

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2008**

No. 24

Introduced by Council Members Dilan, Brewer, James, Koppell, Martinez, Nelson, Seabrook, Sears, White Jr., Sanders Jr., Gerson, Baez, Vacca, Jackson, Gentile, Dickens and Oddo (by request of the Mayor).

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to issuance of a certificate of completion for individuals working on supported scaffolds and design requirements for supported scaffolds.

Be it enacted by the Council as follows:

Section 1. Subdivisions c and d of section 26-204.1 of the administrative code of the city of New York, as added by local law number 52 for the year 2005, are amended to read as follows:

c. It shall be unlawful for an individual to use any supported scaffold, *for* which [has been issued] a permit *is required*, [assisting] *to assist* in the erection, dismantling, repair, maintenance or modification of any building or structure [other than a supported scaffolding] unless such individual has been issued a supported scaffold user certificate pursuant to the provisions of this article.

d. It shall be unlawful for any person to knowingly permit or cause an individual who has not been issued a supported scaffold user certificate under this article to use any supported scaffold, *for* which [has been issued] a permit *is required*, [assisting] *to assist* in the erection, dismantling, repair, maintenance or modification of any building or structure [other than a supported scaffolding] in violation of subdivision c of this section. Each day on which a person shall knowingly permit or cause an individual who has not been issued a valid supported scaffold user certificate to use any supported scaffold, *for* which [has been issued] a permit *is required*, [assisting] *to assist* in the erection, dismantling, repair, maintenance or

modification of any building or structure [other than a supported scaffolding] shall be a separate violation of this section.

§2. Section 26-204.2 of the administrative code of the city of New York, as added by local law number 52 for the year 2005, is amended to read as follows:

§26-204.2 Exemptions. The provisions of this article shall not apply to:

a. the erection, dismantling, repair, maintenance or modification of any supported scaffold performed by an employee of a public utility when such supported scaffold is located within the interior of a building or structure owned or operated by such utility and when such utility has a safety training program of not less than thirty-two hours for its employees who erect, dismantle, repair, maintain or modify such scaffolds; or

b. [to] employees of a public utility performing work while using a supported scaffold, provided that such employees are trained, pursuant to the United States department of labor occupational safety and health administration's requirements, to be able to recognize the hazards associated with the type of supported scaffold being used, and to understand the procedures to control those hazards; *or*

c. the erection, dismantling, repair, maintenance or modification of stand alone, one story sidewalk sheds; *or*

d. a registered architect or professional engineer who is using a supported scaffold to perform inspections, as long as the architect or engineer does not perform work from or participate in the erection, dismantling, repair, maintenance or modification of any building or structure, including the supported scaffold.

§3. Section 26-204.3 of the administrative code of the city of New York, as added by local law number 52 for the year 2005, is amended to read as follows:

§26-204.3 Issuance of Supported Scaffold Certificate of Completion; qualifications.

a. Except as otherwise provided in subdivision e of this section, [A holder of] a supported scaffold certificate of completion shall be issued to individuals who have successfully completed [the] a department-approved thirty-two-hour training program or course [pursuant to] that complies with the United States department of labor occupational safety and health administration's [thirty-two hour scaffold safety and training curriculum and] standards relating to scaffold safety and includes a review of the

additional requirements of the New York City Building Code. A holder of a supported scaffold certificate of completion shall also take a department-approved eight-hour scaffold safety and training refresher program or course every four years.

b. Such training or refresher program or course shall be conducted (1) pursuant to a registered New York state department of labor apprenticeship training program, or [conducted] (2) by an educational institution or school chartered, licensed or registered by the New York state department of education[, and, if such training program or course has been completed more than two years previously, taken an eight-hour scaffold safety and training refresher program or course] or (3) by a provider approved by the department.

c. Successful completion of the training program or course shall be evidenced by a dated supported scaffold certificate of completion issued by the provider of the training program or course to the individual participant named on such certificate. This certificate of completion, or a copy thereof, or a valid wallet card version of the certificate, shall be readily available to department personnel upon request. [Such supported scaffold certificate shall be deemed valid if such certificate is dated within two years of its date of issuance.]

d. Any training program or course presented under the provisions of this section [must] shall be presented by instructors who are [certified under the applicable provisions established by the United States department of labor occupational safety and health administration for construction safety] deemed qualified and competent in accordance with the United States department of labor occupational safety and health administration's regulations.

e. Any person who, within the four years prior to the effective date of this subdivision this subdivision, has successfully completed a thirty-two-hour training program or course that complies with the provisions of subdivisions a and b of this section, need not take a second thirty-two-hour course upon enactment of such local law, provided such person can provide to the department a dated certificate of completion as set forth in subdivision c of this section. Such person shall, however, take a department-approved eight-hour scaffold safety and training refresher program or course within four years of the initial course and every four years thereafter.

§4. Section 26-204.4 of the administrative code of the city of New York, as added by local law number 52 for the year 2005, is amended to read as follows:

§26-204.4 Issuance of Supported Scaffold User Certificate. [For individuals assisting]

a. Except as otherwise provided in subdivision d of this section, a supported scaffold user certificate shall be issued to individuals using a supported scaffold to assist in the erection, dismantling, repair, maintenance or modification of any building or structure [other than a supported scaffold, the successful completion of] who have successfully completed a department-approved four-hour training program or course conducted (1) pursuant to a registered New York state department of labor apprenticeship training program, or [conducted] (2) by an educational institution or school chartered, licensed or registered by the New York state department of education[, which must] or (3) by a provider approved by the department. Such program or course shall include instruction on the nature of any electrical hazards, fall hazards, or falling object hazards, material handling on scaffolds, the nature of braces and tiebacks and their safe removal and the maximum intended load and load-handling capacities of scaffolds[.]. Such training program or course shall be taken every four years.

b. Successful completion of the training program or course shall be evidenced by a dated supported scaffold user certificate issued by provider of the training program or course to the individual participant named on such certificate. This supported scaffold user certificate, or a copy thereof, or a valid wallet card version of the certificate, shall be readily available to department personnel upon request. [Such supported scaffold user certificate shall be deemed valid if such certificate is dated within two years of its date of issuance.]

c. Any training program or course provided under the provisions of this section [must] shall be presented by instructors who are [certified under the applicable provisions established by the United States department of labor occupational safety and health administration for construction safety] qualified and competent in accordance with the United States department of labor occupational safety and health administration's regulations.

d. Any person who, within the four years prior to the effective date of the local law enacting this subdivision, has successfully completed a four-hour training program or course that complies with the provisions of subdivision a of this section, need not take a second four-hour course upon enactment of this local law, provided such person can provide to the department a dated certificate of completion as set forth in subdivision b of this section. Such person shall, however, take a department-approved four-hour

scaffold safety and training refresher program or course within four years of the initial course and every four years thereafter.

§5. The unnumbered opening paragraph of section 27-1042 of the administrative code of the city of New York, as added by local law number 52 for the year 2005, and paragraph 1 of subdivision b of section 27-1042 of the administrative code of the city of New York, are amended to read as follows:

§27-1042 General provisions for all scaffolds. All scaffolds shall be erected, dismantled, repaired, maintained and modified so that the safety of public and property will not be impaired by falling material, tools or debris or by collapse of the scaffold. A permit shall be required for the erection, dismantling, repair, maintenance or modification of any supported scaffold forty feet [high] or more in height.

(b) Loading and design. (1) DESIGN REQUIRED. All [exterior pole scaffolds over seventy-five feet high] *supported scaffolds forty feet or more in height* and all multiple-point suspension scaffolds, including all supports, fastenings, connections, and details, shall be designed. Design drawings shall be prepared and kept at the site available to the commissioner. The construction shall be executed in accordance with such design. All other [scaffolding] *scaffolds* shall be constructed of sizes and numbers of members as hereinafter required or, in the absence of such requirements shall be demonstrated to be capable of supporting, without collapse, not less than four times the maximum weight required to be suspended therefrom or placed thereon when in use.

§6. Section 28-201.2.1 of the administrative code of the city of New York is amended by adding a new subdivision 14, to read as follows:

14. Any person who knowingly permits or causes a violation of paragraph 3314.4.5 or paragraph 3314.4.6 of subdivision 3314.4 of section BC 3314 of the building code.

§7. Paragraphs 3314.4.5 and 3314.4.6 of subdivision 3314.4 of section BC 3314 of the building code of the city of New York, as added by local law number 33 for the year 2007, are amended to read as follows:

3314.4.5 Requirements for workers who erect, repair, maintain, modify or remove supported scaffolds. Only workers with experience in erecting, repairing, maintaining, modifying, or removing supported scaffolds *and with the training required by this paragraph* shall be employed to

perform this work. They shall be supervised by a designated superintendent or foreman who shall enforce such measures as necessary for the protection of the public and property.

No person shall knowingly permit or cause an individual who does not have the experience and training required by this paragraph to perform any of the work described in this paragraph.

Workers who erect, repair, maintain, modify [and] *or* remove supported scaffolds 40 feet (12 192 mm) or more in height [must] *shall*, at a minimum, have completed a *department-approved* training program or course that is at least 32 hours long, and [must] *shall* complete [an] *a department-approved* 8-hour refresher program or course every 4 years thereafter. The training program or course shall be based on the United States Department of Labor Occupational Safety and Health Department (“OSHA”) scaffold safety and training guidelines and the scaffold requirements of this chapter. The training program or course shall be conducted by a registered New York State Department of Labor apprenticeship training program or by an educational institution or school chartered, licensed or registered by the New York State Department of Education *or by a provider approved by the department* and presented by an instructor(s) [authorized under the applicable provisions established by OSHA for construction safety] *deemed qualified_and competent in accordance with OSHA regulations.*

Successful completion of the training program or course shall be evidenced by a dated scaffold certificate of completion issued by the provider of the training program or course. The certificate [or a copy thereof,] *or a valid wallet card version of the certificate* shall be readily available to the commissioner upon request, and shall be deemed valid for four years from its date of issuance.

Workers who erect, repair, maintain, modify, or remove a sidewalk shed that provides a base for a scaffold 40 feet (12 192 mm) or more in height are subject to the above requirements.

3314.4.6 Requirements for workers who use a supported scaffold. Every worker who uses a supported scaffold to perform his or her job tasks shall complete a *department-approved* four-hour training program or course, and a *department-approved* four-hour refresher program or course every four years thereafter, that includes instruction on the nature of electrical hazards, fall and falling object hazards, material handling on scaffolds, *personal protection equipment, the nature of braces and tiebacks and their safe removal* and the maximum intended load and load-handling capacities of scaffolds. The training program or course shall be conducted by a registered New York State Department of Labor apprenticeship

training program or by an educational institution or school chartered, licensed or registered by the New York State Department of Education *or by a provider approved by the department*, and presented by an instructor(s) [authorized under the applicable provisions established by OSHA for construction safety] *deemed qualified and competent in accordance with OSHA regulations.*

Successful completion of the training program or course shall be evidenced by a dated scaffold user certificate issued by the provider of the training program or course. The certificate [, or a copy thereof,] *or a valid wallet card version of the certificate* shall be readily available to the commissioner upon request, and shall be deemed valid for four years from its date of issuance.

No person shall knowingly permit or cause an individual who does not have the training required by this paragraph to use a supported scaffold.

§8. Paragraph 3314.4.7 of subdivision 3314.4 of section BC 3314 of the building code of the city of New York, as added by local law number 33 for the year 2007, is renumbered paragraph 3314.4.8, and a new paragraph 3314.4.7 is added, to read as follows:

3314.4.7 Exemptions. *The provisions of paragraphs 3314.4.5 and 3314.4.6 of this subdivision shall not apply to:*

1. the erection, dismantling, repair, maintenance or modification of any supported scaffold performed by an employee of a public utility when such supported scaffold is located within the interior of a building or structure owned or operated by such utility and when such utility has a safety training program of not less than 32 hours for its employees who erect, dismantle, repair, maintain or modify such scaffolds; or

2. employees of a public utility performing work while using a supported scaffold, provided that such employees are trained, pursuant to the United States department of labor occupational safety and health administration's requirements, to be able to recognize the hazards associated with the type of supported scaffold being used, and to understand the procedures to control those hazards; or

3. the erection, dismantling, repair, maintenance or modification of stand alone, one story sidewalk sheds; or

4. a registered architect or professional engineer who is using a supported scaffold to perform inspections, as long as the architect or engineer does not perform work from or participate in the erection,

dismantling, repair, maintenance or modification of any building or structure, including the supported scaffold.

§9. Sections one through five of this local law shall take effect immediately and sections six through eight shall take effect on July 1, 2008.

The City of New York, Office of The City Clerk, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on May 14, 2008 and approved by the Mayor on June 3, 2008.

Hector L. Diaz, City Clerk, Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed Local Law (Local Law 024 of 2008, Council Int. No. 547-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on May 14, 2008:
48 For, 0 Against, 0 Not Voting
Was signed by the Mayor on June 3, 2008
Was returned to the City Clerk on June 3, 2008.

Jeffrey D. Friedlander, Acting Corporation Counsel.