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Int. No. 787

By the Public Advocate (Mr. Williams)

A Local Law to amend the New York city building code, in relation to requiring safety netting and guardrail systems to protect floor openings

Be it enacted by the Council as follows:

Section 1. Section 3306.9.12.1 of the building code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

3306.9.12.1 Floor openings used for the removal of debris. Every opening in a floor used for the removal of debris shall be tightly enclosed with a shaftway, extending from floor to floor, with such shaftway enclosed with:

1. Planking not less than 2 inches (51 mm) in thickness, or equivalent solid material; [or]

2. Where the opening is used for the removal of noncombustible material, wire mesh may be utilized in lieu of planking, provided such mesh is not less than number 18 gauge wire mesh, with openings in the wire no longer than ½ inch (13 mm), and also provided that the wire mesh is securely attached, in accordance with drawings developed by a registered design professional, to the shaftway so that the wire mesh enclosure in any location does not deflect more than 2 inches (51 mm) when a force of at least 200 pounds (890 n) is applied along any horizontal portion of such wire mesh enclosure[.]; or

3. A guardrail system, vertical netting and horizontal netting where required by Sections 3308.6 and 3308.7.

Exceptions:

1. In buildings not more than six stories or 75 feet (22 860 mm) in height, whichever is less, a shaftway is not required. Instead openings in the floor shall be clearly marked and solidly planked over while not in use by planking not less than 2 inches (51 mm) in thickness, or equivalent solid material, and laid close. Where such working deck reaches a height of six stories or 75 feet (22 860 mm) above the level of the ground, horizontal netting shall be provided at a level not more than two stories or 30 feet (9144 mm) below, as required by section 3308.6.1.

2. A shaftway is not required at the working deck. Instead, openings in the working deck shall be clearly marked and solidly planked over while not in use by planking not less than 2 inches

(51 mm) in thickness, or equivalent solid material, and laid close. Where such working deck reaches a height of six stories or 75 feet (22 860 mm) above the level of the ground, horizontal netting shall be provided at a level not more than two stories or 30 feet (9144 mm) below, as required by section 3308.6.1.

§ 2. Section 3308 of the building code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

SECTION BC 3308

UNENCLOSED PERIMETER PROTECTION, INTERIOR SHAFTWAYS, AND FLOOR OPENINGS

§ 3. Section 3308.1 of the building code of the city of New York, as amended by local law 141 for the year 2013, is amended to read as follows:

3308.1 Scope. Protection shall be provided along unenclosed perimeters, interior shaftways and floor openings, as required by this section and rules promulgated by the commissioner, including but not limited to safety netting systems, guardrail systems, cocoon systems, climbing formwork, and enclosure panels. Except where this section authorizes the temporary removal of unenclosed perimeter, interior shaftway or floor opening protection, no work shall occur, nor shall materials be stored on any level where required unenclosed perimeter, interior shaftway or floor opening protection is not installed.

§ 4. Section 3308.5 of the building code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

3308.5 Vertical safety netting systems. Vertical safety netting shall be installed, maintained, and provided along all unenclosed perimeters and interior shaftways.

§ 5. Section 3308.6.1.1 of the New York city building code, as amended by local law 126 for the year 2021, is amended to read as follows:

3308.6.1.1 During construction. When, during the course of new building construction, or during the vertical or horizontal enlargement of an existing building, the topmost walkable floor reaches a height of six stories or 75 feet (22 860 mm), whichever is less, above the level of the ground or an adjoining roof, horizontal safety netting shall be provided at a level not more than two stories or 30 feet (9144 mm), whichever is less, below:

1. Any floor opening or interior shaftway;

[1.] 2. In concrete structures: the stripping floor; or

[2.] 3. In steel structures: at the topmost story where the concrete floor slab has been placed.

Exception: When tarpaulins encase one or more floors immediately below the finished concrete floor in order to maintain temporary heat, the horizontal netting may be located no more than three floors below

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the finished concrete floor.

§ 6. Section 3308.6.1.2 of the New York city building code, as amended by local law 126 for the year 2021, is amended to read as follows:

3308.6.1.2 During demolition. When the demolition of the exterior walls or the roof of a building occurs at a height greater than six stories or 75 feet (22 860 mm), whichever is less, horizontal safety netting shall be provided at a level not more than two stories or 30 feet (9144 mm), whichever is less, below the story from which the exterior walls and roof are being removed or below any floor opening or interior shaftway.

Exception: Demolition of exterior walls only for the purposes of the alteration, maintenance, or repair of a facade shall be in accordance with Section 3308.6.1.3.

§ 7. Section 3308.6.1.6 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

3308.6.1.6 Temporary removal. Horizontal safety netting may be temporarily removed in the immediate area where active loading or unloading operations are occurring, or where perimeter work is occurring, or to relocate the nets to a higher level, provided that no concrete work, including formwork placement or stripping, no structural steel placement or assembly, and no work within 10 feet (3048 mm) from an unenclosed perimeter, interior shaftway or floor opening of the building occurs on levels above the horizontal safety netting. Horizontal safety nets shall be reinstalled immediately following the end of active loading or unloading operations, or active work, or at the end of the workday, whichever occurs sooner.

§ 8. Section 3308.7 of the New York city building code, as amended by local law 126 for the year 2021, is amended to read as follows:

3308.7 Guardrail system. A guardrail system shall be installed, maintained, and provided along all unenclosed perimeters, interior shaftways and floor openings.

§ 9. Section 3308.10 of the New York city building code, as added by local law 126 for the year 2021, is amended to read as follows:

3308.10 Temporary removal of unenclosed perimeter protection. Unenclosed perimeter protection, or portions thereof, may be temporarily removed in the immediate area where active loading or unloading operations, including debris removal, are occurring, or to the extent necessary to facilitate active work at the perimeter, including but not limited to inspections or the relocation of unenclosed perimeter protection to a higher level, provided there is compliance with the following items:

Guardrail systems may be temporarily removed in the immediate area where active loading or unloading operations, including debris removal, are occurring, or where perimeter work is occurring, provided that:

1. All material, equipment, and debris on the floor is secured against dislodgement by wind or accidental impact;

2. A controlled access zone is established to prevent unauthorized personnel from entering the area where the unenclosed perimeter protection has been removed;

3. Prior to the removal the floor is cleared of all material, equipment, and debris to a distance of at least 10 feet (3048 mm) in all directions from the area where the unenclosed perimeter protection is to be removed, except for material or equipment that is related to the active loading or unloading operation or active work at the perimeter, or that is stored in accordance with Section 3303.4.5.2;

4. Immediately prior to removal the floor is broom-swept to a distance of at least 10 feet (3048 mm) in all directions from the area where the unenclosed perimeter protection is to be removed and, in addition, areas in the immediate vicinity of the unenclosed perimeter protection are vacuumed, including areas around zero cables, toeboards, and spaces where trapped debris may have accumulated;

5. During removal operations areas are vacuumed as required by Section 3308.9.6;

6. A competent person supervises the operation as required by Section 3308.10.2;

7. Where vertical safety netting, guardrails, or equivalent alternative systems are removed, the removal does not extend past the column bays where the active loading or unloading operations are occurring or where active work at the perimeter is occurring; and

8. Where horizontal safety netting or equivalent alternative systems are removed, none of the following types of work occurs at or above the level where the horizontal safety netting or equivalent alternative system has been removed:

    8.1 Concrete work, including formwork placement or stripping;

    8.2. Structure steel placement or assembly; or

    8.3. Any other work within 10 feet (3048 mm) from an unenclosed perimeter of the building.

§ 10. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to its effective date.

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