



CITY

DRAIN LAYER LICENSE MANUAL



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1.0 Drain Layer's License

- 1.01 Under section 272-30 of The Code of Ordinances City of Lowell, Massachusetts adopted by the City Council on December 23, 2008, as amended requires all persons making or causing to be made any entrance into any main drain, common sewer or water main shall be licensed to do so for both private and municipal work, unless otherwise approved by the Commissioner of Public Works.
- 1.02 Drain Layer's Licenses are managed and issued by the City of Lowell Engineering Office located at City Hall 375 Merrimack Street Room 61 Third Floor, Lowell MA 01852.

2.0 Application for Drain Layer's License

- 2.01 All persons interested in becoming licensed in The City of Lowell as a Drain Layer shall complete and submit an "Application for Drain Layer License" available on the City Website or at the City Engineer's Office in City Hall.
- 2.02 In addition to a completed application applicants will be required to submit a certificate of insurance, permit bond of twenty-five thousand dollars (\$25,000.00), and three (3) municipal reference letters. The required bond and insurance shall be coterminous with the license. Please see City of Lowell Permit Manual for Insurance and Bond requirements.
- 2.03 Municipal reference letters shall be provided by a municipality of the Commonwealth of Massachusetts. Letters shall be drafted on official letter head. Letters shall be dated no more than one (1) year from the date of application for Drain Layer. Letter shall note the approximate total number of permits the applicant has completed and the type of work the applicant has completed.

3.0 Fees for Drain Layer's License

- 3.01 Application fee or first time and reinstating Drain Layer applicants is \$250.00, annual renewal applications are \$100.00. These values may be amended please reach out the engineering office for current fees.

4.0 License Duration

- 4.01 Drain Layer's Licenses are valid for one (1) calendar year expiring on December 31st of each year the license was issued. All licenses expire on December 31st regardless of date of application. Fees are not prorated. Early renewal for the next calendar year starts December 1st.

5.0 Individual Licenses

- 5.01 Drain Layer's Licenses are issued on an individual basis. This mean each person that intends to perform drain layer work must be licensed. Licenses are not issued to companies.
- 5.02 No drain layer shall allow the licensed drain layers name to be used by another person for any reason including for the purposes of obtaining permits or doing work under the license of another.
- 5.03 Drain Layers found to have allowed their name to be used by another shall be issued one written warning notifying the Drain Layer of the violation for a first offense. Subsequent offences will result in the forfeiture of the drain layers license and/or fines.

6.0 Permitting

- 6.01 All Drain Layers are responsible for acquiring permits to perform Drain Layer operations within the City of Lowell. Any work started without an approved permit will result in immediate violation.

7.0 Violations

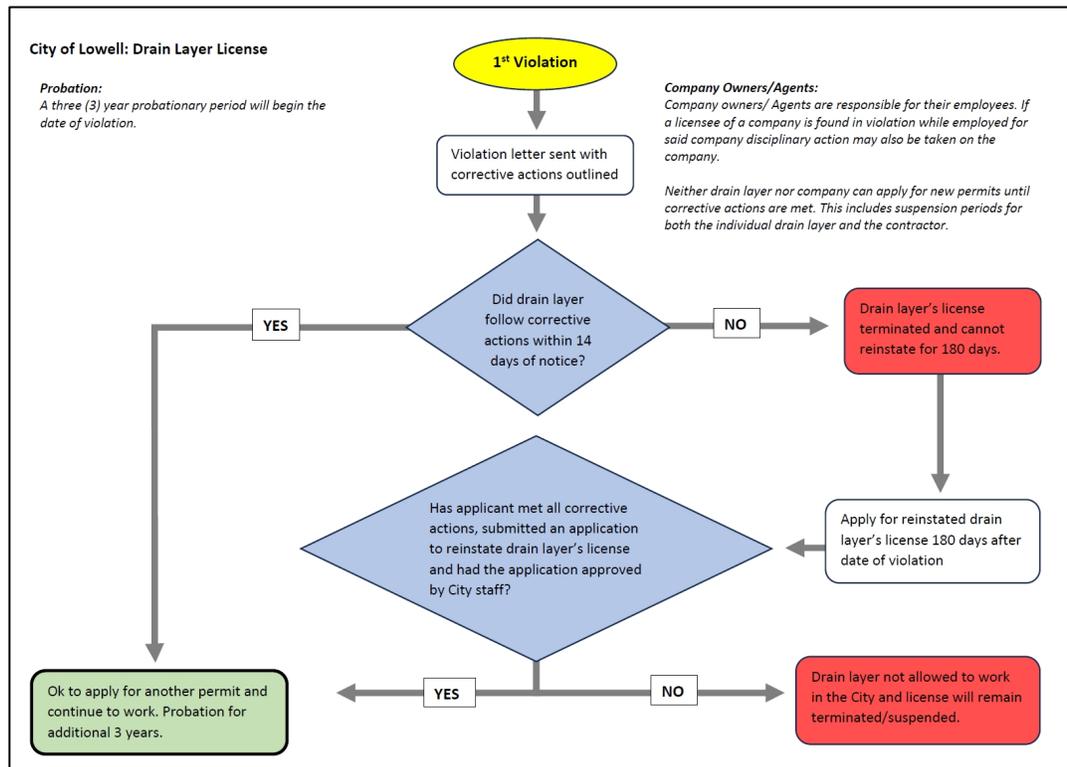
- 7.01 Drain Layers are required to abide by City of Lowell Drain Layer License Manual as well as: City of Lowell Code of Ordinances, City of Lowell Department of Public Works Permit Manual, City of Lowell Zoning Book, City of Lowell Standard Specifications and Details, City of Lowell Trench, Roadway, and Sidewalk Repair Requirements, and all applicable state and federal regulations.
- 7.02 The City Engineer's Office reserves the right to suspend or revoke a contractor's license. The City Engineer's Office may suspend, revoke, or refuse to issue a license if, in the opinion, of the City Engineer or Commissioner of Public Works, the contractor or the drain layer are not adequately skilled or competent to undertake work under this license. Any drain layer violating any provisions of these Regulations shall be notified of such violation by means of a written violation letter.

Any violations of these regulations will result in disciplinary action. Violation fines are \$300 per day the violation exists. This amount is based on the current version of the City of Lowell Code of Ordinances.

7.02 (continued)

First Violation:

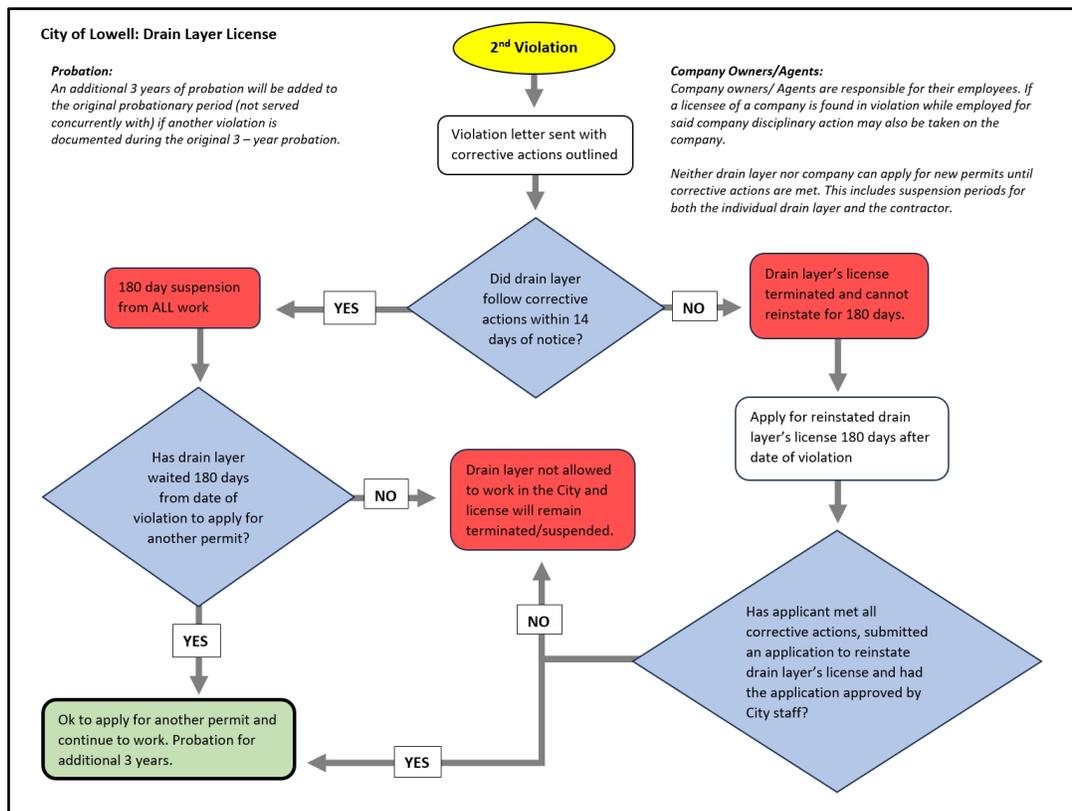
Failure of the Drain Layer to act upon the first written warning and general penalties within 14 days shall have her or his license terminated and will not be allowed to reinstate the license for 180 days after written notice or as determined by the Commissioner of Public Works. Until the corrective actions outlined in the written warning are achieved neither Drain Layer nor the Contractor on the permit can apply for new permits or perform work within the City. A three (3) year probationary period will be assigned to the Drain Layer's license.



7.02 (continued)

Second Violation:

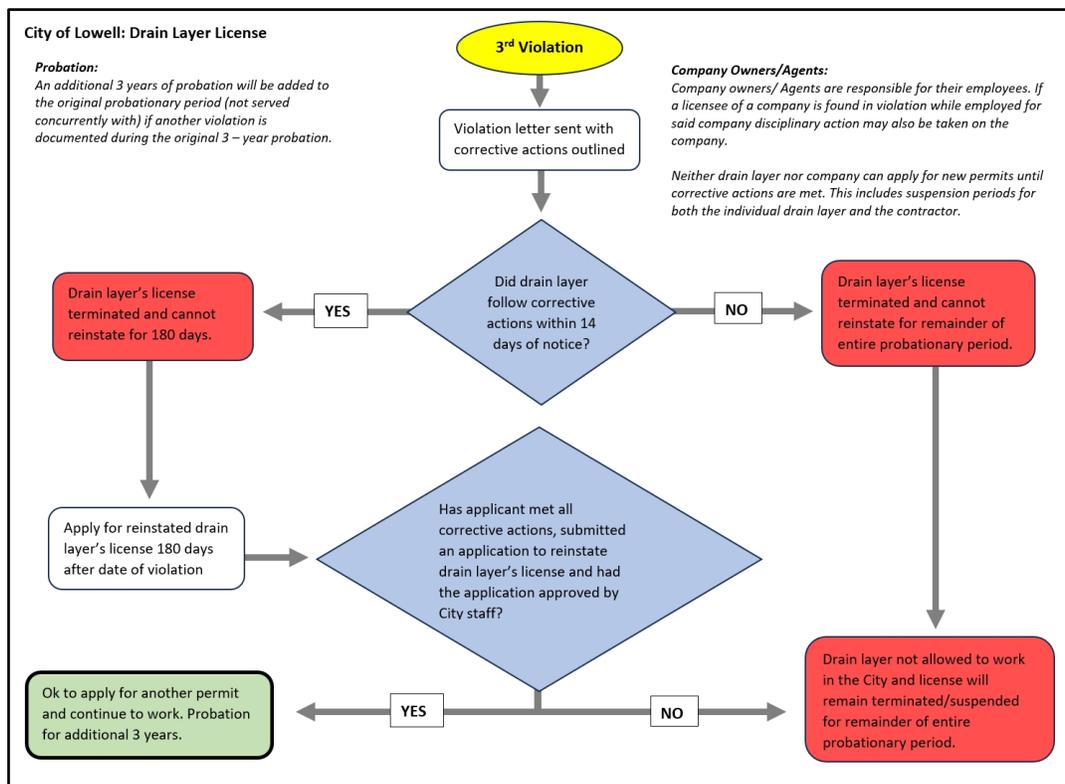
Once on probation, one (1) documented violation shall result in a 180-day suspension of license and the Drain Layer will be prohibited from performing any and all work within the City during the suspension period. Failure of the Drain Layer to act upon the second written warning and general penalties within 14 days shall have her or his license terminated and will not be allowed to reinstate the license for 180 days after written notice or as determined by the Commissioner of Public Works. Until the corrective actions outlined in the written warning are achieved neither the Drain Layer nor the Contractor on the permit can apply for new permits or perform work within the City. A three (3) year probationary period will be added to, and not served concurrently with, the original probation.



7.02 (continued)

Third Violation:

A second documented violation while on probation shall result in her or his license terminated and will not be allowed to reinstate the license for 180 days after written notice or as determined by the Commissioner of Public Works. Failure of the Drain Layer to act upon the third written warning and general penalties within 14 days shall have her or his license terminated and will not be allowed to reinstate the license for the remainder of the entire probationary period. Until the corrective actions outlined in the written warning are achieved neither the Drain Layer nor the Contractor on the permit can apply for new permits or perform work within the City. A three (3) year probationary period will be added to, and not served concurrently with, the original probation.



7.03 Company owners/ Agents are responsible for their employees. If a licensee of a company is found in violation while employed for said company disciplinary action may also be taken on the company. For example, if a licensee is suspended for 180 days due to a violation while employed by the company all other licensees of said company are also prohibited from performing work within the City of Lowell for 180 days.

8.0 Inspections

- 8.01 The licensed drain layer performing the work is required to schedule required inspections with the Engineering Office. Notice must be provided at least 24 hours prior to start of work.
- 8.02 No work shall begin before obtaining a signed permit from the City Engineer or DPW Commissioner and all required fees have been paid.
- 8.03 Trenches may not be backfilled until they are inspected, unless approved by the City Engineer or DPW Commissioner before start of work.
- 8.04 The executed copy of any permit affiliated with the work must be in possession of the licensed Drain Layer at all times during the inspection of the work.
- 8.05 Inspections shall be scheduled between the following hours:

Monday	8:00 AM to 4:00 PM
Tuesday	8:00 AM to 4:00 PM
Wednesday	8:00 AM to 4:00 PM
Thursday	8:00 AM to 4:00 PM
Friday	8:00 AM to 4:00 PM

These hours exclude holidays. Friday afternoons will depend on availability of an inspector. A \$100 per hour fee and incidental expense of the inspector outside of above hours shall be borne by the permittee. A minimum of 4 hours of pay if an inspector is “call-back” to work or on weekend. Payment for these services will be made payable to the City of Lowell.

9.0 Emergency

- 9.01 An Emergency is a sudden or unexpected occurrence involving a clear and imminent danger demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services, but not including a loss of business or profits. NOT ALL UTILITY WORK IS AN EMERGENCY.
- 9.02 In the case of an emergency, which shall be determined by the Commissioner of Public Works. Permitting process will be expedited.
- 9.03 All emergency jobs are required to provide proof of an Emergency Dig Safe Ticket.
- 9.04 Work without permit or approval by the Commissioner of Public Works will be considered a violation.