



**Town of Barnstable**  
**Inspectional Services Department**  
**Brian Florence, Director/Building Commissioner**  
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**RULES FOR THE IMPOSITION OF CONSULTANT FEES**

The following Rule is adopted, pursuant to M.G.L. c.44, §53G.

1. When reviewing any application or conducting any inspection or investigation within the scope his jurisdiction under the State Building Code, Town of Barnstable Ordinances or any other applicable federal, state or local requirements or regulations, the Director of Inspectional Services / Building Commissioner or his designee may determine that the assistance of outside consultants is warranted. The Director of Inspectional Services / Building Commissioner may impose reasonable fees for the employment of outside consultant services for specific expertise. The Director of Inspectional Services/Building Commissioner may require that an applicant or property owner deposit a certain sum of money with the Town in order to retain such consultants. The fee must be paid prior to the initiation of consulting services. In the event that such sum is insufficient to fund the necessary consulting services or new information requires additional consulting services, the Director of Inspectional Services / Building Commissioner may require additional deposits.
2. In hiring outside consultants, the Director of Inspectional Services / Building Commissioner may engage engineers, scientists, financial analysts, appraisers, planners, lawyers, urban designers or other appropriate professionals who can assist him to ensure compliance with all relevant laws, ordinances, standards and regulations. Such assistance may include, but shall not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the applicable statutes, codes, ordinances, regulations and conditions, or inspecting a project or project components during construction or implementation.
3. Funds received by the Town of Barnstable pursuant to this section shall be deposited with the Towns Director of Finance, who shall establish a special account for this purpose, consistent with the terms and provisions of G.L. c. 44, §53G. Expenditures from this special account may be made at the direction of the Director of Inspectional Services / Building Commissioner without further appropriation. Expenditures from this special account shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected. Accrued interest may also be spent for this purpose. Failure of an applicant or property owner to pay a review fee shall be grounds for denial of an application and shall be referred to the Town Attorney. Alternatively, approval of any such application may be conditioned upon payment of any outstanding review fees.
4. At the completion of the Director of Inspectional Services / Building Commissioner's review, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or applicant's successor in interest upon request. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Director of Inspectional Services / Building Commissioner with documentation establishing such succession in interest.

5. Any applicant or property owner assessed such a consultant fee may take an administrative appeal from the selection of the outside consultant to the Town Council. Such appeal must be made in writing and may be taken only within seven days after the Director of Inspectional Services / Building Commissioner has provided notice to the applicant of the selection. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Director of Inspectional Services / Building Commissioner shall be extended by the duration of the administrative appeal.

