

**Town of Wolfville**  
**Bylaw Ch. 108**  
**Property Assessed Clean Energy (PACE) Bylaw**



**1 Title**

This bylaw shall be known as Bylaw Ch. 108 and may be cited as the *Property Assessed Clean Energy (PACE) Bylaw*.

**2 Background**

The Nova Scotia *Municipal Government Act* (NS MGA), Section 81A(1) gives Council the specific authority to establish Bylaws *imposing, fixing and providing methods of enforcing payment of charges for the financing and installation of any of the following on private property with the consent of the property owner: (a) energy-efficiency equipment; (b) renewable energy equipment.*

The purpose of this Bylaw is to enable financing of energy and water efficiency, renewable energy, or greenhouse gas reduction upgrades to Qualifying Properties within the Municipality.

**3 References**

3.1 Nova Scotia Municipal Government Act (NS MGA)

3.2 Municipal Planning Strategy

3.3 Integrated Community Sustainability Plan

**4 Definitions**

In this Bylaw:

**“Director of Finance”** means the Director of Finance of the Municipality;

**“Director”** means the Director of the department of the Municipality responsible for energy, sustainability or the environment, and includes a designate or person acting under the supervision and direction of the Director;

**“Energy Efficiency Upgrade”** means any installation that is permanently affixed to the property and which will result in any of the following:

- (a) improved energy efficiency and reduce energy use;
- (b) reduced greenhouse gas emissions;
- (c) achievement of an environmental sustainability goal of the Municipality;

**“PACE Program Charge”** means the property assessed clean energy improvement charge levied on a property pursuant to s.81A of the *Municipal Government Act*;

**“PACE Program Policy”** means the policy that lays out the detailed structure and operations of the PACE Program;



“**PACE Program**” means the program established by the Municipality under which owners of Qualifying Properties may apply for and obtain financing for Energy Efficiency Upgrades;

“**Municipality**” means the Municipality of Town of Wolfville;

“**Participation Agreement**” means the written PACE Program Participation Agreement between the owner of a Qualifying Property and the Municipality for financing of an Energy Efficiency Upgrade to the property, approved in form by the Director, which identifies the type of equipment, administrative fees, financing costs, and general terms and conditions that the owner agrees to prior to the installation commencing;

“**Program Administrator**” means the department of the Municipality responsible for operating the PACE Program or a designated 3rd party administrator approved by the Director;

“**Qualifying Property**” means a property located within the Municipality.

## **5 Application and Approval**

- 5.1 An owner of a Qualifying Property may apply for Municipal financing of the cost of an Energy Efficient Upgrade to the property.
- 5.2 Approval of financing shall be subject to the following:
  - 5.2.1 Approval of the Qualifying Property and the Energy Efficient Upgrade by the Director and Program Administrator;
  - 5.2.2 The execution of a Participation Agreement by the owner of the Qualifying Property and the Municipality;
  - 5.2.3 The owner being in compliance with all terms of the Participation Agreement;
  - 5.2.4 The owner not being in default in payment of any municipal taxes, rates or charges;
  - 5.2.5 All conditions set out in the PACE Program Policy being met.
- 5.3 Financing shall be made available upon receipt by the Director of Finance of notice by the Program Administrator that the agreed Energy Efficiency Upgrade has been completed in accordance with the Participation Agreement and the requirements of the PACE Program Policy.
- 5.4 Energy Efficiency Upgrade financing shall be limited to 15% of the assessed value of the Qualifying Property or less as approved by the Director of Finance and subject to any other limitations or requirements set out in the PACE Program Policy.

## **6 Payment of Charge**

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- 6.1 The PACE Program Charge may consist of the following:
  - 6.1.1 The cost of the Energy Efficiency Upgrade, including all labour costs for installation, permitting fees and applicable taxes, less any federal, provincial or other funding;
  - 6.1.2 Interest accrued on the charge including any additional interest arising due to any default of payment.
- 6.2 The PACE Program Charge shall become payable in full on completion of the installation of the Energy Efficiency Upgrade in accordance with the Participation Agreement.
- 6.3 The Director of Finance shall ensure a separate account is kept of all monies due for PACE Program Charges, identifying:
  - 6.3.1 The names of the property owners and assessment, PID and civic address information of the subject property;
  - 6.3.2 The amount of the PACE Program Charge levied on the property;
  - 6.3.3 The annual interest rate and amount of interest charges included in the PACE Program Charge;
  - 6.3.4 The amount paid on the PACE Program Charge; and
  - 6.3.5 The balance due on the PACE Program Charge.

**7 Lien**

- 7.1 A PACE Program Charge shall be a first lien on property on which an Energy Efficiency Upgrade is installed.
- 7.2 A PACE Program Charge may be collected in the same manner as taxes under the *Municipal Government Act* and, at the option of the Director of Finance, is collectable at the same time and by the same proceedings as taxes.
- 7.3 The lien provided for in this Bylaw shall become effective on the date on which the Program Administrator files notice with the Director of Finance that the agreed Energy Efficiency Upgrade has been completed in accordance with the Participation Agreement.
- 7.4 The lien provided for in this Bylaw shall remain in effect until the total PACE Program Charge, including interest, has been paid in full.

**8 Interest**

- 8.1 Interest will be charged on PACE Program Charges at a rate calculated in accordance with the PACE Program Policy and as agreed in the executed Participation Agreement.



- 8.2 Interest shall accrue on any PACE Program Charge or portion thereof which remains outstanding from the date of billing.
- 8.3 Interest is payable annually on the entire amount outstanding and unpaid, whether or not the owner has elected to pay by installments.

**9 Installment Payments**

- 9.1 The owner of a Qualified Property may elect to pay the PACE Program Charge by equal installment payments over a period or not more than 15 years, in accordance with the PACE Program Policy and as set out in the Participation Agreement.
- 9.2 If there is a default in any payment due to the Municipality, the outstanding balance of the PACE Program Charge shall be immediately due and payable. Interest shall accrue on the amount then due and payable at the same rate as applied by the Municipality for unpaid taxes.



**Clerk's Annotation for Official Bylaw Book**

Date of first reading:	December 15, 2020
Date of advertisement of Notice of Intent to Consider:	January 9, 2021
Date of second reading:	January 26, 2021
Date of advertisement of Passage of By-law:	February 4, 2021
Date of mailing to Minister a certified copy of By-law:	February 17, 2021

I certify that this **Property Assessed Clean Energy (PACE) Bylaw Ch. 108** was adopted by Council and published as indicated above.

A handwritten signature in blue ink, appearing to read 'M. Braden', is placed over a white rectangular background.

February 17, 2021

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CAO/Town Clerk

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Date