



County of Onondaga  
Office of the County Executive

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**LOCAL EMERGENCY ORDER NO. 19-0000 OF THE ONONDAGA COUNTY EXECUTIVE ISSUED MARCH 19, 2022 – 15% CAP ON THIRD-PARTY FOOD DELIVERY SERVICE FEES AND 5% CAP ON OTHER RELATED FEES**

WHEREAS, on March 14, 2020, I, J. Ryan McMahon, II, Onondaga County Executive, by the authority vested in me by the Onondaga County Charter, the Onondaga County Administrative Code, and the laws of the State of New York, declared, pursuant to Section 24 of Article 2-B of the New York State Executive Law, that the public safety was sufficiently imperiled such that a Proclamation of Emergency was declared within the territorial limits of Onondaga County, which Proclamation of Emergency has been extended; and

WHEREAS, the hospitality industry has been devastatingly impacted by the COVID-19 pandemic, and local eateries and restaurants have suffered severe economic down turn by being prohibited from operating at the maximum indoor capacity and, in some areas, the suspension of indoor dining; making them dependent on “take out” services.” During this pandemic third-party food delivery service companies have provided restaurants and eateries with online order and delivery services at higher demands; and, in order to safeguard and protect our local businesses, during this pandemic, protections must be taken to prevent price gauging by third-party food delivery service companies; and

WHEREAS, I, as Onondaga County Executive, have determined that in order to protect the citizens of Onondaga County and promote social distancing to stop the spread of COVID-19, a 15% cap must be placed on third-party food delivery service fees and 5% cap on other related fees, to help promote economic stability and confidence in our local business community; and

WHEREAS, this Order is necessary to provide continued management of the pandemic and assist in a manner that protects the public health and promotes economic recovery; and

NOW, THEREFORE, in accordance with the authority vested in me by the Onondaga County Charter and Code, local home rule powers conferred upon local governments, and New York State Executive Law §24, I hereby issue Local Emergency Order No. 19 – prohibiting third party delivery companies from charging a delivery fee of more than 15% of the purchase price of a take-out or online order from a restaurant or eatery and capping all other related fees at 5%. The limit on fees does not apply to a third-party delivery company that offers restaurants or eateries, excluding restaurants or eateries with 25 or more locations operating under a common business name, the option to obtain delivery service for a total fee not to exceed 15% of the purchase price of each online order.

This Local Emergency Order shall remain in effect for 5 days through March 24, 2022, and will be formally renewed by the issuance of successive 5-day Orders.

This order is necessary to safeguard the public health and welfare, and vital to assist in the disaster effort by preventing price gouging of restaurants by third party delivery companies. This Order is intended to be consistent with all laws, regulations and official guidelines, at the state and federal levels, and shall be read and interpreted in such manner.

COUNTY OF ONONDAGA

By:

J. Ryan McMahon, II  
County Executive