

ADMINISTRATIVE ORDER NO. 2020-001
of the
City Manager of the City of Gresham, Oregon

**ADDENDUM 12- REVISION TO EMERGENCY TEMPORARY LIMITATIONS ON THE FEES
THIRD-PARTY DELIVERY SERVICES MAY CHARGE RESTAURANTS IMPOSED BY
ADDENDUM 10**

The City Manager of the City of Gresham finds that:

- A. On July 20, 2020, I signed Addendum 10 to Administrative Order No. 2020-001, making it unlawful for a Third-Party, App-Based Food Delivery Platform to charge a Restaurant a fee (including, without limitation, any delivery fee) for the use of its services that totals more than 10% of the Purchase Price of the order made through the Third-Party, App-Based Food Delivery Platform (“the Fee Cap”).
- B. After further review, I find that it is in the best interests of the City to update the Fee Cap from 10% to 15%. A 15% Fee Cap will discourage Third-Party, App-Based Food Delivery Platforms from imposing a flat city-wide surcharge on consumers and is comparable with fee caps imposed by numerous other cities, including Seattle, Los Angeles, Cincinnati and San Francisco.
- C. In addition, the updated Fee Cap works to protect local food and drink establishments and delivery drivers while not unduly restricting commerce.

NOW, THEREFORE, based upon the above findings, I order that the following additional measures are enacted within the City of Gresham:

Section 1. Section 2 of Addendum 10 to Administrative Order No. 2020-001 is hereby amended as follows:

It shall be unlawful for a Third-Party, App-Based Food Delivery Platform to charge a Restaurant a fee (including, without limitation, any delivery fee) for the use of its services that totals more than 15% of the Purchase Price of the order made through the Third-Party, App-Based Food Delivery Platform.

Section 2. This emergency regulation is effective immediately and shall remain effective for the duration of the Local State of Emergency.

Section 3. All other sections of Addendum 10 remain effective for the duration of the Local State of Emergency.

Dated and effective this 28 day of July, 2020.

Eric Schmidt, Interim City Manager

Kevin R. McConnell

Digitally signed by Kevin R. McConnell
Date: 2020.07.27 16:55:59 -0700

REVIEWED

Kevin R. McConnell, City Attorney