. The permit will be maintained with the Municipality as well as with the crane operator at all times; a copy of the permit shall be produced on the work site when requested.
3. The following documents must be provided to the Municipality in order to be granted a permit:
 1. Copy of crane operator certificate from one of the following organizations:
 1. National Commission for the Certification of Crane Operators (NCCCO);
 2. Operating Engineers Certification Program (OECF); or
 3. Crane Institute of America Certification.
 2. New Jersey Crane License.
 3. Current Medical Examiner's Card.
 4. A copy of the most recent and current proof of inspection for the crane being operated (Crane owner).
 5. Insurance required as follows:

1. Bodily Injury:
 - i. For any one (1) person in the amount of \$500,000.00;
 - ii. For any occurrence in the amount of \$1,000,000.00;
2. Property Damage:
 - i. For any one (1) accident in the amount of \$500,000.00;
 - ii. For any aggregate of occurrences in the amount of 2,000,000.00.
6. Proof that the Crane Operator submits to a random drug testing program.
7. Proof of Completion of Signal Person Qualification or Certification course.

4. Upon receipt of a properly completed application and compliance with the requirements of this Section, the building department shall issue or deny the requested permit within five (5) business days. If the application is denied the reasons for the denial are furnished to the applicant in writing.

§ 426-6 Crane Operator Licensing.

- a. Licensure of crane operators, pursuant to N.J.S.A. 45:26-7. No person shall engage in the operation of a crane, offer himself or herself for employment as a crane operator or otherwise act, attempt to act, present or represent himself as a crane operator unless licensed as such under the provisions of this act.
- b. A crane operator's license shall be valid only in conjunction with a current certification and only in the specialty or specialties for which the crane operator is certified. The specialties are lattice boom crawler crane (LBC), lattice boom truck crane (LBT), telescopic boom cranes (TLL, Swing Cab) & (TSS, Fixed Cab), tower cranes and overhead cranes.
- c. To be eligible for a license as a crane operator in the Municipality, an applicant shall fulfill each of the following requirements:
 1. Be at least 18 years of age.
 2. Receive certification from the National Commission for the Certification of Crane Operators or any other organization found by the board to offer an equivalent testing and certification program meeting the requirements of the American Society of Mechanical Engineers ASME B30.5 and the accreditation requirements of the National Commission for Certifying Agencies.
 3. Have at least 1,000 hours of crane-related experience.
 4. Maintain a current medical examiner's certification card.
- d. The crane operator should reside in the Municipality. If not, they should reside in the same County as the Municipality is located. The crane operator shall reside in New Jersey.

§ 426-7 Fee schedule.

The permit fee for each crane shall be \$100.00. Each permit is valid for sixty (60) days and may be extended and/or renewed provided that compliance with the requirements of this Ordinance continues to be met. Fee for an extended or renewal permit is \$50.00.

§ 426-8 Notification of accident or safety issue- Required.

The owner of the property shall immediately notify the Municipality of every accident causing personal injury or damage to property involving a construction crane covered by this chapter and shall afford the municipal official every facility for investigating such accident. When an accident involves the failure, breakage, damage or destruction of any part of the apparatus, it shall be unlawful to use such device until after an examination by the Municipality is made and approval of the equipment for continued use is granted. It shall be the duty of the Municipality to make a prompt examination into the cause of the accident and to enter a full and complete report thereof in the records of the Municipality. Such records shall be open for public inspection during regular business hours.

§ 426-9 Safety equipment- Required.

- a. All crane equipment shall be kept in safe working condition at all times by the owner and licensee.
- b. If any safety or operational aid used or required to be used in connection with the operation of a crane is not working properly, the person operating such crane shall immediately shut down the crane until such time that the required safety or operational aid is repaired or replaced and the crane is restored to proper working order.
- c. Any and all safety requirements promulgated by the Board, Commissioner, or Municipality must be adhered to at all times.
- d. Every crane shall be thoroughly inspected by a competent designated employee or authorized agent of the owner or lessee of such mobile crane, tower crane or derrick at intervals not exceeding one month. Such inspection shall include, but not be limited to, all blocks, shackles, sheaves, wire rope, connectors, and various devices on the master boom, controls and braking mechanisms.
- e. A written, dated, and signed record of each such inspection shall be completed by the competent designated employee or authorized agent who made the inspection. The most recent record of such inspection shall be posted inside the cab of such crane and shall be filed with the municipality. Attached to such record of inspection shall be a written designation naming the competent employee or authorized agent. Such attached designation shall be signed by the owner or lessee of said crane.
- f. Every crane shall be inspected before being erected or operated for the first time on any job.
- g. Adjustments and repairs to cranes shall be made only by competent designated persons.

§ 426-10 Administration; enforcement.

- a. The Municipal Council may promulgate rules and regulations for the administration of the provisions of this Article.

- b. The provisions of this Article shall be enforced by the Building department.

§ 426-11 Unsafe cranes

- a. Any crane which is or hereafter becomes unsafe or otherwise dangerous to human life or public safety, or which demonstrates inadequate maintenance shall be deemed to be in an unsafe condition by the Municipal Engineer. All unsafe cranes shall be taken down or removed or made safe, as the Municipal Engineer deems necessary and as provided for in this section.
- b. The Municipal Engineer shall cause a report to be filed on an unsafe crane. The report shall state the nature of the unsafe condition.
- c. If an unsafe condition is found, the Municipal Engineer or municipal agent shall serve on the owner, agent or person in control of the crane, a written notice that describes the condition being unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition. Such notice shall require the person thus notified to declare immediately to the Municipal Engineer or municipal agent exceptions or rejection of the terms of the written notice.
- d. Such written notice shall be deemed properly served if a copy is delivered to the owner personally, or sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested. If a certified or registered letter is returned showing that the written order has not been delivered, a copy shall be posted in a conspicuous place in or on the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the crane shall constitute service of notice upon the owner.
- e. The equipment determined to be unsafe by the Municipal Engineer or municipal agent may be restored to a safe condition. To the extent that repairs, alterations or additions are made during restoration of such equipment, such repairs, alterations or additions shall comply with all applicable codes.
- f. Any person who refuses or neglects to comply with the requirements of notice to abate an unsafe condition shall be subject to a fine in accordance with Section 9.

§ 426-12 Violations; penalties.

- a. Any person who operates a crane without meeting the requirements of this ordinance or any rule or regulation promulgated thereunder shall be subject to a fine of not less than \$1,000.00 and no more than \$10,000.00 for each violation. Each day of illegal operation shall constitute a separate and distinct offense.
- b. Any person or company who employs an unlicensed person as a crane operator or who permits or directs an unlicensed person to operate a crane shall be subject to a fine of not less than \$2,000.00 nor more than \$20,000.00 for each violation. Each day of illegal operation

shall constitute a separate and distinct offense.

SECTION TWO:

Severability. If any term or provision of this Ordinance is held to be illegal, invalid, or unenforceable by a court of competent jurisdiction, in whole or in part, such determination shall not affect the validity of the remaining terms and provisions of this Ordinance.

SECTION THREE:

Repealer. To the extent that any provision of the Code of the City of Union City is found to conflict with this Ordinance, in whole or in part, this Ordinance shall control.

SECTION FOUR:

In order to avoid accidental repeal of existing provisions, the City Clerk and the Corporation Counsel are hereby authorized to change any chapter numbers, article numbers and/or section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code.

SECTION FIVE:

This Ordinance shall take effect upon passage and publication as required by law.


Commissioners	Yea	Nay	Abstain/Present	Absent
Lucio P. Fernandez	X			
Wendy A. Grullon	X			
Celin J. Valdivia	X			
Maryury A. Martinetti	X			
Mayor Brian P. Stack	X			

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, introduced on May 22, 2018 and was further considered and adopted after a Public Hearing held on June 6, 2018 at 7:00 PM at the Holy Rosary Senior Residence, 1509 Bergenline Avenue, Union City, New Jersey.

INTRODUCED: May 22, 2018

ADOPTED: June 6, 2018

ATTEST:


Erin Knoedler
City Clerk

June 6, 2018
DATE