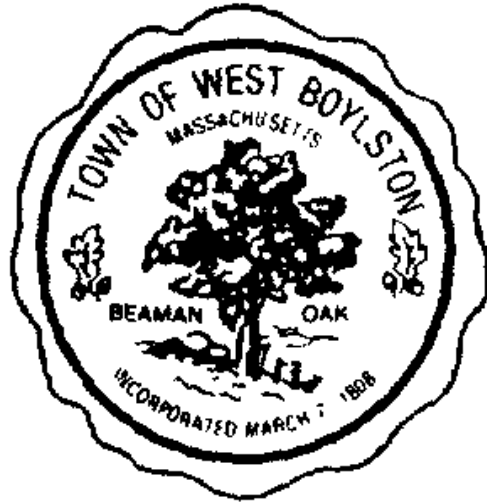


Town of West Boylston  
Drainlayers Licensing Regulations



West Boylston Board of Selectmen  
December 14, 1998

Revised July 5, 2000

**NOTE: All forms referenced in this document should be mailed to:**

**The Department of Public Works  
35 Worcester Street  
West Boylston, MA 01583**

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## **SEWER DRAINLAYER LICENSE REGULATIONS**

REGULATIONS GOVERNING THE LICENSURE OF INDIVIDUALS TO LAY PIPE IN THE PUBLIC RIGHT-OF-WAY FOR THE PURPOSE OF CONVEYANCE OF SANITARY WASTE WATER, SURFACE AND SUBSURFACE RUNOFF, WATER SUPPLY 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 SHALL ALSO GOVERN THE LICENSURE OF INDIVIDUALS TO LAY ANY PIPE FOR THE PURPOSE OF CONVEYANCE OF SANITARY WASTEWATER, SURFACE AND SUBSURFACE RUNOFF, IN THE TOWN OF WEST BOYLSTON, WORCESTER COUNTY, COMMONWEALTH OF MASSACHUSETTS.

Be it enacted by the Board of Selectmen of the Town of West Boylston, of the Commonwealth of Massachusetts, as follows:

### **ARTICLE 1 – GENERAL**

- 1.1 A drainlayers license and permit is necessary if one or more of the utilities governed above are to be installed, opened, altered or disturbed.
- 1.2 Applications for Drainlayers Licenses shall be accepted at the Office of the Superintendent of Streets and Parks at 120 Prescott St. West Boylston Mass. between the hours of 8 a.m. to 3 p.m. Monday through Friday at any time throughout the calendar year.
- 1.3 The Superintendent of Streets and Parks shall have a period of up to thirty (30) days from receipt of the completed Application Package, to review the same and approve or disapprove the license request.
- 1.4 The license shall be deemed valid for a period of two (2) years from the approval date. Licensure is a privilege and may be revoked or suspended as described in Article 6- Discipline and Revocation.
- 1.5 Any contractor who is licensed by the Commonwealth as a master plumber or journeyman plumber is exempt from these regulations, but will be regulated under a separate policy.

## **ARTICLE 2 – REQUIREMENTS FOR LICENSURE**

- 2.1 To be licensed as a drainlayer in the Town of West Boylston, Massachusetts, the applicant must demonstrate experience and competence in the construction field, specifically with respect to the laying of pipe.
- 2.1.1 Application for licensure should be made to the Superintendent of Streets and Parks, acting under the direction of the Town Administrator and the Board of Selectmen.
- 2.1.2 Acceptable experience shall be documented by providing three (3) letters of reference from other communities in which the applicant is licensed. License to install disposal works shall be considered as valid experience.
- 2.2 The applicant must complete the application fully, and acknowledge that he has reviewed the applicable regulations for the type of work planned, e.g., Title V of the State Sanitary Code, Sewer Use Regulation and the Roadway Opening Permit Regulation.
- 2.3 The applicant shall have at a minimum the following.
- Documentation of authorization to sign.
  - Pertinent firm and operator information.
  - Documentation of a valid Department of Public Safety Hoisting Engineers License Class 2 Excavating 2a, 2b.
  - Certificate of Casualty and Liability Insurance with \$500,000.00 / \$1,000,000.00 limits and the Town of West Boylston named as an additional insured as well as any and all potential sub-contractors which may be employed by the license holder.
  - Post a bond of \$5,000.00 to assure the satisfactory completion of work. The bond shall remain in effect for the duration of the license. The drainlayer shall make good, without cost to the property owner or the Town, any defects in the work of parts of the work furnished or built by the drainlayer, and any damage due to faulty workmanship

on the part of the drainlayer or due to faulty or imperfect material or equipment furnished by drainlayer, which defects or damage may appear within one year from the date of completion of the work. Cash in the amount of \$5,000 may be accepted in lieu of bond.

- Certificate of Workers' Compensation Insurance, as applicable.
- Three(3) business or financial references,
- Three (3) or more municipal references for similar work as described above,
- Documentation of five years minimum experience in drainlaying, preferably for sanitary sewer drainlaying.
- License Application Fee \$100.

### **ARTICLE 3 – SCOPE OF APPLICABILITY**

3.1 A drainlayers license is required for execution of any of the following work.

- Installation, connection and repair of sanitary sewer lines.
- 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.
- Installation, repair and connection of water distribution system lines and appurtenances in the public right-of-way.

### **ARTICLE 4 – APPURTENANT PERMITS**

4.1 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 said license or permit shall be grounds for revocation of license.

4.2 The following permits and requirements are frequently associated with drainlaying operations.

4.3 The list is provided as an example and is not meant to be considered comprehensive.

- Road Opening Permit and compliance with Road Opening Regulations.
- Connection Permit from the Water District and/or the Sewer Authority.
- Require responsibility to indemnify, repair and/or replace roadway, curbing, and private property from damage caused by heavy equipment or damage caused by failure of improperly installed utilities.
- The Wetland Protection Act compliance.
- Metropolitan District Commission and Cohen Bill compliance.
- Valid permit from the Board of Health and Plumbing Inspector, as required.
- Compliance with all applicable laws, rules and regulations, including Dig Safe requirements.

## **ARTICLE 5 – DRAINLAYING PERMIT**

5.1 Prior to performing any work, a licensed drainlayer must secure a drainlaying permit from the Superintendent of Streets and Parks. The drainlaying permit shall cost \$25.00 per job, with the exception of the initial connection to sanitary sewers. This permit will document the use of heavy equipment to assist the Superintendent of Streets and Parks with pavement management.

5.2 A drainlaying permit is required for execution of any of the following work.

- Installation, connection and repair of sanitary sewer lines.
- 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.
- Installation, repair and connection of water distribution system lines and appurtenances in the public right-of-way.

## **ARTICLE 6 – DISCIPLINE AND REVOCATION**

6.1 Licensure as a drainlayer in the Town of West Boylston is a privilege granted by the Board of

Selectmen. The purpose of licensing this activity is to protect the public health and welfare and provide adequate quality control for work that has the potential of compromising the infrastructure of the Town.

6.2 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 Superintendent of Streets and Parks. The action of the Superintendent shall be determined by the severity of the infraction, however, under normal circumstances, 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 Superintendent or designee,
- 2<sup>nd</sup> offense- 1 year probation, and
- 3<sup>rd</sup> offense- revocation of license for 2 years.

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

6.3 Should the Superintendent of Streets and Parks determine that the actions of the drainlayer were such that they could be deemed reckless in nature and that such actions could threaten the public safety, the Superintendent of Streets and Parks may immediately suspend all drain laying activities by the drainlayer and may suspend the drainlayers license. At the time of suspension, the drainlayer shall surrender the license to the Superintendent of Streets and Parks. The matter will then be taken before the Board of Selectmen for a hearing of suspension. Any disciplinary action of the Superintendent of Streets and Parks may be appealed to the Board of Selectmen. The Board of Selectmen may hold a hearing to consider reviewing the action of the Superintendent, at the request of the drainlayer.

## **ARTICLE 7 - POWERS AND AUTHORITY OF INSPECTORS**

7.1 Individuals or companies licensed under these regulations shall allow inspection of the work by designee of the Superintendent of Streets and Parks at all times. No work shall be permanently covered or backfilled until inspected and approved by the designated inspector.

7.2 No excavation shall be left unattended or open after normal working hours unless proper

precautions have been taken. 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 working day at the cost of the drainlayer.

### **ARTICLE 8 – VALIDITY**

8.1 The invalidity of any section, clause, sentence, or provisions 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**

9.1 Drainlayers wishing to appeal a decision made by the Superintendent of Streets and Parks shall do so in writing to the Town of West Boylston, Board of Selectmen within thirty (30) days of the Superintendent of Streets and Parks' decision. The Board shall review the documentation and schedule a hearing.

### **ARTICLE 10 - CHANGES IN THESE REGULATIONS**

10.1 These regulations may be rescinded, or modified, or added to by the Board of Selectmen, at a public hearing, at any time when, in their opinion, such action is in the best interests of the Town of West Boylston, provided all provisions of the Massachusetts General Laws, as amended, have been complied with.

**ARTICLE 11 - REGULATIONS IN FORCE**

- 11.1 In addition to the rules and regulations set forth herein, all persons shall comply, in full, with the rules and regulations governing the installation, repair and connection of any federal, state or municipal agency, utility, district, or entity associated or impacted by the work of the drainlayer.
- 11.2 These regulations shall be in full force and effect from and after passage, approval or publication as provided by law.
- 11.3 Passed and adopted by the Board of Selectmen of the Town of West Boylston, State of Massachusetts, on the day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attest:

\_\_\_\_\_  
(Town Clerk)

**Town of West Boylston  
Application for Drainlayer License**

Name of company: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Does hereby request a license to lay drains in the Town of West Boylston, Massachusetts.

The following information is submitted as requested:

Number of people of full-time employment: \_\_\_\_\_

Experience: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Description of Equipment: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

References:

Name, employer, position, telephone:

\_\_\_\_\_  
\_\_\_\_\_

Name, employer, position, telephone:

\_\_\_\_\_  
\_\_\_\_\_

Name, employer, position, telephone:

\_\_\_\_\_  
\_\_\_\_\_

In consideration of the granting of this licensure, the undersigned agrees:

- To accept and abide by the provisions of the Drainlayers License Regulations and all other pertinent rules and regulations, that may be adopted in the future. All materials used in connection with this License will meet the requirements of the Superintendent of Streets and Parks, the West Boylston Road Opening Permit Regulations and the requirements of utility.
- To submit a copy of a Certificate of Insurance naming the Town of West Boylston and any subcontractors employed by the license holder as an also insured, in accordance with the rules and regulations, with a one (1) year minimum expiration date.
- To post a Performance Bond in accordance with the provisions in the Drainlayers License Regulations, with a one (1) year minimum expiration date.
- To notify the Superintendent of Streets and Parks of any changes or additions to this application and cooperate at all times with the Superintendent or his designee.
- To be held liable for all work done for a period of one (1) year from the date of completion.
- License shall expire in conjunction with the expiration of the Certificate of Insurance and/or Performance Bond, or two (2) years from the date of issue.
- Have the indemnification form signed and notarized.
- Attach a list of names, addresses and license numbers of all operators operating equipment under this license.
- The drainlayer shall notify the Superintendent in writing, if the operators working under this permit changes.

Signed: \_\_\_\_\_

Address: \_\_\_\_\_

Number: \_\_\_\_\_

Date: \_\_\_\_\_

Fee: \_\_\_\_\_

Application approved and license granted:

Signed \_\_\_\_\_  
Superintendent of Streets and Parks

**INDEMNIFICATION**

The contractor will indemnify and hold harmless the Town of West Boylston and it's agents and employees from and against all claims, damages, losses and expenses, including attorney's fees, arising out of or resulting from the performance of work which is described or otherwise addressed in the attached permit provided that any such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including the loss of use resulting therefrom; and is caused in whole or in part by any negligent or willful act or omission of the contractor, and or sub contractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable.

\_\_\_\_\_  
CONTRACTOR

The contractor's signature is to witnessed by a Notary Public who shall duly notarize this form

Date: \_\_\_\_\_

Signature: \_\_\_\_\_  
Notary Public

Print: \_\_\_\_\_  
Notary Public