

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2005**

No. 52

Introduced by Council Members Provenzano, Brewer, Comrie, Stewart, Jackson, Gennaro, DeBlasio, Fidler, Liu, Koppell, Gallagher, Oddo and the Public Advocate (Ms. Gotbaum).

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.

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 26 of the administrative code of the city of New York is amended by adding a new article 10 to read as follows:

Article 10

Supported Scaffold Certificate of Completion

§26-204.1 *Requirements of Certificate of Completion.*

§26-204.2 *Exemptions.*

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

§26-204.4 *Issuance of Supported Scaffold User Certificate.*

§26-204.5 *Violations and penalties.*

§26-204.1 *Requirements of Certificate of Completion.* a. *It shall be unlawful for an individual to erect, dismantle, repair, maintain or modify any supported scaffold, or to be on any supported scaffold assisting in the erection, dismantling, repair, maintenance or modification of any supported scaffold for which a permit is required unless such individual has been issued a supported scaffold certificate of completion under the provisions of this article.*

b. *It shall be unlawful for any person to knowingly permit or cause an individual who has not been issued a supported scaffold certificate of completion under this article, to erect, dismantle, repair, maintain, or modify any supported scaffold, or to be on any supported scaffold assisting in the erection, dismantling, repair, maintenance or modification of any supported scaffold in violation of subdivision a of this section. Each day on which a person shall knowingly permit or cause an individual who has not been issued a supported scaffold certificate of completion to erect, dismantle, repair, maintain, or modify any supported scaffold or to be on any supported scaffold assisting*

in the erection, dismantling, repair, maintenance or modification of any supported scaffold, for which a permit has been issued, shall be a separate violation of this section.

c. It shall be unlawful for an individual to use any supported scaffold, which has been issued a permit, assisting 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, which has been issued a permit, assisting 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, which has been issued a permit, assisting 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.

e. For the purposes of this article, "supported scaffold" shall be defined as one or more platforms supported by outrigger beams, brackets, poles, legs, uprights, posts, frames, or similar rigid support forty feet in height or more and including, but not limited to, sidewalk bridge scaffolds, single pole scaffolds, tube and coupler scaffolds, fabricated frame scaffolds, tubular welded frame scaffolds, outrigger scaffolds, needle beam scaffolds, mobile scaffolds, repair bracket scaffolds, mast climber scaffolds that are mechanized or motorized, back structures for personnel hoists and/or material hoists and system scaffolds. Any sidewalk shed that provides a base for a supported scaffold will subject the entire structure, including the sidewalk shed, to the requirements of this article.

§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;

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

§26-204.3 Issuance of Supported Scaffold Certificate of Completion; qualifications. A holder of a supported scaffold certificate of completion shall have successfully completed the thirty-two hour training program or course pursuant to the United States department of labor occupational safety and health administration's thirty-two hour scaffold safety and training curriculum and conducted pursuant to a registered New York state department of labor apprenticeship training program or conducted 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. 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, 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. Any training program or course presented under the provisions of this section must 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.

§26-204.4 Issuance of Supported Scaffold User Certificate. For individuals assisting in the erection, dismantling, repair, maintenance or modification of any building or structure other than a supported scaffold, the successful completion of a four hour training program or course conducted pursuant to a registered New York state department of labor apprenticeship training program or conducted by an educational institution or school chartered, licensed or registered by the New York state department of education, which must include instruction on the nature of any electrical hazards, fall hazards, or falling object hazards, material handling on scaffolds, and the maximum intended load and load-handling capacities of scaffolds, 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, 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. Any training program or course provided under the provisions of this section must 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.

§26-204.5 Violations and penalties. Any person who violates any of the provisions of this article shall be subject to the provisions of section 26-140 of this code.

§2. The opening paragraph of section 27-1042 of the administrative code of the city of New York, as last amended by local law number 54 for the year 1970, is amended to read as follows:

§27-1042 General provisions for all scaffolds. All scaffolds shall be erected, dismantled, repaired, [and] 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.

§3. This local law shall take effect eighteen months after its enactment.

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 11, 2005, and approved by the Mayor on May 19, 2005.

VICTOR L. ROBLES, City 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 52 of 2005, Council Int. No. 597-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on May 11, 2005: 50 for, 0 against, 0 not voting.

Was signed by the Mayor on May 19, 2005.

Was returned to the City Clerk on May 20, 2005.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel