

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ County ☐ City ☐ Town ☐ Village
(Select one.)

of Niagara

Local Law No. 6 of the year 20²³

A local law Requiring Contractors, Desiring to Bid on Construction Work for the County of Niagara
(Insert Title)
to Provide Proof of the New York State certified Worker Training Program

Be it enacted by the Legislature of the
(Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village
(Select one.)

of Niagara as follows:

Section 1. Short Title.

This Local Law shall be known as " The Niagara County Workforce Development and Diversification New York State Certified Worker Training Program."

Section 2. Definitions.

A. " New York State Certified Worker Training Program" Shall mean: a state registered and regulated apprenticeship program through the New York State Department of Labor that has been approved by the New York State Commissioner of Labor in accordance with Article 23 of the New York Labor Law, that includes the following standards:

(i) An organized, written plan in place that embodies the terms and conditions of employment, and training and supervision of one or more workers;

(ii) A schedule of wages to be paid to the worker consistent with the skills required and approved by the New York State Department of Labor;

(If additional space is needed, attach pages the same size as this sheet, and number each.)

- B. "Commissioner" shall mean the Commissioner of the Niagara County Department of Public Works.
- C. "Construction contract" shall mean projects with a value in excess of one million and 00/100 dollars [\$1,000,000.00], where Niagara County is a direct party to the contract which includes an incidental amount of construction type activity intended to benefit the public, including all work which is necessary, incidental or connected with the execution of the contract which is performed by construction workers. A construction contract includes: projects that Niagara County funds directly, projects that Niagara County funds indirectly by providing funds to a separate entity to perform the construction type activity and construction projects built under Niagara County's direction and later paid for with Niagara County funds except for construction contracts wherein Niagara County is partnered with other counties.
- D. "Construction subcontract" shall mean any subcontract between a contractor who has a construction contract as defined in Section 3, subdivision C above.
- E. "Contractor" or "subcontractor" shall mean a contractor or subcontractor that directly employs construction workers, as defined below, under a construction contract or construction subcontract, as defined herein, for which a New York Certified Worker Training Program is required.
- F. "Construction worker" shall mean an individual directly involved in the construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition or otherwise providing for any building, facility, roads, highways, bridges, or physical structure of any kind, but does not include professional services employees or those construction workers for which a New York State certified Worker Training Program does not exist.

Section 3. Requirements.

- A. Any contractor, prior to entering into a construction contract set forth in section 3. (C.) above, or any subcontractor entering into a construction subcontract with a contractor who has a construction contract with the County of Niagara is required to have in place and provide written proof of same at the time of bid a New York State Certified Worker Training Program, either internally to the contractor or subcontractor and/or through an organization servicing several contractors or subcontractors, appropriate the type and scope of work to be performed.

Section 4. Penalties.

Violation of any provision of this Local Law shall constitute cause, grounds or other legal justification for Niagara County to refuse to award the construction contract to the lowest bid and/or the termination of any contractual agreement with any contractor or subcontractor

engaged in a construction contract or construction subcontract with the County, in accordance with County and state law, rules and regulations governing the termination of such contractual agreements.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in which such judgment or order shall be rendered.

Section 6. Applicability.

This Local Law shall apply to construction contracts advertised for bids on or after the effective date.

Section 7. Effective Dates.

This Local Law shall take effect 30 days after the filing with the Secretary of State, in accordance with Section 27 of the New York State Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2023 of the (County)(City)(Town)(Village) of Niagara was duly passed by the Niagara County Legislature on December 12 2023, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Aurora T. Tomasiuo
Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: 12/13/2023

(Seal)