

## 1929, ch. 169, sec. 12.

965. (A) The Council is authorized and empowered whenever in its judgment, the public health, safety, or comfort requires it, to grade, construct, reconstruct, pave or otherwise improve any street, sidewalk, alley and public highway, or parts thereof, at such time and to such extent and of such materials and in such manner as shall be provided by ordinance and to lay water mains and sewers in said town and to pay the costs of all such work and assess said cost, or any part thereof, against the abutting property as hereinafter provided in this section.

(B) Before entering upon the construction of any work or improvement specified herein, the Council shall by ordinance designate the location, extent and kind of work or improvement proposed to be done or made, the kind of materials to be used, the estimated cost of the improvement and the real property which will be specially benefited thereby and which it is proposed to assess to pay all or any part of the cost thereof, and shall fix a time and place when and where the owner or owners of the property to be so assessed therefor can be heard in reference thereto. Notice of such hearing, embodying the substance of said ordinance, shall be served upon the owners of said properties by mailing a copy thereof to their last known postoffice address of record and by publishing said notice two times in some newspaper of general circulation in said town, the last publication to be not less than three days before said hearing.

(C) If after the hearing the Council shall be of the opinion that the public health, safety or comfort requires the work or improvement proposed to be done or made, they shall provide by ordinance for the same any may charge the expense thereof or any part of such expense against the property which they shall find to be specially benefited thereby according to the lineal frontage of said property; and the Council shall include as a part of the cost of said work to be assessed against the benefited property the cost of said work embraced in street intersections and exemptions on corner lots or irregularly shaped lots, the actual interest charges covering the term of indebtedness on the certificates issued for such public work and a reasonable percentage for advertising, clerical work and other miscellaneous expenses in connection with said work, and the items above stated are hereby declared to be a part of the cost of said public work. The Council shall also provide in said ordinance the time and terms upon which payment of said assessments for said work and improvements shall be made by said property owners, the rate of interest, if any, that shall be charged upon deferred payments and shall provide penalties for failure to pay any deferred payment when due. Assessments so levied as aforesaid shall be a lien upon the property against which they are charged superior to all other liens from the date of the approval of such assessments by the Council.

(D) In the event that provision shall be made for the payment of the assessments aforesaid in installments, upon a failure to pay any one or more of said installments when the same shall become due the whole amount thereof and of such assessment shall immediately become due and