

ADMINISTRATIVE ORDER NO. 53-20-01-F
of the
City Manager of the City of Eugene

**SETTING TOBACCO PRODUCTS RETAIL LICENSE FEES AND
SUPERSEDING THE FEE SCHEDULE ADOPTED BY
ADMINISTRATIVE ORDER NO. 53-15-04-F.**

The City Manager of the City of Eugene finds as follows:

A. Section 2.020 of the Eugene Code, 1971, authorizes the City Manager of the City of Eugene to determine and set fees and charges to be imposed by the City for services, goods, use of municipal property, and licenses and permits. Section 3.515 of the Code authorizes the City Manager to establish fees in order to implement the provisions of Code Sections 3.500 to 3.515.

B. Pursuant to the authority above, on May 7, 2015, Administrative Order No. 53-15-04-F was issued making the most recent changes to the tobacco products retail license fees and adopting an updated Tobacco Products Retail License Fee Schedule (“the Fee Schedule”).

C. On February 6, 2020, I issued Administrative Order No. 53-20-01 ordering that notice be given of the opportunity to submit written comments on the proposal to set new fees effective April 1, 2020. The Notice specified that comments on the proposed amendments would be received for 15 days from February 7, 2020, the posting date of the Notice. No comments were received within the time or in the manner described in the Notice.

D. Adoption of the proposed fee amendments was postponed until April 1, 2021, due to the onset of the COVID-19 pandemic. In considering whether to proceed with adoption of the proposed fee amendments with an effective date of April 1, 2021, I chose to first provide an additional opportunity for the public to comment on the proposal. On March 22, 2021, notice of that additional opportunity was published in the Register Guard newspaper and posted at two locations at City Hall. The notice advised the public that the City Manager would consider written comments received within five days of the date of posting and publication. No comments were received within the time or manner described in the Notice.

E. Based on my investigation pursuant to the provisions of Section 2.020 of the Eugene Code, 1971, I find that the fees should be set as proposed. (See Exhibit B to this Order)

F. The unamended tobacco products retail license fees adopted by Administrative Order No. 53-15-04-F are incorporated into the Fee Schedule attached as Exhibit A to this Order.

On the basis of these findings, I order that:

1. The Tobacco Products Retail License Fee Schedule attached as Exhibit A to this Order is the schedule of fees to be charged for the described services effective April 1, 2021.

2. The Fee Schedule attached to Administrative Order No. 53-15-04-F is superseded by the Tobacco Products Retail License Fee Schedule attached as Exhibit A effective April 1, 2021.

Dated this 1st day of April, 2021.

AB
DD

LB

RN
RN

TW
TW



Sarah Medary
City Manager

TOBACCO PRODUCTS RETAIL LICENSE FEES
(Effective April 1, 2021)

	<u>Fee</u>
1. First-Time License	\$150.00
2. License Renewal	\$100.00
<i>•License term is one year, from July 1 to June 30.</i>	
<i>•Annual renewal applications received after May 15 will be subject to a late fee.</i>	
3. Late Fee:	
Renewal application received between May 16 and May 31.....	\$25.00
Renewal application received after May 31	Will be considered as first-time license.

**City Manager's Findings
Proposed Tobacco Product Retail License Fee Amendments**

Section 2.020(2) of the Eugene Code, 1971, requires that in determining the amount of any fee imposed by the City, the City Manager shall consider the factors listed below unless the factor(s) is irrelevant or inapplicable. The factors have been considered as follows:

(a) Applicable policies, enactments and directives of the Council.

Findings: Fees are charged in association with this license based on Section 3.500 and 3.515 of Eugene City Code and pursuant rules.

(b) The amount charged by the City in the past.

Findings: Previously the charges have been:

	Previous	Proposed
First-Time License	\$ 100.00	\$ 150.00
License Renewal	\$ 75.00	\$ 100.00

(c) The full costs of providing the service supported by the fee.

Findings: Costs for the program are estimated between \$13,000 and \$18,000 including administration of the program, unannounced site inspections, program overhead, and enforcement actions related to direct complaints.

(d) The amounts charged by other comparable providers.

Findings: Lane County currently charges \$200.00 for new tobacco retail licenses and \$125.00 for annual renewals.

(e) The revenue needs of the City as determined by the adopted city budget.

Findings: Revenue is needed to cover the costs of both administering the licensing program as well as engaging enforcement staff from local and County agencies for unannounced site inspections. Currently there is insufficient funding for this.

Factors listed above that are irrelevant or inapplicable in determining the amount of the fees, if any: None