

City of Cincinnati



Interdepartment
Correspondence Sheet

Date: March 28, 2016

To: Mayor John Cranley

From: Paula Boggs Muething, City Solicitor *PBM* 201600430

Subject: **Ordinance – Modifying Title XI, “Cincinnati Building Code,” of the Cincinnati Municipal Code by Amending Section 1101-03, “Definitions,” of Chapter 1101, “Administration”; and Ordaining New Sections 1101-40, “Cranes,” of Chapter 1101, “Administration,” and 1106-16, “Crane Contractor Registration Requirements,” of Chapter 1106, “General and Specialty Contractors”**

Transmitted herewith is an ordinance captioned as follows:

MODIFYING Title XI, “Cincinnati Building Code,” of the Cincinnati Municipal Code by amending Section 1101-03, “Definitions,” of Chapter 1101, “Administration”; and by **ORDAINING** new Sections 1101-40, “Cranes,” of Chapter 1101, “Administration,” and 1106-16, “Crane Contractor Registration Requirements,” of Chapter 1106, “General and Specialty Contractors,” to ensure that the operation of cranes within the City of Cincinnati conforms to nationally recognized standards and that the City’s Department of Buildings and Inspections is informed of any planned crane operation and provided proof of adherence to the relevant national standards for training and certification of crane operators, maintenance and age of equipment, and operation of cranes.

PBM/LDM/(ps)
Attachment
196136-8

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City of Cincinnati

MEH 

An Ordinance No. _____

- 2016

MODIFYING Title XI, “Cincinnati Building Code,” of the Cincinnati Municipal Code by amending Section 1101-03, “Definitions,” of Chapter 1101, “Administration”; and by **ORDAINING** new Sections 1101-40, “Cranes,” of Chapter 1101, “Administration,” and 1106-16, “Crane Contractor Registration Requirements,” of Chapter 1106, “General and Specialty Contractors,” to ensure that the operation of cranes within the City of Cincinnati conforms to nationally recognized standards and that the City’s Department of Buildings and Inspections is informed of any planned crane operation and provided proof of adherence to the relevant national standards for training and certification of crane operators, maintenance and age of equipment, and operation of cranes.

WHEREAS, Council resolves to create a requirement that before beginning any project in the City requiring operation of a crane, the Department of Buildings and Inspections will be provided with information showing what cranes will be operated, proof of training and certification of all operators, and proof of insurance covering the crane operation in question, all in accordance with national standards; and

WHEREAS, Council finds that requiring contractors to register intended crane operations and to provide certification of crane operators is in the interest of the general public’s health, safety, morals, and welfare; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Section 1101-03, “Definitions,” of Chapter 1101, “Administration,” of the Cincinnati Municipal Code is hereby amended as follows:

Sec. 1101-03. - Definitions.

101-03.1 *General*: Unless otherwise expressly stated, the following terms shall, for the purpose of this Code, have the meanings indicated herein.

Agricultural purposes: Such purposes include agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, ornamental horticulture, olericulture, pomiculture, and animal and poultry husbandry.

Architect or architect, registered: A person holding a certificate under § 4703.06 of the Ohio Revised Code, and registered pursuant to §§ 4703.01 to 4703.19 of the Ohio Revised Code.

Borrow: Earth material acquired from an off-site location for use in grading on a site.

Building Department: The Department of Buildings and Inspections of the City of Cincinnati.

Construction documents: Plans, specifications and other written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of a project necessary for obtaining a permit.

Crane: All non-exempt equipment governed by the Occupational Safety & Health Administration's regulations for Cranes and Derricks in Construction found in 29 CFR Part 1926, Subpart CC.

Credentials: The badge of office, employee ID card or other certificate or letter issued by the director of buildings and inspections to an employee for the identification of said employee in the performance of his/her duties.

Director of Buildings and Inspections: This term shall be construed to include authorized employees appointed to perform specific duties of the Department of Buildings and Inspections in the enforcement of the provisions of the Ohio Building Code and the Cincinnati Building Code.

Earth material: Any rock, fill or natural soil and/or combination thereof.

Engineer, geotechnical: A civil engineer experienced and knowledgeable in the practice of geotechnical engineering.

Engineer, professional: A person holding a certificate of registration under § 4733.14 or 4733.19 of the Ohio Revised Code and registered pursuant to §§ 4733.01 to 4733.23 of the Ohio Revised Code.

Engineering geologist: A geologist who is certified or registered to practice engineering geology in any of the 50 states or is a member of the Association of Engineering Geologists, with a minimum of three years professional experience under the supervision of a certified engineering geologist or geotechnical engineer, and is competent in the field of geology and knowledgeable in the fundamentals of soil mechanics.

Engineering, geotechnical: The application of the principles of soil mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.

Erosion: The wearing away of the land surface by the action of the wind, water, gravity, or other natural process.

Excavation: Any artificial or mechanical act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, stripped of vegetive cover and root systems, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

Fill: An artificial or mechanical act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The materials used to make a fill.

Grading: Any excavating or filling or combination thereof.

Natural terrain: Existing ground as shown on the most recent published editions of the City of Cincinnati and Hamilton County metropolitan topographic survey sheets prior to October 30, 1974.

Notice: A written or printed communication conveying information or warning.

OBC: The abbreviation for the "Ohio Building Code."

Order: The whole or any part of the final disposition (whether affirmative, negative, injunctive, or declaratory in form) of any matter issued by the director of buildings and inspections pursuant to any provision of the Cincinnati Building Code or other law or ordinance subject to administration by the director of buildings and inspections.

Person: An individual, firm, partnership, association, corporation, company or organization of any kind.

Person in Control: The owner of the freehold estate of the premises; a mortgagee or vendee in possession; a receiver; an executor; a trustee; and any person, public or private entity, lessee or holder of a lesser estate in the premises, and/or its duly authorized agent(s), with the authority to bring a building or premises into compliance with the provisions of this code, including but not limited to any mortgagee that has filed an action in foreclosure on the particular premises at issue, based on breach or default of a mortgage agreement, until title to the premises is transferred to a third party.

Plans: These include drawings, specifications, and data submitted to the director of buildings and inspections under § 1101-19 CBC for approval.

Premises: The lot and the buildings situated thereon.

Private: As applied to part of a building, means that such part of the building is not normally subject to common use by those who occupy or enter the building.

Revised Code: All statutes of a permanent and general nature of this state as revised and consolidated into general provisions, titles, chapters, and sections.

Safe: As applied to a building, means free from danger or hazard to the life, safety, health or welfare of persons occupying or frequenting it, or of the public, and from danger of settlement, movement, disintegration, or collapse, whether such danger arises from the method or materials of its construction or from equipment installed therein, for the purpose of lighting, heating, the transmission or utilization of electric current, or from its location or otherwise.

Sanitary: As applied to a building, means free from danger or hazard to the health of persons occupying or frequenting it or to that of the public, if such danger arises from the method or materials of its construction or from any equipment installed therein for the purpose of lighting, heating, ventilating or plumbing.

Sediment: Solid material both mineral and organic, that is in suspension, is being transported, or has been moved from its original site or origin by air, water, or gravity as a product of erosion.

Serious hazard: A hazard of considerable consequence to safety or health through the design, location, construction, or equipment of a building, or the condition thereof, which hazard has been established through experience to be of certain or probable consequence, or which can be determined to be, or which is obviously such a hazard.

Site: Any lot or parcel of land or contiguous combination thereof, upon which excavation or filling is, has been, or will be performed.

Slope: An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

Soil scientist: A full member in good standing of the Soil Science Society of America and who has special knowledge and training in the physical, chemical, and biological sciences applicable to soils.

Work: Any man-made change to improved or unimproved real estate associated with the repair, replacement, relocation, alteration, enlargement, installation, demolition, or construction of any building, structure or building service equipment, the change of use of any building or structure, or the excavation and filling of land, for which change a permit issued by the director of buildings and inspections is required in accordance with § 1101-17 CBC.

Section 2. That existing Section 1101-03, “Definitions,” of Chapter 1101, “Administration,” of the Cincinnati Municipal Code is hereby repealed.

Section 3. That Sections 1101-40, “Cranes,” of Chapter 1101, “Administration,” and 1106-16, “Crane Registration,” of Chapter 1106, “General and Specialty Contractors,” of the Cincinnati Municipal Code, are hereby ordained as follows:

Sec. 1101-40. - Cranes.

- (a) All cranes used to perform work in the city of Cincinnati shall be registered pursuant to section 1106-16 of the Cincinnati Building Code, and all persons using, operating, or assisting with the use and operation of, a crane shall be registered pursuant to section 1106-16.
- (b) Any person intending to use a crane to perform work shall provide notice as well as current contractor registration and operator certification to the director of buildings and inspections no less than one business day prior to the installation, erection, or placement of the crane on the premises where the work is to be performed.
- (c) All cranes used to perform work shall be installed, erected, and placed in conformity with Occupational Safety & Health Administration’s (OSHA) regulations for Cranes and Derricks in Construction (29 CFR Part 1926, Subpart CC) and the crane manufacturer’s documentation. Any person intending to use a crane that requires on site assembly shall provide the director of buildings and inspections with written certification of compliance with this section, reviewed and sealed by a professional engineer licensed by the State of Ohio, prior to the crane’s use or operation.
- (d) Upon the installation, erection, or placement of a crane on a premises and delivery of the written certification of its conformity with section 1106-16 of the Cincinnati Building Code, the crane shall be used and operated in conformity with the crane manufacturer’s documentation, applicable industry standards established by the National Commission for the Certification of Crane Operations (NCCCO), and OSHA’s regulations for Cranes and Derricks in Construction (29 CFR Part 1926, Subpart CC).
- (e) Any modification, jumping, climbing, lowering, disassembly, or dismantlement of a crane shall be conducted in conformity with the crane manufacturer’s documentation, applicable industry standards established by NCCCO, and OSHA’s regulations for Cranes and Derricks in Construction found in 29 CFR Part 1926, Subpart CC.
- (f) A copy of the crane manufacturer’s documentation, applicable industry standards established by NCCCO, and OSHA’s regulations for Cranes and Derricks in Construction found in 29 CFR Part 1926, Subpart CC shall be placed at the site upon a crane’s installation, erection, or placement and shall be maintained at the site until the crane is disassembled and removed from the site.
- (g) All cranes and the use and operation of cranes shall be subject to inspection by the director of buildings and inspections.

Sec. 1106-16. - Crane Contractor Registration Requirements.

- (a) Any person intending to use a crane to perform work in the city of Cincinnati shall first obtain a building contractor registration from the director of the building department. A person who obtains a building contractor registration for crane operations and who will use a crane for a particular project is the person responsible for complying with the requirements in this section for that project, regardless of whether the person is the general contractor, a sub-contractor for all crane operations, or a sub-contractor only for a single crane operation.
- (b) In addition to the requirements set forth in Section 1106-11, the continued validity or renewal of a building construction contractor registration for a person intending to use a crane to perform work is dependent upon the continued maintenance of all the following with the director of the building department:
- (1) A list of all cranes under the person's supervision and control that it intends to use to perform work, which cranes shall not be more than 20 years older than their original manufactured date;
 - (2) A list of all individuals under the person's supervision and control who are authorized to use, operate, or assist in the use and operation of a crane under the person's control, which individuals shall be certified to use, operate, or assist in the use and operation of, the applicable crane by the National Commission for the Certification of Crane Operations (NCCCO), the International Union of Operating Engineers (IUOE), International Ironworkers, or another organization whose program is accredited by the American National Standards Institute, the American Society of Engineers, or other equivalent accreditation program;
 - (3) For each individual operator of a crane under the person's supervision or control, proof that the operator has been trained and certified as a crane operator in accordance with the Occupational Safety & Health Administration's (OSHA) regulations in 29 CFR §1926.1427, Operator Qualification and Certification;
 - (4) For each individual under the person's supervision or control who will provide signals to the operator of a crane, proof that the individual is trained and certified in providing signals to crane operators by any organization upon demonstration that the organization's certification meets all OSHA standards, for example NCCCO, IUOE, or International Ironworkers;
 - (5) For each individual under the person's control who attaches a lift to the crane, proof that the individual is trained and certified to attach lifts to the applicable crane by any organization upon demonstration that the organization's certification meets all OSHA standards, for example NCCCO, IUOE, or International Ironworkers;

(6) Proof of insurance:

- (i) For any person able to provide crane service with a rated lift capacity of greater than 40 tons, proof that the person holds current and valid liability insurance coverage in an amount no less than \$5,000,000 per occurrence and \$12,000,000 aggregate. If a person owns or controls any crane in its fleet with a rated lift capacity of greater than 40 tons, the level of insurance coverage in this sub-paragraph is required.
- (ii) For any person providing crane service with a rated lift capacity of less than 40 tons, proof that the person holds current and valid liability insurance coverage in an amount no less than \$1,000,000 per occurrence and \$5,000,000 aggregate.
- (iii) If a crane operation will involve city property or the city's right-of-way, the city must be named as an additional insured and covered to an amount determined by the city's risk manager, which will be communicated by the department of transportation and engineering, through which the person must obtain a permit.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2016

John Cranley, Mayor

Attest: _____
Clerk

New language underscored.