

COMMONWEALTH OF MASSACHUSETTS
CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance Amending "The Code of Ordinances City of Lowell, Massachusetts" With Respect to Chapter 150 thereof Entitled, "Fees" by amending certain sections.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

"The Code for the City of Lowell," hereinafter called the "Code", adopted by the City Council on December 23, 2008, is hereby amended with respect to 150 thereof, by amending certain sections:

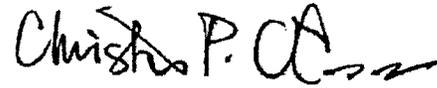
1. By amending Chapter 150, Entitled **Fees; Division of Development Services General Penalties and Fines** by adding the following new number 8.1 as follows:

	Department/Reference	Unit/ Frequency	Fee
8.1	Delivery and Service Fees Temporarily Capped during Covid 19 Pandemic.	First Offense: Subsequent Offenses:	\$200.00 \$300.00 Enforcement of this Ordinance shall be by noncriminal disposition as provided in M.G.L. c. 40 § 21D or by filing a criminal complaint at the appropriate venue.

2. All provisions of the Lowell City Code, as amended, which are consistent with this Ordinance, shall continue in effect, but all provisions of said Code inconsistent herewith, are repealed.

3. This Ordinance shall take effect upon its passage in accordance with the provisions of Chapter 43 of the Massachusetts General Laws.

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Christine P. O'Connor" with a stylized flourish at the end.

Christine P. O'Connor
City Solicitor

Ordinanceamendfees/delivery&svcfes tempcapped



City of Lowell - Law Department

375 Merrimack Street, 3rd Floor • Lowell MA 01852-5909
Tel: 978.674.4050 • Fax: 978.453.1510 • www.lowellma.gov

May 8, 2020

City Manager Eileen M. Donoghue
Mayor John J. Leahy
And
Members of the City Council

Christine P. O'Connor
City Solicitor

Rachel M. Brown
1st Assistant City Solicitor

Gary D. Gordon
John Richard Hucksam, Jr.
Adam LaGrassa
Stacie M. Moeser
Elliott J. Veloso
Assistant City Solicitors

Re: Amending Chapters 150 and 222 of the Code or Ordinances

Dear Manager Donoghue, Mayor Leahy and Members of the City Council:

I write in response to Councilor Drinkwater's Motion that the Manager Work With Appropriate Departments To Determine The Feasibility Of Restricting Third Party Delivery Services From Charging Restaurants A Fee Per Online Order Of More Than 10% Of The Purchase Price, Until Such Time That The Restaurants Are Allowed To Serve Customers In Their Establishment At Full Capacity.

Attached please find an Ordinance which prohibits third-party food delivery service to charge a covered entity a fee per online order for the use of its services that totals more than ten percent (10%) of the purchase price of such online order.

The Ordinance imposes penalties of not less than \$250.00 for the first offense and \$300.00 for subsequent offenses.

In keeping with the proposed Ordinance, also attached is a second Ordinance amending our Code of Ordinances relative to the fee schedule. The amendment, if adopted by the Council, codifies the penalty provisions of the underlying Ordinance presented to the Council in response to Councilor Drinkwater's Motion.

If you have any further questions please feel free to email or call me.

Best regards,

Christine P. O'Connor
City Solicitor

Enc.

cc: Eric Slagle, Director Development Services