



BOROUGH OF BOGOTA

ORDINANCE NO. 1644

DATE: 11-06-25

PUBLIC HEARING AND ADOPTION

AN ORDINANCE AMENDING CHAPTER 9 OF THE BOGOTA CODE, ENTITLED "BUILDING AND HOUSING"

Cranes

PUBLIC HEARING OPEN

| COUNCIL | MOTION | SECOND | YES | NO | RECUSE | ABSTAIN | ABSENT |
|-----------------------------|--------|--------|-----|----|--------|---------|--------|
| Council President L. Kohles | | | ✓ | | | | |
| Councilmember C. Carpenter | ✓ | | ✓ | | | | |
| Councilmember W. Hordern | | | ✓ | | | | |
| Councilmember P. McHale | | ✓ | ✓ | | | | |
| Councilmember J. Mitchell | | | ✓ | | | | |
| Councilmember D. Vergara | | | ✓ | | | | |

COMMENTS: *Attorney & Borough Adm Explained*

PUBLIC HEARING CLOSED

| COUNCIL | MOTION | SECOND | YES | NO | RECUSE | ABSTAIN | ABSENT |
|-----------------------------|--------|--------|-----|----|--------|---------|--------|
| Council President L. Kohles | | | ✓ | | | | |
| Councilmember C. Carpenter | ✓ | | ✓ | | | | |
| Councilmember W. Hordern | | | ✓ | | | | |
| Councilmember P. McHale | | | ✓ | | | | |
| Councilmember J. Mitchell | | | ✓ | | | | |
| Councilmember D. Vergara | | ✓ | ✓ | | | | |

ADOPTION:

| COUNCIL | MOTION | SECOND | YES | NO | RECUSE | ABSTAIN | ABSENT |
|-----------------------------|--------|--------|-----|----|--------|---------|--------|
| Council President L. Kohles | | | ✓ | | | | |
| Councilmember C. Carpenter | | | ✓ | | | | |
| Councilmember W. Hordern | | ✓ | ✓ | | | | |
| Councilmember P. McHale | | | ✓ | | | | |
| Councilmember J. Mitchell | ✓ | | ✓ | | | | |
| Councilmember D. Vergara | | | ✓ | | | | |



**AN ORDINANCE AMENDING CHAPTER 9 OF THE
BOGOTA CODE, ENTITLED "BUILDING AND HOUSING"**

Cranes

WHEREAS, Chapter 9 of the Bogota Code sets forth the rules and regulations for the proper construction of buildings and properties within the Borough of Bogota; and,

WHEREAS, the Mayor and Council seek to amend Chapter 9 to include provisions that regulate the operation of cranes within the Borough, since such regulations do not currently exist in the Bogota Code.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Bogota, that a new Section 17 be added to Chapter 9 of the Bogota Code, entitled "Cranes", which shall read as follows:

SECTION 1: ESTABLISHMENT OF A NEW SECTION 9-17.1, ENTITLED "DEFINITIONS".

A new Section 9-17.1 is hereby established, entitled "Definitions", which shall read as follows:

§ 9-17.1 Definitions.

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

BOARD

The Crane Operators License Advisory Board established pursuant to N.J.S.A. 45:26-3.

CERTIFICATION

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

The Commissioner of Labor.

CRANE

As used in this Chapter, 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.

CRANE OPERATOR

An individual engaged in the operation of a crane.

CRANE-RELATED EXPERIENCE

Operating, inspecting, training and maintenance experience acceptable to the Board.

PRACTICAL EXAMINATION

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.

SECTION 2: ESTABLISHMENT OF A NEW SECTION 9-17.2, ENTITLED "GENERAL REQUIREMENTS".

A new Section 9-17.2 is hereby established, entitled "General Requirements", which shall read as follows:

§ 9-17.2 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 from the Bogota Building Department. In emergency situations, the Building Inspector may waive this requirement, in his or her own discretion, if the operator meets the balance of the requirements of this Chapter.
- B.** The permit will be maintained with the Borough as well as with the crane operator at all times; a copy of the permit shall be produced at the work site when requested.
- C.** The following documents must be provided to the Borough in order to be granted a permit:
- (1)** A 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 (OEC); or
 - (c)** Crane Institute of America Certification.
 - (2)** A New Jersey crane operator license.
 - (3)** Current medical examiner's card (if required by the crane operator certificate provided in accordance with Section 9-17.2(c)(1)).
 - (4)** A copy of the most recent and current proof of inspection for the crane being operated.
 - (5)** Insurance required as follows:
 - (a)** Bodily injury:
 - [1]** For any one person in the amount of \$500,000.
 - [2]** For any occurrence in the amount of \$1,000,000.
 - (b)** Property damage:
 - [1]** For any accident in the amount of \$500,000.
 - [2]** 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 Building Department 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.

SECTION 3: ESTABLISHMENT OF A NEW SECTION 9-17.3, ENTITLED "CRANE OPERATOR LICENSING".

A new Section 9-17.3 is hereby established, entitled "Crane Operator Licensing", which shall read as follows:

§ 9-17.3 Crane operator licensing.

No person shall engage in the operation of a crane, offer himself or herself for employment as a crane operator or otherwise act, attempt to act, present or represent himself as a crane operator within the Borough of Bogota unless licensed as such under the provisions of N.J.S.A. 45:26-7, et seq., and meets the requirements set forth under N.J.S.A. 45:26-8, et seq.

SECTION 4: ESTABLISHMENT OF A NEW SECTION 9-17.4, ENTITLED "FEE SCHEDULE".

A new Section 9-17.4 is hereby established, entitled "Fee Schedule", which shall read as follows:

§ 9-17.4 Fee schedule.



The permit fee for each crane shall be \$100. Each permit is valid for 60 days and may be extended and/or renewed, provided that compliance with the requirements of this Chapter continues to be met. Fee for an extended or renewal permit is \$50.

SECTION 5: ESTABLISHMENT OF A NEW SECTION 9-17.5, ENTITLED “NOTIFICATION OF ACCIDENT OR SAFETY ISSUE REQUIRED.”

A new Section 9-17.5 is hereby established, entitled “Notification of Accident or Safety Issue Required”, which shall read as follows:

§ 9-17.5 Notification of accident or safety issue required.

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

SECTION 6: ESTABLISHMENT OF A NEW SECTION 9-17.1, ENTITLED “SAFETY EQUIPMENT REQUIRED”.

A new Section 9-17.6 is hereby established, entitled “Safety Equipment Required”, which shall read as follows:

§ 9-17.6 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 be 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 inspections. The most recent record of such inspection shall be posted inside the cab or such crane and shall be filed with the Borough in accordance with Section 9-17.2(c)(4). Attached to such record of inspections 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.

SECTION 7: ESTABLISHMENT OF A NEW SECTION 9-17.7, ENTITLED “UNSAFE CRANES”.

A new Section 9-17.8 is hereby established, entitled “Unsafe Cranes”, which shall read as follows:

§ 9-17.7 Unsafe cranes.

- A.** Any crane which 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.



- 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 Borough agent shall serve on the owner, agent or person in control of the crane, a written notice that describes the condition being unsafe and 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 Borough agent 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 the 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 Borough agent 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 § 9-17.9 herein.

SECTION 8: ESTABLISHMENT OF A NEW SECTION 9-17.8, ENTITLED "ENFORCEMENT".

A new Section 9-17.8 is hereby established, entitled "Enforcement", which shall read as follows:

§ 9-17.8 Enforcement.

The provisions of this Chapter shall be enforced by the Building Department.

SECTION 9: ESTABLISHMENT OF A NEW SECTION 9-17.1, ENTITLED "VIOLATIONS AND PENALTIES".

A new Section 9-17.9 is hereby established, entitled "Violations and Penalties", which shall read as follows:

§ 9-17.9 Violations and penalties.

- A.** Any person who operates a crane without meeting the requirements of this Chapter, or any rule or regulation promulgated thereunder, shall be subject to a fine of not less than One Thousand (\$1,000.00) Dollars and not more than Ten Thousand (\$10,000.00) Dollars 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 Two Thousand (\$2,000.00) Dollars nor more than Twenty Thousand (\$20,000.00) Dollars for each violation. Each day of illegal operation shall constitute a separate and distinct offense.

SECTION 10: SEVERABILITY.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION 11: INCONSISTENCY.

Any and all ordinances, or parts thereof, in conflict or inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent.



SECTION 12: EFFECTIVE DATE

This ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

CERTIFICATION

✓

ATTEST:

Borough Clerk

APPROVED:

Mayor

I, Yenlys Flores-Bolivard, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of an Ordinance Introduction adopted by the Borough of Bogota at a meeting held on 11-06-25.