

EXHIBIT A
HERCULES MUNICIPAL CODE
TITLE 5, CHAPTER 4, SECTION 16

Sec. 5-4.16 Sewer Service Charges.

Any person who uses the sanitary sewer system or each premises connected or required to be connected by this Chapter to the sanitary sewer system shall pay to the City of Hercules a fee for the use of said sanitary sewer system.

(a) **Sewer Service Charges.** Any modification to the fees charged for the use of said sanitary sewer system that are payable pursuant to the provisions of this section shall be established by ordinance or resolution of the City Council duly adopted in the manner prescribed by California law. (Ord. 431 § 1, 2007; Ord. 96-337 § 1, 1996: Ord. 328 § 1, 1995: Ord. 304 § 1, 1991: Ord. 293 § 1, 1990: Ord. 272 § 1, 1988: Ord. 264 § 1, 1987: Ord. 235 § 1, 1986: Ord. 207 § 1, 1985: Ord. 188 § 1, 1984)

(b) An additional sewer service charge may be imposed upon users discharging sewage stronger than domestic sewage into the sanitary sewer system; such additional charge shall be determined based on actual costs incurred by the City to handle, treat, and dispose of such sewage.

(c) **Appeal Process.** Disputes about sewer service charges, customer rate classification, or other matters shall be subject to the review and approval of the Director of Public Works. Any person subject to the sewer service charges may file an application to the Director of Public Works disputing their charges, customer rate classification, or other matters. The application must be filed by May 1st of the City's fiscal year the disputed charge was imposed and must be accompanied by information or evidence supporting the application. The Director of Public Works shall issue a decision on the application within forty-five (45) days of receipt. If the Director fails to issue a decision within 45 days, the application is denied. The Director's decision shall be final.

(d) **Residential Waiver Applicants.** Residential accounts that can demonstrate average daily water use, as demonstrated by 12 months of East Bay Municipal Utility District bills, below the average daily use of the Senior Living customer class are eligible to apply for a waiver for reclassification at the Senior Living Rate in the next fiscal year for which the tax roll has not been set. Waiver applicants must reapply annually to maintain waiver eligibility and must submit their application by May 1st. The current average daily water use of the Senior Living customer class is 74 gallons, but this threshold may be updated by resolution of the City Council.