



Bellingham City Council

September 14, 2021

Dear restaurant owner or manager:

On August 30, 2021 the Bellingham City Council voted to support an ordinance that requires food delivery platforms such as Door Dash and Grub Hub to obtain restaurant permission before listing restaurants on their platform for food delivery. This ordinance was written after the Council became aware of numerous issues that arise when restaurants are listed without permission. These include:

- Some restaurants may not offer takeout
- Some restaurants may not have sufficient capacity to handle new demand
- Menus posted on platforms may contain inaccurate pricing information and menu items that are no longer offered
- A restaurant may develop its own delivery program that is forced to compete with delivery platforms that list the restaurant without permission
- Delivery times may exceed restaurant standards
- Restaurants may receive bad customer reviews after a bad delivery experience

The new ordinance goes into effect **November 1, 2021**. Key elements of the ordinance are:

- The ordinance regulates food delivery platforms, not restaurants. Restaurants are free to engage any delivery services they wish, and may retain current delivery service as is, or renegotiate service delivery as is mutually agreeable to the restaurant and the platforms.
- Delivery platforms that do not have an agreement in place with restaurants must remove them from being listed on their platforms by **November 1**.
- Agreements must be formally executed but may be recorded on-line to expedite the process of retaining a delivery service. For example, a delivery platform could create a simple electronic form to record the agreement.
- If a restaurant has an agreement with a delivery platform, but decides it wants to terminate that relationship, the listing must be removed within 72 hours after request of the restaurant.
- Enforcement is by private right of action, which means that a restaurant could sue a platform in a court of limited jurisdiction to ensure removal from being listed on a platform.

For further information, and to see the text of the ordinance, see <https://cob.org/gov/council/regulation-of-food-service-delivery> or call Mark Gardner, Council Legislative Analyst, at 360-778-8204.

Thank you.

A handwritten signature in blue ink that reads "Hannah E. Stone".

Hannah Stone
President, Bellingham City Council