

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON
ORDINANCE # 27/15**

**AN ORDINANCE ESTABLISHING A NEW CHAPTER OF THE CODE OF THE TOWN
OF WEST NEW YORK (CONSTRUCTION CRANES)**

WHEREAS, the Board of Commissioners of the Town of West New York (“Town”) deems it necessary for the official conduct of the affairs of the Town of West New York that the Town has a comprehensive construction ordinance, inclusive of construction cranes;

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

WHEREAS, active cranes in the Town 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 Board of Commissioners of the Town wishes to enact legislation which will govern registration of cranes and use of cranes in the Town; and

WHEREAS, the Board of Commissioners of the Town has determined that adopting this new Chapter would be in the best interest of the community and will advance the safety of our residents and benefit the public welfare; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey, that a new Chapter of the Code of the Town of West New York shall hereby be established as follows:

1. Definitions.

“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” means a power-operated hoisting machine used in construction, demolition or excavation work that has a power-operated winch, load line and boom moving laterally by the rotation of the machine on a carrier and has a manufacturer-rated

lifting capacity of ten tons or more. It shall not include a forklift, digger derrick truck, aircraft, bucket truck, knuckle boom, trolley boom or any vehicle or machine not having a power-operated winch and load line.

“Crane Site” means the location where the crane shall be stored, placed or operated from.

“Operator” means an individual engaged in the operation of a crane.

“Owner” means the person with ownership rights in the crane

“Person” means any individual, corporation, limited liability company, partnership, or other legal entity.

2. Permit required.

A. No person shall operate a construction crane within the Town without having first applied for and obtained a construction crane permit required by this chapter provided that compliance with Section 3, 4 and 6 may be satisfied by proof satisfactory to the Town engineer of registration with the New Jersey Department of Labor and compliance with all statutes and regulations regarding the licensing and operation of Cranes within the State of New Jersey.

B. The permit will be maintained by the Operator and/or Owner at all times at the Crane Site. A copy of the permit shall be produced at the Crane Site upon demand.

3. Application for permit.

A. Application to operate a Crane is made to the Town engineer on forms provided for that purpose. The applicant must provide evidence of and state, at minimum:

1. The names and addresses of the owner(s) of the crane;
2. The names and addresses of the operator(s) of the crane;
3. A copy of valid licenses issued the New Jersey Department of Labor reflecting the ownership and operation of said crane;
4. A copy of the Operator(s)’s Certification from one of the following organizations:
 1. National Commission for the Certification of Crane Operators (NCCCO);
 2. Operating Engineers Certification Program (OECF);

3. Crane Institute of America Certification; and/or
4. As otherwise provided by this Chapter.
5. Proof that the Operator submits to a random drug testing program;
6. The crane's lift capacity;
7. Proof of most recent and current proof of inspection;
8. Engineer certified geotechnical plan for Crane Site, unless the Crane Site shall be in/on a body of water;
9. If the Crane Site is on public property, a Town right-of-way, or property owned by someone other than the crane operator or someone who has contracted with the crane operator for the crane's use, then the applicant must provide written proof of permission to utilize the Crane Site;
10. Construction permit;
11. Certificate of Continuing Occupancy;
12. New Jersey crane License;
13. Current Medical Examiner's Card;
14. Proof of Completion of Signal Person Qualification or Certification course;
15. All other permits required by State and Federal law;
16. Proof of insurance conforming to that which is required by Section 7; and
17. A written agreement from the applicant in a form approved by the City's Corporation Counsel indemnifying and holding the City harmless from any and all claims, losses, judgments or sums of money of whatsoever kind and nature arising in, from or in connection with use of the crane pursuant to a validly issued permit.

B. A Permit must be issued a minimum of five (5) days before any Operator, Owner, contractor, other person or company initiates the use of a Crane within the Town of West New York. In emergent situations, in the discretion of the building inspector, this requirement may be waived if the operator meets the balance of the requirements of this Chapter.

C. If the applicant seeks to extend and/or renew a permit issued pursuant to this Chapter, the applicant must seek extension or renewal before the expiration of the existing permit. The applicant shall certify that no changes have occurred since the filing of the initial permit application and remit payment of the fee established by Section 6. If changes have since occurred, without compliance with Section 8, then the Town may deny said application for extension and/or renewal.

4. Appeal.

In the event that any applicant for a permit shall have been refused a permit, said person shall have the right and privilege to appeal from such refusal to grant a permit to the Board of Commissioners

of the Town of West New York, or its designee; provided, however, that not less than five days' written notice of such appeal shall have been served upon the Board of Commissioners, either in person or by registered mail, return receipt requested, and a date of hearing before the Board of Commissioners or its designee shall be fixed no later than 30 days after the receipt of said notice of appeal. Thereupon, the Board of Commissioners or its designee shall notify said person of the place, date and time of hearing.

5. Term of permit.

Each permit issued pursuant to this chapter shall be valid for a period of thirty (30) days and may be extended and/or renewed provided that compliance with the requirements of Sections 3 and 8 continue to be met. The applicant must seek approval for permitting in accordance with Section 3(A).

6. Application fee.

Application fee for a construction crane permit is \$100.00. The fee for any renewal and/or extension of an existing permit is \$50.00.

7. Insurance requirements.

In addition to the information required to be provided pursuant to Section 3, the applicant shall provide proof of general liability insurance naming the Town as an additional insured in the amount of ten million dollars (\$10,000,000.00).

8. Continuing obligation.

Each applicant, for each permit issued pursuant to this Chapter, has a continuing obligation to update all information submitted with the applicant's application, pursuant to Section 3, during the pendency of the application procedure and while the permit is valid.

9. Registration required.

1. No person shall operate a crane in the Town without first having registered the same as required by this chapter and as required under all State and/or Federal statutes and regulations regarding the same.

2. No person shall operate a crane within, on or over a public right-of-way, other publicly owned property or the private property

of a person other than the owner of the crane or a person who has contracted for the use of or operation of such crane unless and until (1) the Town has granted its permission and all other necessary permits have been obtained and (2) the owner has granted his/her/its express written permission.

10. Licensure of Crane Operators;

1. Licensure of Operators pursuant to N.J.S.A. 45:16-7. No person shall engage in the operation of a Crane, offer him/herself for employment as an Operator or otherwise act, attempt to act, present or represent himself as a Crane Operator unless licensed as such under the provisions of N.J.S.A. 45:16 et. seq.
2. An 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.
3. To be eligible for a license as an Operator in the Town of West New York, an applicant shall fulfill 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; and
 4. Maintain a current medical examiner's certification card.

11. Notification of accident or safety issue – Required.

It shall be the duty of each Operator, Owner or person employing such Operator and/or Owner to immediately report to the Building Department of the Town of West New York any and all accidents or safety issue(s) regarding the operating, assembly, and disassembly or jumping of a crane.

12. Safety equipment – Required.

1. All Crane equipment shall be kept in safe working condition at all times by the owner and licensee.

2. 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 Operator of 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.

13. Administration; enforcement.

1. The Board of Commissioners of the Town of West New York may issue rules and regulations for the administration of the provisions of the Chapter.
2. The provisions of this Chapter shall be enforced by the building department.

14. Violations-Penalties.

1. Any person who violates any provision of this Chapter is a disorderly person and is liable for a fine not to exceed five hundred dollars (\$500.00) and/or imprisonment for a period not to exceed ten (10) days. Each day a violation continues shall constitute a separate violation. In addition, violations of this chapter will result in an immediate shut down of the Crane Site.
2. Any person or company who employs an unlicensed person as an 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 and nor more than \$20,000.00 for each violation. Each day of illegal operation shall constitute a separate and distinct offense.

SUMMARY OF ORDINANCE

This ordinance authorizes the City to establish a new Chapter of the Code of the Town of West New York related to use of construction cranes by permit within the Town of West New York.

Introduced: 12/16/15
Re-introduced: 1/20/16

Notice

The foregoing Ordinance was **re-introduced** and adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **January 20, 2016** and ordered published, and will be further considered before final passage at a public hearing on **February 17, 2016 at 7:00 p.m.** at the Commission Chambers, Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

Carmela Riccio, RMC
Town Clerk