



## Legislation Details (With Text)

<b>File #:</b>	Int 0972-2023	<b>Version:</b>	*	<b>Name:</b>	Removing construction-related equipment.
<b>Type:</b>	Introduction	<b>Status:</b>		<b>In control:</b>	Filed (End of Session)
					Committee on Housing and Buildings
<b>On agenda:</b>	3/16/2023				
<b>Enactment date:</b>		<b>Enactment #:</b>			
<b>Title:</b>	A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to removing construction-related equipment				
<b>Sponsors:</b>	Keith Powers, Erik D. Bottcher, Pierina Ana Sanchez, Shaun Abreu, Farah N. Louis, Christopher Marte, Kalman Yeger, Lincoln Restler, Crystal Hudson, Julie Menin, Diana I. Ayala, Robert F. Holden, Oswald Feliz, Marjorie Velázquez, Gale A. Brewer, Mercedes Narcisse, Tiffany Cabán, Shekar Krishnan, Nantasha M. Williams, Kevin C. Riley, Alexa Avilés, Shahana K. Hanif, Carlina Rivera, Jennifer Gutiérrez, Vickie Paladino, (in conjunction with the Manhattan Borough Preside				
<b>Indexes:</b>					
<b>Attachments:</b>	1. Summary of Int. No. 972, 2. Int. No. 972, 3. March 16, 2023 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 3-16-23, 5. Minutes of the Stated Meeting - March 16, 2023				

Date	Ver.	Action By	Action	Result
3/16/2023	*	City Council	Introduced by Council	
3/16/2023	*	City Council	Referred to Comm by Council	
12/31/2023	*	City Council	Filed (End of Session)	

### Int. No. 972

By Council Members Powers, Bottcher, Sanchez, Abreu, Louis, Marte, Yeger, Restler, Hudson, Menin, Ayala, Holden, Feliz, Velázquez, Brewer, Narcisse, Cabán, Krishnan, Williams, Riley, Avilés, Hanif, Rivera, Gutiérrez and Paladino (in conjunction with the Manhattan Borough President)

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to removing construction-related equipment

Be it enacted by the Council as follows:

Section 1. Section 28-201.2.2 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013 and local law number 126 for the year 2021, is amended to add a new item 8 to read as follows:

8. A violation of section 3307.4.3 of the New York city building code, where such violation occurs on a road with four or more traffic lanes.

§ 2. Section 28-201.2.3 of the administrative code of the city of New York, as added by local law

number 47 for the year 2012, is amended to add a new item 2 to read as follows:

2. A violation of section 3307.4.3 of the New York city building code, where such violation occurs on a road with three or less traffic lanes.

§ 3. Section 28-302.5 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013 and local law number 126 for the year 2021, is amended to read as follows:

**§28-302.5 Repair of exterior walls, unsafe condition.** Upon the notification to the department of an unsafe condition, the owner, the owner's agent or the person in charge shall immediately commence such repairs, reinforcements or other measures as may be required to secure public safety and to make the building's exterior walls or appurtenances thereof conform to the provisions of this code.

1. All unsafe conditions shall be corrected within 90 days [of] after filing the critical examination report.
2. The owner shall engage a registered design professional to reinspect the premises and file an amended report within two weeks after the repairs have been completed certifying that the unsafe conditions of the building have been corrected.
3. The commissioner may grant an extension of time of up to 90 days to complete the repairs required to correct an unsafe condition upon receipt and review of an initial extension application submitted by the registered design professional together with such additional documentation as may be prescribed by rule.
4. [The commissioner may grant further extensions of time to complete the repairs required to remove an unsafe condition upon receipt and review of an application for a further extension submitted by the registered design professional together with such further documentation as may be prescribed by rule.] If an unsafe condition has not been corrected within the time period set forth in item 1, including any extension granted under item 3, the commissioner may direct the commissioner of housing preservation and development or the department of citywide administrative services or another authorized agency to perform or arrange for the performance of such correction in the manner provided for emergency work under section 28-215.1. Such work shall be deemed emergency work for the purposes of section 28-215.1.1.

§ 4. Section 3202.3 of the New York city building code, as amended by local law number 141 for the year 2013 and local law number 126 for the year 2021, is amended to read as follows:

**3202.3 Temporary encroachments.** Encroachments of temporary nature shall comply with Sections 3202.3.1 through [3202.2.3] 3202.3.4.

§ 5. Section BC 3202 of the New York city building code, as amended by local law number 141 for the year 2013 and local law number 126 for the year 2021, is amended by adding a new section 3202.3.4 to read as follows:

**3202.3.4 Contractor sheds and offices.** Contractor sheds or offices shall not be placed on a street.

**Exception:** Where the commissioner determines it would be impracticable to place such contractor shed or office in a location other than on the street, provided that such placement complies with applicable rules of the Department of Transportation.

§ 6. Section 3307.2.2 of the New York city building code, as amended by local law 141 for the year 2013 and local law number 126 for the year 2021, is amended to read as follows:

**3307.2.2 Temporary public walkway in the street.** Where authorized by the Department of Transportation, a temporary walkway open to the public may be provided in the street in front of the site. Such temporary walkway shall be protected in accordance with the requirements of the Department of Transportation. Department of Transportation authorization is required where a temporary walkway and a temporary or permanent bicycle lane will share the same space. Such walkway shall be removed and pedestrian access to the sidewalk shall be restored if there has been no work at such site for a period of 60 or more consecutive days. There shall be a rebuttable presumption that no work has occurred for a period of 60 or more consecutive days at such site if the department visits such site at least twice within a 60-day period and (i) each such visit occurs between Monday and Friday, during the hours of 8:00 a.m. to 3:00 p.m., excluding public holidays as such term is defined in section 24 of the general construction law and any other day excluded by department rule, and (ii) at each such visit, the department observes no work occurring.

**Exceptions:**

1. Where work has temporarily ceased due to weather.
2. Where work has temporarily ceased because of expiration of applicable permits from the department and the permit holder has applied for a renewal of such permits.
3. Where removal would pose a risk of physical harm to pedestrians.

§ 7. Section 3307.4.3 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

**3307.4.3 Vehicular traffic.** Whenever any work is being performed over, on, or in close proximity to a highway, street, or similar public way, control and protection of traffic shall be provided by barriers, signals, signs, flagpersons, or other devices, equipment, and personnel in accordance with the requirements of the Department of Transportation. Barriers that are placed in the roadway to prohibit vehicular traffic shall be removed if there has been no work for a period of one or more hours. There shall be a rebuttable presumption that no work has occurred for a period of one or more hours if (i) in response to a complaint, the department visits the site and observes no work occurring or (ii) the department visits the site at least twice in one day, at times which are separated by at least one hour, and observes no work occurring.

§ 8. Section 3307.6.5.2 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

**3307.6.5.2 Supervision of installation, adjustment, repair, and removal.** The installation, adjustment, repair, or removal of a sidewalk shed shall be performed under the supervision of a competent person designated by the permit holder for the sidewalk shed. The permit holder shall cause the removal of a sidewalk shed if there has been no work performed on the site for 60 or more consecutive days. There shall be a rebuttable presumption that no work has occurred for a period of 60 or more consecutive days at such site if the department visits such site at least twice within a 60-day period and (i) each such visit occurs between Monday and Friday, during the hours of 8:00 a.m. to 3:00 p.m., excluding public holidays as such term is defined in section 24 of the general construction law and any other day excluded by department rule, and (ii) at each such visit, the department observes no work occurring.

**Exceptions:**

1. Where work has temporarily ceased due to weather.
  2. Where work has temporarily ceased because of expiration of permits from the department and where the permit holder has applied for a renewal of such permits.
  3. Where removal of sidewalk sheds would pose a risk of physical harm to pedestrians.
  4. Where work has temporarily ceased due to a stop work order issued by the department.
- § 9. This local law takes effect 120 days after it becomes law.

Session 12:

BJR

LS #8647

3/13/23

Session 11:

MPC

12/19/17 1:00pm

LS# 244

Int 87-2018