

**BOROUGH OF EMERSON  
COUNTY OF BERGEN**

**NOTICE OF ADOPTION**

**ORDINANCE 1558-18**

**AN ORDINANCE CREATING A PERMIT REQUIREMENT  
TO OPERATE A CRANE WITHIN THE BOROUGH OF EMERSON**

**Introduced: May 15, 2018**

**Adopted: June 12, 2018**

**NOTICE IS HEREBY GIVEN** that the following ordinance was adopted on the second reading after a Public Hearing at the Regular Meeting of the Borough Council of the Borough of Emerson on the 12th day of June, 2018. A copy of Ordinance 1558-18 is on file in the Borough Clerk's Office in the Municipal Building, 1 Municipal Pl., Emerson, NJ 07630.

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

**WHEREAS**, there exists a need to create a standard governing crane safety operation within the Borough; and

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

**WHEREAS**, crane(s) in the Borough will operate in an environment that is often in close proximity to residential units, office space, roads and pedestrian walkways, thus underscoring the need for professional crane operators who adhere to the highest standard of safety; and

**WHEREAS**, the Borough wishes to enact an ordinance that will govern the use of cranes within the Borough,

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Emerson, in the County of Bergen, and State of New Jersey, as follows:

**SECTION 1.** That Part 2, General Legislation, of the Revised General Ordinances of the Borough of Emerson is hereby amended and supplemented to add a new Section \_\_\_\_, entitled "Crane Regulations" to read as follows:

\_\_\_ **CRANE REGULATIONS**

\_\_- \_\_.1 **Definitions.**

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

“Board” means the Crane Operator’s License Advisory Board created within the Department of Labor and Workforce Development, 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 and Workforce Development.

“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 Regulations, 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) and (TSS, Fixed Cab), Tower cranes and Overhead cranes.

## **\_\_ - \_\_.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 emergent situations, the Construction Official may waive this requirement in his or her own discretion, if the operator meets the balance of the requirements of this Ordinance.

b. Copies of the permit will be maintained by the Borough and 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 by the permit applicant 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 (OECEP); or
  - (c) Crane Institute of America Certification.
2. New Jersey Crane License;
3. Current Medical Examiner’s Certificate verifying that the crane operator has had an annual medical exam and is in proper health to maneuver heavy machinery.
4. A copy of the most recent and current proof of inspection for the crane being operated (Provided by crane owner).

5. Insurance required as follows:
    - (a) Bodily Injury:
      - (i) For any one (1) person in the amount of \$500,000;
      - (ii) For any occurrence in the amount of \$1,000,000;
    - (b) Property Damage:
      - (i) For any one (1) accident in the amount of \$500,000;
      - (ii) For any aggregate of occurrences in the amount of \$2,000,000.
  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 Construction Official shall issue or deny the requested permit within five (5) business days. If the application is denied, the reasons for the denial shall be furnished to the applicant in writing.

**\_\_ - \_\_.3 Crane Operator Licensing.**

a. To be eligible for a license as a crane operator within the Borough, the applicant shall fulfill each of the following requirements:

1. Be licensed pursuant to N.J.S.A. 45:26-7;
2. Be at least 18 years of age;
3. Possess 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 B 30.5 and the accreditation requirements of the National Commission for Certifying Agencies;
4. Have at least 1,000 hours of crane-related experience; and
5. Maintain a current medical examiner's certification card. A medical examiner is  
 a physician, physician's assistant or other recognized and certified medical professional

**\_\_ - \_\_.4 Fee Schedule.**

The permit fee for each crane shall be \$250. Each permit is valid for sixty (60) days and may be extended and/or renewed provided that compliance with the requirements of this Section continues to be met. Fee for an extended or renewed permit is \$100 for each additional sixty (60) days of the renewal.

**\_\_ - \_\_.5 Notification of Accident or Safety Issue. Required.**

In addition to all other notice requirements, including notice to the Department of Labor and Workforce Development pursuant to N.J.A.C. 12:121-5.1 or its successors, the owner of the property on which a crane governed by this Section is operating shall immediately notify the Borough Police Department of any accident causing personal injury or damage to property, and shall provide the Borough with access to the site for investigating such accident. When an accident involves the failure, breakage, damage or destruction of any part of the crane apparatus, it shall be unlawful to continue to use such crane apparatus until after examination of proof of a crane inspection conducted after the repair of the crane apparatus is provided to the Borough and approval of the equipment for continued use is granted by the Borough. The Borough shall promptly examine the cause of the accident and complete a report thereon to be maintained by the Borough. A copy of the report will be forwarded to the Commissioner of Labor and Work Force Development as well as other State or Federal agencies as required by law.

**\_\_ - \_\_.6 Safety Equipment - Required.**

- a. All crane equipment shall be kept in safe working condition at all times by the owner and permittee.
- 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 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 Borough. 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 by competent designated person(s) 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.

**\_\_ - \_\_.7 Administration; Enforcement.**

- a. The Borough Council may promulgate rules and regulations for the administration of the provisions of this Chapter.
- b. The provisions of this Chapter shall be enforced by the Construction Official or his or her designee which may include a member of the Department of Public Works, Borough Engineer, or an independent third party.

**\_\_-\_\_.8 Unsafe Cranes.**

- a. Any crane that 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 appropriate Borough representative or designee. All unsafe cranes shall be taken down or removed or made safe, as the appropriate Borough representative or designee deems necessary and as provided for in this Section.
- b. The appropriate Borough representative or designee 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 Construction Official or appropriate Borough representative or designee shall serve on the owner, agent, rentor or person in control of the crane, a written notice that describes the condition being deemed unsafe and that 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 Construction Official or appropriate Borough representative 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 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 renter or person responsible for the crane shall constitute service of notice upon the owner.
- e. The equipment determined to be unsafe by the Construction Official or appropriate Borough representative or designee 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. The repairs shall be made at the costs to the owner, renter or operator of the crane.
- 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.

**\_\_-\_\_.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 and no more than \$10,000 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 nor more than \$20,000 for each violation. Each day of illegal operation shall constitute a separate and distinct offense.

**Section 2. REPEALER**

All ordinances or parts of ordinances inconsistent with this Ordinance are repealed to the extent of such inconsistencies.

**Section 3. SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 4. EFFECTIVE DATE**

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

**ATTEST:**

\_\_\_\_\_  
Jane Dietsche, RMC  
Borough Clerk

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Louis J. Lamatina  
Mayor

COUNCIL	M O V E D	S E C O N D E D	A Y E S	N A Y E S	A B S E N T	A B S T A I N	<p><i>I hereby certify that the above Ordinance was duly adopted by the Borough of Emerson at a meeting held on June 12, 2018.</i></p> <p><i>Attest:</i> _____ <i>Municipal Clerk</i></p>
DiPaola							
Bayley							
Wolf							
Knoller							
Falotico							
Downing							