

**TOWN OF NORTH HEMPSTEAD  
LOCAL LAW NO. OF 2017**

**A LOCAL LAW AMENDING CHAPTER 2 OF THE TOWN CODE  
ENTITLED “ADMINISTRATION AND ENFORCEMENT”**

**BE IT ENACTED** by the Town Board of the Town of North Hempstead, as follows:

**Section 1. Legislative Intent.**

The Board previously required applicants for building permits for large commercial projects to use contractors and subcontractors who have in place apprenticeship agreements. The Board believes that the goals of any apprenticeship program are only achieved when apprentices progress through and graduate from such programs. The Board now finds it in the best interest of the Town of North Hempstead to amend Chapter 2 of the Town Code entitled “Administration and Enforcement” in order to require applicants for building permits for large commercial projects to demonstrate that any contractor or subcontractor on such project has actually graduated one or more apprentices from registered apprenticeship programs.

**Section 2.**

Chapter 2 of the Town Code is hereby amended to include a new Section 2-9.1 to read as follows:

§2-9.1. Safe and code-compliant construction.

A. For purposes of this § 2-9.1, the following terms shall have the following meanings:

**APPLICANT**

The person, firm or other entity making an application to the Department of Building Safety, Inspection and Enforcement pursuant to § 2-9 of the Town Code.

**BUILDING PERMIT**

The permit described in § 2-9 of the Town Code.

**CERTIFICATE OF COMPLETION**

**A certificate issued by the DOL, which recognizes an individual’s successful completion of a state-approved and state-registered apprenticeship program in any trade and job title necessary for the completion of the large commercial project. The certificate shall evidence that the successful completion occurred within the program time period.**

## **CONTRACTOR OR SUBCONTRACTOR**

**A contractor or subcontractor who employs labor on a large commercial project.**

## **DEPARTMENT**

**The Department of Building Safety, Inspection and Enforcement of the Town of North Hempstead.**

## **DOL**

**The New York State Department of Labor.**

## **LARGE COMMERCIAL PROJECT**

The erection, construction, enlargement, alteration, removal, improvement, renovation, demolition or conversion of a commercial building or structure where such erection, construction, enlargement, alteration, removal, improvement, renovation, demolition or conversion involves an area of 100,000 square feet or more of floor area. The threshold of 100,000 square feet may be met either in a single building or a collection of buildings located on the same property.

## **PROGRAM TIME PERIOD**

**The period of time equal to twenty-four (24) months plus the apprenticeship program's length as established by the DOL for the specific trade referenced in the certificate of completion, measured retroactively from the date of the application for a building permit. For purposes of this definition, the program time period for the trade of laborer shall be twenty-four (24) months.**

## **SPONSOR**

**Any organization or entity operating an apprenticeship program registered with the DOL and in whose name the program is registered.**

- B. This section shall be applicable only to applications for building permits for large commercial projects filed with the Department [~~of Building Safety, Inspection and Enforcement~~] on or after the effective date of this section.
- C. Prior to the issuance of a building permit for a large commercial project, the applicant shall:~~[demonstrate that any general contractor, contractor or subcontractor for such project has in place apprenticeship agreements appropriate for the type and scope of work to be performed which have been registered with and approved by the New York State Commissioner of Labor in accordance with Article 23 of the New York Labor Law.]~~

**(1) Demonstrate that any general contractor, contractor or subcontractor for such project is a participant in good standing in a qualified apprenticeship program that is registered with and approved by the DOL and has apprenticeship agreements, which are specifically identified as pertaining to the trade(s) and/or job title(s) called for by such project; and**

**(2) Submit certificates of completion to the Town for every general contractor, contractor or subcontractor, or his or her sponsor performing work on a large commercial project. If a contractor or subcontractor is a signatory to a sponsor, the applicant must submit to the Town a letter from the sponsor verifying the contractor's or subcontractor's signatory status.**

**D. If a subcontractor is used on a large commercial project subsequent to the issuance of a building permit, the applicant shall submit certificates of completion for the subcontractor. The applicant must submit a subcontractor's certificates of completion to the Town prior to a subcontractor beginning work on such project. If a subcontractor is a signatory to a sponsor, the applicant must submit to the Town a letter from the sponsor verifying the signatory status.**

**E. It shall be the responsibility of the applicant to verify that a contractor or subcontractor is a participant in a state-approved and state-registered apprenticeship program and to include certificates of completion as an attachment to the application for a building permit.**

**F. This section shall not apply where a specific trade has not been included among the list of trades maintained by the New York State Commissioner of Labor available for apprenticeship agreements at the time an application for a building permit for a large commercial project is filed.**

**G.[D.]** The determination of compliance with this section shall be made by the Commissioner of the Department [~~of Building Safety, Inspection and Enforcement~~] or his or her designee.

### **Section 3.**

This Local Law shall take effect immediately upon filing with the Secretary of State.