TOWN OF WEST NEW YORK
COUNTY OF HUDSON, STATE OF NEW JERSEY

ORDINANCE #22/16

AN ORDINANCE AMENDING ORDINANCE 27/15 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") deemed it necessary for the official conduct of the affairs of the Town of West New York that the Town have a comprehensive construction ordinance, inclusive of construction cranes, and passed an ordinance evidencing same;

**WHEREAS**, the Board of Commissioners of the Town has now determined that a crane application should be made to the Town's Building Department; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Commissioners of the Town of West New York that Chapter _____ entitled "Construction Cranes" shall be amended as follows:

<u>**Section One**</u>

Section 3 shall be amended as follows:

A. An application to operate a Crane shall be made to the Building Department 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:
   i. National Commission for the Certification of Crane Operators (NCCCO);
   ii. Operating Engineers Certification Program (OECP);
   iii. Crane Institute of America Certification; and/or
   iv. 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.

## Section Two

**Severability.** The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

## Section Three

**Repealer.** All ordinances or portions thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, or the extent of such conflict or inconsistency, it being legislative intent that all ordinances or portions of ordinances now existing or in effect shall remain in effect unless the they are in conflict or inconsistent with any provision of this Ordinance.

## Section Four

**When Effective**. This ordinance shall take effect upon passage and publication as required by law.

## SUMMARY OF ORDINANCE

This amended ordinance provides that an application to operate a crane shall be made to the Building Department, rather than the Town engineer (Section 3A).


**Introduced:  11/21/2016**
**Adopted:     12/15/2016**