

Order No. 97/19

**MUNICIPALITY OF HAMIOTA
HAMIOTA WATER & WASTEWATER UTILITY
WATER AND WASTEWATER RATES**

July 10, 2019

**BEFORE: Shawn McCutcheon, Panel Chair
Mike Watson, Panel Member**

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1.0 Executive Summary

By this Order, the Manitoba Public Utilities Board (Board) varies the application made by the Municipality of Hamiota (Municipality), Hamiota Water and Wastewater Utility (Utility) and approves revised water and wastewater rates shown below.

The Board also confirms as final the interim water and wastewater rates previously established on an interim *ex parte* basis by Board Order No. 64/19.

The revised rates are below:

	Current rates July 1, 2019	Oct 1, 2019	July 1, 2020	July 1, 2021	Oct 1, 2022
Water per 1,000 gallons	\$ 9.27	\$ 9.27	\$ 9.65	\$ 10.03	\$ 10.03
Wastewater per 1,000 gallons	\$ 2.67	\$ 4.14	\$ 4.14	\$ 4.24	\$ 4.24
Quarterly Service Charge	\$ 13.91	\$ 22.07	\$ 22.46	\$ 22.87	\$ 22.87
Rate rider per 1,000 gallons - 2016 deficit	\$ 1.79	\$ -	\$ -	\$ -	\$ -
Rate rider per 1,000 gallons - 2017 2018	\$ -	\$ 1.55	\$ 1.55	\$ 1.55	\$ -
Minimum Quarterly Charge**	\$ 55.10	\$ 66.96	\$ 68.48	\$ 70.33	\$ 65.68
Hydrant rental fee	\$ 125.00	\$125.00	\$125.00	\$125.00	\$125.00
*one year rate rider effective September 16, 2018					
**Based on 3,000 gallons and includes rate riders					

Details of other rates are in the attached Schedule "A".

The reasons for the Board's decisions are found under "Board Findings".

2.0 Background

The Hamiota water and wastewater utility was constructed from 1962-1964.

The system provides water only or water and wastewater services to 430 customers. Utility bills are mailed out quarterly separate from property tax bills. The Utility currently provides water only service to seven residential customers, a 2,500 head sow barn and a boar stud operation, all within the Hamiota Municipality.

Prior to the interim *ex parte* rates set in May 2019 in Board Order No. 64/19, rates were last approved in Board Order No. 88/92, going into effect in 1992. In Board Order No. 113/18 the Board approved the recovery of the 2016 deficit in the amount of \$37,975 through a rate rider of \$1.79 per 1,000 gallons beginning September 16, 2018. The rate rider was to be collected over a period of one year.

Water Supply and Distribution

The original water plant was a lime soda ash plant with the production well ½ mile west of town. The waterlines were cast iron with copper service connections. In May 1983 a new production well was installed beside the water plant, the old well was disconnected from the plant and turned into a municipal well. Due to corrosion and numerous water breaks a program to replace the original waterlines began in the early 1980's and was completed about a decade later, the cast iron pipe was replaced with plastic series pipe.

The lime soda ash plant was changed over to a greensand and nano filtration system in 1996 and in 2010 the nano membranes were changed out for RO membranes.

Wastewater Collection and Treatment

The sewer lines were concrete with asbestos cement service connections, and the original lagoon had three cells, expanded to four cells in the late 1980's. In the late 1990's the original concrete sewer lines began to fail, the lines have gradually been replaced or lined where possible; to date about 75% of the sewer mains have been replaced or lined.

Unaccounted for Water

Unaccounted for water in 2017 was 14%, which is higher than the PUB's target level of 10%. The Utility replaced some water meters in 2018. Sewer relining has been the primary focus of the Utility's capital program due to the poor shape of the sewer lines. As the Utility returns to financial health, the Municipality's intent is to replace water lines and curb stops as funding is available.

3.0 Application

On February 21, 2019, the Board received an application for revised rates from the Utility. The application was accompanied by a rate study completed by the Municipality's consultant and By-law 2019-01 read for the first time on January 16, 2019. The application also included Council Resolution #5 requesting that the Board approve operating deficits of \$52,967 (2017), \$24,793 (2018) and \$27,043 (2019). The Municipality requested approval to recover the deficits through a rate rider of \$1.55 per 1,000 gallons for a three year period commencing October 1, 2019.

The Municipality requested that the Board approve the requested Utility rates on an interim *ex parte* basis. The Board issued Board Order No. 64/19 approving interim rates.

The Municipality states the revised rates are required to provide contingency funding, an annual transfer to the Utility reserve, to bring the annual operating budget into balance,

for an increase in Public Works salary time allocated to the Utility and for an increase in Administration expense allocated to the Utility.

The Board issued a Public Notice of Application with respect to the proposed rate increases on May 22, 2019 allowing for stakeholder questions or comments on or before June 21, 2019. No responses were received.

When reviewing an application, the Board has at its disposal two approaches, a paper review process or a public hearing. After the publication of the Notice of Application, the Board considers the application and responses, if any, and determines which method of review is most appropriate. Whenever reasonable, the Board can review the application using a paper review process, which saves the cost of a public hearing.

Where there is an urgent need for a rate increase and the Board determines it to be in the best interest of all parties, the Board may also establish interim *ex parte* rates. Interim rates are typically approved as applied for, and are then subject to a Public Notice of Application and the Board's review using one of the processes outlined above, before being confirmed as final by Board Order.

The Board has reviewed this application and has chosen a paper review process.

The rates were calculated using revenue requirement projections and inflation of 2%.

	2%	2019	2020	2021	2022
Administration		30,420	31,028	31,649	32,282
Working capital contribution 1% of 2022 expense		3,865	3,865	3,865	3,865
Training		4,000	4,080	4,162	4,245
Total expenses general		38,285	38,973	39,676	40,392
Other income		1,000	1,020	1,040	1,061
Investment income		0	0	0	0
Total revenue general		1,000	1,020	1,040	1,061
Net revenue requirement - general		37,285	37,953	38,636	39,331
Purification and treatment		132,078	134,719	137,414	140,162
Transmission and distribution		32,060	32,701	33,355	34,022
Hydrant maintenance		1,600	1,632	1,665	1,698
Amortization		44,371	44,371	44,371	44,371
Contingency		17,076	17,076	17,076	17,076
Reserves		12,500	12,500	12,500	12,500
Interest on long term debt		0	0	0	0
Total expenses water		239,685	242,999	246,381	249,829
Amortization of capital grants		18,684	18,684	18,684	18,173
Connection fees		0	0	0	0
Hydrant rentals		5,125	5,125	5,125	5,125
Total revenue water		23,809	23,809	23,809	23,298
Net revenue requirement - water		215,876	219,190	222,572	226,531
Sewage collection system		15,000	15,300	15,606	15,918
Sewage treatment and disposal		26,956	27,495	28,045	28,606
Lift station costs		9,925	10,124	10,326	10,532
Contingency		5,506	5,506	5,506	5,506
Other sewage and disposal costs		0	0	0	0
Amortization		27,546	27,546	37,546	37,546
Reserves		12,500	12,500	12,500	12,500
Interest on long term debt		12,600	11,575	45,503	43,325
Total expenses sewer		110,033	110,046	155,032	153,933
Amortization of capital grants		7,632	7,632	7,632	6,563
Property taxes - wastewater debt payments		35,386	35,386	91,556	91,556
Sewer tipping fees		0	0	0	0
Total revenue sewer		43,018	43,018	99,188	98,119
Net revenue requirement - sewer		67,015	67,028	55,844	55,814

The Municipality's consultant calculated the indicated rates for the final rate year requested (2022) and then calculated a stable and predictable rate change year over year.

This "rate smoothing" results in projected deficits for 2019 and 2020 totalling over \$68,000, including a contribution to reserve of \$25,000 per year. The Municipality did not include an application to approve these projected operating deficits, nor did it outline a plan to recover these deficits.

Contingency Allowance and Utility Reserves

The Board's Water and Wastewater Rate Application Guidelines recommend an annual contingency allowance equal to 10% of the variable operating costs.

The Municipality has included in the 2022 projections a contingency allowance of 10% of net rate requirements, less amortization expenses. The Municipality also included a \$25,000 annual provision for reserves.

Working Capital Surplus

Board Order No. 93/09 established utilities should maintain a minimum working capital surplus, in an amount equal to 20% of annual expenses. The working capital surplus is the Utility fund balance, excluding any capital-related items plus Utility reserves.

As per the 2017 audited financial statements, the working capital surplus at December 31, 2017 was:

	2017
Accumulated Fund Surplus/Deficit	\$ 1,424,664
Deduct tangible capital assets	\$ 1,574,335
Add long term debt	\$ -
Add utility reserves	\$ 26,231
Equals Working Capital Surplus/Deficit	\$ (123,440)
Operating costs	\$ 294,732
20% of operating costs (target)	\$ 58,946

Cost Allocation Methodology

The Board requires all municipal governments to review the costs shared between general operations and the Utility, and to allocate appropriate and reasonable costs to the Utility, based on a policy known as a Cost Allocation Methodology (CAM). This allocation must be submitted to the Board for approval and cannot be changed without receiving approval from the Board. The Board's requirements regarding cost allocation methodologies can be found in Board Order No. 93/09.

The rate study proposed allocating \$50,000 (the cost of one full time staff equivalent including benefits) plus 30% of public works vehicle expense and 20% of public works vehicle insurance expense to the Utility.

4.0 Board Findings

The Board has reviewed the application and revenue projections presented by the Municipality and finds the projections to be reasonable. The Board however, does not accept the Municipality's request to "phase in" the rate increases over a three year period. The Board varies the Quarterly Service Change and wastewater rates effective October 1, 2019 and July 1, 2020 to align more closely with the indicated rates calculated using the Municipality's projections, less provisions for reserves.

The Board is sensitive to the impact of rate increases to ratepayers; however, it must consider the sustainability of the Utility when approving rates. The Utility has experienced consecutive deficits since 2016 and has depleted its reserves and surplus to the point is no longer in a financial position to absorb deficits. The Board finds that allowing the Municipality's proposal to "phase in" rates over a three year period would only result in further deficits.

The Board supports the principle of user-pay utility rates. It is only when rates are set on a user pay basis that the correct price signal is sent to ratepayers and allows ratepayers to make decisions about their use of the services.

Appropriate rates allow for the full appreciation of the true value of services provided and will enable the Utility to better meet the objectives of *The Sustainable Development Act*.

Failure to implement sufficient rates when there is insufficient working capital surplus to absorb the resulting deficits does not provide relief to ratepayers; instead, it results in operating deficits, which are then imposed on future ratepayers. The Municipality should have requested rates that meet the demands of the Utility.

The Board is concerned with the lengthy history of operating deficits, and the Municipality's apparent lack of urgency in correcting the financial course of the Utility. The increases required can be considered rate shock, something that is common where rate requirements are not addressed for significant periods of time. In the case of Hamiota, it has been more than 25 years since a rate change has taken place. Consumers are generally more tolerant of regular, smaller increases. The Municipality needs to be more diligent in conducting regular reviews of its revenue requirements.

The Board reminds the Municipality regular reviews are important for a financially sound utility and encourages the Municipality to review Board Order No. 86/17 for future rate applications. The Order outlines the Simplified Rate Application Process for municipally owned public utilities. If, after its rate review, the Municipality finds it meets the designated criteria for a simplified rate application, it should apply for future rates using the Simplified Rate Application Process.

The Board requires the Municipality to review its water and wastewater rates for adequacy and file a report with the Board, as well as an application for revised rates if required, on or before December 31, 2023.

5.0 IT IS THEREFORE ORDERED THAT:

1. The water and wastewater rates for the Municipality of Hamiota – Hamiota Utility, BE AND ARE HEREBY APPROVED in accordance with the attached Schedule “A” to this Order, effective October 1, 2019, July 1, 2020, 2021 and October 1, 2022.
2. The water and wastewater rates for the Municipality of Hamiota Utility, as approved on an interim *ex parte* basis in Board Order No. 64/19, BE AND ARE HEREBY APPROVED AS FINAL.
3. The Cost Allocation Methodology for shared services as submitted by the Municipality of Hamiota BE AND IS HEREBY APPROVED.
4. The Municipality of Hamiota is to provide notice of the decisions found in this Order to its customers as soon as possible, with a copy submitted to the Public Utilities Board.
5. The Municipality of Hamiota amend its Utility rate By-law to reflect the decisions in this Order, and submit a copy to the Board once it has received third and final reading.
6. The Municipality of Hamiota review the Hamiota Wastewater Utility rates for adequacy and file a report with the Public Utilities Board, as well as an application for revised rates (if applicable), on or before December 31, 2023.

Fees payable upon this Order - \$500.00

Board decisions may be appealed in accordance with the provisions of Section 58 of *The Public Utilities Board Act*, or reviewed in accordance with Section 36 of the Board's Rules of Practice and Procedure. The Board's Rules may be viewed on the Board's website at www.pubmanitoba.ca.

THE PUBLIC UTILITIES BOARD

"Shawn McCutcheon"

Panel Chair

"Jennifer Dubois, CPA, CMA"

Assistant Associate Secretary

Certified a true copy of Order No. 97/19
issued by The Public Utilities Board



Assistant Associate Secretary

**MUNICIPALITY OF HAMIOTA
HAMIOTA UTILITY WATER & SEWER UTILITY RATES BY-LAW NO.
SCHEDULE "A" SCHEDULE OF QUARTERLY RATES**

1. Schedule of Commodity Rates & Quarterly Service Charge

July 1, 2019

Rates per 1,000 Gallons

1,000 Gallons per quarter

Water	Sewer	Water & Sewer
\$9.27	\$2.67	\$11.94

Quarterly Service Charge \$13.91

2. Minimum Charges per Quarter

Notwithstanding the rates set forth in paragraph 1, all customers will pay the applicable minimum charges per quarter set out below, which includes the water allowance as listed.

a) **Water & Sewer Customers**

<u>Meter Size</u>	<u>Water Included Gallons</u>	<u>Customer Service Charge</u>	<u>Water Commodity Charge</u>	<u>Sewer Commodity Charge</u>	<u>Deficit Rate Rider (see Clause 3) \$1.79/1,000</u>	<u>Water & Sewer Total Quarterly Minimum</u>
5/8 inch	3,000	\$13.91	\$27.81	\$8.01	\$5.37	\$55.10
3/4 inch	6,000	\$13.91	\$55.62	\$16.02	\$10.74	\$96.29
1 inch	12,000	\$13.91	\$111.24	\$32.04	\$21.48	\$178.67
1 ½ inch	30,000	\$13.91	\$278.10	\$80.10	\$53.70	\$425.81
2 inch	75,000	\$13.91	\$695.25	\$200.25	\$134.25	\$1,043.66

b) **Water Only Customers**

The minimum charge will be the same for each meter size as shown above but the Sewer Commodity Charge will be excluded.

1. Schedule of Commodity Rates & Quarterly Service Charge

October 1, 2019

Rates per 1,000 Gallons

1,000 Gallons per quarter

Water	Sewer	Water & Sewer
\$9.27	\$4.14	\$13.41

Quarterly Service Charge \$22.07

2. Minimum Charges per Quarter

Notwithstanding the rates set forth in paragraph 1, all customers will pay the applicable minimum charges per quarter set out below, which includes the water allowance as listed.

a) **Water & Sewer Customers**

Meter Size	Water Included Gallons	Customer Service Charge	Water Commodity Charge	Sewer Commodity Charge	Deficit Rate	Water & Sewer Total Quarterly Minimum
					Rider (see Clause 3) \$1.55/1,000	
5/8 inch	3,000	\$22.07	\$27.81	\$12.42	\$4.65	\$66.95
3/4 inch	6,000	\$22.07	\$55.62	\$24.84	\$9.30	\$111.83
1 inch	12,000	\$22.07	\$111.24	\$49.68	\$18.60	\$201.59
1 ½ inch	30,000	\$22.07	\$278.10	\$124.20	\$46.50	\$470.87
2 inch	75,000	\$22.07	\$695.25	\$310.50	\$116.25	\$1,144.07

b) **Water Only Customers**

The minimum charge will be the same for each meter size as shown above but the Sewer Commodity Charge will be excluded.

1. Schedule of Commodity Rates & Quarterly Service Charge

July 1, 2020

Rates per 1,000 Gallons

1,000 Gallons per quarter

Water	Sewer	Water & Sewer
\$9.65	\$4.14	\$13.79

Quarterly Service Charge \$22.46

2. Minimum Charges per Quarter

Notwithstanding the rates set forth in paragraph 1, all customers will pay the applicable minimum charges per quarter set out below, which includes the water allowance as listed.

a) **Water & Sewer Customers**

Meter Size	Water	Customer	Water	Sewer	Deficit Rate	Water & Sewer
	Included	Service	Commodity	Commodity	Rider (see Clause 3)	Total Quarterly
	Gallons	Charge	Charge	Charge	\$1.55/1,000	Minimum
5/8 inch	3,000	\$22.46	\$28.95	\$12.42	\$4.65	\$68.48
3/4 inch	6,000	\$22.46	\$57.90	\$24.84	\$9.30	\$114.50
1 inch	12,000	\$22.46	\$115.80	\$49.68	\$18.60	\$206.54
1 ½ inch	30,000	\$22.46	\$289.50	\$124.20	\$46.50	\$482.66
2 inch	75,000	\$22.46	\$723.75	\$310.50	\$116.25	\$1,172.96

b) **Water Only Customers**

The minimum charge will be the same for each meter size as shown above but the Sewer Commodity Charge will be excluded.

1. Schedule of Commodity Rates & Quarterly Service Charge

July 1, 2021

Rates per 1,000 Gallons

1,000 Gallons per quarter

Water	Sewer	Water & Sewer
\$10.03	\$4.24	\$14.27

Quarterly Service Charge \$22.87

2. Minimum Charges per Quarter

Notwithstanding the rates set forth in paragraph 1, all customers will pay the applicable minimum charges per quarter set out below, which includes the water allowance as listed.

a) **Water & Sewer Customers**

Meter Size	Water	Customer	Water	Sewer	Deficit Rate	Water & Sewer
	Included	Service	Commodity	Commodity	Rider (see Clause 3)	Total Quarterly
	Gallons	Charge	Charge	Charge	\$1.55/1,000	Minimum
5/8 inch	3,000	\$22.87	\$30.09	\$12.72	\$4.65	\$70.33
3/4 inch	6,000	\$22.87	\$60.18	\$25.44	\$9.30	\$117.79
1 inch	12,000	\$22.87	\$120.36	\$50.88	\$18.60	\$212.71
1 ½ inch	30,000	\$22.87	\$300.90	\$127.20	\$46.50	\$497.47
2 inch	75,000	\$22.87	\$752.25	\$318.00	\$116.25	\$1,209.37

b) **Water Only Customers**

The minimum charge will be the same for each meter size as shown above but the Sewer Commodity Charge will be excluded.

1. Schedule of Commodity Rates & Quarterly Service Charge

October 1, 2022

Rates per 1,000 Gallons

1,000 Gallons per quarter

Water	Sewer	Water & Sewer
\$10.03	\$4.24	\$14.27

Quarterly Service Charge \$22.87

2. Minimum Charges per Quarter

Notwithstanding the rates set forth in paragraph 1, all customers will pay the applicable minimum charges per quarter set out below, which includes the water allowance as listed.

c) **Water & Sewer Customers**

Meter Size	Water	Customer	Water	Sewer	Water & Sewer
	Included	Service	Commodity	Commodity	Total Quarterly
	Gallons	Charge	Charge	Charge	Minimum
5/8 inch	3,000	\$22.87	\$30.09	\$12.72	\$65.68
3/4 inch	6,000	\$22.87	\$60.18	\$25.44	\$108.49
1 inch	12,000	\$22.87	\$120.36	\$50.88	\$194.11
1 ½ inch	30,000	\$22.87	\$300.90	\$127.20	\$450.97
2 inch	75,000	\$22.87	\$752.25	\$318.00	\$1,093.12

d) **Water Only Customers**

The minimum charge will be the same for each meter size as shown above but the Sewer Commodity Charge will be excluded.

The following clauses take effect July 1, 2019:

1. Deficit Rate Rider

Deficit Rate Rider of \$1.79 per 1,000 gallons effective October 1, 2018 to September 30, 2019 for 2016 audited deficit based on a 1 year recovery period.

Deficit Rate Rider of \$1.55 per 1,000 gallons effective October 1, 2019 to September 30, 2022 for 2017 audited and 2018 & 2019 budgeted deficits calculated based on a 3 year recovery period as follows:

2017 actual deficit \$52,967.

2018 budgeted deficit \$24,793.

2019 budgeted deficit \$27,043.

Total to recover \$104,803.

Divided by 2017 water volume sold 22,585,000 gallons

Deficit Rate Rider, per 1,000 gallons over 3 years: \$1.55 per 1,000 gallons

2. Billings and Penalties

Accounts shall be billed quarterly based on water used. A late payment penalty charge of 1 ¼% compounded monthly shall be charged on the dollar amount owing after the billing due date. The due date will be at least fourteen (14) days after the mailing of the bills.

3. Disconnection and Reconnection

The Public Utilities Board has approved the Conditions Precedent to be followed by the Municipality with respect to disconnection of service for non-payment including such matters as notice and the right to appeal such action to The Public Utilities Board. A copy of the conditions precedent is available for inspection at the Municipality's office.

Any service disconnected due to non-payment of account shall not be reconnected until all arrears, penalties and a reconnection fee of \$40.00 have been paid.

4. Liability for Charges

Pursuant to Section 252 (2) of the Municipal Act, the amount of all outstanding charges for water and sewer services, including fines and penalties, are a lien and charge upon the land serviced, and may be collected in the same manner in which ordinary taxes upon the land are collectible, and with like remedies

5. Hydrant Charges

The Municipality of Hamiota, or any other hydrant owner, will pay to the Utility a fee of \$125 per hydrant for the purpose of maintaining and repairing all fire hydrants connected to the system which shall include the cost of water used for firefighting.

6. Water Allowance Due to Line Freezing

That in any case where, at the request of Council, a customer allows water to run continuously for any period of time to prevent the water lines in the water system from freezing, the charge to that customer for the current quarter shall be the average of the billings for the last two previous quarters to the same customer, or to the same premises if the occupant has changed.

7. Sewer Surcharges

a) There may be levied annually, in addition to the rates set forth above, a special surcharge on sewage having a Biochemical Oxygen Demand in excess of 300 parts per million, to be set by Resolution of Council.

b) A special surcharge for substances requiring special treatment shall be charged based on the actual costs of treatment required for the particular sewage or industrial waste.

8. Water Meters

Water meters are owned by the Municipality but are the responsibility of the utility customer to maintain. If the water meter is broken, frozen, etc., the utility customer will be billed for a new meter at the current cost of replacement.

9. Service To Customers Outside Utility's Limits

The Council of Municipality of Hamiota may sign Agreements with customers for the provision of water and sewer services to properties located outside the boundaries Hamiota. Such Agreements shall provide for payment of the appropriate rates set out in this Schedule, as well as a surcharge, set by Resolution of Council, which shall be equivalent to the frontage levy, general taxes, and special taxes for the Utility purposes in effect at the time or may be in effect from time to time, and which would be levied on the property concerned if it were within Hamiota boundaries. In addition, all costs of connecting to the Utility's mains, and installing and maintaining service connections, will be paid by the customer.

10. Meter Testing

That in any case where a utility customer requests that a meter be tested for accuracy, the customer will provide the Municipality with a deposit of \$100. The Municipality will then remove the subject meter and send it to an independent lab for testing. If the meter is found to be faulty, all costs associated with the testing process will be borne by the Municipality and the deposit will be refunded to the customer and the customer's account will be adjusted for the preceding four (4) months. If the meter is found to be

in proper working order, all costs associated with the testing process will be borne by the customer and the customer will be billed or refunded any balance owing.

11. Cross Connections

No customer or person shall connect, cause to be connected or allow to remain connected any piping, fixture, fitting, container or appliance in a manner which under any circumstances may allow water, wastewater or any harmful liquid or substance to enter the Municipality's water system.

If a condition is found to exist which, in the opinion of the Municipality, is contrary to the aforesaid, the Municipality may either:

Shut off the service or services; or

Give notice to the customer to correct the fault at his or her own expense within a specified time period.

12. Conditions of Disrepair

In the event that there are conditions of disrepair in the sewer and water works on a property that detrimentally affects the system as a whole and, upon the failure of the owner of the property to correct the condition within a reasonable time, the Municipality, or its agents, may enter the property, effect repairs and charge the cost thereof against the subject property as ordinary taxes.

13. Authorization For Officer To Enter Upon Premises

The Public Works Supervisor, or other employee authorized by the Municipality in the absence of the Public Works Supervisor, shall be authorized to enter upon any premise for the purpose of:

Affixing to any pipe, wire or apparatus connected with any such utility, a meter or any other measuring or testing device; or taking readings from, repairing, inspecting or removing any meter or apparatus belonging to the Municipality.