

**BOARD OF CHOSEN FREEHOLDERS
COUNTY OF HUDSON**

ORDINANCE

No.

**On Motion of Freeholder
Seconded by Freeholder**

**AN ORDINANCE
REGULATING THE USE OF CONSTRUCTION CRANES
FOR HUDSON COUNTY PROJECTS**

WHEREAS, given the potential of great harm to the public from improper use of cranes for construction, it has become apparent to the Board of Chosen Freeholders that the use of construction cranes must be regulated; and

WHEREAS, because of the extent of construction within the Hudson County, there is often the use of such cranes near residential structures and public rights-of-way; and

WHEREAS, a number of projects that are undertaken by Hudson County require the use of cranes; and

WHEREAS, a number of projects that are undertaken by private contractors along County roads require the use of cranes; and

WHEREAS, the Freeholders have concluded that the safety of such devices is a matter of concern to the residents of the Hudson County and those who work in and visit Hudson County.

WHEREAS, the use of cranes needs to be regulated for projects undertaken by Hudson County; and

WHEREAS, the use of cranes needs to be regulated for projects undertaken by private contractors along Hudson County roads; and

NOW, THEREFORE, BE IT ORDAINED that Hudson County Board of Chosen Freeholders hereby ordains:

CRANE REGULATIONS

1. No person shall operate or use a crane on a County construction project, or a construction project on a County road without first securing a crane permit.

- A. As used in this ordinance, the term "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 also known as OSHA Subpart CC.
- B. Any person intending to use a construction crane for a project undertaken by Hudson County or along a County Road shall give written notice of such intent to the County Engineer and to the owner of each adjoining lot, building or structure at least seven (7) days prior to the commencement of such use. Such written notice shall include:
 1. The dates and times when such cranes shall be used and the names, addresses and 24-hour telephone numbers of the persons responsible for the safety of such crane;
 2. A copy of the crane operator's license and medical examiner's certificate in compliance with the Licensure of Crane Operator's Act;
 3. Certification of Crane Operator (CCO);
 4. A copy of the crane owner's liability insurance;
 5. The most current inspection report for the crane.

- C. A written agreement from the general contractor or crane owner in a form approved by the County's Counsel indemnifying and holding the County 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 this ordinance.
- D. The general contractor or the owner of the crane shall be responsible for the care, maintenance and safe operation of the equipment after its installation and acceptance by such owner or agents. The general contractor or the owner of the crane shall make or caused to be made all periodic tests and inspections in order to maintain such equipment in a safe operating condition.
- E. The person installing any such equipment shall make all acceptable tests and shall be responsible for the care and safety of such equipment during its construction and use.
- F. The contractor or owner of the crane shall immediately notify the County Engineer of every accident causing personal injury or damage to property involving a construction crane regulated by this ordinance. 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 general contractor or crane owner is made and a certification is provided on the equipment for continued use. It shall be the duty of the general contractor or crane owner 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 County Engineer. Such records shall be open for public inspection during regular business hours. If such an examination is not made in a timely fashion, the County reserves the right to hire an independent consultant to review the conditions at the general contractor's expense. The general contractor or crane owner shall afford the County's representative full access to investigate the condition of the equipment.

2. Safe operation of cranes

- A. Mobile cranes, tower cranes and derricks used in construction, demolition and excavation operations and any and all cranes defined in N.J.S.A. 45:26-1, et. seq. and 1926 OSHA Crane and Derricks in Construction shall be so constructed, placed and operated so as to be stable. No component or part of any such crane or derrick shall be stressed beyond its rated capacity as determined by the manufacturer or builder.
- B. 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 be limited to all blocks, shackles, sheaves, wire rope, connectors, and various devices on the master boom, controls and braking mechanisms. Any deficiencies found as a result of this inspection shall be remedied prior to the continued operation of the crane.
- C. 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 Office of the County Engineer. 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.
- D. Every crane shall be inspected before being erected or operated for the first time on any job.
- E. Adjustments and repairs to cranes shall be made only by competent designated persons.

3. 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 provided for in this section.
- B. If conditions are reported of deficiencies with the crane, the County 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 reported by the general contractor, crane owner or consultant retained by the County, the County Engineer shall serve on the owner, agent or person in control of the crane, a written notice that describes the condition being unsafe and states that the required repairs or improvements must be made to abate the unsafe condition.
- D. Such order 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 the return receipt requested. If a certified or registered letter is returned showing that the letter 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 must 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.

4. Violations-Penalties.

- A. Any person who violates any provision of this Chapter is considered 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.

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Seconded by Freeholder**

1. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

2. This Ordinance shall take effect in the manner and time as required by law.

Freeholder	Aye	Nay	Abst	N.P.	Freeholder	Aye	Nay	Abst.	N.P.
Balmir					Rivas				
Cifelli					Rodriguez				
Kopacz					Romano				
Maldonado					Chairperson Vainieri				
O'Dea									

It is hereby certified that at a regular meeting of the Board of Freeholders of the County of Hudson held on the _____ day of _____ A.D. 2020, the foregoing ordinance was finally adopted with _____ members voting in the affirmative and _____ in the negative.

_____, Clerk

The foregoing ordinance having been duly presented to me, I hereby _____ the same

Dated: _____ A.D. 2020

County Executive

Source: