

May 19, 2015

Item No. 3
Ordinance No. 2095/15

The following Ordinance was moved by Mr. Eramo
and seconded by Pres. Torres :

ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: BUILDING CODE –
APPRENTICESHIP REQUIREMENTS.

BE IT ENACTED, by the City Council of the City of Long Beach, New York, as
follows:

Sec.1. Chapter 7, Article II, Division 3, Section 7-48 of the Code of Ordinances
of the City of Long Beach, as heretofore amended, shall be and the same is hereby amended to
read as follows:

“Sec. 7-48. Apprenticeship Requirements.

- (a) **This Section shall be applicable to, and the obligations set forth herein shall operate as a condition precedent for, the issuance of all building permits (issued after the effective date of this ordinance) for construction of buildings of at least 100,000 square feet, irrespective of the date on which the building permit applications were filed by the developer, its partners, general contractors, contractors, subcontractors, affiliates, successors and/or assigns.**
- (b) Prior to the issuance of a building permit for such projects, the applicant shall demonstrate that any general contractor, contractor or subcontractor for such project, must have apprenticeship agreements 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) **The City of Long Beach hereby requires any contractor or subcontractor, who is a party to, or working under, a construction contract, to be a participant in good standing of a qualified apprenticeship program that is registered with and approved by the New York State Department of Labor and to have apprenticeship agreements, as evidenced by valid Certificates of Completion which are specifically identified as pertaining to the trade(s) and/or job titles(s) called for within the construction contract [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, anything in § 103 of the New York General Municipal Law to the contrary notwithstanding].**

- (2) **All contractors must submit to the City, Certificates of Completion showing that they, or their sponsor, graduated at least one apprentice from a state approved and registered apprenticeship program, in the trade and/or job title called for within the construction contract, within a time period immediately preceding the bid date of such project, the length of said time period to be calculated by adding twenty-four months to the specific trade's program length as set forth in the New York State Prevailing Wage Schedule. If a contractor is a signatory to a sponsor, the contractor must submit to the City a letter from the sponsor verifying its signatory status.**
- (3) **It shall be a contractor's responsibility to submit the required Certificates of Completion as part of any bid submitted in connection with a construction contract and to provide to the Building Department the identity of apprentices who have graduated from their apprenticeship program.**
- (4) **If a contractor utilizes a subcontractor on a construction contract, the contractor shall submit Certificates of Completion showing that the subcontractor or the subcontractor's sponsor graduated at least one apprentice from a state approved and registered apprenticeship program, in the trade and/or job title called for within the construction contract, within a time period immediately preceding the bid date of such project, the length of said time period to be calculated by adding twenty-four months to the specific trade's program length as set forth in the New York State Prevailing Wage Schedule. The contractor must submit these certificates at a time designated by the Building Department and these forms must be received prior to a subcontractor beginning work under the contract. If the subcontractor is a signatory to a sponsor, the contractor must submit to the City a letter from the sponsor verifying the signatory status.**
- (5) **It shall be the responsibility of the Building Commissioner to verify that a contractor or subcontractor is a participant in a state approved and registered apprenticeship program and to include the submitted Certificates of Completion as an attachment to the final contract, work order or other document memorializing the award of work to the contractor.**
- (6) **It shall be the responsibility of the Building Commissioner to designate an individual within the Building Department who shall be responsible for specifically identifying within a construction contract the trade(s) and/or job title(s) necessary to perform the construction contract and verifying the validity of Certificates of Completion and including same as an attachment to the final contract, work order or other document memorializing the award of work to the contractor or subcontractor.**

- (c) The determination of compliance with this section shall be made and certified by the Building Commissioner. An aggrieved party may appeal such determination in an Article 78 proceeding to the Supreme Court, Nassau County, filed within thirty (30) days of filing of the determination by the Building Commissioner with the City Clerk or mailing of such determination to the applicant, whichever is later.”

Sec. 2. This Ordinance shall take effect immediately.