

## **ORDINANCE NO.**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERCULES AUTHORIZING REPEAL AND REPLACEMENT OF HERCULES MUNICIPAL CODE TITLE 5, CHAPTER 4.16 – “SEWER SERVICE CHARGES” TO ESTABLISH A RESIDENTIAL WAIVER PROGRAM AND APPEALS PROCESS**

**WHEREAS**, the City of Hercules (“City”) has managed an informal residential waiver program for sewer service charges where residents demonstrating that their water use is equal to or less than that of the average daily use of the Senior Living customer class are eligible for reclassification at the Senior Living Rate; and

**WHEREAS**, on April 28, 2009 at its regularly scheduled City Council Meeting, the City Council adopted Resolution No. 09-070 directing the City Manager to prepare an appeal process in relation to the rate increase.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERCULES DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** Adoption of this Ordinance is not a “project” under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378 in that it is an administrative activity that will not result in any direct or indirect impacts to the environment nor authorize any construction. Further, adoption of this Ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that the administrative waiver of fees will not result in any impacts to the environment.

**SECTION 2.** Title 5 (Sanitation and Health), Chapter 4 (Sanitary Sewers), Section 16 (Sewer Services Charges) of the Hercules Municipal Code is hereby repealed and replaced in its entirety as set forth in Exhibit A.

**SECTION 3. Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decisions shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be deleted.

**SECTION 4. Publication and Effective Date.** This Ordinance shall take effect thirty (30) days after passage, and shall, within fifteen (15) days after passage, be published or posted in accordance with Section 36933 of the Government Code of the State of California with the names of those City Council Members voting for and against it.

The foregoing Ordinance was introduced and first read at a regular meeting of the City Council of the City of Hercules held on the 13<sup>th</sup> day of January, 2026, and passed and adopted at a regular meeting of the City Council on the 27<sup>th</sup> day of January, 2026 by the following vote of the Council:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

---

Chris Kelley, Mayor

ATTEST:

---

Eibleis Melendez, City Clerk