

PROPOSED SUBSTITUTE ORDINANCE AMENDMENT

Sponsored by: Bridget Gainer, Cook County Commissioner

CREATION OF CRANE OPERATORS REGISTRATION REQUIREMENT

WHEREAS, Cook County is a home rule unit of local government as defined in Article VII, §6 under the 1970 Illinois Constitution, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the registration of crane operators is a matter of public safety pertaining to the government and affairs of the County; and

NOW, THEREFORE, BE IT RESOLVED, in order to effectively protect the public health, general welfare and safety of its citizens the Cook County Board of Commissioners hereby establishes a Crane Operators Registration requirement for work performed on construction, rehabilitation, repair or demolition projects in Cook County; and,

BE IT FURTHER RESOLVED, the Cook County Board of Commissioners establishes a registration requirement for individuals operating cranes in the County of Cook; and,

BE IT ORDAINED by the Cook County Board of Commissioners that Part II Land Development Ordinances, Chapter 102 – Buildings and Building Regulations, Article IV, Crane Operator Registration, Section 102-160 through 102-170 is hereby enacted as follows:

Article IV. Crane Operator Registration

Sec. 102-160. Crane Operation in Cook County.

Effective December 1, 2016, it shall be unlawful for any person to operate any crane, as defined in this section, on any construction, rehabilitation, repair or demolition project undertaken within Cook County, as provided in Section 102-104(3) of this Code without first having registered as a crane operator. It shall be unlawful to employ any person or to permit or direct any person on such a project to operate a crane as defined in this chapter on or after December 1, 2016 unless such person has registered as a crane operator as provided herein.

Sec. 102-161. Definitions.

The following words, terms, and phrases, when used in this article, shall have the following means ascribed to them in this article, except where the context clearly indicates a different meaning.

Approved accredited certifying entity means any organization whose certification program for crane operators is accredited by the City of Chicago or its equivalent. Equivalency to the City of Chicago certification program shall be determined by the Building Commissioner and provided for on the crane operator certification application or issued by rule or regulation.

Building Commissioner means the head of the Building and Zoning Department of the County of Cook, as set forth in Section 102-105 of the Building Code, or the Building Commissioner's designee.

Crane means any power-operated mechanical hoisting equipment with a manufacturer's rated capacity of one ton (2000 pounds) or more that lifts, lowers, rotates or moves a load horizontally or vertically. Such equipment includes, but is not limited to: (1) Articulating cranes, including knuckle-boom cranes used to deliver material on to a structure with or without a properly functioning automatic overload prevention device; (2) crawler cranes; (3) floating cranes; (4) cranes on barges; (5) locomotive cranes; (6) mobile cranes, such as wheel-mounted, rough-terrain, all-terrain, commercial truck-mounted, and boom truck cranes; (7) multi-purpose machines when configured to hoist and lower (by means of a winch or hook) and horizontally move a suspended load; (8) industrial cranes (such as carry deck cranes); (9) service/mechanic trucks with a hoisting device; (10) cranes on monorails; (11) tower cranes (such as a fixed jib, i.e. "hammerhead boom"), luffing boom and self-erecting; (12) pedestal cranes; (13) portal cranes; (14) overhead and gantry cranes; (15) derricks; (16) powered window washing units if used to erect portions of a building; (17) track backhoes if used to erect portions of a structure; (18) rack and pinion/skids; (19) Chicago booms; (20) hydraulic crawler/hydraulic truck cranes (lattice booms); (21) drumhoists; (22) variations of the equipment listed in items (1) through (21) of this definition; and (23) any other equipment that the Building Commissioner reasonably determines is appropriately characterized as a crane as set forth in rules and regulations duly promulgated by the Building Commissioner. The term "crane" does not include (i) dedicated pile drivers; (ii) straddle cranes; (iii) sideboom cranes; (iv) elevators; (v) powered window washing units unless the unit is used to erect portions of a building; (vi) skid steers; (vii) all-terrain forklifts unless the forklift is configured to hoist and lower (by means of a winch or hook) and horizontally move a suspended load; (viii) mast-climbing work platforms, but shall include booms attached to mast-climbing work platforms if the boom has a manufacturer's rated capacity of one ton (2000 pounds) or more; (ix) any equipment listed in subsection (c) of 29 CFR 1926.1400 unless such equipment is listed in items (1) through (23), inclusive, of this definition; (x) variations of the equipment set forth in items (i) through (ix) of this definition; and (xi) any other equipment that the Building Commissioner reasonably determines is not appropriately characterized as a crane as set forth in rules and regulations duly promulgated by the Building Commissioner.

Department means the Building and Zoning Department of the County of Cook.

Registered Crane Operator means any person registered or required to be registered under this Section.

Sec. 102-162. Application for registration.

(a) In order to register as a crane operator under this article, the applicant for crane operator registration must complete and file an application with the Building Commissioner on a form provided by the Department and satisfy the County's crane operator requirements as determined by the Building Commissioner and provided for in the application.

(b) To qualify for registration and be approved as a crane operator in Cook County, the applicant must provide evidence on a form acceptable to the Building Commissioner that:

- (1) The applicant is at least 21 years old;
- (2) The applicant is certified as a crane operator by an approved accredited certifying entity;
- (3) The applicant has worked as a crane operator for at least 2,000 hours during the preceding 48-month period or that the applicant has completed an apprenticeship program that is recognized by an approved accredited certifying entity;
- (4) The applicant has not had a crane operator's or comparable registration suspended or revoked by the County or any other jurisdiction or a crane operator's license suspended or revoked by any other jurisdiction; provided, however, that upon good cause shown and after a full investigation, the Building Commissioner may waive this prohibition;
- (5) The applicant has no history of substance abuse during the preceding three years or that the applicant has successfully completed a certified substance abuse rehabilitation program;
- (6) The applicant has the present physical ability to safely operate a crane; and
- (7) The applicant has the ability to read, write, and speak English at a level that allows effective communication on the job site.

Sec. 102-163. Registration fees.

The fee for initial registration of all crane operators shall be one hundred five (\$105.00) dollars, which sum shall be paid by the applicant for registration in advance and upon filing the application for registration; provided, however, that any registrant may renew his registration upon the payment of an annual renewal fee of fifty-two dollars and fifty cents. (\$52.50).

Sec. 102-164. Carrying registration while operating crane – Required.

At all times while operating a crane, the crane operator shall carry his or her registration on his or her person. Failure to produce a crane operator's registration upon request of the Building Commissioner or his representative while operating a crane within Cook County, as provided in Section 102-104(3) shall be punishable by a fine of \$200.00.

Sec. 102-165. 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.

Sec. 102-166. Safe equipment – Required.

- (a) All crane equipment shall be kept in safe working condition at all times by the owner of the crane equipment and the registered crane operator.

- (b) If any safety device 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 the required safety device or operational aid is repaired or replaced and the crane is restored to proper working order.
- (c) The Building 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 Building Commissioner to be necessary or appropriate to securing the safety of the crane operator or the general public.

Sec. 102-167. 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 Building Commissioner under this chapter.

Sec. 102-168. Registration – Duration, revocation, suspension, and nonrenewal.

(a) All applications for registration as a crane operator shall be made in such form and accompanied by such information as required by the Department.

(b) Every application for a registration fee as shall accompany registration set forth in Section 102-163 and Chapter 32, said fee shall be payable to the Cook County Collector.

(c) Each registration will run concurrent to Cook County's fiscal year, December 1 through November 30. Each registration may be renewed provided that the registered crane operator submits a renewal application prior to registration expiration. New applicants shall submit an application for a crane operator registration prior to operating a crane in Cook County.

(d) No registration shall be transferable to another person.

(e) The Department shall have the authority to deny, suspend, or revoke a registration if it determines the registrant has failed to comply with any provision of this Section. The notice of denial, nonrenewal, suspension, or revocation will include a statement informing the registrant of his/her right to appeal the Department's determination. Any registrant wishing to appeal the denial, nonrenewal, suspension, or revocation of a registration must, within 28 calendar days of the date on the notice of denial, nonrenewal, suspension, or revocation, serve the Commissioner of Building and Zoning with written notification of the person's request for appeal by certified mail, return receipt requested, with a brief statement of the grounds for the appeal. After receiving the request, the Commissioner of Building and Zoning shall refer the request to the Cook County Department of Administrative Hearings for a hearing officer, administrative law officer, or administrative law judge to be appointed to conduct the hearing. The hearing shall be conducted in accordance with Cook County Code of Ordinances, Chapter 2, Administration, Article IX, Administrative Hearings. If after the administrative hearing the Department of Administrative Hearings reverses the determination of the Department, then the Department shall lift the

suspension, reinstate the registration, or issue a new registration in accordance with Department policy or procedures. However, a determination issued by the Department of Administrative Hearings in favor of the registrant does not forfeit the Department right to file an appeal with the Circuit Court. If the Department finds that the registrant is in compliance with this article, then the Department shall lift the suspension, reinstate the registration, or issue a new registration.

Sec. 102-169. Rule Making and Enforcement.

The Department shall prescribe reasonable rules, definitions, and regulations as are necessary to carry out the duties imposed upon it by this article.

Sec. 102-170. -Violation – Penalty.

- (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 \$1,000.00 nor more than \$10,000.00 for each violation. Each day of illegal operation shall constitute a separate and distinct offense.
- (b) Any person who employs an unregistered person as a crane operator or who permits or directs an unregistered person to operate a crane shall be subject to a fine of not less than \$2,000.00 nor more than \$30,000.00 for each violation. Each day of illegal operation shall constitute a separate and distinct offense.

Effective Date: This Ordinance shall take effect 90 days after passage.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners that Part II Land Development Ordinances, Chapter 102 – Buildings and Building Regulations, Section 102-104(3) of the Cook County Code is hereby amended as follows:

Sec. 102-104 – General provisions.

(3) Scope of regulations.

- 4. Notwithstanding the foregoing, Chapter 102, Article IV of this Code shall have applicability throughout the County of Cook, except within any municipality which has an ordinance governing crane operators. In such case, the municipal ordinance shall prevail within the municipality's jurisdiction.

Effective Date: This Proposed Ordinance Amendment shall take effect 90 days after passage.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners that Part II Land Development Ordinances, Chapter 102 – Buildings and Building Regulations, Section 102-105(4)3.a of the Cook County Code is hereby amended as follows:

Sec. 102-105 – Administration and Enforcement.

(4) Enforcement.

3. Methods of Enforcement.

a. Registration for Building Work.

(1) Every person, firm, or corporation engaged in the business of constructing, altering, repairing, relocating, or demolishing the whole or any part of buildings or structures, or appurtenances thereto, within the unincorporated area of Cook County, shall, before undertaking the erection, enlargement, alteration, repair, relocation, or demolition of any building or structure for which permits are required by this Ordinance, register in person with the Building Commissioner at the offices of the Cook County Department of Building and Zoning, the name and address of such person, firm or corporation in a book kept by the Building Commissioner and used for this purpose. In the case of a firm or corporation, the names of each individual comprising the firm and the names of each officer or a corporation shall be so registered. No permit shall be granted for the erection, enlargement, alteration, repair, relocation, or demolition of any building or structure unless the name and address of the person that is about to undertake such work is contained in the registration book kept for that purpose. The registration requirement for "in-person" registration of persons, firms, and corporations engaged in the business of constructing, altering, repairing, relocating, or demolishing buildings or structures set forth herein, shall be for the original or initial registration of such person, firm, or corporation. Any subsequent registration or re-registration of a person, firm, or corporation, whose name is contained in the registration book, may be done in person or electronically by signature affidavit as provided by the Code, the Building Commissioner, or the policy of the Cook County Department of Building and Zoning.

(2) Installation or alteration of electrical equipment shall be done only by a registered electrical contractor, regardless of who is issued a permit.

(3) Prior to the commencement of actual construction for which a permit has been issued, the permit shall file with the Building Commissioner, on a form provided by the Building Commissioner, the name of the person(s), firm(s), or corporation(s), engaged to perform the work. When the work is to be subcontracted, the party engaged for each subcontract shall also be listed. The Building Commissioner shall then determine that the name and address of this person(s), firm(s), or corporation(s) is (are) contained in the registration book. No construction work shall commence until the Building Commissioner certifies that the contractor(s) is (are) duly registered.

(4) In addition to the requirements of paragraph (4) above, a person desiring to be registered as an electrical contractor shall be registered for the current year as an electrical contractor in a city or village within the State of Illinois in conformity with the appropriate state statutes.

(5) If any person, firm or corporation registered as provided by this section, shall fail in the execution of any work or fail to comply with the provisions of this Ordinance relative to the erection, enlargement, alteration, repair, relocation, or demolition of any building, or part thereof, at least three times within two calendar years, the Building Commissioner, after notice to such person, firm or corporation that he, she, or it has three such failures or violations, shall remove or strike such person's, firm's, or corporation's name from the registration book. For persons, firms, or corporations that have one such failure or violation, the Building Commissioner shall request the State's Attorney to bring suit and to prosecute such person, firm or corporation for such failure or violation, and in the case of a finding of guilty, his name shall be removed or stricken from the registration book. In either case, such person's, firm's, or corporation's name shall not be re-entered or reinstated during such time as the failure or violation exists or any judgment remains unsatisfied with regard to said finding, or until the Building Commissioner determines that such person, firm, or corporation should be re-entered or reinstated.

(6) Any person, firm, or corporation that shall have been found guilty under the preceding Section may have his name re-entered on the registration book upon filing with the Building Commissioner a certificate signed by the State's Attorney, the Building Commissioner and the Health Officer to the effect that all violations of the Code with reference to which the finding of guilty was secured have been corrected or are nonexistent and that all claims and judgments arising from such convictions have been paid.

(7) (i) Prior to the registration of any contractor, the contractor shall present to the Building Commissioner at the time of registration, proof of liability insurance in the amount of \$1,000,000.00.

(ii) Prior to the registration of a plumbing contractor, the contractor shall file with the Cook County Clerk, and present to the Building Commissioner at the time of registration, an indemnifying bond with good and sufficient sureties in the penal sum of \$20,000.00, such bond being payable to the County of Cook, for the use of any persons with whom such contractor may thereafter contract to do work, to indemnify any such persons and the County of Cook for damages sustained due to the failure of such contractor to perform the work so contracted for in accordance with the provisions and requirements of the Cook County building regulations, the approved permit plans, or the contract between the contractor and such person(s). In addition, such contractor shall present to the Building Commissioner at the time of registration, proof of liability insurance in the amount of \$1,000,000.00.

Effective Date: This Proposed Ordinance Amendment shall take effect 90 days after passage.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 32, Fees, of the Cook County Code is hereby amended as follows:

Sec. 32-1. - Fee schedule.

The fees or charges provided for or required by the below-listed sections shall be as shown below:

CHAPTER 102, BUILDING CODE, <u>ARTICLE IV. CRANE OPERATOR REGISTRATION</u>		
<u>102-163</u>	<u>Initial Crane Operator Registration</u>	<u>105.00</u>
<u>102-163</u>	<u>Crane Operator Registration Annual Renewal</u>	<u>52.50</u>

Effective Date: This Proposed Ordinance Amendment shall take effect 90 days after passage.