



**CITY OF WALTHAM
MASSACHUSETTS**

IN THE CITY COUNCIL

IN THE YEAR TWO THOUSAND EIGHTEEN

**AN ORDINANCE AMENDING CHAPTER 8 OF THE GENERAL ORDINANCES OF
THE CITY OF WALTHAM ENTITLED “LICENSES, PERMITS AND BUSINESS
REGULATIONS”**

Be it ordained by the City Council of the City of Waltham as follows:

Chapter 8 of the General Ordinances of the City of Waltham, entitled “LICENSES, PERMITS AND BUSINESS REGULATIONS,” as most recently amended, is hereby further amended by inserting a new article entitled “ARTICLE XV. ISSUANCE OF CERTAIN BUILDING PERMITS” AS FOLLOWS:

ARTICLE XV. ISSUANCE OF CERTAIN BUILDING PERMITS

Section 8-168. Minimum Mandatory Conditions.

In addition to any other conditions that may be required in connection with the issuance of building permits under the Massachusetts State Building Code, each building permit issued in connection with a building project with an estimated cost of construction that exceeds \$500,000 shall be subject to and shall include the following set of mandatory permit conditions:

(a) It shall be a material condition of this Permit that any construction manager, general contractor or other lead or prime contractor, or any entity functioning in any such capacity, and any other contractor or subcontractor of any tier or other person or entity that is engaged to perform the construction work on the property that is the subject of this Permit (hereinafter, collectively and individually, the “firm”) shall comply with the following qualifications and conditions at all times during their performance of work on the project:

(1) The firm has not been debarred or suspended from performing construction work by any federal, state or local government agency or authority in the past three years;

(2) The firm has not within the past three years been found by a court or governmental agency in violation of any law relating to providing workers compensation insurance coverage, misclassification of employees as independent contractors, payment of employer payroll taxes, employee income tax withholding, wage and hour laws, prompt payment laws, or prevailing wage laws;

(3) The firm must maintain appropriate industrial accident insurance sufficient to provide coverage for all the employees on the project in accordance with G.L. c.152 and provide documentary proof of such coverage to the Inspector of Buildings to be maintained as a public record;

(4) The firm must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and state and federal income tax withholding. (G.L. c.149, §148B on employee classification);

(5) The firm must comply with G.L. c. 149, § 148 with respect to the payment of wages; and

(6) The firm must be in compliance with the health and hospitalization requirements of the Massachusetts Health Care Reform law established by Chapter 58 of the Acts of 2006, as amended, and regulations promulgated under that statute by the Commonwealth Health Insurance Connector Authority.

(b) If any person or entity that is subject to the foregoing fails to comply with any of the qualifications and conditions with respect to work on the project, this Permit shall be deemed temporarily suspended and all construction work on the entire project shall cease immediately upon issuance of a stop work order by the Inspector of Buildings or his designee until further notice by him.

Section 8-169. Remedies.

In the event the permit is granted, the applicant for the permit shall be responsible for ensuring that all contractors performing construction work on the property comply with the Minimum Mandatory Conditions required by Section 8-168 for the duration of work on the project. If any person or entity that is subject to those Minimum Mandatory Conditions fails to comply with any of the qualifications and conditions with respect to work on the project, and in addition to any other penalties or consequences provided by law, the Inspector of Buildings or his designee shall issue a stop work order with respect to all construction work on the entire project until the violation is remedied. Once the Inspector of Buildings or his designee determines that the violation has been remedied, he shall withdraw the stop work order and construction on the project may proceed.

Section 8-170. Appeals.

Any person aggrieved by a stop work order issued by the Inspector of Buildings or his designee may appeal the decision of the Inspector of Buildings or his designee to the Waltham City Council.