

**BOROUGH OF BOUND BROOK  
ORDINANCE NO. 2017-30**

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

**WHEREAS**, the Borough of Bound Brook 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 Borough; and

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

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

**WHEREAS**, active cranes in the Borough operate in a dense environment, often in close proximity to residential units, office spaces 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 legislation that will govern the use of cranes within the Borough,

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Bound Brook, in the County of Somerset, and State of New Jersey, as follows:

**SECTION 1.** That Chapter 4, General Licensing, of the Revised General Ordinances of the Borough of Bound Brook is hereby amended and supplemented to add a new Section 4-26, entitled "Crane Regulations" to read as follows:

**4-26 CRANE REGULATIONS**

**4-26.1 Definitions.**

As used in this Section 4-26, 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.

"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.

#### **4-26.2 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 Section 4-26.
- 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 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 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:
      - (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 4-26, the Code Enforcement Office 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.

#### **4-26.3 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.

#### **4-26.4 Fee Schedule.**

The permit fee for each crane shall be \$100. Each permit is valid for sixty (60) days and may be extended and/or renewed provided that compliance with the requirements of this Section 4-26 continues to be met. Fee for an extended or renewed permit is \$50.

#### **4-26.5 Notification of Accident or Safety Issue.**

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, the owner of the property on which a crane governed by this Section 4-26 is operating shall immediately notify the Borough 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 by the Borough is made and approval of the equipment for continued use is granted. The Borough

shall promptly examine the cause of the accident and complete a report thereon to be maintained by the Borough.

**4-26.6 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 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 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.

**4-26.7 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 Code Enforcement Department.

**4-26.8 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 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 4-26.

- 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 Construction Official shall serve on the owner, agent 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 Borough Engineer or Construction Official 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 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 Construction Official 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 4-26-9.

**4-26.9 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 \$100 and no more than \$2,000 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 \$100 nor more than \$2,000 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:

BOROUGH OF BOUND BROOK

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Donna Marie Godleski  
Borough Clerk

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Robert Fazen  
Mayor

Date of Introduction: September 12, 2017

Date of Adoption: September 26, 2017