

Town of Peru
LAND USE ORDINANCE

Article I. Purpose

The purpose of this Ordinance is to promote safety, health, and public welfare through establishing, minimum standards of the construction, relocation, placement, replacement, and demolition of structures.

Article II. Authority

The Code Enforcement Officer (CEO), as conditioned in Article VI of this Ordinance, shall enforce this Ordinance. State law allows towns to have home rule authority as per Article VII of the Maine Constitution and Home Rule Statute, Title 30-A M.R.S.A, Section 3001.

Article III. Administration

- (a) Application for Permits: The application for a building or demolition permit shall be in writing and shall be submitted to the Planning Board on forms provided by the Town of Peru and shall contain a description of the proposed new structure, relocation, replacement, placement, conversion, or demolition. The owner or owners authorized agent shall obtain from the Town of Peru an application for a Land Use Permit covering such proposed work.
- (b) Term of the Permit: Work approved by permit is to commence within 1-year from the date the permit is issued and completed within 2-years, or a new permit must be obtained. Demolitions must be completed within a six-month period from date of issue and include the removal of all debris.
- (c) Display of Permit: Permits shall be on display in a prominent place at the site of construction or demolition, be clearly visible and shall not be removed until all work covered by the permit is completed and approved.

Article IV. Applicability

The provisions of this Ordinance shall apply to new construction, additions, placement, replacement, and demolition of structures. The provisions shall also apply to the conversion of single-family Dwellings to multi-family Dwellings, the conversion of seasonal dwellings to year-round dwellings, the conversion of residential structure to commercial structure, and the conversion of commercial structures to residential structures.

Article V. Permit Requirements

- (a) Any person, firm, corporation, or other entity, before erecting or placing a dwelling or other construction shall obtain a permit from the Code enforcement Officer (CEO) or Planning Board. Any request shall include the following:
 - 1. An accurate measurement of the lot
 - 2. All required internal plumbing permits and subsurface wastewater permits shall be provided with the Land Use Permit Application

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3. All structures shall meet the minimum setback requirements Ordinance. (20 feet from edge of right away)
4. A plan or sketch with dimensions showing lot boundaries, all existing and proposed buildings, the location of all existing and proposed septic system(s), all existing and proposed entrances from abutting road(s)
5. Location of any streams or brooks with distance measurements from new proposed construction.
6. Areas to be cleared of trees and other vegetation.
7. Areas and amounts to be filled and or graded.
8. All required permits from the Road Commissioner.
9. Conform to all State Laws.
10. Any travel trailer placed with the intent to be occupied as a dwelling for a period longer than three months registered or not must request a permit along with a waste disposal plan approved by L.P.I.

(b) Permit Fees:

New Construction Main Living Area: \$0.10 sq/ft

Other Area: \$0.05 sq/ft

Commercial: \$0.25sq/ft

Minimum Permit Fee: \$20.00

Article VI. Enforcement

If the CEO finds a violation of this ordinance, he or she shall notify the person responsible for such violation, as well as the owner of the lot where the violations are occurring by certified mail, or by other practical means. The notice shall indicate the nature of the violation; order the responsible party and/or owner to take the appropriate action to correct it, including discounting the illegal use of land and structures or any work being done, and removing any illegal structures; and shall notify the parties of their appellate rights. A copy of such notice shall be maintained as permanent record. If position of the CEO is vacant for any reason the Selectboard shall act in lieu of the CEO

- (a) Penalties: Violations of this Ordinance are subject to a minimum penalty of \$100 and a maximum penalty of \$2,500, and each day that the violation continues is a separate violation. The Selectboard may seek to enjoin anyone from making use of or occupying any dwelling or other structure constructed contrary to this Ordinance.

The Selectboard is authorized to institute actions, either legal or equitable, including seeking injunctions of violations and the imposition of fines, to enforce this Ordinance. The Selectboard, or their authorized agent, are authorized to enter into administrative consent agreements for the purpose of eliminating violations of the Ordinance and recovering fines without court action.

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Article VII. Appeals and Variances

Any aggrieved person or party may appeal any permit decision or enforcement action made under this Ordinance to the Peru Board of Appeals. An appeal must be filed within 30 days after the decision by Planning Board or CEO, on forms approved by the board of appeals, setting forth specifically the grounds for the appeal. The standard of review for an appeal is de novo.

The Peru Board of Appeals shall also have the power to grant variances from the requirements of this ordinances operating under Maine state Statute, Title 30-A Section 2691.

Following the filing of an appeal, the Board of Appeals shall hold a hearing within 35 days, unless the parties agree in writing to a different timeframe. The Board shall notify the CEO, the Selectboard, and the Planning Board, at least 20 days in advance, of the time and place of the hearing and shall publish public notice of the hearing at least 10 days in advance. The board of appeals shall decide within 60 days after the hearing and notify the appellant(s) in writing.

Board of Appeal decisions are final other than a Superior Court ruling.

Article VIII. Definitions

- (a) **Dwelling:** is defined as a structure, all or part of which is designed or used for human habitation and covers a minimum of 200 square feet of surface area and has sanitary facilities in compliance with the Maine Uniform Plumbing Code and Wastewater Disposal Rules. Dwellings may include, but are not limited to, conventional 'stick built' homes, modular homes, manufactured homes, log homes, berm homes, and membrane homes (i.e., yurts or teepees).
- (b) **Aggrieved Party:** is defined as an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted.
- (c) **Other Construction:** includes any expansion of a Dwelling that creates habitable surface area, or construction or expansion of any other structure (such as but not limited to barns, storage sheds, garages, decks) not attached to an existing Dwelling.
- (d) **Commercial Structure:** a structure, other than a "home occupation," the intent and result of which activity is the production or income from the buying and selling of goods and/or services, exclusive of rental or residential buildings and/or dwelling units.

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- (e) **Seasonal Dwelling/Camp:** a dwelling including camps, trailers, mobile homes, and recreation vehicles which are not a principle or year-round residence and are occupied less than seven (7) months in any calendar year.

- (f) **Structure:** Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind.

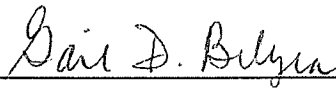
- (g) **River, Stream, or Brook:** "River, stream or brook" means a channel between defined banks. A channel is created by the action of surface water and has 2 or more of the following characteristics.
 1. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map or, if that is not available, a 15-minute series topographic map.
 2. It contains or is known to contain flowing water continuously for a period of at least 6 months of the year in most years.
 3. The channel bed is primarily composed of mineral material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.
 4. The channel contains aquatic animals such as fish, aquatic insects, or mollusks in the water or, if no surface water is present, within the stream bed.
 5. The channel contains aquatic vegetation and is essentially devoid of upland vegetation."River, stream or brook" does not mean a ditch or other drainage way constructed, or constructed and maintained, solely for the purpose of draining storm water or a grassy swale

Article IX. Repeal of Prior Ordinances


This Ordinance repeals and replaces all Building Permit Ordinances and their supplements in the Town of Peru prior to the effective date of this Ordinance

Given under our hands this 26 day of September, 2022.

Peru Select Board



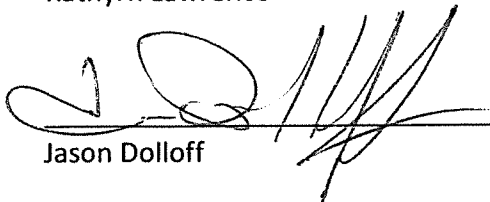
Gail Belyea



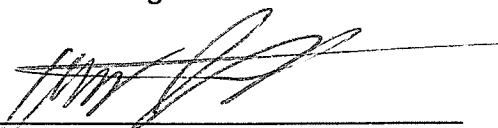
Kathryn Lawrence



Patrick Houghton



Jason Dolloff



Arthur Clifford

Adopted November 08, 2022 by Town vote.