

**BOROUGH OF BERGENFIELD
PUBLIC NOTICE**

17-2518 - AN ORDINANCE OF THE BOROUGH OF BERGENFIELD, BERGEN COUNTY, NEW JERSEY CREATING PERMIT REQUIREMENT TO OPERATE A CRANE IN THE BOROUGH OF BERGENFIELD

was introduced at a regular meeting of the Mayor and Council of the Borough of Bergenfield, in the County of Bergen, New Jersey, held on Thursday, November 9, 2017 and will be further considered for final passage after public hearing at a meeting of the Mayor and Council to be held in the Executive Chambers, Bergenfield Municipal Center, 198 North Washington Avenue, Bergenfield, New Jersey on Tuesday, December 5, 2017 at 8:00 p.m. prevailing time, or as soon thereafter as the matter can be heard.

A clear and concise statement is to set the standards by which crane operators are governed in the municipality and require registration of cranes set forth in the ordinance.

A copy of this ordinance may be obtained without cost between the hours of 8:30 a.m. and 4:30 p.m. at the office of the Borough Clerk, 198 North Washington Avenue, Bergenfield, New Jersey.

Marie Quinones, RMC
Borough Clerk
Dated: November 15, 2017

**BOROUGH OF BERGENFIELD
ORDINANCE NO. 17-2518**

**AN ORDINANCE OF THE BOROUGH OF BERGENFIELD, BERGEN COUNTY,
NEW JERSEY CREATING PERMIT REQUIREMENT TO OPERATE A CRANE IN THE
BOROUGH OF BERGENFIELD**

WHEREAS, the Borough recognizes that a consistent policy is necessary concerning the operation of cranes within the municipality which helps to preserve safety and prevent damage to personal property and real estate of residential properties located in the Borough; and

WHEREAS, there exists the need to create a standard by which crane operators are governed in the municipality; and

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

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

NOW, THEREFORE BE IT RESOLVED, by the Borough of Bergenfield, County of Bergen and State of New Jersey, as follows:

The Code of the Borough of Bergenfield is hereby amended and supplemented with a new Chapter ____ entitled "Crane Regulations", which Chapter shall read as follows:

Section 1. 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.

Section 2. General Requirements.

a. Five (5) days before any crane operator, contractor or other person or company initiates the use of a crane within the Borough, a permit shall be obtained. In emergency 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.

b. The permit will be maintained with the Borough as well as with the crane operator at all times; a copy of the permit shall be produced on the work site when requested.

c. The following documents must be provided to the Borough in order to be granted a permit:

1. Copy of crane operator certificate from one of the following organizations:
 - a. National Commission for the Certification of Crane Operators (NCCCO);
 - b. Operating Engineers Certification Program (OEC); or
 - c. 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:
 - a. Bodily Injury:
 - ii. For any one (1) person in the amount of \$500,000.00
 - iii. For any occurrence in the amount of \$1,000,000.00
 - b. Property Damage:
 - i. For any (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.

d. 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.

Section 3. 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 Borough, an applicant shall fulfill each of the following requirements:

a. Be at least 18 years of age.

b. 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.

c. Have a minimum of 1,000 hours of crane-related experience.

d. Maintain a current medical examiner's certification card.

Section 4. 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.

Section 5. Notification of Accident or Safety Issue-Required.

The owner of the property shall immediately notify the Borough 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 Borough is made and approval of the equipment for continued use is granted. It shall be the duty of the Borough 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 Borough. Such records shall be open for public inspection during regular business hours.

Section 6. 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 Borough 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 inspections. The most recent record of such inspection shall be posted inside the cab or such crane and shall be filed with the Borough. Attached to such record of inspections 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.

Section 7. Administration; Enforcement.

a. The Borough 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.

Section 8. 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 Borough Engineer. All unsafe cranes shall be taken down or removed or made safe, as the Borough Engineer deems necessary and as provided for in this section.

b. The Borough 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 Borough Engineer or Borough 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 Borough Engineer or Borough 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 Borough Engineer or Borough 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 herein.

Section 9. 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.

Repealer.

All ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

Severability.

All provisions of this Ordinance are severable. If for any reason, any provision of this Ordinance is held to be invalid, the validity of the remainder of the Ordinance shall not be affected.

Effective Date.

This ordinance shall take effect immediately upon adoption and publication in the manner prescribed by law.

Introduced:

Adopted:

Approved: _____

Norman Schmelz, Mayor

Attest: _____

Corey Gallo

Borough Administrator