
LEGISLATION

ORDINANCE AMENDING CHAPTER 111, BUILDING CONSTRUCTION, AND SECTION 133-1, ENUMERATION OF FEES, OF THE CODE OF THE CITY OF NEW ROCHELLE (SITE SAFETY SUPERINTENDENTS).

BE IT ORDAINED by the City of New Rochelle:

Section 1. The Code of the City of New Rochelle, Section 111, Building Construction, is hereby amended by adding the following section:

§ 111-27.2 Site Safety Superintendents.

A. Definitions

For the purposes of this section, the following terms shall have the following meanings:

ACCIDENT. An occurrence directly caused by construction or demolition activity or site conditions that result in one or more of the following:

1. A fatality to a member of the public; or
2. Any type of injury to a member of the public; or
3. A fatality to a worker; or
4. An injury to a worker that requires transport by emergency medical services or requires immediate emergency care at a hospital or offsite medical clinic; or
5. Any complete or partial structural collapse or material failure; or
6. Any complete or partial collapse or failure of pedestrian protection, scaffolding, hoisting equipment, or material handling equipment; or
7. Any material fall exterior to the building or structure.

APPROVED CONSTRUCTION DOCUMENTS. For the purpose of this section, approved construction documents will include any and all documents that set forth the location and entire nature and extent of the “work” proposed with sufficient clarity and detail to show that the proposed work conforms to the provisions of this code and other applicable laws and rules. Such documents will include but not be limited to shop drawings, specifications, manufacturer’s

instructions and standards that have been accepted by the design professional of record or such other design professional retained by the owner for this purpose.

COMPETENT PERSON. One who is capable of identifying existing predictable hazards in the surroundings or conditions that are unsanitary, hazardous or dangerous, and who has authorization to take prompt corrective measures to eliminate such hazards.

SITE SAFETY SUPERINTENDENT. An individual registered with the Bureau of Buildings and responsible for all duties as defined in this section.

DAYS. Calendar days, unless otherwise specified.

FULL DEMOLITION. The dismantling, razing, or removal of all of a building or structure, including all operations incidental thereto.

JOB. A design and construction/demolition undertaking consisting of work at one building or structure, as well as related site improvements and work on accessory structures. A job may consist of one or more plan/work applications and may result in the issuance of one or more permits.

PERMIT HOLDER. The individual who receives the primary construction permit issued for the job.

B. Designation of a site safety superintendent.

(1) Jobs for which a site safety superintendent is required.

A site safety superintendent is required for the following types of jobs:

- (a) The construction of a new building of six (6) or more stories above grade or 75 feet from mean grade to top of finished roof surface, whichever is less; or
- (b) The construction of a new building of twenty thousand (20,000) square feet or more of floor area, as defined by section 331-4 of Article II of Part II of the City of New Rochelle Municipal Code (*Zoning: Definitions and Word Usage*).
- (c) An alteration to an existing building that involves one or more of the following:
 - (i) A vertical enlargement of one or more stories to an existing building of six (6) or more stories above grade or 75 feet from mean grade to top of finished roof surface, whichever is less; or
 - (ii) A vertical enlargement which results in a building of six (6) or more stories above grade or 75 feet from mean grade to top of finished roof surface, whichever is less;

- (iii) Work that requires underpinning; or
- (iv) Work that requires the support of excavation; or
- (d) Other jobs that pose an enhanced risk to the public and property, as determined by the building official.

Exceptions: Notwithstanding the above, a site safety superintendent is not required for:

- (1) The construction of a new 1-, 2-, or 3-family building.

C. Designation of a primary site safety superintendent. For jobs requiring a site safety superintendent, the permit holder must designate a primary site safety superintendent, prior to the commencement of work, in a form and manner acceptable to the Building Official.

D. Change of designation. The permit holder must immediately notify the Building Official, in a form and manner acceptable to the Building Official, of any permanent change to the primary site safety superintendent.

E. Alternate site safety superintendent. In the event the primary site safety superintendent is temporarily unable to perform his or her duties, an alternate site safety superintendent, designated by the permit holder and acceptable to and acting on behalf of the primary site safety superintendent, must fulfill the duties of the primary site safety superintendent. In the event that an alternate site safety superintendent will be acting in place of the primary site safety superintendent for a period longer than two consecutive weeks, the permit holder must notify the Building Official, in a form and manner acceptable to the Building Official, of such change.

F. Limitations. An individual may only be designated as a primary or alternate site safety superintendent for that number of jobs for which he or she can adequately perform all required duties.

G. Duties of site safety superintendent.

(1) Safe site. The site safety superintendent must act in a reasonable and responsible manner to maintain a safe job site and assure compliance with Chapter 33 of the New York State Uniform Building Code and any rules promulgated thereunder at each job site for which the site safety superintendent is responsible.

(2) Compliance with plans. To the extent that a registered design professional or special inspection agency is not responsible, the site safety superintendent must assure compliance with the approved construction documents at each job site for which the superintendent is responsible.

(3) Daily visit. The site safety superintendent must visit each job site for which the site safety superintendent is responsible each day when active work is occurring.

Exceptions: The site safety superintendent is not required to be present at the site during the following activities, provided no other work is in progress:

- (a) Surveying that does not involve the disturbance of material, structure, or earth;
- (b) Use of a hoist to transport personnel only;
- (c) Use of a material hoist that is fully enclosed within the perimeter of the building;
- (d) Finish troweling of concrete floors;
- (e) When personnel are provided for temporary heat, light, or water; Or
- (f) Truck deliveries to the site where the sidewalk is closed and the entrance gate is within that closed sidewalk area.

(4) Inspection. Each time the site safety superintendent visits a job site for which he or she is responsible, the site safety superintendent must inspect all areas and floors where construction or demolition work, and ancillary activity, is occurring, and:

- (a) Verify work is being conducted in accordance with sound construction/demolition practices;
- (b) Verify compliance with the approved construction documents; and
- (c) Verify compliance with Chapter 33 of the Building Code and any rules promulgated thereunder.

(5) Correcting unsafe conditions. In the event the site safety superintendent discovers work at a job site for which he or she is responsible that is not being conducted in accordance with sound construction/demolition practices, not in compliance with approved construction documents, or not in compliance with Chapter 33 of the Building Code and any rules promulgated thereunder, the superintendent must immediately notify the person or persons responsible for creating the unsafe condition, order the person or persons to correct the unsafe condition, and take all appropriate action to ensure the unsafe condition is corrected. Where an unsafe condition relates to an item which a registered design professional or special inspector is responsible for implementing or verifying, the site safety superintendent must also notify the responsible registered design professional or special inspector of the unsafe condition. All such unsafe conditions,

notices, orders, and corrective work must be recorded in the log required by subsection (9) of this section.

(6) Notification of conditions to the Building Official. The site safety superintendent must immediately notify the Department, in a form and manner acceptable to the Building Official, when he or she discovers at any job site for which the site safety superintendent is responsible any of the conditions listed in this section. Notification to the Building Official does not relieve the site safety superintendent of his or her obligations under paragraph (6) of this subdivision.

The site safety superintendent shall immediately notify the Building Official directly if he or she discovers any of the following conditions in the routine performance of the job:

- (a) A person is operating a crane, derrick or hoisting equipment on the site without a permit and refuses to desist from operating the equipment;
- (b) A crane is being operated by an unlicensed operator and such unlicensed operator refuses to desist from operating the crane;
- (c) No flagperson is present during crane operation where required by this chapter;
- (d) Permits have not been issued for the sidewalk sheds;
- (e) Any accident as defined by this chapter;
- (f) Required standpipe is not in place at each story below the construction or demolition floor;
- (g) Required standpipe valves are not in place at each story below the construction or demolition floor;
- (h) Required standpipe is not capped;
- (i) Required standpipe is not connected to a water source or fire department connection;
- (j) Required standpipe fire department hose connection is obstructed;
- (k) A breach exists in the required standpipe risers, cross connections, or fire department connections;
- (l) The standpipe alarm activates; or

(7) Reporting of accidents and damage to adjoining property. The site safety superintendent must immediately notify the Building Official, in a form and manner acceptable to the Department, of any accident at any job site for which the construction site safety superintendent is responsible, or any damage to adjoining property caused by construction or demolition activity at the job site.

(8) Competent person. The site safety superintendent must designate a competent person for each job site for which the site safety superintendent is responsible and ensure such competent person is present at the designated job site at all times active work occurs. The designation of a competent person does not alter or diminish any obligation imposed upon the site safety superintendent. The competent person must carry out orders issued by the site safety superintendent; be able to identify unsanitary, hazardous or dangerous conditions; take prompt corrective measures to eliminate such conditions; immediately report to the construction superintendent accidents at the job site or any damage to adjoining property caused by construction or demolition activity at the job site; and be able to effectively communicate workplace instructions and safety directions to all workers at the site.

(9) Log. The construction superintendent must maintain a log at each job site for which the construction superintendent is responsible. Such log must be made available to the Building Official upon request.

(a) Log contents. The log, at a minimum, must contain the following information:

- (i) The presence of the site safety superintendent at the job site as evidenced by his or her printed name and signature and a notation indicating the times of arrival at, and departure from the site, which must be recorded immediately after arriving at the site and immediately prior to leaving the site, respectively;
- (ii) The general progress of work at the site, including a summary of that day's work activity;
- (iii) The site safety superintendent's activities at the site, including areas and floors inspected;
- (iv) Any unsafe condition(s) observed per paragraph (6) of subdivision (G) of this section, and the time and location of such unsafe condition(s);
- (v) Orders and notice given by the site safety superintendent per paragraph (6) of subdivision (G) of this section, including the names of individuals issued orders or notices, any refusals to comply with orders or respond to notice given, follow up action

taken by the site safety superintendent, and where the violation is corrected, the nature of the correction:

- (vi) Any violations, stop work orders, or summonses issued by the Building Official, including date issued and date listed or dismissed;
- (vii) Any accidents; and
- (viii) The name of the competent person designated in accordance with paragraph (8) of subdivision (G) of this section, along with an accompanying signature of the competent person. If the site safety superintendent assigns a new competent person, the date and time of this change, along with the name of the new competent person, must be recorded, accompanied by the signature of the new competent person. If the site safety superintendent is not at the site when this occurs, the new competent person must instead make the log entry, which the site safety superintendent must sign and date upon his or her next visit to the job site.

(c) Completed. The site safety superintendent must complete the log prior to departing the job site.

(d) Signed and dated. The site safety superintendent must sign and date each day's log entry.

(e) Form and manner. The log must be organized and recorded in a form and manner acceptable to the Building Official.

H. Registration of site safety superintendents. Site safety superintendents must be registered with the Building Office in accordance with the following provisions.

(1) Form and manner of registration. An application for registration as a site safety superintendent must be submitted in a form and manner acceptable to Building Office and provide such information as the Building Official may require.

(2) Qualifications. All applicants for site safety superintendent registration must submit satisfactory proof establishing that the applicant:

(a) Is able to read construction plans and specifications; and

(b) Has satisfactorily completed, within two (2) years prior to the date of application, the OSHA 10-hour construction industry Outreach Training Program approved by the United States Department of Labor

Occupational Safety and Health Administration, and also meets one of the following:

- (i) Is a registered design professional;
- (ii) Holds a Construction Health and Safety Technician (“CHST”) designation from the Board of Certified Safety Professionals (“BCSP”);
- (iii) Has five (5) years of experience, within ten (10) years prior to the date of the application, as a building code enforcement official charged with enforcement of the provisions of the New York State Uniform Building Code. The enforcement must have included inspections of buildings under construction or demolition and thus this basis for qualification excludes officials whose primary role is to perform inspections of occupied or vacant buildings;
- (v) Has five (5) years of full-time field experience in the United States, within 10 years prior to the date of the application, working on buildings as a safety official for a governmental entity or construction firm or as a safety manager or safety engineer for a safety consulting firm specializing in construction or demolition;
or
- (vi) Has five (5) years of full-time experience in the United States, within ten (10) years prior to the date of the application, as verified by employer affidavit, working with plans in a relevant construction trade in furtherance of the construction, vertical or horizontal enlargement, or full demolition of a building or structure,
and has satisfactorily completed, within one (1) year prior to the date of the application, the OSHA 30-hour construction industry Outreach Training Program approved by the United States Department of Labor Occupational Safety and Health Administration; or
- (vii) Has five (5) years of full-time experience in the United States, within ten (10) years prior to the date of the application, as verified by employer affidavit, working with plans in a relevant construction trade in furtherance of the construction, vertical or horizontal enlargement, or full demolition of a building or structure,
and has satisfactorily completed, within one (1) year prior to the

date of the application, the OSHA 7415: Major Hazards and Prevention course AND a combination of at least twenty (20) hours of education, approved by the United States Department of Labor Occupational Safety and Health Administration in the following areas:

<u>Fall Protection:</u>	<u>8 hours</u>
<u>Supported Scaffold:</u>	<u>4 hours</u>
<u>Drug and Alcohol Awareness:</u>	<u>2 hours</u>
<u>General Electives:</u>	<u>4 hours</u>
<u>Special Electives:</u>	<u>4 hours</u>

- (3) Educational credit. For purposes of paragraph (B) of this subdivision, each year of full-time formal training or education in a program with emphasis on construction at a college, technical, or trade school may be substituted for one year of work experience, up to a maximum of three years.
- (4) Audits. Applications for registration are subject to audit at any time. An audit may also be made at any time upon receipt of complaints or evidence of falsification.
- (5) Registration term. Registrations issued under this section are valid for three years from the date of issuance.
- (6) Registration fees. The initial fee for registration in accordance with this section is three hundred dollars (\$300.00).
- (7) Renewals.
- (a) The fee for timely renewal is fifty dollars (\$50.00). Renewals not submitted in a timely manner will be subject to a late surcharge of fifty dollars (\$50.00).
- (b) Timely renewal applications must be accompanied by proof that the applicant has, during the one-year prior to renewal, successfully completed an 8-hour Site Safety course approved by the Building Official.
- (c) Renewals not filed within one year of registration expiration will be treated as a new application.
- (8) Notification of change of address. Registered site safety superintendents must notify the Building Official, in writing, of any address change within thirty (30) days of the change.

I. Obligation of others. Nothing in this rule is intended to alter or diminish any

obligation otherwise imposed by law on others, including but not limited to, the owner, permit holder, construction manager, general contractor, contractor, materialman, architect, engineer, land surveyor, or other party involved in a construction project to engage in sound engineering, design, and construction practices, and to act in a reasonable and responsible manner to maintain a safe job site.

J. Reporting unsafe conditions or accidents to other agencies. Nothing in this rule is intended to alter or diminish any right or obligation permitted or imposed by other agencies or organizations having jurisdictions to report unsafe conditions or accidents.

Section 2. Section 133-1, Enumeration of Fees, of the Code of the City of New Rochelle, is hereby amended to read as follows:

§ 133-1. Enumeration of fees.

The following schedule of fees is hereby established with respect to licenses, permits, registrations, documents and activities required or regulated under the provisions of various chapters of the Code of the City of New Rochelle. Specific requirements and regulations for the following shall be as set forth in the chapter to which reference is made below. The following schedule of fees shall expire at the end of each calendar year, commencing December 31, 2006, unless renewed and/or amended prior thereto.

Code		Amount
Section	Type of Fee	
<u>111-27.2H(6)</u>	<u>Registration fee</u>	<u>\$300.00</u>
<u>111-27.2H(7)</u>	<u>Renewal</u>	<u>\$50.00</u>
<u>111-27.2h(7)</u>	<u>Late fee for renewal</u>	<u>\$50.00</u>

Matter underlined added.