

**Halifax Regional Municipality
By-Law Number S-500
Respecting Charges for Energy Equipment**

Be It Enacted by the Council of the Halifax Regional Municipality as follows:

Short Title

1. This by-law shall be known as By-Law S-500 and may be cited as the *Energy Equipment By-law*.

1A. A reference in an enactment to the *By-law Respecting Charges for Solar City* or the *Solar City by-law* shall be a reference to this by-law.

Interpretation

2. In this by-law,

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

(b) “energy equipment” means any equipment that:

(i) reduces the amount of non-renewable energy used by a structure, or

(ii) utilizes a renewable energy source, including solar collectors;

(c) “Engineer” means the Engineer of the Municipality, and includes a person acting under the supervision and direction of the Engineer;

(d) “owner” includes

(i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of or a building,

(ii) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building,

(iii) a person who occupies shores, beaches or shoals, and

(iv) in the absence of proof to the contrary, the person assessed for the property;

(e) “Solar Collector” means any device to convert solar energy to useful thermal air energy, thermal water energy or electric energy; and

(f) “Treasurer” means the Treasurer of the Municipality, and includes a person acting under the supervision and direction of the Treasurer.

Application of By-law

2A (1) No owner of property shall be eligible for financing under this By-law unless a permit has been issued by the Municipality to such owner for the installation of a Solar Collector on their property.

(2) The fee for the permit shall be set out in Administrative Order 15, the *License, Permits and Processing Fees Administrative Order*.

2B This by-law applies to the installation of energy equipment on the property of an owner if

(a) section 2A has been satisfied;

(b) Council has approved an energy program for the installation of energy equipment of the type identified by such owner in the application;

(c) the owner qualifies to participate in an energy program that has been approved by Council for the type of energy equipment the owner has identified in the application, and such owner agrees to be subject to the terms and conditions governing such participation;

(d) the Director is provided a written estimate from an installer of the projected cost of the installation of the energy equipment;

(e) the owner consents to the imposition of the charge;

(f) an agreement is executed between the owner and the Municipality respecting the provisioning, financing and installation of energy equipment on the property of such owner and the repayment of all associated costs in accordance with a payment schedule; and

(g) the Director approves the written estimate provided to the Municipality pursuant to clause d prior to the installation commencing.

Charge Imposed

3. Where a solar collector system has been constructed, installed, improved, operated or maintained on a property the owner of which has signed a Solar City Customer Agreement and was constructed, installed, improved, operated or maintained on or before June 16, 2016 a solar collector improvement tax is hereby levied upon the property.

3A Where energy equipment was installed, improved, operated or maintained on a property after June 16, 2016 and before the coming in force of section 3B and the owner of the property has signed an agreement pursuant to clause 2B(f) a charge, together with the interest provided in the agreement, is hereby imposed on the property.

3B Where energy equipment has been installed, improved, operated or maintained on a property on or after the coming in force of this section and the owner of the property has signed an agreement pursuant to clause 2B(f) a charge, together with the interest provided in the agreement required pursuant to clause 2B(f), is hereby imposed on the property.

Amount of Charge

4. The amount of tax levied pursuant to section 3 shall be determined in accordance with the provisions of this by-law and shall be calculated based on:

(a) the size of the system installed with a uniform rate being applied for each size; and

(b) the system options chosen by the Solar City customer.

4A. The amount of the charge imposed pursuant to section 3A or 3B shall be calculated based on the lesser of:

(a) the actual cost of providing for, financing, and installing energy equipment; or

(b) seventy-five percent (75%) of the assessed value of the property where the energy equipment was installed, improved, operated or maintained.

Solar City Program Charges

5. (1) For a Solar Collector constructed, installed, improved, operated or maintained on or before June 16, 2016, the Engineer shall submit to the Treasurer a copy of the signed Solar City Customer Agreement and certification of the completion of the solar collector system installation.

(2) The solar collector improvement tax shall be calculated on the basis of the total cost of the project less any federal, provincial or other funding.

(3) Payment of the solar collector improvement tax shall commence at project completion.

(4) Where a property has been omitted by error or has been assessed in error or has been assessed for a solar improvement tax for a greater amount or a lesser amount than the property should have been assessed, the Engineer may at any time amend the assessment list to correct the error and adjust the assessment.

5A. (1) For energy equipment installed after the coming in force of this section, the Treasurer shall receive a copy of the signed agreement that is required pursuant to clause 2B(f) and written confirmation from an owner of the property confirming the installation of the energy equipment is complete.

(2) Payment of the charge under this by-law shall commence once the installation of the energy equipment is complete.

6. The Treasurer shall keep a separate account of all monies due for solar collector improvement tax and a charge levied pursuant to this by-law and the account shall contain:

(a) the names of the owners of properties liable for a solar collector improvement tax levied pursuant to section 3 or a charge imposed pursuant to section 3A or 3B;

(b) the amount due with respect to each property; and

(c) the amount paid with respect to each property.

Lien

7. (1) A charge imposed pursuant to this by-law constitutes a lien upon the property with respect to the solar collector improvement tax levied pursuant to section 3 or a charge imposed pursuant to section 3A or 3B has been levied in the same manner and with the same effect as rates and taxes under the Assessment Act.

(2) A charge imposed pursuant to this by-law is collectable in the same manner as rates and taxes under the Assessment Act and at the option of the Treasurer is collectable at the same time and by the same proceedings as are rates and taxes.

(3) The lien provided for in this by-law shall become effective on the date on which the Treasurer receives a certificate that the improvement has been completed.

(4) The lien provided for in this by-law shall remain in effect until the charge plus interest has been paid in full.

Interest

8. (1) For a tax levied pursuant to section 3, interest shall accrue on charges outstanding from the date of billing at a rate equal to the project's financing cost, as indicated on the Solar City Customer Agreement, on the date that notification of the solar collector improvement is issued by the Treasurer.

(2) For a charge imposed pursuant to section 3A or 3B, interest shall accrue on charges outstanding from six weeks after the date of billing at a rate as indicated in the agreement required by clause 2B (f).

Installments

9. The amount payable may, at the option of the owner of the property, be paid in equal annual installments over a period not exceeding ten years and the balance becomes due and payable in case of default of payment of an installment.

Done and passed by Council this 17th day of April, A.D., 2012.

Mayor

Municipal Clerk

I, Cathy Mellett, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on April 17, 2012.

Cathy Mellett, Municipal Clerk

Notice of Motion:	March 6, 2012
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Amendment #1 – S-501

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