

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 74

Introduced by Council Members Holden, Borelli, Ulrich, Yeger, Gjonaj, Dromm, Rodriquez, Koo, Moya, Gennaro and Koslowitz.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to fences at stalled construction sites

Be it enacted by the Council as follows:

Section 1. Section 3307.7 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

3307.7 Fences. All sites where a new building is being constructed, or a building is being demolished to grade, shall be enclosed with a fence. Fences shall also be installed to fully or partially enclose sites, as necessary, where there exists an open excavation, an unenclosed portion of a building accessible at grade, or other hazard to the public. Such fences shall be at least 8 feet (2438 mm) high, built solid for their entire length out of wood or other suitable material, and shall be returned at the ends to the extent necessary to effectively close off the site.

Exceptions:

1. The commissioner may approve the use of a chain link fence to:

[1.] (i) Secure a site where work has been interrupted or abandoned and discontinued, and a registered design professional has certified that all construction or demolition equipment and material that pose a hazard to the safety of the public and property have been removed from the site or safely secured. Prior to the resumption of work, the chain link fence shall be replaced by a solid fence meeting the requirements of this section.

[2.] (ii) Secure portions of a site where a one- two- or three-family building, or a commercial building 40 feet (12 192 mm) or less in height, is being constructed or demolished and such building is setback at least 15 feet (4572 mm) from sidewalks or spaces accessible to the public and 5 feet (1524 mm) from adjoining buildings or structures.

2. *Chain link fence shall be installed and maintained to secure a site where work has been discontinued for not less than two continuous years after a registered design professional has certified that all construction or demolition equipment and material that pose a hazard to the safety of the public and property have been removed from the site or safely secured. Prior to the resumption of work, the chain link fence shall be replaced by a solid fence meeting the requirements of this section.*

§ 2. This local law takes effect 180 days after it becomes law and shall only apply to sites where work has been discontinued for two continuous years after such effective date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on May 27, 2021 and returned unsigned by the Mayor on June 28, 2021.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 74 of 2021, Council Int. No. 1128-A of 2018 to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.