

CITY OF SOMERVILLE
ORDINANCE NO. 2024-
IN CITY COUNCIL: _____, 2024

Be it ordained by the City Council, in session assembled, that Chapter 8 of the code of ordinances of the City of Somerville is amended as follows by inserting, after Chapter 8 Article XIII, a new article, Article XIV - Construction and Demolition Safety Requirements, comprised of §§ 8-375 through 8-381, inclusive.

ARTICLE XIV. – CONSTRUCTION AND DEMOLITION SAFETY REQUIREMENTS

Sec. 8-375. – Definitions.

For the purposes of this article, the following definitions apply:

Director means the director of the Inspectional Services Department (“ISD”) or their designee.

Demolition means the act of pulling down, destroying, removing, moving, or razing a building.

OSHA means the federal Occupational Safety and Health Administration, the agency charged with ensuring safe and healthful working conditions for workers by enforcing workplace safety standards and by providing training, outreach, education, and assistance to private employers.

OSHA 10-hour certification means a basic safety program authorized by OSHA that trains workers and employers on recognition, avoidance, abatement, and prevention of safety and health hazards in the workplace.

Site safety plan means a project-specific safety plan outlining measures which will be taken to comply with OSHA standards for the duration of construction or demolition work at a worksite.

Site safety coordinator means a person, designated by the owner, agent, construction manager, or general contractor, at a construction or demolition project who has at least an OSHA 10-hour certification.

Sec. 8-376. – Purpose.

The purpose of this article is to ensure that all construction and demolition operations in the city are conducted in a manner that protects the health, welfare, and safety of those involved in construction or demolition operations in the city. No provision of this article requires ISD, or any other city entity, to interpret or enforce any existing OSHA health and safety regulation that governs the safety of persons employed in construction or demolition operations.

Sec. 8-377. – Applicability.

This article applies to all construction and demolition operations in the city, except for those with a homeowner licensure exemption under 780 CMR 110.R5.1.3.1.

Sec. 8-378. – Responsibility for safety.

Nothing in this article shall be construed to relieve persons engaged in construction or demolition operations from complying with existing OSHA safety regulations or other applicable provisions of law, nor is it intended to alter or diminish any obligation otherwise imposed by law on any party engaged in a construction or demolition operation, including the owner, construction manager, general contractor, sub-contractors, material men, registered design professionals, or other party to engage in sound design and engineering, safer construction or demolition practices, including debris removal, and reasonable and responsible behavior to maintain a safe construction or demolition site.

Sec. 8-379. – Site safety plan required.

Except for those exemptions defined under § 8-377, no permit for the construction, alteration, or demolition of any structure subject to the requirements of this article shall be issued until a site safety plan has been submitted to, and approved by, ISD.

- (1) Amended site safety plan: safety measures shall be implemented in accordance with the approved site safety plan, and any changes made during construction that are not in compliance with the approved site safety plan shall be resubmitted for approval as an amended site safety plan.

Sec. 8-380. – Site safety coordinator required.

- (a) Site safety coordinator to be designated. For a permit which requires an approved site safety plan prior to issuance under § 8-379, the owner, agent, construction manager, or general contractor shall designate at least one site safety coordinator for the construction or demolition project, and shall provide ISD with the identity of the coordinator and a copy of the coordinator’s OSHA 10-hour certificate prior to issuance of a permit.
- (b) Site safety coordinator’s duties. The site safety coordinator shall monitor compliance with the site safety plan and perform all other safety duties assigned by the owner or general contractor to meet legal requirements.
 - (1) Presence at the site: for the construction or alteration of a building, a site safety coordinator shall be present at the site during all times while active work is occurring and through all phases of work, beginning with excavation and continuing until the building is enclosed and all temporary protective measures are removed. For the demolition of a building, a site safety coordinator shall be present at the site during all times while active work is occurring and through all phases of work, beginning with the removal of any glass, asbestos, or façade and, for a full demolition, continuing until the site has been back filled to grade, or, for a partial demolition, until the building is enclosed and all temporary protective measures are removed.

Sec. 8-381. – Policies and procedures.

The director may establish policies and procedures to implement the provisions of this section.

Approved:

President

Approved:

Mayor