

# City of Peabody

Office of Building Inspector  
24 Lowell Street  
Peabody, MA 01960  
Phone: 978-538-5785 Fax: 978-538-5724



## **RULE REGARDING IMPOSITION OF CONSULTANT FEES**

The following Rule is adopted, pursuant to 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, City of Peabody Ordinances or any other applicable federal, state or local requirements or regulations, the Building Commissioner or his designee (“Building Commissioner”) may determine that the assistance of outside consultants is warranted. The Building Commissioner may require that an applicant or property owner deposit a lump sum with the Building Department in order to retain such consultants. In the event that such sum is insufficient to fund the necessary consulting services, the Building Commissioner may require additional deposits.
2. In hiring outside consultants, the Building Commissioner may engage engineers, scientists, financial analysts, 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 during construction or implementation.
3. Funds received by the Building Department pursuant to this section shall be deposited with the Chief Financial Officer, 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 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 the application and shall be referred to the City Solicitor. Alternatively, approval of any such application may be conditioned upon payment of any outstanding review fees.
4. At the completion of the 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 Building Commissioner with documentation establishing such succession in interest.

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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 City Council. Such appeal must be made in writing and may be taken only within seven days after the 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 Building Commissioner shall be extended by the duration of the administrative appeal. In the event that no decision is made by the City Council within one month following the filing of the appeal, the selection made by the Building Commissioner shall stand.

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Albert Talarico, CBO  
Peabody Building Commissioner