

hereby enacted and that the Clerk be and he is hereby instructed to forward same to the Minister of Municipal Affairs with a request for his approval hereof.

#### IMPROVEMENT CHARGES

1. The Town Council by resolution may order and direct that a permanent curb, gutter, sidewalk, or pavement or any of them may be installed, laid or constructed on any street in the Town, whether or not the same has been previously installed, laid or constructed thereon, with such material as the Council deems necessary or advisable.

2. The costs incurred in installing, laying or constructing such curb, gutter, sidewalk or pavement may, after resolution of Town Council so directing, be paid for as follows:

- (a) one-half the cost shall be paid by the Town;
- (b) one-half the cost shall be paid by the owners of the properties fronting on the curb, gutter, sidewalk or pavement frontage in proportion to the length of frontage of each property;
- (c) the full cost shall be paid by the Town for any curb, gutter, sidewalk or pavement situate at the intersection of two streets, and common to both.

3. The Town Engineer shall keep an account of the cost of such work and on its completion shall file in the Town Clerk's office:

- (a) a statement of the cost of the work; the amount to be paid by the Town pursuant to clause (c) of section 2; the total lineal frontage and the cost per foot to be paid by abutters;
- (b) a statement of the lineal frontage of each property with the name of the owner thereof.

4. The Town Clerk, from the statements filed by the Engineer, shall determine the amount of charge or tax to be assessed and levied upon and paid by the respective owners of properties fronting on the curb, gutter, sidewalk or pavement.

5. Every charge or tax imposed under the provisions of this by-law, shall constitute a lien upon the real property, as is provided for rates and taxes by section 153 of Chapter 14 of R.S.N.S. 1967, the Assessment Act, as amended, and shall be collectible in the same manner as rates and taxes on real property are collected, under the Assessment Act.

6. (1) Such charge or tax shall be due and payable on the day when the bill therefor is mailed by ordinary mail to the person liable, and at the option of the respective persons liable may be paid in either of the following ways:

- (a) by one lump sum payment in the year in which the charge or tax is assessed; or
- (b) by equal annual payments, each payable on the anniversary of the date on which the amount became due and payable, extended over the period of ten years, with interest payable thereon annually at the rate of six per centum per annum with power however to prepay the whole

or any part of the amount remaining, at any time, without notice and provided that if default is made in the payment of any annual payment or interest or both when it falls due then the whole balance immediately becomes due and payable without notice or demand.

(2) The owner shall within one month after receiving his bill, notify the Town Clerk in writing, which option he has selected under subsection (1), and in event of his failure to do so shall be deemed to have selected that provided by clause (b) thereof.

I, COLIN J. MACDONALD, CLERK OF THE TOWN OF PORT HAWKESBURY, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF A BY-LAW DULY PASSED AT A DULY CALLED MEETING OF THE TOWN COUNCIL OF THE TOWN OF PORT HAWKESBURY DULY CONVENED AND HELD ON THE 18TH DAY OF APRIL, A.D., 1978.

GIVEN UNDER THE HAND OF THE TOWN CLERK AND UNDER THE CORPORATE SEAL OF THE SAID TOWN THIS 25TH DAY OF APRIL, A.D., 1978.

DEPARTMENT OF MUNICIPAL AFFAIRS	
Recommended for approval of the Minister	
<i>Paul W. W. Williams</i> Departmental Solicitor	
APPROVED THIS	15 <sup>th</sup> day
of	May 1978
<i>James L. ...</i> Minister of Municipal Affairs	

*Colin J. MacDonald*  
COLIN J. MACDONALD  
TOWN CLERK