

# Municipality of the County of Colchester

## Chapter 24

### Solar Colchester PACE By-law

Be it enacted by the Council of the Municipality of the County of Colchester as follows:

#### **1 Title and Scope**

- 1.1 This By-law is enacted pursuant to Sections 65 and 81A of the *Municipal Government Act*, S.N.S. 1998, c.18 and shall be known as the "Solar Colchester Property Assessed Clean Energy Program By-law" of the Municipality of the County of Colchester and shall apply to all lands within the Municipality. This By-law may be cited as the "Solar Colchester PACE By-law", the "PACE By-law", or the "Solar Colchester By-law".
- 1.2 The purpose of this By-law is to allow the Municipality of the County of Colchester to create a financing program to support the installation of solar photovoltaic panel systems on private properties, with the consent of property owners. Property owners will make payments on the solar panels through a charge levied on the property.
- 1.3 This By-law does not exempt any person from complying with the requirements of other by-laws or regulations in force within the Municipality of the County of Colchester and from obtaining any licence, permission, permit, authority, or approval as otherwise required by the Municipality, the Province of Nova Scotia, Nova Scotia Power, or the Government of Canada.
- 1.4 This By-law shall apply only to solar photovoltaic panel systems installed through the Solar Colchester PACE Program.

#### **2 Definitions**

- 2.1 In this By-law, words used in the present tense include the future; words in the singular number include the plural; words in the plural include the singular; and the word *shall* is mandatory and not permissive. All other words carry their customary meaning except for those as defined in this Section.
- 2.2 For the purposes of this By-law:
  - a) "CAO" means the Chief Administrative Officer for the Municipality, or his or her designate;
  - b) "Certification of Completion" means a Municipally-issued form completed and signed by the Solar Contractor, and counter-signed by the property owner, stating that installation of Solar Equipment has been completed on the property.
  - c) "Director of Corporate Services" means the Director of Corporate Services for the Municipality, or his or her designate;
  - d) "Project Administrator" means an employee of the Municipality who is tasked with administering the Solar Colchester Program and processing applications.
  - e) "Qualifying Property" means a property located within the Municipality of Colchester defined as eligible in the *Solar Colchester PACE Policy* and subject to any land use or building-type restrictions contained in the *Solar Colchester PACE Policy* or the Participant Agreement.
  - f) "Solar Colchester PACE Participant Agreement" means the written, signed Property Assessed Clean Energy Program Participant Agreement between the owner of a Qualifying Property and the Municipality for purchasing, installing, and potentially financing Solar Equipment;

- g) “Solar Colchester PACE Program” means a program established by the Municipality under which owners of Qualifying Properties may obtain financing for solar photovoltaic panel installations;
- h) “Solar Contractor” means a third-party contractor selected from a list of Municipally-approved solar panel installers to perform property suitability assessments and evaluations, install Solar Equipment, and contract specialized workers to assist with the project.
- i) “Solar Energy Improvement Charge” means the Property Assessed Clean Energy improvement charge levied on the property pursuant to s.81A of the Nova Scotia *Municipal Government Act*;
- j) “Solar Equipment” means a solar photovoltaic panel system, and accessory equipment, that the Solar Contractor will install on private property with consent from property owners.

### **3 Application and Approval**

- 3.1 The owner of a Qualifying Property may apply to have their property evaluated for suitability by the Solar Contractor and receive a cost estimate for the project.
- 3.2 The owner of a Qualifying Property wishing to proceed with the Solar Colchester Program must sign a Solar Colchester PACE Participant Agreement. Before signing the Agreement, the property owner must:
  - a) sign a contract with the Solar Contractor agreeing to the cost estimate provided; and
  - b) submit a deposit to the Municipality as set out in the Municipal Fees Policy approved by Council, which will be deducted from the final project cost at completion or applied to the first payment.
- 3.3 The owner of the Qualifying Property shall sign the Solar Colchester PACE Participant Agreement, agreeing to either:
  - a) pay the full cost of the project upon completion; or
  - b) finance the project through a Solar Energy Improvement Charge.
- 3.4 The property owner may opt for Municipal financing for the installation of Solar Equipment on the property. Financing shall be subject to the written approval and agreement of the CAO, or designate, on behalf of the Municipality, and the execution of a Solar Colchester PACE Participant Agreement by the owner of the Qualifying Property. The conditions that must be met for approval include:
  - a) the owner of the Qualifying Property is not in default of any municipal taxes, rates, or charges;
  - b) the owner has paid the application fee and/or required deposit;
  - c) any additional conditions specified in the Solar Colchester PACE Participant Agreement are met.

### **4 Solar Energy Improvement Charge**

- 4.1 The Solar Contractor shall submit to the Project Administrator, who in turn will submit to the Director of Corporate Services, a copy of the signed Solar Colchester PACE Participant Agreement and Certification of the Completion of the Solar Equipment installation.
- 4.2 The Solar Energy Improvement Charge shall become payable upon submission of the Certificate of Completion by the Solar Contractor. The Solar Energy Improvement Charge shall be calculated on the basis of the total cost of the project less any federal, provincial, or other funding, such as the SolarHomes rebate from Efficiency Nova Scotia.

4.3 The Solar Energy Improvement Charge may consist of:

- a) the cost of the Solar Equipment, including all labour costs for installation, 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.

4.4 The Solar Energy Improvement Charge shall be paid in equal instalments over a period of 10 years, on which interest shall be payable as set out in Section 6 and in the Solar Colchester PACE Participant Agreement. Property owners may elect to make larger contributions and pay off the Charge at an earlier date.

4.5 In the event of a default of any payment under the Solar Colchester PACE Participant Agreement, the outstanding balance shall be immediately due and payable. Interest shall be accrued on the amount then due and payable at the same rate applied by the Municipality for unpaid taxes and charges in default.

4.6 The Director of Corporate Services shall maintain a separate account of all monies due for the Solar Energy Improvement Charge pursuant to this By-law and identifying, for the subject property:

- a) the names of the property owners, property assessment and AAN, PID, and civic address;
- b) the amount of the Solar Energy Improvement Charge levied; and
- c) the amount paid on the Solar Energy Improvement Charge.

4.7 Wherein any property assessment list prepared pursuant to this Section, a property has been omitted by error or has been assessed in error or has been assessed for a Solar Energy Improvement Charge for a greater amount or a lesser amount than the property should have been assessed, the Director of Corporate Services may at any time amend the property assessment list to correct the error and adjust the assessment.

## 5 Liens

5.1 A Solar Energy Improvement Charge may be levied against the property upon completion of the project to secure all costs incurred by the Municipality to reimburse the Solar Contractor.

5.2 The lien provided for in this By-law shall become effective on the date on which a Certificate of Completion is filed with the Director of Corporate Services stating that the installation has been completed.

5.3 Where the owner of a Qualifying Property opts for instalment payments, the portion of the Solar Energy Improvement Charge payable annually shall be equal to the total Charge divided by 10, less the required deposit under Section 3.3.

5.4 A Solar Energy Improvement Charge imposed pursuant to this By-law constitutes a first lien on the property and has the same effect as rates and taxes under the *Assessment Act* and the *Municipal Government Act*.

5.5 A Solar Energy Improvement Charge pursuant to this By-law is collectible in the same manner as rates and taxes under the *Municipal Government Act*. The Charge will be invoiced once a year, separate from Municipal property taxes.

5.6 The lien provided for in this By-law shall remain in effect until the total charge, including any accrued interest, has been paid in full.

## 6 Interest

6.1 Interest will be payable on any balance owing on the Solar Energy Improvement Charge at a rate set out in the *Solar Colchester PACE Policy*.

6.2 Interest shall accrue on any Solar Energy Improvement Charge or portion thereof which remains outstanding from the date of billing.

6.3 Interest is payable annually on the amount outstanding, whether or not the owner has elected to pay by instalments.

## 7 No Municipal Liability

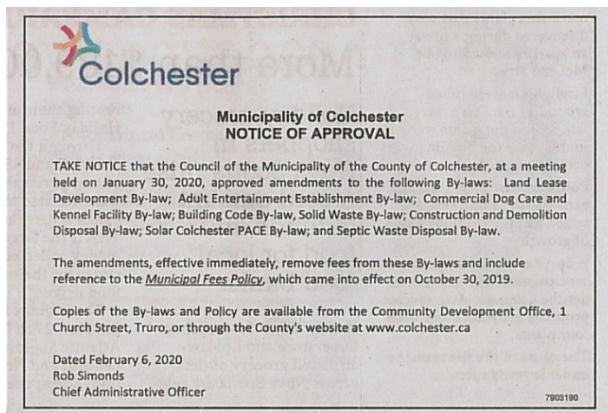
7.1 The Municipality is not responsible for the quality of the Solar Equipment or the quality of the work carried out by the Solar Contractor and as a result, the Municipality shall not be liable for any damage, direct or consequential, loss or liability or injury caused by the supply of Solar Equipment, its installation, or use by the owner.

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THIS IS TO CERTIFY, that amendments to Chapter 24 – Solar Colchester Property Assessed Clean Energy (PACE) By-law was duly approved at a duly called meeting of the Municipal Council of the Municipality of the County of Colchester, duly convened and held on the 30<sup>th</sup> day of January, A.D., 2020.

GIVEN under the hand of the Municipal Clerk and under the corporate seal of said Municipality this 10<sup>th</sup> day of February, A.D., 2020.

Rob Simonds  
Municipal Clerk



I, Rob Simonds, Municipal Clerk of the Municipality of the County of Colchester, do hereby certify that the adjacent Notice of Approval is a true copy of the Notice of Approval of Chapter 24 – Solar Colchester Property Assessed Clean Energy (PACE) By-law, duly advertised in the Thursday, February 6, 2020 issue to the Truro News.

Given under the hand of the Municipal Clerk and under the corporate seal of said Municipality this 10<sup>th</sup> day of February, 2020.

Rob Simonds  
Municipal Clerk

*First Reading: October 30, 2019*  
*Notice of Intent: January 9 and 16, 2020*  
*Second Reading: January 30, 2020*  
*Notice of Approval: February 6, 2020*