

TOWNSHIP OF SADDLE BROOK

Ordinance #1628-17

AN ORDINANCE ESTABLISHING A NEW CHAPTER OF THE CODE OF THE TOWNSHIP OF SADDLE BROOK (CRANES)

WHEREAS, the Governing Body of the Township of Saddle Brook ("Township") deems it necessary for the official conduct of the affairs of the Township of Saddle Brook that the Township has a comprehensive construction ordinance, inclusive of cranes; and

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

WHEREAS, active cranes in the Township 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 Governing Body of the Township wishes to enact legislation which will govern registration of cranes and use of cranes in the Township; and

WHEREAS, the Governing Body of the Township 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 Township Council of the Township of Saddle Brook, County of Bergen State of New Jersey, that a new Chapter of the Code of the Township of Saddle Brook shall hereby be established as follows:

SECTION I.

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" shall be defined in accordance with N.J.S.A. 45:26-1 through 45:26-17 (Licensure of Crane Operators Act), and the 1926 OSHA Crane and Derricks in Construction also known as OSHA Subpan CC.

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

"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.

"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 crane within the Township without having first applied for and obtained a crane permit required by this chapter provided that compliance with Section 3, 4 and 5 may be satisfied by proof satisfactory to the Construction Official 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 Township as well as with 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 Construction Official 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 by the New Jersey Department of Labor reflecting the ownership of said crane;
 - 4. A copy of the Operator(s)'s Certification from one of the following organizations:
 - a. National Commission for the Certification of Crane Operators (NCCCO);
 - b. Operating Engineers Certification Program (OECP);
 - c. Crane Institute of America Certification; and/or
 - d. As otherwise provided by this Chapter.
 - 5. The crane's lift capacity;
 - 6. Proof of most recent inspection;

7. If the Crane Site is on public property, a Township 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;
8. Construction permit;
9. Certificate of Continuing Occupancy;
10. New Jersey Crane License;
11. Current Medical Examiner's Card;
12. Proof of Completion of Signal Person Qualification or Certification course;
13. All other permits required by State and Federal law;
14. Proof of insurance conforming to that which is required by Section 5; and
15. A written agreement from the applicant in a form approved by the Township Attorney indemnifying and holding the Township 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 Township of Saddle Brook. In emergent situations, in the discretion of the Construction Official, this requirement may be waived if the operator meets the balance of the requirements of this Chapter.

C. Each permit issued pursuant to this chapter shall be valid for a period of sixty (60) days. 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 4. If changes have since occurred, without compliance with Section 6, then the Township may deny said application for extension and/or renewal.

4. Application fee.

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

5. 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 Township as an additional insured as follows:

- A. **General liability** limits of \$10,000,000 per occurrence combined single limit for bodily injury and property damage with at least \$10,000,000 general aggregate. Contractual liability **must** be included on all Certificates of Insurance.
- B. **Automobile liability** limits of \$1,000,000 per occurrence combined single limit for bodily injury and property damage with no aggregate. The insurance shall include owned, hired, and non-owned vehicles.
- C. **Workers Compensation** at Statutory limits including Employers Liability at minimum limits of \$1,000,000;
- D. **Umbrella liability** limits of at least \$5,000,000 excess of the General Liability, Automobile Liability, and Employers' Liability;
- E. **Contractors Pollution Liability** limits of \$5,000,000;
- F. **Property** limits to cover all Township property associated with the project.

Additional Provisions:

- a. Waiver of Subrogation on all coverages;
- b. Additional Insured Status on the General Liability, Automobile Liability, Contractors Pollution Liability and Umbrella Liability;
- c. CONTRACTOR'S coverage to be primary and non-contributory;
- d. CONTRACTOR'S coverage to pay attorney fees.

6. 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.

7. Registration required.

- A. No person shall operate a crane in the Township 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.

- B. 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 Township has granted its permission and all other necessary permits have been obtained; and
 - 2. the owner has granted his/her/its express written permission.

8. Licensure of Crane Operators;

- A. Licensure of Operators pursuant to N.J.S.A. 45:26-7. 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. 45:26 et. seq.
- B. 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.

9. Notification of accident of safety issue- Required

The owner of the building shall immediately notify the Township of every accident causing personal injury or damage to property involving a 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 Township is made and approval of the equipment for continued use is granted. It shall be the duty of the Township 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 Township. Such records shall be open for public inspection during regular business hours.

10. 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 the 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 crane is restored to properly working order.

- C. Any and all safety requirements promulgated by the Board, Commissioner, or the Township must be adhered to at all times.
- D. Every crane shall be thoroughly inspected by a competent designated employee of the 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 breaking mechanisms.
- E. Written, dated and signed records 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 Township. 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 such.
- F. Every crane shall be inspected before erected or operated for the first time on any job.
- G. Adjustments and repairs to cranes shall be made only by competent designated persons.

11. Administration; enforcement.

- A. The Township Council may issue rules and regulations for the administration of the provisions of this Article.
- B. The provisions of this article shall be enforced by the Building/Construction department.

12. Unsafe cranes

- A. Any crane which is or hereafter becomes unsafe or otherwise dangerous to human life or public safety, or which involves inadequate maintenance shall be deemed in unsafe condition. 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 equipment determined to be unsafe by the Municipal Engineer 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.
- C. Any person who refuses or neglects to comply with the requirements of an order to abate an unsafe condition shall be subject to a fine or imprisonment in accordance with Section

13. Violations-Penalties.

- A. 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.

- B. 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.

ATTEST:

APPROVED:

TOWNSHIP OF SADDLE BROOK

Peter LoDico, Township Clerk

Karen D'Arminio, Council President

Robert White, Mayor

Adopted: