

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

NOTICE OF INTRODUCTION AND PUBLIC HEARING
SPECIAL MEETING

NOTICE IS HEREBY GIVEN, that the Snohomish County Council will hold a public hearing on Wednesday, September 20, 2023, at 10:30 a.m. in the **Stillaguamish Room, Robert J. Drewel Building, 1st Floor, 3000 Rockefeller Ave, Everett, WA**, to consider Proposed Ordinance No. 23-078. The public may participate in person or remotely using the following Zoom link:

Zoom Webinar Information:

Join Online: <https://zoom.us/j/94846850772> or by Phone: (253) 215-8782
Meeting ID: 948 4685 0772

PROPOSED ORDINANCE NO. 23-078

RELATING TO COUNTY BUSINESSES, REQUIRING THE ACCEPTANCE OF CASH AS
PAYMENT FOR GOODS AND/OR SERVICES, ADDING A NEW CHAPTER 6.70 SCC, AND
PROVIDING AN EFFECTIVE DATE

Summary: In recent years, many retailers have moved toward a cashless model of payment, citing improved technology, including tap-to-pay mobile applications and safety concerns of storing and handling cash. People who are unbanked or underbanked, as well as those who prefer to use cash, find it difficult to purchase from retailers that use a cashless model, and might be limited in the food, consumer goods, and consumer services they can procure. A summary of the ordinance is as follows:

Section 1. A new chapter is added to Title 6 to read:

Chapter 6.70
CASH ACCEPTANCE

Sections:

6.70.010 Purpose.
6.70.020 Definitions
6.70.030 Application.
6.70.040 Complaints.

6.70.010 Purpose.

The purpose of this chapter is to alleviate hardships on residents of Snohomish County by providing methodologies for the ability to pay for consumer goods and/or services within unincorporated Snohomish County with cash.

6.70.020 Definitions.

For the purposes of this chapter, the following terms shall have the meanings set forth below:

- (1) "Cash" means United States currency, in the form of both paper federal reserve notes and metal coins. For the purpose of this chapter, "cash" does not include:
- (a) Currency issued under the authority of a country other than the United States;
 - (b) A paper instrument other than a federal reserve note, including but not limited to, any check, bond, or promissory note; and
 - (c) A metal coin, including, but not limited to, a gold or silver coin that is not legal tender in the United States.

- (2) "Consumer goods" means items bought or acquired by individuals for personal, family, or household consumption or use.
- (3) "Consumer services" means services offered to individuals primarily for personal, family, or household purposes that have intangible value with no physical form, including, but not limited to, an experience, result, or process.
- (4) "Retail employee" means a person who is employed by a retailer to work at a retail establishment for wages or salary, including, but not limited to, a full-time employee, a part-time employee, and a temporary worker.
- (5) "Retail establishment" means an establishment, including, but not limited to, a building, room, vehicle, pushcart, or stand, in which food or consumer goods are sold, displayed, or offered for sale, or where consumer services are provided at retail.
- (6) "Retailer" means any person, firm, association, company, partnership, or corporation who operates a store, stand, booth, concession, or other place at which sales are made to purchasers for consumption or use.
- (7) "Retail Transaction" means a sale conducted in person of food, consumer goods, or consumer services at a retail establishment, in which payment for purchase is received directly and in person from the purchaser by a retailer or retail employee. For the purposes of this chapter, "retail transaction" does not include:
 - (a) A transaction for which an order is placed and payment is made by telephone, mail, or Internet, including by mobile application;
 - (b) A transaction for which a retailer or retail employee is not physically present to receive payment, such as at a parking lot at which payment is made at an automated kiosk; and
 - (c) A transaction for the rental of consumer goods or services, including accommodations or equipment, for which posting of collateral or security is typically required.
- (8) "Unincorporated Snohomish County" means those areas outside any city or town and under Snohomish County's jurisdiction.

6.70.030 Application.

- (1) A retail establishment in unincorporated Snohomish County shall not refuse to accept cash, if offered, as a form of payment for a retail transaction and shall not charge a higher price to customers who pay cash than they would pay using any other form of payment.
- (2) A retailer may refuse to accept payment in cash or putative cash that the retailer reasonably suspects to be counterfeit. A retailer may also refuse to accept currency denominations greater than twenty dollars.
- (3) In single retail transactions that total more than two hundred dollars, the retailer must accept cash for any amount up to two hundred dollars, but may refuse to accept cash as payment for the remainder of the amount due.
- (4) A retailer may refuse to accept payment in cash if the retail establishment provides a device on premises, or in a location proximate to the retail establishment if shared with other nearby retailers and accessible to consumers, that converts cash into a prepaid card that allows a consumer to complete a purchase, and;
 - (a) The retailer shall place a conspicuous sign in the retail establishment indicating that the retailer does not accept cash payments and that cash can be exchanged for a prepaid card at the cash conversion device and providing directions to the location of the cash conversion device;
 - (b) The cash conversion device must not charge a fee to a consumer if requiring the device be used;
 - (c) The cash conversion device must not require a minimum deposit amount greater than one dollar;
 - (d) The cash conversion device must provide each consumer with a receipt indicating the amount of cash the consumer deposited onto the prepaid card;
 - (e) Cash deposits through a cash conversion device onto a prepaid card must not be subject to an expiration date, there must not be a limit on the number of transactions that may be

completed on such a prepaid card, and a prepaid card must be able to be used at other retail establishments; and

- (f) If a cash conversion device malfunctions, the retailer where the device is located shall accept payment in cash from consumers throughout the time in which the cash conversion device does not function. The retailer shall place a conspicuous sign on or immediately adjacent to the cash conversion device indicating that the retailer is required to accept cash if the conversion device malfunctions.

6.70.040 Complaints.

An affected person may bring a civil action in a court of competent jurisdiction against a retailer for violating this ordinance and, upon prevailing, may be awarded reasonable attorneys' fees and costs and such legal or equitable relief as is appropriate to remedy the violation including penalties of up to one hundred dollars for each five dollars of food, consumer goods, or consumer services the person attempted to purchase with cash.

Section 2. The ordinance takes effect six months after adoption by the County Council.

At the Public Hearing, the Council may consider amendments to the proposed ordinance.

For More Information: Copies of the proposed ordinance and related documents are available upon request by calling the Council Office at (425) 388-3494, 1(800) 562-4367 x3494, TDD 1(800) 877-8339, or by e-mailing Contact.Council@snoco.org. Copies are also available on the Council's website at <https://snohomish.legistar.com/Legislation.aspx> (File # 2023-0905) or <https://snohomishcountywa.gov/2134/Council-Hearings-Calendar>.

Public Testimony: The public may testify in person or remotely. Submit written testimony to Snohomish County Council, 3000 Rockefeller Ave M/S 609, Everett, WA 98201, or e-mail to contact.council@snoco.org. Submitting written testimony 24 hours prior to the hearing will ensure copies are distributed to the Council and appropriate staff in advance of the hearing.

American with Disabilities Act Notice: Accommodations for persons with disabilities are available upon request. Please contact Elena Lao one week prior to the hearing at (425) 388-3494, 1(800) 562-4367 x3494, TDD 1(800) 877-8339, or by e-mail elena.lao@snoco.org.


Dated this 30th day of August, 2023.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Deputy Clerk of the Council

Publish: September 6, 2023

SUBMIT AFFIDAVIT TO: Council Council -
SUBMIT INVOICE TO: 104482

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

SNOHOMISH COUNTY COUNCIL
SCANNED AND RECEIVED
DATE: 09/11/23 Time 11:55 a.m.

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH983529 ORDINANCE NO. 23-078 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 09/06/2023 and ending on 09/06/2023 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$275.90. [Signature]

Linda Phillips
Notary Public
State of Washington
My Appointment Expires 8/29/2025
Commission Number 4417

Subscribed and sworn before me on this 7th day of September, 2023.

[Signature]

Notary Public in and for the State of Washington.

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 - (d) The cash conversion device must provide each consumer with a receipt indicating the amount of cash the consumer deposited onto the prepaid card;
 - (e) Cash deposits through a cash conversion device onto a prepaid card must not be subject to an expiration date, there must not be a limit on the number of transactions that may be completed on such a prepaid card, and a prepaid card must be able to be used at other retail establishments; and
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Dated this 30th day of August, 2023.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington
/s/ Jared Mead
Council Chair

ATTEST:
/s/ Elena Lao, CMC
Deputy Clerk of the Council
104482

Published: September 6, 2023.

EDH983529