

Exhibit A

A. Applicability.

Effective on June 29, 2022, upon adoption by City Council and continuing through February 28, 2023, the following emergency imposes temporary limitations on the fees third-party services may charge restaurants.

B. Definitions.

1. “Director” means the Director of the Revenue Division.
2. “Restaurant” has the meaning provided by ORS 624.010(9).
3. “Third-Party Food Platform” means any website, mobile application, or other service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pick-up of food and beverages from a Restaurant.
4. “Purchase Price” means the menu price of an online or phone order. Such term excludes taxes, gratuities, and any other fees that may make up the total cost to the customer of an online order.

C. General Provisions.

1. When an order includes delivery services offered by a Third-Party Food Platform, it shall be unlawful for the Third-Party Food Platform to charge a Restaurant a fee for the use of its order and delivery services that totals more than 10% of the Purchase Price of the order made through the Third-Party Food Platform.
2. When an order does not include delivery services offered by a Third-Party Food Platform, it shall be unlawful for the Third-Party Food Platform to charge a Restaurant a fee for the use of its order services that totals more than 5% of the Purchase Price of the order made through the Third-Party Food Platform.
3. It shall be unlawful for a Third-Party Food Platform to reduce the compensation rates paid to the person making deliveries on behalf of the Third-Party-Food Platform, or garnish gratuities, as a result of the requirements set forth in this Ordinance.

D. Enforcement and Penalties.

1. The Director is authorized and directed to enforce all provisions of this Ordinance. The Director may delegate any or all authority granted under this Section to any Revenue Division officer, employee or agent (“designee”).
2. The Director may receive complaints only from Restaurants and delivery service drivers and such complaints may be by telephone or in writing.
3. The Director shall have the power to investigate any and all complaints regarding alleged violations of this Ordinance.

4. The Director shall have the authority to issue an administrative subpoena for the purpose of collecting any information necessary to investigate complaints and enforce any provisions of this Ordinance.
5. The Director may inspect, examine, and copy any books, papers, records, invoices and other data needed to investigate a complaint. Third-Party Food Platforms shall maintain books and records, including but not limited to all written agreements with Restaurants and delivery service drivers, records listing itemized fees the Third-Party Food Platform has charged to Restaurants, and records demonstrating compliance with this Ordinance, sufficient for the Director to investigate complaints and issue a decision. Such books and records shall be made available to the Director immediately upon demand.
6. Upon completing an investigation into allegations in a complaint, the Director or designee shall issue a decision that includes written findings of fact and conclusions of law to support all decisions. Such decision may also include remedies.

Remedies.

1. Failure to comply with any part of this Ordinance may be punishable by civil penalties and payment of restitution imposed by order of the Director or designee. The Director or designee may impose a civil penalty of up to \$1000 per violation and may order payment of restitution in an amount determined by the Director or designee. For purposes of assessing penalties for violations of this Ordinance, a separate violation shall accrue each time an Order is processed, a Restaurant is charged a fee, or a delivery service driver is compensated, or is asked to accept reduced compensation, in a manner that violates one or more of the provisions of this Ordinance.
2. Civil penalties shall be payable to the City of Portland. Restitution shall be payable to the Restaurant or delivery service driver.
3. Nothing in this Section is intended to prevent any person from pursuing any available legal remedies. Any Restaurant or delivery service driver claiming to be aggrieved by a Third-Party Food Platform's noncompliance with this Ordinance has a cause of action in any court of competent jurisdiction for damages and such other remedies as may be appropriate.

Appeals.

1. Any Third-Party Food Platform upon which a civil penalty or restitution has been imposed by the Director or designee, may appeal to the Director for review and issuance of a final determination. Written notice of the appeal must be received by the Director within 30 days after the Director mailed or delivered the notice of decision to the Third-Party Food Platform. The time to file an appeal may be extended by the Director for good cause. Requests for extensions of time must be received prior to the expiration of the original 30-day deadline. The appeal must state the name and address of the Third-Party Food Platform, include a copy of the decision being appealed, and provide an explanation of the grounds for the appeal.
2. The Director will respond within sixty (60) days after the appeal is filed with a final determination unless such time is extended by the Director for good cause. If this time

is extended, written notice will be given to the Third-Party Food Platform, prior to the expiration of the original 60-day deadline. The Director's determination must include written findings of fact and conclusions of law to support the final determination.