



TOWN OF KENTVILLE BY-LAW
CHAPTER 97
PROPERTY ASSESSED CLEAN ENERGY PROGRAM
CONSOLIDATED BYLAW

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 By-Law, and may be referred to as the Consolidated PACE By-law and incorporates amendments as set forth in the CH97 PACE Amending Bylaw.

DEFINITIONS

3. In this by-law
 - a. "CAO" means the Chief Administrative Officer for the Town, or his or her designate for the purposes of implementing this Bylaw;
 - aa. "Certificate of Completion" means a form issued by the Program Administrator, completed and signed by the Contractor and countersigned by the property owner, stating that the Greening Building Upgrade has been completed on the property."
 - b. "Director of Finance" means the Director of Finance for the Town, or his or her designate;
 - c. "Installation" means equipment that is affixed to a Qualifying Property and which
 - i. will result in substantially improved energy efficiency, the generation of renewable energy and reduced water consumption, or reduced greenhouse gas emissions;
 - ii. involves building envelope upgrades such as caulking and weather stripping, duct/air sealing, insulating, or energy efficient windows and doors; building heating, ventilation and air conditioning system upgrades such as heat pumps, wood or pellet stoves, or furnaces or boilers; renewable energy upgrades such as solar thermal panels, solar photovoltaic panels, or wind turbines; or such other clean energy upgrades as are approved and agreed in writing by the Municipality;

- iii. is identified as an eligible upgrade in the PACE Program Clean Energy Upgrade Standards Policy, and meets or exceeds applicable energy efficiency standards as defined in that Policy; and
- iv. Deleted.
- d. “Participant Agreement” means the Property Assessed Clean Energy Program Customer Agreement between the owner of a Qualifying Property and the Town for a Clean Energy Upgrade;
- 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”
- e. “PACE Charge” means the charge for reimbursement for costs incurred by the Town for the installation of a Clean Energy Upgrade as calculated pursuant to this by-law;
- f. “PACE Program” means a program established by the Town under which an owner of a Qualifying Property may obtain a Clean Energy Installation Upgrade;
- 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”
- g. “Qualifying Property” means a property located within the Town and with respect to which no property taxes, rates or charges are outstanding, subject to approval by the Chief Administrative Officer;
- h. “Town” means the Town of Kentville; and
- i. “Treasurer” means the treasurer for the Town.

APPLICATION AND APPROVAL

- 4. An owner of a Qualifying Property 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.
- 4a. Council will annually, through the municipal budgeting process, establish the amount of funds that are available for the PACE Program
- 5. 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.
- 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.

PAYMENT OF CHARGE

- 6. The PACE Charge shall be payable 30 days following completion of Installation in accordance with the PACE Customer Agreement.
- 7. The PACE Charge shall consist of:

- a. the cost of the Clean Energy Upgrade, including all labour costs, permitting fees, and applicable taxes;
 - b. applicable PACE Program service fees; and
 - c. interest accrued on the Charge including any additional interest arising due to any default of payment.
8. Deleted.
 9. The owner of a Qualified Property may pay the PACE Charge by equal installments amortized over a period of not more than 15 years.
 10. In the event of the owner of a Qualified Property failing to make any payment required by the PACE Customer Agreement, the outstanding balance shall be immediately due and payable.
 11. The Treasurer and Program Administrator shall maintain a separate account of all monies due for PACE Charges, identifying:
 - a. the names of the property owners, assessment numbers, Property Identification (PID) numbers, and civic address;
 - b. the amount of the PACE Charge; and
 - c. the amount paid on the PACE Charge.

LIEN

12. Deleted.
- 12a. On completion of the Installation pursuant to a Participation Agreement, the Charge shall be levied against the Qualifying Property.
13. Deleted.
- 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.

MUNICIPAL LIABILITY

14. Deleted
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

Town of Kentville, By Law Chapter 97: Property Assessed Clean Energy Program

*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

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 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