

**MUNICIPALITY OF JASPER
BYLAW #263**

BEING A BYLAW OF THE MUNICIPALITY OF JASPER IN THE PROVINCE OF ALBERTA, TO AUTHORIZE THE CLEAN ENERGY IMPROVEMENT PROGRAM.

WHEREAS: a Clean Energy Improvement Program is a financing program that facilitates the construction and installation of Eligible Clean Energy Improvements to Eligible Properties;

AND WHEREAS: pursuant to section 390.3 of the Act, Council wishes to pass a Clean Energy Improvement Tax Bylaw to establish a Clean Energy Improvement Program;

AND WHEREAS: a Clean Energy Improvement Program Tax Bylaw authorizes a municipality to make a borrowing for the purpose of financing Clean Energy Improvements to Eligible Properties and authorizes Council to impose a Clean Energy Improvement Tax to raise revenue to pay the amount required to recover the costs of that Clean Energy Improvement;

AND WHEREAS: the Minister of Environment and Parks has designated Alberta Municipal Services Corporation ("AMSC") as the Program Administrator for the Clean Energy Improvement Program;

AND WHEREAS: the Program Administrator has developed a property assessed clean energy style program to support municipalities' efforts to establish Clean Energy Improvement Programs;

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

1. CITATION

- 1.1 This Bylaw shall be known as the "Clean Energy Improvement Program Tax Bylaw".

2. DEFINITIONS

- 2.1 In this Bylaw:
 - 2.1.1 "**Act**" means the *Municipal Government Act*, R.S.A. 2000, Chapter M26, as amended.
 - 2.1.2 "**Administration Fee**" means an administration fee as defined in section 1(a) of the Regulation.

- 2.1.3 **"Agreement"** or **"Clean Energy Improvement Agreement"** means in accordance with section 390.4 of the Act, 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.
- 2.1.4 **"Bylaw"** means this Clean Energy Improvement Program Tax Bylaw.
- 2.1.5 **"Chief Administrative Officer"** or **"CAO"** means the Chief Administrative Officer of the Municipality, as appointed by Council and pursuant to the Act, including the CAO's designate.
- 2.1.6 **"Clean Energy Improvement"** or **"Improvement"** means a clean energy improvement as defined in Section 390.1 of the Act.
- 2.1.7 **"Clean Energy Improvement Program"** or **"CEIP"** or **"Program"** means a Clean Energy Improvement Program as described in Part 10, Division 6.1 of the Act and in the Regulation.
- 2.1.8 **"Clean Energy Improvement Tax"** means a tax levied against an Eligible Property pursuant to an Agreement in accordance with Part 10, Division 6.1 of the Act.
- 2.1.9 **"Council"** means the Municipality's duly elected municipal Council.
- 2.1.10 **"Eligible Clean Energy Improvement"** means an improvement that the Program Administrator qualifies as such, in accordance with section 3(1) of the Regulation.
- 2.1.11 **"Eligible Property"** means a residential property, situated within the Municipality, that qualifies as eligible under section 390.2 of the Act, on which an Owner is applying to affix a Clean Energy Improvement.
- 2.1.12 **"Leaseholder"** shall mean a grantee or a Person or other legal entity holding a valid lease or license of occupation with the federal Crown for the use or occupation of land in Jasper National Park, and shall mean Canadian National Railway in respect of lots or land parcels held by Canadian National Railway, and shall mean Jasper National Park of Canada in respect of lots or land parcels held by the Crown;"
- 2.1.13 **"Municipality"** and **"Municipality of Jasper"** shall mean the Municipality of Jasper located in Jasper National Park in the Province of Alberta.
- 2.1.14 **"Owner"** shall include a leaseholder or a manager and any person having authority of an Eligible Property
- 2.1.15 **"Program Administrator"** means the Alberta Municipal Services Corporation ("AMSC"), operating as Alberta Municipalities, or the provincially designated Program Administrator as defined in the Regulation.

2.1.16 **"Regulation"** means the *Clean Energy Improvements Regulation* A.R. 212/2018 and amendments thereto.

3. PROGRAM ADMINISTRATION

- 3.1 The Municipality shall enter into an agreement, pursuant to section 6 of the Regulation, to have the Program Administrator act as the program administrator of the Program for the Municipality.
- 3.2 The CAO shall have the authority to approve and enter into the agreement with the Program Administrator on behalf of the Municipality.
- 3.3 When exercising duties under the Program, the Program Administrator shall not act as an agent of the Municipality.

4. LIMITATIONS

- 4.1 The Municipality shall not enter into a Clean Energy Improvement Agreement when:
 - 4.1.1 Tax arrears have been owing on the property;
 - 4.1.2 the Owner is in bankruptcy or in receivership;
 - 4.1.3 the property is going through foreclosure;
 - 4.1.4 it is prohibited from doing so pursuant to sections 10(1)(c) and 10(2) of the Regulation;
 - 4.1.5 there appears to be limited equity in the Property;
 - 4.1.6 the property has unresolved development compliance or safety code issues;
 - 4.1.7 the costs under proposed Clean Energy Improvement Agreement shall cause the Municipality to exceed the amount of borrowing authorized under this Bylaw;
 - 4.1.8 the Owner does not intend to permanently affix the Clean Energy Improvement to the Property;
 - 4.1.9 the Program Administrator has not approved the Owner's application for a Clean Energy Improvement; or
 - 4.1.10 the Owner, or the property, does not otherwise meet the eligibility requirements of the Act, the Regulation or this Bylaw.

5. APPLICATION

- 5.1 Pursuant to the Program, an Owner of an Eligible Property may apply to the Program Administrator to finance an Eligible Clean Energy Improvement. The Program Administrator may charge an Administration Fee in relation to any such application, pursuant to Section 8 of the Regulation.
- 5.2 An Owner may submit one (1) Program application per year, per Eligible Property.
- 5.3 A Property's tax-exempt status shall have no effect on eligibility to participate in the Program, or on the Owner's liability to pay the Clean Energy Improvement Tax pursuant to an Agreement.
- 5.4 The Municipality may enter into an Agreement with an Owner on a discretionary basis but subject at all times to the requirements, conditions and limitations set out in sections 10(1) of the Regulation including, but not limited to, the Program Administrator's approval of the application referenced in Section 3.
- 5.5 Pursuant to section 10(1)(b) of the Regulation, the Municipality shall not enter into a Clean Energy Improvement Agreement when the value of the capital costs of undertaking all Eligible Clean Energy Improvements to the Property are:
 - 5.5.1 less than \$3000; or
 - 5.5.2 greater than \$50,000 for properties classified as residential.
- 5.6 Pursuant to section 390.4 of the Act and sections 10(4), (5), (6) and (7) of the Regulation, a Clean Energy Improvement Agreement shall be signed by all Eligible Property Owners.
- 5.7 Where the Municipality has entered into an Agreement with an Owner, and at any time following the signing of that Agreement, but in no case later than the next annual tax notice following payment being authorized by the Municipality to a Contractor for the Improvement, a Clean Energy Improvement Tax will be imposed in respect of an Eligible Clean Energy Improvement made to an Eligible Property, in order to raise revenue to pay the amount required to recover the cost of the Eligible Clean Energy Improvement, pursuant to that Agreement.
- 5.8 A Clean Energy Improvement Tax shall be paid in accordance with the Clean Energy Improvement Agreement and be inclusive of:
 - 5.8.1 the capital cost of undertaking the Clean Energy Improvement;
 - 5.8.2 the Administration Fee;
 - 5.8.3 the cost of financing the Clean Energy Improvement; and
 - 5.8.4 any other expenses incidental to the undertaking of the Clean Energy Improvement and the raising of revenue to pay for it.

- 5.9 For the purposes of imposing a Clean Energy Improvement Tax, the period over which the cost of each Eligible Clean Energy Improvement will be spread may vary, but in no case will such period exceed the probable lifetime of the applicable Improvement as determined by the Program Administrator, to a maximum of 25 years. In the case of multiple upgrades to a single Eligible Property, financing terms will be calculated for each upgrade separately and will be added to the property tax bill as a single line item.
- 5.10 The Clean Energy Improvement Tax shall be shown as a separate line item on the Eligible Property's tax roll and on any tax notices.
- 5.11 Over the course of the Program, and in the form of a line of credit or other loan instrument, the Municipality may borrow funds totalling up to an annual amount of \$200,000 from a financial institution in order to finance Eligible Clean Energy Improvements meeting the eligibility requirements of the Act, Regulation and this Bylaw.
- 5.12 The annual borrowed amount will have a maximum rate of interest of ten percent (10%), a maximum term of twenty-five (25) years, and repayment terms including principal and interest, plus other fees or charges applicable to the borrowing.
- 5.13 The principal and interest owing under the borrowing will be paid using the proceeds from the Clean Energy Improvement Taxes and other payments that may be made by the Owners with respect to the terms of their individual Agreements.
- 5.14 The funds borrowed under this Bylaw shall be applied only for the purposes specific in this Bylaw and for no other purpose.
- 5.15 If an Owner wishes to make early, full repayment of an amount financed by a Clean Energy Improvement Tax, the amount owing will be calculated at the time of the request, based on the principal and interest remaining and the terms of the Clean Energy Improvement Agreement.
- 5.16 Any Eligible Clean Energy Improvement that has been approved under the Program must be completed within the time limit as set out under the Agreement.

6. SEVERANCE

- 6.1 If any clause in this Bylaw is found to be invalid, it shall be severed from the remainder of the Bylaw and shall not invalidate the remainder.

7. COMING INTO EFFECT

- 7.1 Pursuant to section 390.3 of the Act, Council must, before giving second reading to a proposed Clean Energy Improvement Tax Bylaw, hold a public hearing with respect to the proposed Bylaw in accordance with section 230 after giving notice of it in accordance with section 606.
- 7.2 This Bylaw shall come into force and effect on the final day of passing thereof.
- 7.3 If any provision herein is adjudged to be repugnant to any federal regulation or legislation, this Bylaw shall continue in full force and effect but any such repugnant provision shall be of no force or effect until such time as the repugnancy is removed by repeal or amendment of the federal legislation or regulation.

READ a first time this 16th day of July, 2024

READ a second time this 3rd day of September, 2024

READ a third time and finally passed this 10th day of September, 2024

Mayor

Chief Administrative Officer



**Certification of Municipality of Jasper
Bylaw #263
Clean Energy Improvement Program**

I, Alan Fehr, Field Unit Superintendent of Jasper National Park of Canada, pursuant to Article 4.4 of the Agreement for the Establishment of Local Government in the Town of Jasper ("Local Government Agreement") have reviewed the Municipality of Jasper Bylaw #263, which received its first reading on the 16th day of July 2024 and its second reading on the 3rd day of September 2024 by the Council of the Municipality hereby certify with respect to Bylaw #263 that:

- 1) there are no impacts on the environment, or that any environmental impacts can be appropriately mitigated; and
- 2) there is no encroachment on Canada's authority in the areas of land use planning and development.

Dated at the Town of Jasper, in the Province of Alberta, this 6th day of September 2024.

Alan Fehr
Field Unit Superintendent of
Jasper National Park of Canada