

By Legislator Barnhart and Dondorfer

Intro. No. 397

LOCAL LAW NO. 8 OF 2021

**LOCAL LAW ENTITLED "TO ESTABLISH THE FOOD DELIVERY FAIRNESS ACT"**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

**Section 1. Title**

This local law shall be known as the law **"To Establish the Food Delivery Fairness Act"**

**Section 2. Definitions**

"Restaurant" shall have the same meaning as provided in §569-50 of the Monroe County Code.

"Third-party food delivery service" shall mean any website, mobile application or other internet service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery and same-day pickup of food and beverages from, restaurants located in the County that are owned and operated by different persons.

**Section 3. Listing on Third-Party Food Delivery Service Platforms**

1. A third-party food delivery service shall not list, advertise, promote, or sell a restaurant's products, or arrange for the delivery of an order of such products, on a third-party food delivery platform without a valid written agreement with the restaurant authorizing the inclusion of their products on such platform.
2. In the event a third-party food delivery service receives a written request from a restaurant requesting that such restaurant be removed from such third-party food delivery service's application and/or website, such third-party food delivery service shall confirm receipt of such request and remove such restaurant from its application and/or website immediately thereafter.

**Section 4. Enforcement**

1. In the event that a third-party food delivery platform does not remove a restaurant from its application and/or website after receiving a request to do so from such restaurant within five business days of receiving such request, a restaurant may enforce this Chapter by means of a civil action seeking injunctive relief. The prevailing party in any such action shall be entitled to an award of reasonable attorney fees.

**Section 5. Severability**

If any clause, sentence, paragraph, section, subdivision or other part of this Local Law or its application shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this Local Law which shall remain in full force and effect except as limited by such order or judgment.

**Section 6. Preemption**

This section shall be null and void on the day statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, unless state law specifically exempts from preemption earlier enacted local laws in this area. The County Legislature may determine via resolution whether or not identical or substantially similar statewide legislation or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions in this section.

**Section 7. Effective Date**

This Local Law shall take effect in accordance with the provisions of the Municipal Home Rule Law and the Monroe County Charter.

Agenda/Charter Committee; August 23, 2021 - CV: 4-0  
File No. 21-0296

ADOPTION: Date: October 12, 2021    Vote: 27-1  
*(Legislator LaMar Voted in the Negative.)*

ACTION BY THE COUNTY EXECUTIVE

APPROVED: ✓                      VETOED: \_\_\_\_\_

SIGNATURE: Adrian Bell

DATE: 11/10/2021

EFFECTIVE DATE OF LOCAL LAW: 11/10/2021