

**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.

It is the purpose and intent of the Town Board to amend Chapter 2 of the Town Code entitled “Administration and Enforcement” to ensure the safety of construction sites within the Town by ensuring that workers employed or otherwise engaged at such construction sites have received adequate safety training, and that contractors performing construction work have essential safety training systems to prevent injuries and protect workers who are injured.

Section 2.

Chapter 2 of the Town Code is hereby amended as follows:

§ 2-9.2 Construction Site Safety Training

§ 2-9.2(1) Purpose.

The provisions of this section are intended to promote the safety of Minor and Major construction sites within the Town. The provisions of this section are designed to provide that workers employed or otherwise engaged at such construction sites have received adequate safety training; that contractors performing construction work have essential safety training and that contractors performing construction work have essential safety training systems to prevent injuries and protect workers who are injured.

§ 2-9.2(2) Definitions.

- a. **Permit Holder. The person to whom a building permit has been issued or for a building permit has been applied.**
- b. **Person. An individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.**
- c. **Contractor. Any person contracted or subcontracted to perform work covered by this section for or on behalf of any other person.**
- d. **Minor Construction Project. A construction site, with an area greater than 35,000 square feet, which involves the construction, demolition or alteration of a structure or building.**
- e. **Major Construction Project. A construction site, with an area greater than 50,000 square feet, which involves the construction, demolition or alteration of a structure or building.**
- f. **OSHA. The United States Department of Labor Occupational Safety and Health Administration.**

- g. OSHA 30-hour class. A class that includes 30 or more hours in construction industry safety and health that is intended for workers and satisfies the following conditions:**

 - i. Such class is (i) approved by OSHA and conducted in accordance with the OSHA outreach training program or (ii) an equivalent 30 or more hour construction industry safety and health class approved by the Building Department.**
 - ii. Such class consists of in-person training, actively proctored online training or, if such training is conducted before the effective date of this section, online training.**
- h. OSHA 100-hour class. A class or program that:**

 - i. Includes 100 or more hours of training in technical subjects relating to a construction trade, including an apprenticeship program registered with the New York State Department of Labor; and**
 - ii. Is approved by OSHA, the United States Department of Labor, the New York State Department of Education or the New York State Department of Labor. § 2-9.2(3) Safety Training Required.**

i. Site Safety Designee. The Site Safety Designee must have completed an OSHA 100-hour class. On a Major Construction Project, the Site Safety Designee shall use reasonable prudence to ensure that safety is maintained as job conditions dictate and shall complete any tasks required of a Site Safety Designee under this Chapter.

§ 2-9.2(3) Safety Training Required.

a. In addition to any other applicable town, state or federal law or rule, each permit holder:

- 1. at a Minor Construction Site, shall be responsible for ensuring that each construction or demolition worker employed or otherwise engaged at such site by the permit holder or any person performing work for or on behalf of such permit holder at such site has successfully completed and maintains a current OSHA 30-hour class certificate.**
- 2. at a Major Construction Site, shall be responsible for ensuring that a foreman or designated employee or individual otherwise engaged at such site by the permit holder or any person performing work for or on behalf of such permit holder is designated as a Site Safety Designee. The Site Safety Designee shall be tasked with ensuring that each construction or demolition worker employed or otherwise engaged at such site by the permit holder or any person performing work for or on behalf of such permit holder at the site is in compliance with section 2-9.2(3)(a)(1) and shall report violations of this Chapter to the Building Department.**

- b. The Applicant, Permit Holder or any person performing such work on behalf of the permit holder shall certify to the Building Department, in a form and manner established by the Building Department, that the requirements of § 2-9.2(3)(A)(1) and/or § 2-9.2(3)(A)(2) have been met. No permit for construction or demolition work for which training is required pursuant to this section shall be issued or renewed until the applicant has certified that all workers who will be working under such permit will have the requisite training throughout the duration of such permit.
- c. The Applicant, Permit Holder or any person performing such work on behalf of the permit holder shall certify that all New York State and OSHA safety requirements and workers compensation and insurance requirements have been met.
- d. The Permit Holder shall maintain at such site a daily log that identifies each such worker and that includes, for each such worker, proof of compliance with § 2-9.2(3)(A)(1) and § 2-9.2(3)(A)(2), as applicable. Such logs shall be made available to the Building Department upon request and shall be submitted to the Building Department as a prerequisite to the issuance of a Certificate of Occupancy, Certificate of Completion and/or Certificate of Approval.

§ 2-9.2(4) Penalties.

- a. Any violations of this section by a permit holder shall be punishable by a fine of not less than \$1,000 nor more than \$10,000. Each worker performing work on a construction site covered by this section without required safety training shall constitute a separate additional offense. Each day that the violation continues shall constitute a separate additional offense.
- b. For a second offense, committed by a permit holder within a period of five years, such violation shall be punishable by a fine of not less than \$3,000 nor more than \$20,000 or by imprisonment for a period not to exceed 15 days, or both.
- c. Permits issued to permit holders found to be in violation of this section may be revoked by the Building Department upon discovery of such violation.
- d. The Building Department shall be authorized to issue stop orders for violations of this section. Upon the issuance of a stop order, the owner of the affected property, the permit holder and any other person or contractor performing, taking part in or assisting in the work shall suspend all building activities in violation of this section until the stop order has been rescinded.

Section 3.

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