

**TITLE XIV
OGUNQUIT MUNICIPAL CODE
PROPERTY ACCESSED CLEAN ENERGY (PACE) ORDINANCE**

CHAPTER 1 - PURPOSE AND ESTABLISHED LEGISLATION

101 Purpose

The purpose of this Ordinance is to enable its citizens to participate in a Property Assessed Clean Energy (PACE) Program so that owners of qualifying property can access financing for energy saving improvements to their property(ies) located in the Town. The Town declares its purpose and the provisions of this Ordinance to be in conformity with federal and State laws.

102 Established Legislation

The Town of Ogunquit enacts this Ordinance pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature – “An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act” (35-A M.R.S.A. § 10151, *et seq.*).

CHAPTER II- TITLE AND DEFINITIONS

201 Title

This Title shall be known and may be cited as the “Town of Ogunquit Property Assessed Clean Energy (PACE) Ordinance”.

202 Definitions

Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings; as used in this Ordinance, the following words and phrases shall have the meaning indicated:

202.1 Energy saving improvement: An improvement to qualifying property that is new and permanently affixed to qualifying property and that:

(a) Will result in increased energy efficiency and substantially

Reduce energy use and:

1. Meets or exceeds applicable United States Environmental Protection Agency and United States Department of

Energy, Energy Star Program or similar energy efficiency Standards established or approved by the Trust; or

2. Involves air sealing, insulating, and other energy efficiency

improvements of residential, commercial or industrial

property in a manner approved by the Trust; or

(b) Involves a renewable energy installation or an electric thermal

Storage system that meets or exceeds standards established or approved by the Trust.

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Municipality: The Town of Ogunquit “Town”.

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creation of
is approved, in
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PACE agreement: An agreement between the owner of the qualifying property and the Trust that authorizes the the PACE mortgage on qualifying property and that writing, by all owners of the qualifying property at agreement, other than mortgage holders.

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PACE assessment: An assessment made against a qualifying property to repay a PACE loan.

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Town’s

PACE district: The area within the Town establishing a PACE Program hereunder, which is all that area within the boundaries.

- 202.6** PACE loan: A loan, secured, by a PACE mortgage, made of the owner(s) of a qualifying property pursuant to a PACE Program to fund energy saving improvements.
- 202.7** PACE mortgage: A mortgage securing a loan made pursuant to the PACE Program to fund energy saving improvements on qualifying property.
- 202.8** PACE program: A program established under State statute by the “Trust” or a municipality under which property owners can finance energy savings improvements on qualifying property.
- 202.9** Qualifying property: Real property located in the Town.
- 202.10** Renewable energy installation: A fixture, product, system device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.
- 202.11** Trust: The Efficiency Maine Trust established in 35-A M.R.S.A. §10103 and/or its agent(s), if any.

CHAPTER III - PACE PROGRAM

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Establishment

The Town hereby establishes a PACE Program allowing owners of
qualifying property located in the Town who so choose to access financing
for energy saving improvement to their property through PACE
administered by the “Trust” or its agent.

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Funding

The PACE program shall be financed by funds awarded to the “Trust”
under the Federal Energy Efficiency and Conservation Block Grant
(EECBG) Program and by other funds available for this purpose.

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Amendment to PACE Program

The Town may, from time-to-time, amend this Ordinance to use any other
funding sources made available to it or appropriated for by it for
express purpose of the PACE program, and the Town shall be
for administration of loans made from those other funding
source.

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responsible

CHAPTER IV-

PACE PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY

Administration

Town and
the Trust,

The “Trust” shall administer the PACE Program for the Town in accordance with a PACE administration contract between the the Trust, which will establish the administrative duties of including, without limitation:

- (a) the Trust will enter into PACE agreements with owners of qualifying property in the Town;
- (b) the Trust, or its agent, will create and record a Notice of the PACE agreement in the York County Register of Deeds to create a PACE mortgage;
- (c) the Trust, or its agent, will disburse the PACE loan to the property owner;
- (d) the Trust, or its agent, will send PACE assessment statements, with payment deadlines, to the property owner;
- (e) the Trust, or its agent, will be responsible for collection of the PACE assessments;
- (f) the Trust, or its agent, will record any lien, if needed, due to non-payment of the assessment; and
- (g) the Trust, or its agent, shall promptly record the discharges of PACE mortgages upon full payment of the PACE loan.

401.1 Assessments Not a Tax

Trust and

PACE assessments do not constitute a tax, but may be assessed and collected by the Trust in any manner determined by the consistent with applicable law.

401.2 Assistance and Cooperation

The Town will assist and cooperate with the Trust in its administration of the Town's PACE Program.

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Liability of Municipal Officials; Liability of Municipality

- (a) Notwithstanding any other provision of law to the contrary, municipal officers and officials, including, without limitation, tax assessors, and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

- (b) Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under this Section the Town has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

CHAPTER V - MUNICIPALITY'S RESPONSIBILITIES

501 Education and Outreach Program.

The Town agrees to adopt and implement an education and outreach program so that owners of property in the Town are made aware of home energy saving opportunities, including the PACE opportunity to finance energy saving improvements with a loan.

502 Conformity with Home Energy Savings Program

The Town agrees to conform its PACE Program to requirements contained in the Home Energy Savings Program.

503 Acceptance and Disbursement of Funds

The Town agrees to accept PACE funds from the Trust and disburse PACE funds back to the Trust, as needed, to satisfy the conditions of the federal grants and to allow the Trust to fund and administer a uniform system of municipal PACE Programs throughout the State.

IN WITNESS WHEREOF, UNDER SEAL OF THE TOWN, this Ordinance as duly approved
by the voters acting on Article 17 at an Annual Town Meeting held on June 14, 2011.

/s/by Judy S. Kagiliery

Office of the Town Clerk