

# DRAINLAYER LICENSE REGULATIONS

PREAMBLE: REGULATIONS GOVERNING THE LICENSURE OF INDIVIDUALS TO LAY PIPE IN ANY AND ALL RIGHT OF WAYS FOR THE PURPOSE OF CONVEYANCE OF SANITARY WASTE WATER, SURFACE AND SUBSURFACE RUNOFF, WATER DISTRIBUTION AND ANY OTHER SUBSTANCE OR MATTER THAT MAY EFFECT THE HEALTH AND SAFETY OF THE GENERAL PUBLIC AND/OR HAVE POTENTIAL IMPACT ON THE PUBLIC WAY. THESE REGULATIONS ARE PROMULGATED PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 83 SECTION 10 AND SERVE TO SUPPLEMENT EXISTING SEWER RULES AND REGULATIONS. IF ANY PORTION OF THESE REGULATIONS ARE INCONSISTENT WITH ANY OTHER EXISTING REGULATIONS RELATING TO SEWER, THESE REGULATIONS SHALL PREVAIL.

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## ARTICLE 1 - GENERAL

1. Licensure as a drainlayer in the City of Gloucester is a privilege granted by the City Engineer. The purpose of licensing this activity is to protect the public health and welfare and provide adequate quality control for work that has potential of compromising the infrastructure of the City.
2. A drainlayer license and permit is necessary if one or more of the utilities governed by Article 3 of these regulations are to be installed, opened, altered or disturbed.
3. Applications for a license shall be accepted between January 1st and March 1st of every year. A request for consideration outside this time period may be made to the City Engineer. The City Engineer may allow application if, in the Engineer's opinion, there are extenuating circumstances warranting consideration.
4. Following this period every year, the City shall review and process all applications by April 1st.
5. All drainlayers licenses expire annually on December 31st. A license must be renewed annually by January 1st.
6. The license shall be deemed valid for a period not to exceed 1 year. Licensure is a privilege and may be revoked or suspended as described in the section on discipline and revocation.
7. Any contractor who has a current valid license from the Commonwealth as a master plumber or journeyman plumber is exempt from these regulations. Those contractors shall be regulated by 248 CMR, Fuel Gas and Plumbing Codes.

## ARTICLE 2 - REQUIREMENTS FOR LICENSURE

1. To be licensed as a drainlayer in the City of Gloucester, Massachusetts, the applicant must demonstrate experience and competence in the construction field, specifically with respect to the laying of pipe:
  - Application for licensure should be made to the City Engineer;
  - A current copy of all other drainlayer licenses from other communities;
  - Acceptable experience shall be documented by providing 3 letters of reference from other communities in which the applicant is licensed.
  - License to install disposal works shall be considered as valid experience.

2. The applicant must complete the application fully and acknowledge that he or she has reviewed the applicable regulations for the type of work planned.

3. The applicant shall have a minimum:

- Documentation of authority to sign;
- Certification of Casualty and Liability Insurance with \$500,000/\$1,000,000 limits and the City of Gloucester named as an additional insured;
- Documentation of valid state DPS License to Operate Hoisting Machinery Class 1a, 1b, 1c, 2a or 2b;
- Pertinent firm and operator information;
- Three business or financial references;
- Three or more letters of reference from other communities in which the applicant is licensed, demonstrating work experience;
- Documentation of five years minimum experience in drainlaying, preferably for sanitary sewer drainlaying; and
- License application fee of \$100.

#### **ARTICLE 3 - SCOPE OF APPLICABILITY**

A drainlayer license is required for execution of any of the following work:

- Installation, connection and repair of public or private sanitary sewer lines, and extensions;
- Installation, repair and connection of storm water collection lines and appurtenances;
- Installation, connection and repair of private storm water collection systems to public storm water collection lines and appurtenances; and
- Installation, repair and connection of water distribution system lines and appurtenances in a right-of-way;
- An individual licensed as a drainlayer must be present at all times for any and all work being done under these regulations.

#### **ARTICLE 4 - APPURTENANT PERMITS**

1. It is the responsibility of the drainlayer holding a permit for the work to be certain all other licenses and permits associated or related to the work have been secured. Failure to secure any other such licenses or permits shall be grounds for revocation of the City drainlayer license.

2. The following permits and requirements are frequently associated with drainlaying operations, the list is provided as an example and is *not* meant to be considered comprehensive:

- City Road Opening Permit and compliance with City Road Opening Regulations;
- City Sewer Connection Permit;
- Board of Health Disposal Works Permit (Title 5);
- Wetlands Protection Act compliance;
- DEP and Gloucester Conservation Commission Order of Conditions;

- Plumbing permits;
- Compliance with all applicable laws, State and local rules and regulations, including Dig Safe requirements.

## **ARTICLE 5 - VIOLATIONS**

A licensed drainlayer shall be considered in violation of the drainlayers license if any of the following occurs as determined by the City Engineer:

- the licensee violates any provisions of these regulations;
- misrepresentation of requirements for licensure;
- completion of water, sewer or drainage work without first obtaining the appropriate permit(s) from the City Engineering Department;
  - water, sewer or drainage work undertaken after a permit has be revoked;
  - failure to request an inspection by the Engineering Department of water, sewer or drainage work;
  - any job-related activity that compromises the public health and welfare of the City and its residents;
  - a failure to provide adequate quality control for work that creates the potential for compromising the infrastructure of the City;
- misrepresentation of licensed individual performing the water, sewer or drainage work (e.g. allowing a non-licensed individual or company to independently work under the permit of a licensed drainlayer);
- improper installation of any component or system relating to water, sewer or drainage;
- performing any work covered by these regulations which is incomplete, inferior or otherwise deficient.

## **ARTICLE 6 - DISCIPLINE AND REVOCATION**

1. The licensed drainlayer must follow the rules and regulations of the governing agencies, departments and entities. Failure to comply with the rules and regulations will be cause for disciplinary action by the Director of Public Works. The action of the Director shall be determined by the severity of the infraction, however, when there has been no breach of public safety, the procedure for action shall be as follows:

- 1<sup>st</sup> offense - Documented warning from the Director of Public Works;
- 2<sup>nd</sup> offense - license suspended for 6 months; and
- 3<sup>rd</sup> offense - revocation of license for up to 2 years.

The drainlayer shall receive official notification of offense by mail with return receipt requested.

2. Should the Director of Public Works or their designee determine that the actions of the drainlayer were such that they could be deemed negligent or reckless in nature and that such actions could threaten the safety and welfare of others or themselves, the Director or designee may immediately suspend all drain laying activities by the drainlayer and may suspend the drainlayers license. At the time of the suspension, the drainlayer shall surrender the license to the Director of Public Works.

## **ARTICLE 7 - POWERS AND AUTHORITY OF CITY ENGINEERING DEPARTMENT INSPECTORS**

1. At the time when the permit is issued the licensed drainlayer and Engineering Department shall establish an inspection schedule for the project. It is the responsibility of the licensed drainlayer to notify the Engineering Department within 24 hours of a needed inspection.
2. Individuals or companies licensed under these regulations shall allow inspection of the work by the City Engineering Department inspector at all times. No work shall be permanently covered or backfilled until inspected and approved by the inspector. The inspector has the right to require work to be uncovered by the drainlayer for inspection if the work was done without proper notification.
3. No excavation shall be left unattended or open at any time unless proper precautions have been taken and approval has been given by the Engineering Department. It is the responsibility of the drainlayer to secure the site before leaving. The inspector will have final authority in deciding if proper precautions have been taken. Should the inspector decide the only safe way to leave the work unattended is for the work to be backfilled, the drainlayer shall backfill the excavation, and re-excavate the next work day.
4. Upon completion of the work performed under the permit issued, the licensed drainlayer shall submit to the Engineering Department an as-built drawing of the completed work. The Engineering Department shall review the as-built and notify the drainlayer that it has been accepted or rejected. The drainlayer shall promptly revise any rejected as-built.
5. If a licensed drainlayer has outstanding as-built drawings, the Engineering Department can refuse to issue any further permits until such a time when the outstanding as-built drawings have been submitted and accepted by the City Engineer.

## **ARTICLE 8 - VALIDITY**

The invalidity of any section, clause, sentence, or provision of these regulations shall not affect the validity of any other part of these regulations, which can be given effect without such invalid part or parts.

## **ARTICLE 9 - APPEALS**

Drainlayers wishing to appeal a decision made by the City Engineer or his/her agents shall do so in writing to the Director of Public Works Office within 30 days of the decision in question. The Director shall decide all such appeals by a written decision issued within 30 days of receipt of the appeal.