



City of Chicago



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Meeting Date: 10/16/2013

Sponsor(s): Emanuel (Mayor)
Thompson (16)
O'Shea (19)

Type: Ordinance

Title: Amendment of Chapter 4-288 of Municipal Code by adding new Section 4-288-122 requiring permit to assemble or jump cranes, 4-288-125 regarding accidents or safety issues, 4-288-127 safe equipment and 4-288-128 rules and regulations

Committee(s) Assignment: Committee on Zoning, Landmarks and Building Standards

ZON



OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

October 16, 2013

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Buildings, I transmit herewith, together with Aldermen Thompson and O'Shea, an ordinance amending Chapter 4-288 of the Municipal Code regarding crane operators.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in black ink that reads "Rahm Emanuel".

Mayor

ORDINANCE

WHEREAS, The City of Chicago is a home rule unit of government as defined in Article VII, § 6(a) of the Illinois Constitution, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, The licensing of crane operators is a matter of public safety pertaining to the government and affairs of the City of Chicago; and

WHEREAS, Active cranes in Chicago 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; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 4-288-020 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

4-288-020 Crane-defined Definitions.

For the purposes of this chapter, the following definitions shall apply, unless the context clearly indicates otherwise:

“Apprentice crane operator” means an individual who performs work as a crane operator under the direct supervision of a licensed crane operator with the intention of becoming a licensed crane operator.

“Approved accredited certifying entity” means any organization whose certification program for crane operators is accredited by the National Commission for Certifying Agencies (NCCA) or its equivalent, and that meets other criteria as may be established by the commissioner. Equivalency to the NCCA certification program shall be determined by the commissioner.

“Board of crane operators examiners” means the board of crane operator examiners established pursuant to Section 2-116-250.

“Certificate of registration” means a written instrument issued by the department acknowledging that the named person holds a crane operator’s license under this chapter.

“Commissioner” means the commissioner of buildings or the commissioner’s designee. Such designee may include, but is not limited to, a construction equipment

inspector.

“Construction equipment inspector” means a person designated by the commissioner to enforce the provisions of this Code. A construction equipment inspector shall have the authority to enter any jobsite to inspect or review jobsite conditions and to stop work when appropriate to ensure that cranes, as defined in this section, are operated, maintained, assembled, disassembled, or jumped in a manner necessary or appropriate to protect public safety and consistent with the information set forth in the permit application required under Section 4-288-122.

a crane is defined as “Crane” means any power-operated mechanical hoisting equipment with a manufacturer's rated capacity of ~~five tons~~ one ton (2000 pounds) or more that lifts, lowers, rotates or moves a load horizontally or vertically. The term “crane” but does not include personnel hoists, elevators, powered window-washing units, dedicated drill rigs and or helicopter cranes.

“Department” means the department of buildings.

“Licensee” means any person licensed or required to be licensed under this chapter.

“Practical examination” means an examination testing the skills of an applicant for a license under this chapter in connection with the physical operation of the specific equipment for which a license is required under this chapter.

“Safety issue(s)” means unsafe equipment and/or unsafe working conditions.

“Unsafe working conditions” means (1) physical or other conflicts between more than one crane on a jobsite; (2) hoisting or swinging a load over an occupied building, pedestrian walkway or vehicular traffic/parking lane; (3) any safety or operational aid used or required to be used in connection with the operation of a crane that is not working properly; or (4) any other working condition that the commissioner determines jeopardizes or threatens to jeopardize the health, safety or welfare of any crane operator or the general public, as set forth in rules and regulations duly promulgated by the commissioner.

“Written examination” means an examination administered in a paper or computer-based format testing the knowledge of an applicant for a license under this chapter in connection with the substantive requirements of applicable codes, operating procedures, and other similar knowledge related to the operation of a crane(s).

SECTION 2. Section 4-288-030 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

4-288-030 Application – Qualification for examination.

(a) An applicant for a crane operator's license shall file an application with the commissioner of buildings in writing on a form supplied provided by the commissioner and in accordance with reasonable requirements determined by the commissioner.

(b) To qualify to take the crane operator's license examination, the applicant must provide evidence in a form acceptable to the building commissioner that:

(Omitted text is unaffected by this ordinance)

E. The applicant has the present physical ability to safely operate a crane; and

F. The applicant has the ability to read, write and speak English at a level that allows effective communication on the job site; and

G. After November 10, 2014 or the date applicable to paragraphs (a)(2) and (f) of 29 CFR 1926.1427 as set forth in 29 CFR 1926.1427(k)(1), whichever comes later, the applicant has a current and valid certification issued by an approved accredited certifying entity identifying the type(s) of crane that the applicant is certified to operate.

(Omitted text is unaffected by this ordinance)

SECTION 3. Section 4-288-040 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

4-288-040 Examinations – Administration, regulation and enforcement.

The building commissioner is authorized to adopt such reasonable rules and regulations as to necessary or appropriate to implement the requirements of this chapter, including, but not limited to, the time, manner and content of the crane operator's examination, that will Such rules and regulations shall allow the full assessment of (i) enable the department to fully assess the competency and fitness of each applicant to operate the type of crane for which a license under this chapter is being sought and. The examination shall (ii) require the applicant to show or demonstrate an acceptable degree of knowledge of crane operation and related safety practices. The commissioner of buildings may shall establish specific written and practical examinations for the various types of cranes covered by this chapter if the operation of such type of crane requires operator certification or qualification under 29 CFR 1926.1400. Provided, however, that if operator certification or qualification is not required under 29 CFR 1926.1400 for a particular type of crane covered by this chapter, the commissioner may establish or otherwise require specific written and/or practical examinations for such type of crane. The members of the The board of crane operators examiners established pursuant to Section 2-116-250 shall assist the building commissioner in the administration, regulation

and the enforcement of the examination and licensing provisions of this chapter.

SECTION 4. Section 4-288-050 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

4-288-050 Examination – Exemptions and waivers.

~~Any person who is employed as or who can show evidence of having been employed as a crane operator, as defined by this chapter, at any time during the 24 months preceding the effective date of this chapter shall be exempt from the crane operator's licensing requirements until January 1, 1992.~~

The building commissioner, in consultation with the board of crane operators examiners, may promulgate rules and regulations waive waiving or otherwise exempting applicants for a license under this chapter from such portions of the examinations any examination required under this chapter based on objective criteria, set forth in such rules and regulations, that the commissioner determines are consistent as he deems proper with public safety for any person with a minimum of 6,000 hours' experience as a crane operator within the five years preceding January 1, 1991. The experience must be attested by an affidavit from the person(s) that employed the applicant.

SECTION 5. Section 4-288-060 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-288-060 License – Issuance.

An applicant who successfully passes the crane operator's examination or is granted a waiver of the examination pursuant to Section 4-288-050, and who otherwise meets the requirements of this chapter, shall be issued a license by the commissioner of buildings upon payment of the required fees.

SECTION 6. Section 4-288-070 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

4-288-070 License – Classification.

The commissioner may issue promulgate rules and regulations for various classes of licenses reflecting the different levels of competency of a crane operator.

The classification of licenses shall include, but are not limited to, the following:

Class I: Tower, mobile and other types of cranes and derricks. The commissioner may promulgate rules and regulations establishing sub-categories of equipment within this Class I license.

Class II: Miscellaneous machines. The commissioner may promulgate rules and regulations establishing sub-categories of equipment within this Class II license.

~~Tower Crane Operator's License. This license shall authorize the operation of tower cranes and derricks operated from a fixed location within, attached to, or adjacent to the building undergoing construction, repair or demolition;~~

~~Mobile Crane Operator's License. This license shall authorize the operation of mobile cranes regardless of mounting or means of mobility including track-mounted cranes, crawler cranes, truck-mounted cranes, and truck-mounted tower cranes;~~

~~Drum Hoist Operator's License. This license shall authorize the operation of drum hoisting and rack and pinion types of equipment located within or affixed to the structure undergoing construction, repair or demolition.~~

SECTION 7. Section 4-288-080 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 8. Section 4-288-090 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

4-288-090 License — Term — Renewals — Reinstatement Fee.

The crane operator's license shall be valid for not less than one and not more than ~~four~~ ~~five~~ years from the date of issuance. The license may be renewed (1) upon payment of the required license renewal fee prior to or within three months of expiration of a valid operator's license; and (2) after the date set forth in Section 4-288-030(G), upon proof that the applicant has a current and valid certification issued by an approved accredited certifying entity identifying the type(s) of crane that the applicant is certified to operate; provided, however, that this item (2) shall not apply if no national certification exists for specific machines the operation of which requires a Class II license under this chapter. Expired licenses are ~~renewable~~ ~~may be reinstated~~ within ~~one year~~ ~~three years~~ of expiration upon payment of a \$50.00 \$100.00 reinstatement fee along with ~~in addition to~~ the required renewal fee ~~for each year in which the license was expired.~~

SECTION 9. Section 4-288-100 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language

underscored, as follows:

4-288-100 Examination and license fees.

(a) Examination fees – General. The fee for the any initial crane operator's examination administered by the department shall be \$150.00 for any required written examination and \$250.00 for any initial required practical examination. Applicants seeking to be examined for more than one license classification shall pay \$75.00 for each additional required written or practical examination required administered by the department. Provided, however, that no examination fee shall be assessed by the department if the required examination is administered by an approved accredited certifying entity.

(b) License fee. The fee for a crane operator's license shall be \$50.00 for each year the license is in effect \$100.00 for a one year license and \$300.00 for a license in effect for five years.

SECTION 10. Section 4-288-110 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

4-288-110 Apprentice crane operators – Permit required.

An apprentice crane operator's certificate permit may be issued to an individual by the commissioner authorizing the apprentice to for the performance of work as a an apprentice crane operator under the direct supervision and responsible control of a licensed crane operator properly licensed under this chapter. Applicants for an such apprentice certificate must permit shall submit to the department a notarized statement from an employer of licensed crane operators under whom the apprentice will be working, or from an officer of a training program approved by the commissioner, Such statements shall contain a certification stating that the applicant will receive training under the direct supervision and responsible control of a licensed crane operator. The fee for an apprentice registration permit shall be \$35.00 \$50.00. The certificate apprentice permit shall be valid for one year and may be renewed at a cost of \$35.00 \$50.00.

SECTION 11. Section 4-288-120 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

4-288-120 Carrying license, or certificate or permit while operating crane – Required.

At all times while operating a crane, Each licensed crane operator the licensee or apprentice shall carry his or her license, or certificate of registration or apprentice permit, as applicable, on his or her person while operating a crane. Failure to produce a crane

operator's license, certificate of registration or apprentice certificate permit upon request of the building commissioner or his representative while operating a crane shall be punishable by a fine of \$50.00 \$200.00.

SECTION 12. Chapter 4-288 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-288-122, as follows:

4-288-122 Permit to assemble or jump cranes – When required – Unlawful acts.

(a) Prior to assembling or jumping any tower crane or derrick type equipment, a permit authorizing such activity shall be obtained from the department by the person responsible for obtaining such permit. The application for such permit shall be in a form, and accompanied by information or materials, reasonably required by the commissioner. The commissioner is authorized to promulgate rules and regulations identifying the person(s) responsible for obtaining the permit required under this subsection.

(b) It shall be unlawful for any person responsible for obtaining the permit required under subsection (a) of this section, as such person is defined in rules and regulations duly promulgated by the commissioner, to assemble or jump any crane for which such permit is required without first having obtained such permit.

(c) No modification to any crane, derrick, foundation, tie-in, or configuration shall be allowed without the prior written approval of the department.

SECTION 13. Chapter 4-288 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-288-125, as follows:

4-288-125 Notification of accident or safety issue -- Required.

It shall be the duty of each crane operator or person employing such crane operator to immediately report to the department any and all accidents or safety issue(s) regarding the operation, assembly, disassembly or jumping of a crane.

SECTION 14. Chapter 4-288 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-288-127, as follows:

4-288-127 Safe 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) The commissioner may promulgate rules and regulations to protect the public safety in connection with the operation, maintenance, assembly, disassembly or jumping of cranes. Such regulations may include any structural, communication, reporting or other requirements deemed by the commissioner to be necessary or appropriate to securing the safety of the crane operator or the general public.

SECTION 15. Chapter 4-288 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-288-128, as follows:

4-288-128 Failure to comply with rules and regulations – Unlawful act.

It shall be unlawful for any person to violate any applicable rule or regulation duly promulgated by the commissioner under this chapter.

SECTION 16. Section 4-288-130 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

4-288-130 License – Revocation, suspension or nonrenewal.

The commissioner ~~of buildings~~ may revoke, suspend or refuse to renew the license of any crane operator or the permit of any apprentice who is found to be grossly negligent or incompetent in the operation of a crane or whose actions show continuous carelessness or willful disregard for the health and safety of the public or others while operating or assisting in the operation of a crane or who misrepresents a material fact in applying for an operator's a license or apprentice permit under this chapter. No such license or apprentice permit shall be revoked or suspended or not renewed except after a public hearing by the board of crane operators examiners upon written notice to the licensee or apprentice, as applicable, and after affording the licensee or apprentice an opportunity to appear and defend. If Provided, however, that if the building commissioner has reason good cause to believe that the continued operation of a crane by a particular licensee or apprentice will immediately threaten public safety, he the commissioner may, upon issuance of a written order stating the reason for such conclusion and without notice or hearing, order prohibit the licensee or apprentice barred from the operation of operating or assisting in the operation of a crane for a period of time not more than to exceed ten calendar days; provided, however, that giving the licensee or apprentice shall be afforded an opportunity to be heard during such period of time.

SECTION 17. Section 4-288-140 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

4-288-140 Violation – Penalty.

(a) Any person who operates a crane without meeting the requirements of this ordinance chapter or any rule or regulation promulgated thereunder shall be subject to a fine of \$500.00 not less than \$1,000.00 nor more than \$10,000.00 for each violation. Each day of illegal operation shall constitute a separate violation and distinct offense.

(b) Any person who knowingly 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 \$1,000.00 not less than \$2,000.00 nor more than \$30,000.00 for each violation. Each day of illegal operation shall constitute a separate violation and distinct offense.

SECTION 18. This ordinance shall take full force and effect upon its passage and publication.