



**TOWN OF KENTVILLE BY-LAW**  
**CHAPTER 97**  
**PROPERTY ASSESSED CLEAN ENERGY AMENDING PROGRAM**

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**AUTHORITY**

1. Section 65 (aca) of the Municipal Government Act provides municipalities with the power to make bylaws providing for financing and installing energy-efficiency equipment on private property with the consent of the owner.

**Title**

2. This by-law may be cited as the Property Assessed Clean Energy Program Amending By-Law, and may be referred to as the PACE Amending By-law.

**AMENDMENTS**

3. The PACE Bylaw is amended as follows:
  - (1) In section 3.aa Addition of ""Certificate of Completion" means a form issued by the Program Administrator, completed and signed by the Contractor and counter-signed by the property owner, stating that the Greening Building Upgrade has been completed on the property.";
  - (2) In section 3.c "Clean Energy Upgrade" is replaced with "Installation";
  - (3) In section 3.c.i "and reduced water consumption" is added after "renewable energy,";
  - (4) Deletion of 3.c.iv "achieves an overall savings to debt ratio for the owner equal to or greater than the ratio specified in the PACE Customer Agreement, as estimated by a qualified energy assessment generated through the PACE Program.";
  - (5) In section 3. Addition of the following definition 3.ca " "Owner" means a registered owner of a read property in accordance with the records on file at the Province of Nova Scotia's land registry office";
  - (6) In section 3.b Replace "PACE Customer Agreement" with "Participation Agreement";
  - (7) In section 3.f, addition of "Installation" before "Upgrade";
  - (8) In section 3. Addition of 3.fa " "Program Administrator" means the Property Assess Clean Energy Property Customer Agreement between the owner of a Qualifying Property and the Town for a Clean Energy Upgrade";
  - (9) In section 3.g, "Qualifying Property" deletion of "an owner-occupied single unit residential" and replaced with "a"; deletion of "any

- building type restrictions contained in the PACE Program” and replaced with “approval by the Chief Administrative Officer”;
- (10) Under Application and Approval, insertion of 4a. “Council will annually, through the municipal budgeting process, establish the amount of funds that are available for the PACE Program”;
- (11) In section 4. Replace “may apply for a Clean Energy Upgrade to the Qualifying Property” with “may apply to the Town to finance an Installation to a maximum value subject to the dollar value limit established in the PACE Program policy and the available budget funds.”
- (12) Replace 5. “A Clean Energy Upgrade shall be subject to the execution of a PACE Customer Agreement by the CAO (on behalf of the Town) and owner of the Qualifying Property” with “Financing of an Installation shall be subject to obtaining the written approval of the Chief Administrative Officer, or designate, on behalf of the Town, and the execution of the Participation Agreement by the Owner of the Qualifying Property.”
- (13) Insertion of 5a “The following conditions must be met in order for the Chief Administrative Officer, or designate, to grant approval:
- a. The Owner of the Qualifying Property must not be in arrears in any property taxes, water and sewer charges or other Town fees and charges.
  - b. The Installation must strive to achieve an overall savings-to-debt ratio for the Owner of the Qualifying Property equal to or greater than 1:1, as specified in the Participation Agreement.”
- (14) In section 6. Replace “installation of the Clean Energy Upgrade” with “Installation”.
- (15) In section 7.c Replace “where the Charge is paid by installments, an administrative charge of 4% of the outstanding balance of the Charge.” with “interest accrued on the Charge including any additional interest arising due to any default of payment.”;
- (16) Delete section 8. “Interest shall accrue on the PACE Charge at the same rate applied by the Town for unpaid taxes.”;
- (17) In section 9. Replace “10 years” with “15 years”;
- (18) In section 11. Add “and Program Administrator” after the word “Treasurer”;
- (19) Under the heading Lien, delete sections 12. and 13.
- (20) Add the following sections under the heading Lien:
- “12a. On completion of the Installation pursuant to a Participation Agreement, the Charge shall be levied against the Qualifying Property.”;
  - “13a. The Charge imposed pursuant to this Bylaw constitutes a lien on the Qualifying Property in accordance with the Municipal Government Act and may be collected in the same manner as other Town charges and levies.”;
  - “13ab. The lien shall become effective when the Certificate of Completion has been issued by the Program Administrator.”;

“13abc. The lien shall remain in effect until the total Charge, plus interest, has been paid in full.”

(21) Delete the heading “Interest”. Add a heading called “Municipal Liability”;

(22) Delete 14.

(23) Add under the “Municipal Liability” section, 15 “The town is not responsible for the quality of the equipment or of the work carried out by the Contractor, or for guaranteeing any energy savings, water savings or renewable energy production, and as a result, the Town shall not be liable for any damage, direct or consequential, loss or liability or injury caused by the supply of equipment, its installation, or use by the owner.”

**CLERK’S ANNOTATION FOR OFFICIAL BY-LAW BOOK**

Bylaw

Date of first reading: May 30, 2016

Date of advertisement of Notice of Intent to Consider: June 1, 2016

Date of second reading: June 27, 2016

\*Date of advertisement of Passage of By-Law: July 4, 2016

Date of mailing to Minister a certified copy of By-Law: July 4, 2016

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Amending Bylaw

Date of first reading:

Date of advertisement of Notice of Intent to Consider:

Date of second reading:

\*Date of advertisement of Passage of By-Law:

Date of mailing to Minister a certified copy of By-Law:

I certify that this PACE Amendment Bylaw – Chapter 97 was adopted by Council and published as indicated above.

\*EFFECTIVE DATE OF THE BY-LAW UNLESS OTHERWISE SPECIFIED IN THE BY-LAW