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Sponsors: Madeline T. Provenzano, Leroy G. Comrie, Jr., Bill De Blasio, Alan J. Gerson, Michael C. Nelson, Christine C. Quinn, Larry B. Seabrook, Helen Sears, Kendall Stewart, Diana Reyna, Tony Avella, Gale A. Brewer

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Int. No. 237

By Council Members Provenzano, Comrie, DeBlasio, Gerson, Nelson, Quinn, Seabrook, Sears, Stewart, Reyna, Avella and Brewer

A Local Law to amend the administrative code of the city of New York, in relation to issuance of a certificate of fitness 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 Fitness

§26-204.1	Requirements of certificate of fitness.
§26-204.2	Exemptions.
§26-204.3	Issuance of Supported Scaffold Certificate of Fitness; qualifications.
§26-204.4	Term of supported scaffold certificate of fitness, renewal.
§26-204.5	Violations and penalties.

§26-204.1 Requirements of certificate of fitness. 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, building or other structure unless such individual has been issued a supported scaffold certificate of fitness by the commissioner 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 fitness 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, building or other structure 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 fitness 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, building or other structure shall be a separate violation of this section.

c. 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 having an area of at least fifty square feet 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 and back structures for personnel hoists and/or material hoists.

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

§26-204.3 Issuance of Supported Scaffold Certificate of Fitness; qualifications. a. The commissioner shall issue a supported scaffold certificate of fitness to each applicant who shall have submitted to the commissioner satisfactory evidence of his or

her fitness and qualifications and shall have satisfactorily passed any required examinations. All applicants for a supported scaffold certificate of fitness shall be at least eighteen years of age and shall be of good moral character. No supported scaffold certificate of fitness shall be issued unless the applicant has:

(1) (i) successfully completed a training program on scaffolds based on the United States department of labor occupational safety and health administration's thirty-two hour scaffold safety and training curriculum and conducted by an apprenticeship or training school certified or approved by the New York state department of labor, or

(ii) within the last five years prior to the effective date of this section successfully completed a scaffold safety and training program which is approved by the commissioner if such application is made to the commissioner prior to January thirty-first two thousand four; and

(2) shall have paid the required fee therefor and complied with such other and further requirements for the supported scaffold certificate of fitness as may be required by the commissioner.

b. A holder of a supported scaffold certificate of fitness shall maintain his or her supported scaffold certificate of fitness by completing an eight-hour scaffold safety and training refresher program or course approved by the commissioner within two years prior to each renewal date, which program or course is based on the United States department of labor occupational safety and health administration's eight-hour scaffold safety and training refresher curriculum and conducted by an apprenticeship or training school certified or approved by the New York state department of labor.

c. Every supported scaffold certificates of fitness shall have the commissioner's signature affixed thereto, but the commissioner may authorize any subordinate to affix such signature.

d. The commissioner may, after due notice and an opportunity for a hearing before the office of administrative trials and hearings pursuant to section one thousand forty-eight of the charter and rules established thereunder, revoke, suspend or limit the certification of any person upon proof of fraud, deceit, collusion or misrepresentation on the part of the holder in obtaining the certification or any renewal thereof, or upon proof of violation of or failure to comply with the provisions of the building code and other applicable laws, rules or regulations relating to the business, trade or calling of the certificate holder, provided that the commissioner shall not revoke or suspend any certificate for any cause, unless and until the holder shall have been given at least three calendar days' prior notice in writing of the hearing. However, notwithstanding the foregoing, when the public safety may be imminently jeopardized the commissioner shall have the power, pending a hearing and determination of charges, to forthwith suspend any license for a period not exceeding five working days.

§26-204.4 Term of supported scaffold certificate of fitness, renewal. a. All supported scaffold certificates of fitness issued by the commissioner under the provisions of this article shall expire two years from the date of issuance thereof, and may be renewed

biennially, provided that application for renewal of the supported scaffold certificate of fitness is made between thirty and sixty calendar days prior to the expiration date of the certificate of fitness. All applications for renewal of a supported scaffold certificate of fitness shall be accompanied by the required renewal fee. If application for renewal is not made as provided above, the commissioner may, nevertheless, renew the supported scaffold certificate of fitness provided that the late renewal application is made within two years of the expiration date of the applicant's certificate of fitness, that the applicant pays an additional fee of five dollars, and provided further that the applicant satisfies the commissioner as to his or her qualifications.

b. The fee for obtaining a supported scaffold certificate of fitness shall be fifty dollars and the biennial renewal fee to maintain such certificate of fitness shall be thirty dollars.

§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, which section was 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 whether such supported scaffold irrespective of the height of such supported scaffold.

§3. This local law shall take effect one year after its enactment.

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