



Ontario County Board of Supervisors

Ontario County Municipal Building
20 Ontario Street
Canandaigua, New York 14424

Kristin A. Mueller^{MMC}, Clerk
Diane R. Foster, Deputy Clerk

Phone: 585-396-4447
E-Mail: Kristin.Mueller@ontariocountyny.gov

February 19, 2021

Ontario County Clerk
Matthew Hoose
20 Ontario Street
Canandaigua, NY 14424

Dear Matt:

Enclosed please find one certified copy of the State of Emergency Declaration and one certified copy of an Emergency Order which were signed by the Chairman of the Board Supervisors of the County of Ontario on February 19, 2021

Please acknowledge the filing of this State of Emergency Declaration and Emergency Order in your office.

Sincerely,

A handwritten signature in cursive script that reads "Kristin A. Mueller".

Kristin A. Mueller, Clerk
Board of Supervisors

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Enclosure

Ontario County
ONTARIO COUNTY MUNICIPAL BUILDING
20 ONTARIO STREET
CANANDAIGUA, NEW YORK 14424
EMERGENCY OPERATION CENTER (585) 394-4560
FACSIMILE (585) 396-3245

DECLARATION OF STATE OF EMERGENCY


WHEREAS, The World Health Organization has declared the COVID-19 virus to be a pandemic; and

WHEREAS, The President of the United States declared a National State of Emergency related to the COVID-19 pandemic on March 13, 2020; and

WHEREAS, The Governor has of the State of New York declared a State of Emergency throughout the entire State of New York on March 7, 2020 pursuant to Executive Order 202 and said Order having been extended by subsequent Executive Orders through and including Executive Order 202.93; and

NOW, therefore, pursuant to the provisions of Section 24 of Article 2-B of the New York State Executive Law, I, John F. Marren, Chairman of the Ontario County Board of Supervisors, do hereby declare a state of emergency effective February 20, 2021 throughout Ontario County to preserve the public safety and hereby direct all emergency services organizations, including all public or private agencies, organizations or groups organized and functioning for the purpose of providing fire, medical, ambulance, rescue, housing, food or other services directed toward relieving human suffering, injury or loss of life or damage to property as a result of an emergency, including non-profit and governmentally-supported organizations, to render all required and available assistance vital to the security, well-being and health of the citizens of the affected jurisdiction, effective 12:00AM, March 21, 2021, for a period of thirty (30) days or until rescinded, or renewed by subsequent order.

Dated: February 19, 2021



John F. Marren
Chairman, Ontario County
Board of Supervisors

EMERGENCY ORDER

WHEREAS, The COVID-19 pandemic has greatly impacted local restaurants causing severe economic down turns due to prohibitions against operating at either full capacity or the suspension of indoor dining; and

WHEREAS, During the pandemic, many Ontario County residents have relied upon delivery from these local restaurants as an alternative to dining out; and

WHEREAS, Third-party delivery services are used by many Ontario County residents for food delivery; and

WHEREAS, While third-party delivery services offer a valuable service to restaurants and the community, measures must be taken to safeguard and protect restaurants from excessive fees by these services; and

WHEREAS, To protect the public health and property interests of the community and to prevent price gouging during the current emergency, therefore it is necessary to impose a cap on the fees charged by third-party delivery services to restaurants.

NOW, I, John F. Marren, Chairman of the Ontario County Board of Supervisors in accordance with a declaration of a State of Emergency issued on February 19, 2021 pursuant to Article 2B, Section 24 , of the New York State Executive Law, do hereby issue this Local Emergency Order prohibiting any third-party food delivery service from charging a delivery fee of more than 15% of the purchase price of any order placed through a third-party delivery service, regardless of whether that order is placed through a mobile application, online portal, or otherwise.

It shall also be unlawful for any third-party deliver service to charge a restaurant in Ontario County any fee or fees other than a delivery fee for the use of their service greater than 5% of the purchase price of each online order. Any fees or other charges from a third-party food delivery service to a restaurant beyond such maximum 5% fee per order, and a delivery fee collected as described above are unlawful, provided that such cap shall not apply to a credit

card fee charged to the third-party delivery service and is charged in the same amount by the third-party food delivery service to the restaurant.

“Restaurant” shall have the same meaning as provided in the New York State Uniform Code, but shall not include a restaurant with 10 or more locations in the state.

“Third-party food delivery services” means any website, mobile application or other online service that offers or arranges for the sale of food or beverages prepared by, and the same-day delivery or pickup of food or beverages from, restaurants located in the County that are operated by different persons.

This Order shall take effect February 20, 2021 and shall remain in effect for five days unless rescinded, and will be formally renewed by the issuance of successive 5-day Orders.

EXECUTED ON THIS 19th day of FEBRUARY, 2021, AT 9:53 am, IN CANANDAIGUA, NEW YORK.

A handwritten signature in cursive script that reads "John F. Marren". The signature is written in black ink and is positioned above a horizontal line.

John F. Marren
Chairman, Ontario County
Board of Supervisors