



---

525 Canton Avenue  
Milton, MA 02186  
Tel: (617) 898-4900  
Fax: (617) 698-1290

## **DRAINLAYER PERMIT REGULATION**

---

**MARCH 2004**

Board of Selectmen Approval Date March 29, 2004

## **DRAINLAYER PERMITTING REGULATIONS**

Preamble regulations governing the permitting 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, water, right of way regulations. If any portions of these regulations are inconsistent with any other existing regulations, these regulations shall prevail.

**DIVISION 1 GENERAL**

Permitting as a drainlayer in the Town of Milton is a privilege granted by the Town Engineer or Director. 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 Town. A drainlayer's permit is necessary if one or more of the utilities governed by Section 2-3 of these regulations are to be installed, opened, altered or disturbed.

Applications for a permit 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 Director of Public Works (Director). The Director may allow application if, in the Director's opinion, there are extenuating circumstances warranting consideration. Following this period every year, the Town shall review and process all applications by April 1st. All drainlayer's permit shall expire annually on December 31st. All permits must be renewed annually. Permitting is a privilege and may be revoked or suspended as described in the section on discipline and revocation. 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.

**DIVISION 2 REQUIREMENTS FOR PERMITTING****Sec. 2-1. Experience and Competence**

To be permitted as a drainlayer in the Town of Milton, Massachusetts, the applicant must demonstrate experience and competence in the construction field, specifically with respect to the laying of utility pipes. The applicant must complete the application fully and acknowledge that he or she has reviewed the applicable regulations for the type of work planned. The applicant shall have a minimum:

- a) Documentation of authority to sign;
- b) Certification of Casualty and Liability Insurance with \$500,000 / \$1,000,000 limits and the Town of Milton named as an additional insured;
- c) Documentation of valid state DPS License to Operate Hoisting Machinery Class 1a, 1b, 1c, 2a or 2b;
- d) Pertinent firm and operator information;
- e) Three business or financial references;
- f) Three or more letters of reference from other communities in which the applicant is licensed and/or permitted, demonstrating work experience;
- g) Documentation of five years minimum experience in drainlaying, preferably for water and sanitary sewer systems; and
- h) Permit application fee of one hundred dollars (\$100.00).

**Sec. 2-2. Scope of Applicability**

A drainlayer's permit is required for execution of any of the following work:

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

**Sec. 2-3. Appurtenant Permits**

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 Town drainlayer permit. 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:

- General Permit and compliance with Right of Way Regulations;
- Sewer Connection Permit;
- Water Connection Permit;
- Stormwater Drain Connection Permit
- Wetlands Protection Act compliance;
- DEP and Town of Milton Conservation Commission Order of Conditions;
- Plumbing permits;
- Compliance with all applicable laws, State and local rules and regulations, including Dig Safe requirements.

#### **Sec. 2-4. Violations**

A permitted drainlayer shall be considered in violation of the drainlayer's permit if any of the following occurs as determined by the Director of Public Works:

- a) The permitted drainlayer violates any provisions of these regulations;
- b) Misrepresentation of requirements for permitting;
- c) Completion of water, sewer or drainage work without first obtaining the appropriate permit(s) from the Department of Public Works;
- d) Water, sewer or drainage work undertaken after a permit has been revoked;
- e) Failure to request an inspection by the Engineering Department for water, sewer or drainage work;
- f) Any job-related activity that compromises the public health and welfare of the Town and its residents;
- g) Failure to provide adequate quality control for work that creates the potential for compromising the infrastructure of the Town;
- h) Misrepresentation of permitted individual performing the water, sewer or drainage work (e.g. allowing a non-permitted individual or company to independently work under the permit of a permitted drainlayer);
- i) Improper installation of any component or system relating to water, sewer or drainage;
- j) Performing any work covered by these regulations which is incomplete, inferior or otherwise deficient.

#### **Sec. 2-5. Discipline and Revocation**

The permitted 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:

- 1st offense Documented warning from the Director of Public Works;

- 2nd offense permit suspended for 6 months; and
- 3rd offense revocation of permit for up to 2 years.

The drainlayer shall receive official notification of offense by mail with return receipt requested. Should the Director of Public Works or his/her 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 drainlayer's permit. At the time of the suspension, the drainlayer shall surrender the permit to the Director of Public Works.

### **Sec. 2-6. Authority of Department of Public Works Inspectors**

At the time when a general permit is issued to the permitted drainlayer, the Engineering Division of the Department of Public Works shall establish an inspection schedule for the project. It is the responsibility of the permitted drainlayer to notify the Engineering Division within 72 hours of a needed inspection.

Individuals or companies permitted under these regulations shall allow inspection of the work by the Department of Public Work 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.

No excavation shall be left unattended or open at any time unless proper precautions have been taken and approval has been given by the Director or his/her designee. 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.

Upon completion of the work performed under the permit issued, the permitted drainlayer shall submit to the Engineering Division an as-built drawing of the completed work as required per the appropriate regulations. The Engineering Division 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 plan/drawing.

If a permitted drainlayer has outstanding as-built drawings and/or other outstanding items from a previous permit, the Engineering Division can refuse to issue any further permits until such a time when the outstanding items have been completed and accepted by the Director or his/her designee.

**Sec. 2-7. 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.

**Sec. 2-8. Appeals**

Drainlayers wishing to appeal a decision made by the Director or his/her designee 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. All appeals shall be sent to the following:

Town of Milton  
Department of Public Works  
ATTN: Director of Public Works  
525 Canton Avenue  
Milton, MA 02186

**Sec. 2-9. Procedure for Application**

To be permitted as a drainlayer in the Town of Milton, Massachusetts, the applicant must demonstrate experience and competence in the construction field, specifically with respect to the laying of pipe. The applicant must complete the application fully and acknowledge that he or she has reviewed the applicable regulations for the type of work planned.

The new applicant is required to submit the following:

- A completed application for permitting should be made to the Department of Public Works;
- A current copy of all other drainlayer licenses and/or permits from other communities;
- Three (3) letters of reference from other communities in which the applicant is permitted.
- License/permit to install disposal works shall be considered as valid experience;
- Documentation of authority to sign;
- Certification of Casualty and Liability Insurance (See Appendix B) and the Town of Milton 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;
- Documentation of five years minimum experience in drainlaying, preferably for sanitary sewer drainlaying; and

- \$100.00 application fee.

All applications must be submitted between January 1st and March 1st. Application fees are only accepted as a check made payable to the Town of Milton. Renewal applications only need to submit a permit application and the application fee. However, the Director may at his discretion request a full application from any applicant at any time.



**Table of Contents**

**DIVISION 1 GENERAL.....1**

**DIVISION 2 REQUIREMENTS FOR PERMITTING .....2**

SEC. 2-1. EXPERIENCE AND COMPETENCE.....2

SEC. 2-2. SCOPE OF APPLICABILITY .....2

SEC. 2-3. APPURTENANT PERMITS .....2

SEC. 2-4. VIOLATIONS.....3

SEC. 2-5. DISCIPLINE AND REVOCATION .....3

SEC. 2-6. AUTHORITY OF DEPARTMENT OF PUBLIC WORKS INSPECTORS.....4

SEC. 2-7. VALIDITY.....5

SEC. 2-8. APPEALS .....5

SEC. 2-9. PROCEDURE FOR APPLICATION .....5

**APPENDIX A  
APPLICATION FOR  
DRAINLAYERS PERMIT**

**APPLICATION FOR DRAINLAYERS PERMIT**

*Renewal*

*New*

A Drainlayers Permit expires annually on December 31st. Applications are accepted from January 1 to March 1 of each year. An application fee of \$100.00 must accompany each complete application for renewal or new.

---

Name of Applicant:

---

---

Business Name:

---

---

Business Owner if Other Than Applicant:

---

---

Any Previous Business Name within past 5 years:

---

---

Business Address:

---

---

Mailing Address:

---

---

Telephone:

---

---

---

Signature of Applicant

Date

**APPENDIX B  
INSURANCE REQUIREMENTS**