

TOWN OF TABER  
BYLAW NO. 15 – 2022

**BEING A BYLAW OF THE TOWN OF TABER, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF A CLEAN ENERGY IMPROVEMENT PROGRAM WITHIN THE TOWN OF TABER.**

---

WHEREAS section 390.3 of the *Municipal Government Act* (Alberta, R.S.A. 2000, Chapter M-26, and amendments thereto) permits a Council to establish a bylaw to permit a Clean Energy Improvement Program;

AND WHEREAS Council wishes to enable financing for clean energy improvements for eligible properties in the municipality;

AND WHEREAS Alberta Municipal Services Corporation (operating as Alberta Municipalities) has been designated by the Minister as the Program Administrator responsible for the Clean Energy Improvement Program, to support municipalities in Alberta that finance clean energy improvements;

AND WHEREAS the Clean Energy Improvement Program (“Program”) is a financing program that uses municipal financing to facilitate the implementation of clean energy improvements to residential properties, through the use of a local assessment mechanism, to provide security for repayment of the financing;

NOW THEREFORE the Council of the Town of Taber in the Province of Alberta, duly assembled, hereby enacts as follows:

**1.0 NAME OF BYLAW**

This Bylaw may be cited as the Clean Energy Improvement Tax Bylaw.

**2.0 DEFINITIONS**

In this Bylaw:

**Act** means the *Municipal Government Act* R.S.A. 2000, c. M-26 as amended, and any amendment or substitutions thereof;

**Agreement** means a Clean Energy Improvement Agreement executed between the Municipality and the Owner of an Eligible Property whereby the Owner agrees to pay an amount required to cover the costs of financing each Eligible Clean Energy Improvement approved by the Program Administrator, as drafted in accordance with section 390.4 of the *Act*;

TOWN OF TABER  
BYLAW NO. 15 – 2022

<b>Bylaw</b>	means the Clean Energy Improvement Tax Bylaw established by the Municipality;
<b>Chief Administrative Officer</b>	means the Chief Administrative Officer for the Town of Taber, regardless of the specific title that may be conferred on the Officer by Council from time to time;
<b>Clean Energy Improvement Tax</b>	means a tax levied against an Eligible Property pursuant to an Agreement;
<b>Council</b>	means the Council for the Town of Taber;
<b>Municipality</b>	means the Town of Taber;
<b>Owner</b>	means, collectively, the registered owners of a property;
<b>Program Administrator</b>	means the Municipal Climate Change Action Centre, Alberta Municipal Services Corporation, or provincially designated Program Administrator as defined in the Clean Energy Improvements Regulation;
<b>Regulation</b>	means the Clean Energy Improvements Regulation, A.R. 212/2018 and amendments thereto.

**3.0 GENERAL**

- 3.1 A property owner of an eligible property within the Municipality can apply to the Program Administrator to seek financing for a clean energy improvement to their property.
- 3.2 Participation in the Program is limited to eligible properties, defined as a property located within the Municipality that is designated as residential, or multi-unit residential (>5 units), but does not include designated commercial, industrial property, government-owned properties, farmland, non-profit, or designated manufactured homes.
- 3.3 The Chief Administrative Officer, or designate, of the Town of Taber is hereby authorized to impose a Clean Energy Improvement Tax, in respect of each clean energy improvement made to a property, where the Municipality has entered into a Clean Energy Improvement Agreement with the Owner of the property.

TOWN OF TABER  
BYLAW NO. 15 – 2022

- 3.4 The Clean Energy Improvement Tax will be voluntarily levied against a property when there is a Clean Energy Improvement Agreement, to raise revenue to pay the amount required to recover the costs of those clean energy improvements, including principal and interest, to do so between the municipality and the property Owner.

**4.0 TERMS AND CONDITIONS**

- 4.1 The property Owner must meet the criteria listed below to be eligible to participate in the Clean Energy Improvement Program:
- 4.1.1 They must be current on their taxation payment for the property, for a period of two years, prior to the date of the application to the program;
  - 4.1.2 They must have never been in collections for a property in the Town of Taber;
  - 4.1.3 They may, for first-time property owners that have purchased the property within the last year, be subject to an enhanced financial eligibility review;
  - 4.1.4 They must, for property owners that are new to the municipality and do not have a financial history with the Municipality, submit a record of property tax verification from another municipality, for any property previously owned in a different municipality;
  - 4.1.5 They must provide mortgage information if the mortgage amount exceeds the assessed value of the home. In such a case, the Municipality reserves the right to deny the applicant;
  - 4.1.6 They must be in good standing with the Municipality. The Municipality reserves the right to deny the applicant, if the applicant is not in good standing with any Department of the Municipality. The Municipality reserves the right to define what "good standing" entails, and can include any development compliance issues;
  - 4.1.7 They must not be in bankruptcy (or insolvency), the property must not be in foreclosure, and the property Owner will be required to provide a sworn statement confirming this;
  - 4.1.8 They must be current on their mortgage payment, current on any other debts secured by the property and have not been late on any such payments. They may be required to submit a letter from their financial institution confirming this;
  - 4.1.9 They must meet any additional eligibility criteria as identified by the Municipality or the Program Administrator.

TOWN OF TABER  
BYLAW NO. 15 – 2022

- 4.2 For a clean energy improvement to be eligible, it must be an installation that is permanently affixed to the eligible property which:
- 4.2.1 Will result in increased energy efficiency or use of renewable energy on that property;
    - 4.2.1.1 Interior and Exterior Lighting and Lighting Controls;
    - 4.2.1.2 HVAC (i.e., High efficiency furnace);
    - 4.2.1.3 Water Heating;
    - 4.2.1.4 Doors, Windows, Insulation and Air Sealing;
    - 4.2.1.5 Renewable Energy Upgrades (i.e., photovoltaic solar system);  
or,
    - 4.2.1.6 Such other clean energy improvements as are approved and agreed to in writing by the Municipality within the Agreement, and those improvements provided on the list of eligible upgrades available through the Program Administrator's website;
  - 4.2.2 Is not less than three thousand (\$3,000) dollars in capital cost of the project value;
  - 4.2.3 Does not exceed \$50,000 for residential, and \$50,000 for multi-unit residential (>5 units), in project value.

- 4.3 Whereby the amount of the tax authorized by a bylaw under section 353 (property tax) of the *Municipal Government Act* most recently, and imposed on the property, is greater than or equal to the annual payment calculated in accordance with the following formula:

$$\frac{A + B + C}{D}$$

Where A is the capital cost of undertaking the clean energy improvement;  
B is the total cost of professional services needed for the clean energy improvement;  
C is the total of all incidental costs;  
D is the lesser of the probable lifetime, calculated in years, of the improvement or the maximum financing term established by the Municipality.

- 4.4 The Clean Energy Improvement Agreement will be set out as under Section 390.4 of the *Municipal Government Act*, and as amended.

TOWN OF TABER  
BYLAW NO. 15 – 2022

- 4.5 The cost of each eligible clean energy improvement may be spread out over time, not to exceed the maximum financing term established by the municipality, and in no case will such period exceed the probable lifetime of the applicable improvement. In the case of multiple upgrades to a single eligible property, a weighted average of the probable lifetimes of each upgrade will be utilized.
- 4.6 The annual repayment amount may not exceed the annual taxation amount for the property in question.
- 4.7 A property owner may submit one application per year.
- 4.8 The property owner(s) can apply for the program:
- 4.8.1 By submitting an application to the Program Administrator for the Clean Energy Improvement Program, including any required supporting documentation, and following all program requirements as outlined by the Program Administrator and the Municipality;
- 4.9 By paying the required application fee.
- 4.10 Over the course of up to a four (4) year period, and in the form of a line of credit or other loan instrument, the Town will borrow funds totaling up to one million and six hundred thousand (\$1,600,000) from a financial institution and/or the Green Municipal Fund, a program delivered by the Federation of Canadian Municipalities and funded by the Government of Canada, in order to finance approved Eligible Clean Energy Improvements.
- 4.11 The annual maximum amounts to be borrowed by the municipality towards the Clean Energy Improvement Program, are as follows:
- 4.11.1 \$371,000 in the first year of the program;
- 4.11.2 \$390,000 in the second year, plus unallocated amounts from the first year of the program.
- 4.11.3 \$409,000 in the third year, plus cumulative unallocated amounts from the first and second years of the program; and
- 4.11.4 \$430,000 in the fourth year, plus cumulative unallocated amounts from the first, second and third year of the program.
- 4.12 The annual borrowed amount will carry an interest rate not to exceed EIGHT percent (8%), a maximum term of twenty-five (25) years, and repayment terms including principal and interest, plus other fees or charges applicable to the borrowing.
- 4.13 The principal and interest owing under the borrowing will be paid using the proceeds from the Clean Energy Improvement Tax and payments made by the approved project recipients through the Municipality on the annual improvement levy.

TOWN OF TABER  
BYLAW NO. 15 – 2022

- 4.14 A Clean Energy Improvement Tax will be imposed on the property that is subject to a Clean Energy Improvement Agreement, at any time following the signing of that Agreement.
- 4.15 In the event that an owner wishes to repay the Clean Energy Improvement Program financing early, the amount owing will be calculated at the time of the request, based on principal and interest remaining and the terms of the financing being used for the project(s).
- 4.16 Any project(s) that has been approved under the Clean Energy Improvement Program, must be completed within the timeline as set out under the Agreement.
- 4.17 If any clause in this bylaw is found invalid, it shall be severed from the remainder of this bylaw and shall not invalidate the whole bylaw.

**5.0 INTENTION OF TOWN COUNCIL**

It is the intention of the Town Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is further the intention of the Town Council that if any provision of the Bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.

**6.0 EFFECTIVE DATE**


This Bylaw shall take effect on the day of the final passing and the signatures of the chief elected official and duly authorized designated officer thereof.


RES. 265/2022 Read a first time this 15<sup>th</sup> day of August, 2022

RES. 297/2022 Read a second time this 26<sup>th</sup> day of September, 2022

RES. 298/2022 Read a third time and finally passed this 26<sup>th</sup> day of September, 2022

TOWN OF TABER

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER (C.A.O.)