



Legislation Text

File #: 210400, Version: 1

ORDINANCE NO. 210400

Amending Chapter 76, “Vehicles for Hire,” by repealing Section 76-505, Enforcement; penalty, and enacting a new section of like number and subject matter clarifying the individuals liable for corporate third-party food delivery services.

WHEREAS, the COVID-19 virus spreads between people who are in close contact with each other; and
WHEREAS, on March 12, 2020, Mayor Quinton Lucas issued a Proclamation of State of Emergency to allow the City to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of City residents; and
WHEREAS, restrictions imposed to prevent the spread of COVID-19 have severely impacted restaurants and caused a shift to increased carry out and delivery of restaurant food; and
WHEREAS, third-party food delivery services can charge a fee constituting a significant portion of the total of a bill to a local restaurant as a service charge and said fees are often unknown to consumers; and
WHEREAS, third-party food delivery services rely on residents of Kansas City for delivery of orders and the pay structures for third-party delivery services are often unknown to consumers; and
WHEREAS, the City Council wishing to protect restaurants and delivery providers in the City from unfair and harmful third-party delivery service fee and pay structures, enacted a new article entitled “Third-Party Food Delivery Services” with Ordinance No. 210054 on February 4, 2021; and
WHEREAS, the City wishes to clarify that corporations and the individuals who manage and control them are responsible for ensuring that their corporations are in compliance with this article; NOW, THEREFORE,
BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 76, “Vehicles for Hire,” is hereby amended by repealing Section 76-505, Enforcement; penalty, and enacting a new section of like number and subject matter, to read as follows:

Section 76-505. Enforcement; penalty.

(a) The director shall be charged with the administration and enforcement of this article and is authorized to issue such reasonable rules and regulations as may be necessary.

(b) Any responsible party who violates any provision of this article, or who neglects or fails to comply with any such provision, shall be guilty of an ordinance violation, and shall, upon conviction, be fined not less than \$100.00 and not more than \$1,000.00 for each offense. Each violation on each day shall constitute a separate and distinct offense.

(c) When a third party delivery service is a corporation and violates any provision of this article, any officer of such corporation or the person in charge of the local office of such corporation who has been previously notified of the same type of violation at least seven (7) days prior, shall be guilty of violating the provisions of this chapter, and shall, upon conviction, be fined not less than \$100.00 and not more than \$1,000.00 for each offense. For purposes of this section “the same type of violation” shall mean a violation of the same section of the ordinance in the same manner. Each violation on each day shall constitute a separate and distinct offense.

(d) Nothing contained in this article shall preclude the informal disposition of contested cases by stipulation, consent order or default, or by agreed settlement.

Approved as to form and legality:

Emalea Black
Assistant City Attorney