

TOWN OF PERU

LOCAL LAW NO. 1 OF THE YEAR 2019

Be it enacted by the Town Board of the Town of Peru as follows:

Section 1. Reimbursement of Professional Review Fees.

- A. In addition to the provisions already provided under the terms of the Town of Peru Subdivision Local Law (“Subdivision Regulations”) and the Town of Peru Land Use Code (“Land Use Code”), the Town Board, the Planning Board and the Zoning Board of Appeals, Highway Superintendent, Water/Sewer Superintendent, Code Enforcement Officer, in the review of any application presented to it may, in its sole discretion, refer such application to such outside planner, engineer, environmental expert, attorney or other professional as such Board or Department Head shall deem reasonably necessary to enable it to adequately review such application as required by law.**

- B. Fees charged by such professionals shall be in accord with fees usually charged for such services in the Peru region or pursuant to an existing contractual agreement between the Town and such professional. All proper charges shall be paid by the Town upon submission of a Town voucher. The applicant shall reimburse the Town for the costs of such professional review services upon receipt of a copy of the voucher or, at the discretion of the reviewing board, in accordance with this Local Law. The payment of such fees shall be required in addition to any and all other fees or performance bonds required by this or any other section of this chapter or any other Town law or regulation.**

Section 2. Escrow Accounts.

- A. In addition to other mechanisms provided under any other Town law or regulation, at the time of submission of any application, or during the review process, the reviewing board may require the establishment of an escrow account from which withdrawals shall be made to reimburse the Town for the cost of professional review services. The applicant shall then provide funds to the Town for deposit into such account in an amount to be determined by the reviewing board based on its evaluation of the nature and complexity of the application. The**

applicant shall be provided with copies of any Town voucher for such services as they are submitted to the Town.

- B. Where the Town Board, Planning Board or Zoning Board of Appeals establishes an escrow account for an application, such reviewing board shall not be required to consider that application until the deposit required under this Local Law has been made.
- C. A building permit or certificate of occupancy shall not be issued unless all professional review fees charged in connection with the applicant's project have been reimbursed to the Town.
- D. After all pertinent charges have been paid; the Town shall refund to the applicant any funds remaining on deposit.

Section 3. Effective Date; Applicability.

- A. This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 or the Municipal Home Rule Law.
- B. This Local Law shall apply to all applicants pending at the time it becomes effective, unless the reviewing board shall determine that its application would be impracticable or unjust in the particular circumstances.
- C. Where this Local Law applies, and where no other provision of the Town Code requires the payment of such fees, the reviewing board shall require an applicant to pay for fees only for services rendered after it shall have become effective.

Adopted by Town Board May 13, 2019