

## Eugene Code

- ~~(4) In addition to any penalties or interest imposed pursuant to section 3.665, an administrative civil penalty may be imposed pursuant to section 2.018 of this code for failure of an owner to comply with the provisions of subsection (3) of this section.~~
- ~~(5) A decision of the city manager or designee denying a request for exemption may be appealed to a hearings official pursuant to the provisions of section 2.021 of this code. The appeal must be filed within ten days from the date of the decision and must be accompanied by any required appeal fee.~~
- ~~(6) Publicly owned property occupied by a commercial tenant shall not be exempt from the fees imposed pursuant to section 3.650(1).~~

~~(Section 3.680 added by Ordinance No. 19965, enacted on May 18, 1994, effective July 1, 1994; amended by Ordinance No. 20092, enacted September 17, 1997.)~~

## Hazardous Substances User Fee

**3.690 Hazardous Substances User Fee – Purpose.** Sections 3.690 through 3.696 contain the procedures for payment by certain businesses that use hazardous substances of the hazardous substance user fees, as established in section 3.694 of this code, in a manner consistent with article VII of amendment IV to the Eugene Charter of 2002 (the “amendment”), taking into consideration the mandate of the courts in the litigation involving the amendment.

*(Section 3.690 added by Ordinance No. 20189, enacted February 28, 2000, effective March 29, 2000; and administratively amended by Ordinance 20199, enacted July 24, 2000, effective August 23, 2000; and amended by Ordinance No. 20551, enacted February 23, 2015, effective March 27, 2015.)*

**3.692 Hazardous Substances User Fee- Definitions.** Notwithstanding any definitions contained in the amendment, as used in sections 3.690 through 3.696 of this code, the following words and phrases mean:

**Facility.** All buildings, equipment, structures and other stationary items that are located and operated on a single site or on contiguous or adjacent sites that are owned or operated by the same person(s) and relate to a common product or service, except state and federal facilities and public educational institutions.

**FTE.** A full-time equivalent employee. For purposes of section 3.694, the number of FTEs shall be calculated by dividing the number of paid hours worked at the facility by all employees during the calendar year preceding payment of the fee by 2,080.

**Hazardous substance user.** Any business that operates a stationary facility within the city limits of Eugene that:

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- (a) Has 10 or more FTEs;
- (b) Has a SIC code between 2000 and 3999 inclusive; and
- (c) Uses any quantity of hazardous substances (above zero) in its manufacturing processes.

**SIC.** Standard Industrial Classification categories as listed in *Standard Industrial Classification Manual* (Office of Management and Budget, 1987).

**Material Accounting Threshold.** The quantity of total inputs of a particular chemical during a calendar year, below which a full accounting of inputs and outputs of that chemical is not required. Should total inputs of a chemical fall between this threshold and the reporting threshold, the total input quantity is required to be reported.

**Reporting Threshold.** The quantity of total inputs of a particular chemical during a calendar year, below which that chemical is not required to be reported. Should total inputs of a chemical fall between this threshold and the material accounting threshold, the total input quantity is required to be reported.

*(Section 3.692 added by Ordinance No. 20189, enacted February 28, 2000, effective March 29, 2000; and amended by Ordinance No. 20199, enacted July 24, 2000, effective August 23, 2000.)*

**3.694 Hazardous Substances User Fee – Imposed.** A fee is hereby imposed upon hazardous substance users. The fee shall be an amount per FTE and shall be paid annually no later than May 1 of each year, except that the first fee due under this section shall be paid by May 1, 2000 or within 30 days of the date the city mails an invoice setting forth the amount due, whichever is later. Notwithstanding the provisions of section 2.020 of this code, the specific amount of the fee shall be established by resolution of the city council.

*(Section 3.694 added by Ordinance No. 20189, enacted February 28, 2000, effective March 29, 2000.)*

**3.696 Hazardous Substances - Addition and Removal of Chemicals to Hazardous Substances List and Changes to Reporting and Accounting Thresholds.**

- (1) Within 60 days of learning that a chemical has been added to or removed from one or more of the lists described in Article III, section E, subsections 1(a), (b), (c), (f) and (g), 2, 3, and 4, of Amendment IV to the Eugene Charter of 2002, the city manager shall request advice from the toxics board as to whether the new chemical should be added to or removed from the list of substances required to be reported under Amendment IV to the Eugene Charter of 2002. If the chemical is to be added, the city manager shall also request the toxics board's advice on

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the appropriate reporting threshold and materials accounting threshold for each chemical in question.

- (2) After obtaining the advice of the toxics board as provided in subsection (1) of this section, and after following the procedures described in section 2.019 of this code, the city manager may adopt an administrative rule that adds or removes a chemical or chemicals to the list of chemicals subject to the requirements of Amendment IV to the Eugene Charter of 2002 and, for added chemicals, establishes reporting and materials balancing thresholds for that chemical or those chemicals if the manager determines that such a rule is consistent with the purpose and intent of Amendment IV to the Eugene Charter of 2002. The rules adopted by the manager shall also establish a date when the additional chemical(s) shall be subject to the reporting and materials accounting requirements.
- (3) Within 60 days of learning that the federal reporting threshold for any chemical reportable under Amendment IV to the Eugene Charter of 2002 is reduced so as to fall below the materials accounting threshold established locally for that chemical, the city manager shall request the toxics board's advice on the appropriate reporting threshold and materials accounting threshold for that chemical.
- (4) After obtaining the advice of the toxics board as provided in subsection (3) of this section, and after following the procedures described in section 2.019 of this code, the city manager may adopt an administrative rule that changes the reporting and materials accounting thresholds for chemicals meeting the conditions described in subsection (3) of this section. The rules adopted by the city manager shall also establish a date when the new thresholds shall apply.
- (5) If the city manager declines to adopt an administrative rule that implements the toxics board's advice as described in subsections (2) or (4) of this section, the city manager shall explain to the city council and the toxics board in writing the reasons for the decision not to implement the toxics board's advice. However, the city manager may remove a chemical pursuant to subsection (2) of this section only if the toxics board has recommended its removal.

*(Section 3.696 added by Ordinance No. 20199, enacted July 24, 2000, effective August 23, 2000; amended by Ordinance No. 20213, enacted October 23, 2000; and Ordinance No. 20551, enacted February 23, 2015, effective March 27, 2015.)*

## ~~Transient Room Tax~~

~~3.770 **Transient Room Tax - Definitions.** Except where the context otherwise requires, the definitions given in this section govern the construction of sections 3.770 to 3.804 of this Code.~~

- ~~(a) **Hotel** means any structure or portion of any structure which is occupied or intended or designed for transient occupancy for 30 days or less for~~