

TOWN OF PERU

SOLAR FACILITIES MORATORIUM ORDINANCE

The Town of Peru, Maine, hereby adopts a Moratorium Ordinance entitled "Solar Facilities Moratorium Ordinance" as follows:

The Town of Peru requires at least one hundred eighty (180) days to consider, develop, and implement necessary ordinances and regulations to protect the health, safety, and welfare of the Town's residents.

Therefore, in the judgement of the Town, the foregoing fact constitutes and demonstrates a moratorium on development of Solar Facilities is necessary per 30-A MRSA ss 4356 (1).

The Town of Peru hereby ordains the following moratorium ordinance be enacted.

I. Authority. The Moratorium Ordinance is enacted pursuant to 30-A MRSA ss 4356, the Town of Peru's home rule authority pursuant to the Maine Constitution, and 30-A MRSA ss 3001.

II. Definitions. The following definition shall be used in the construction and interpretations of this Ordinance:

Solar Facility is any solar facility, project, or installation which is intended to and/or in fact does generate solar power and feeds such power into the electric grid supplying the local utility with power. This shall include, but is not limited to, any ground-mounted photovoltaic project that is larger than 0.10 megawatts (AC) in capacity. Residential/Commercial solar arrays smaller than 0.10 megawatts (AC) are not included in this definition.

III. Purpose. The purpose of this Moratorium Ordinance is to allow municipal officials reasonable time to evaluate the concerns raised in regard to any potential solar development, determine the adequacy of existing ordinances and regulations, and if necessary, develop additional ordinances and regulations to provide adequate protection for the property, health, welfare, and safety of residents in the Town of Peru.

IV. Development Moratorium. The Town of Peru hereby declares and imposes a moratorium, prohibiting the development of any and all solar facilities within the Town of Peru upon passage of this Moratorium Ordinance for a period of one hundred eighty (180) days, or until the Town of Peru adopts a Solar Facility Ordinance, if sooner.

V. Moratorium on Processing Applications. No official, officer, board, or body of the Town of Peru, including but not limited to the Code Enforcement Officer, the Planning Board, or Municipal Officers, shall accept, process, review, deny, approve, authorize, or

issue any applications, petitions, plans, permits, licenses, or requests for approval or authorization involving Solar Facilities development, construction, operation, or use, located in whole or in part, within the Town of Peru.

VI. Severability. If any provision of this Moratorium Ordinance is deemed invalid by a court of competent jurisdiction, the remaining provisions shall remain valid.


VII. Effective Date. This Moratorium Ordinance shall take effect immediately upon passage by the Town of Peru and, notwithstanding the provisions of 1 MRSA ss 302, be applicable, to the maximum extent permitted by law and subject to the severability clause above, to all filed, pending, or future Solar Facility applications.

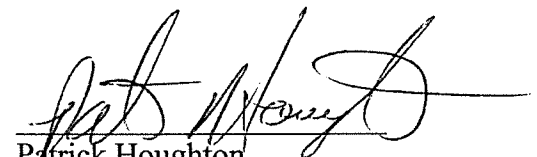
VIII. Enforcement. The Municipal Officers are hereby authorized to institute any and all actions, either legal or equitable, that are deemed necessary or appropriate to enforce the provisions of this Moratorium Ordinance.

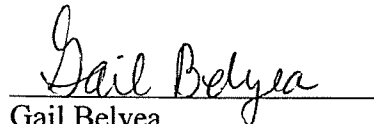
IX. Civil Penalties. Any violation of this Moratorium Ordinance is subject to an enforcement action under 30-A MRSA ss 4452 and constitutes a nuisance. Each day of violation shall constitute a separate offense. All civil penalties shall inure to the benefit of the Town of Peru.


Kathryn Lawrence
Selectboard Chair

Arthur Clifford
Selectboard Vice Chair


Jason Delloff
Selectboard member


Patrick Houghton
Selectboard member


Gail Belyea
Selectboard member

This ordinance was adopted on August 14, 2023 at Special Town Mtg.

7/24/23