

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

NOTICE OF INTRODUCTION AND PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Snohomish County Council will hold a public hearing on Wednesday, October 25, 2023, at the hour of 10:30 a.m., in the Henry M. Jackson Board Room, 8th Floor, Robert J. Drewel Building, 3000 Rockefeller Avenue, Everett, WA in conjunction with a remote meeting platform via the following Zoom link to consider proposed Ordinance No. 23-128.

Zoom Webinar Information:

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

PROPOSED ORDINANCE NO. 23-128

RELATING TO COUNTY BUSINESSES, REQUIRING THE ACCEPTANCE OF CASH AS PAYMENT FOR GOODS AND/OR SERVICES, ADDING A NEW CHAPTER 6.70 SCC, AMENDING CHAPTERS 2.02 AND 30.85 SCC AND PROVIDING AN EFFECTIVE DATE

Summary: The ordinance requires retail establishments in unincorporated Snohomish County to accept cash as payment for goods and/or services. In recent years, many retailers have moved toward a cashless model of payment, citing improved technology, including tap-to-pay mobile applications, as well as safety concerns of handling and storing cash. People who are unbanked or underbanked, as well as those who might prefer to use cash for some purchases, might 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 is as follows:

Section 1. A new chapter is added to Title 6 of the Snohomish County Code (SCC) to read:

Chapter 6.70
CASH ACCEPTANCE

Sections:

6.70.010 Purpose.
6.70.020 Definitions.
6.70.030 Application.
6.70.040 Exemptions
6.70.050 Complaints.

6.70.010 Purpose.

The purpose of this chapter is to provide methodologies for the ability to pay for food, 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; and
 - (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 a building or room in a building 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 retail establishment at which sales are made to purchasers for personal, family or household 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) “Shift” means any set amount of time that an employer schedules and expects an employee to work.
- (9) “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 Exemptions.

- (1) A retailer may claim an exemption from the requirement to accept cash payments by recording an exemption form with the county auditor's office, documenting one or more of the following specific reasons that accepting cash payments will pose unique difficulties for the retailer:
 - (a) repeated theft or theft attempts at the retail establishment;
 - (b) the presence of only a single retail employee at any one shift at the retail establishment;
 - (c) location of the retail establishment within a residence; or
 - (d) distance of fifteen or more miles by road between the retail establishment and the nearest branch of a banking institution.
- (2) Retailers can claim an exemption under this section by completing and recording, upon payment of the recording fee, an exemption form with the county auditor's office.
- (3) If the retailer claims an exemption under this section, the retailer shall place a copy of the recorded exemption form in the retail establishment indicating that the retailer claimed an exemption from the requirement to accept cash payments.
- (4) Retail establishments in unincorporated Snohomish County are exempt from this section in the event of a county executive declared emergency associated with a pandemic.

6.70.050 Complaints.

Persons denied the ability to use cash in compliance with this chapter may submit complaints to the department of planning and development services code enforcement division for processing by that department according to chapter 30.85 SCC.

Section 2. SCC Section 30.85.010, Purpose, adopted by Amended Ordinance No. 08-062 on October 1, 2008, is amended to include reference to cash acceptance.

Section 3. SCC Section 30.85.020, relating to Applicability, last amended by Amended Ordinance No. 12-111 on January 9, 2013, is amended to include reference to the new chapter 6.70.

Section 4. SCC Section 30.85.080, relating to Warning Notice, adopted by Amended Ordinance No. 08-062 on October 1, 2008, is amended to include a new subsection to read: (4) Prior to issuing a citation under SCC 30.85.090 for the first violation of chapter 6.70 SCC, the director shall issue, at a minimum, two warning notices.

Section 5. SCC Section 30.85.090, Citation, last amended by Ordinance No. 14-081 on October 29, 2014, is amended to add subsection (1)(m) Cash acceptance (chapter 6.70 SCC). Subsection (4) is also amended to read: A citation may be modified or withdrawn by the department at any time it was issued in error or if an exemption form has been recorded or could be recorded under SCC 6.70.040.

Section 6. SCC Section 30.85.120, Contested citation hearing, adopted by Amended Ordinance No. 08-062 on October 1, 2008, subsection (6) is amended to read: The hearing examiner shall consider the evidence and testimony presented at the hearing and, based on this information, shall reverse or affirm the citation in whole or in part. The decision shall be issued within 15 days with an optional right of reconsideration. Except for decisions issued under chapter 6.70 SCC, ((Appeals)) appeals may be made by filing a land use petition in superior court within 21 days of issuance of the decision as provided in chapter 36.70C RCW. There shall be no appeal from decisions issued under chapter 6.70 SCC.

Section 7. SCC Section 30.85.130, Fines for citations, last amended by Ordinance No. 14-081 on October 29, 2014, amends the table of fines to include first, repeat and multiple repeat cash acceptance violations.

Section 8. SCC Section 2.02.122, Procedures, last amended by Amended Ordinance No. 13-043 on June 19, 2013, is amended to read: 2.02.122 Procedures for ((~~Land Use~~)) Decisions Authorized under Title 30 SCC. Examiner ((~~land use~~)) decisions authorized under Title 30 SCC, including those decisions authorized under chapter 6.70 SCC, shall be governed by the applicable procedures set forth in that title; provided, that the provisions of this chapter shall supplement any procedures set forth in Title 30 SCC to the extent the provisions of this chapter do not conflict with provisions of Title 30 SCC.

Section 9. This ordinance shall take effect January 1, 2025.

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 # 2023-1230) 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 10th of October 2023.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Deputy Clerk of the Council

Publish: October 12, 2023

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

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

SNOHOMISH COUNTY COUNCIL
SCANNED AND RECEIVED

DATE: 10/16/23 Time 11:40 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 EDH985626 ORDINANCE 23-128 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 10/12/2023 and ending on 10/12/2023 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$392.15.

[Handwritten signature]

Subscribed and sworn before me on this 13th day of October, 2023.

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

[Handwritten signature: Linda Phillips]

Notary Public in and for the State of Washington.

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 - (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.
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- (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 a building or room in a building 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 retail establishment at which sales are made to purchasers for personal, family or household 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;
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- 6.70.030 Application.**
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 - (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.
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- Persons denied the ability to use cash in compliance with this chapter may submit complaints to the department of planning and development services code enforcement division for processing by that department according to chapter 30.85 SCC.
- Section 2, SCC Section 30.85.010, Purpose, adopted by Amended Ordinance No. 08-062 on October 1, 2008, is amended to include reference to cash acceptance.
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Section 7. SCC Section 30.85.130, Fines for citations, last amended by Ordinance No. 14-081 on October 29, 2014, amends the table of fines to include first, repeat and multiple repeat cash acceptance violations.

Section 8. SCC Section 2.02.122, Procedures, last amended by Amended Ordinance No. 13-043 on June 19, 2013, is amended to read: 2.02.122 Procedures for ((Land-Use)) Decisions Authorized under Title 30 SCC. Examiner ((land-use)) decisions authorized under Title 30 SCC, including those decisions authorized under chapter 6.70 SCC, shall be governed by the applicable procedures set forth in that title; provided, that the provisions of this chapter shall supplement any procedures set forth in Title 30 SCC to the extent the provisions of this chapter do not conflict with provisions of Title 30 SCC.

Section 9. This ordinance shall take effect January 1, 2025. 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 # 2023-1230)

or
<https://snohomishcountywa.gov/2134/Council-Hearings-Calendar>.
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Dated this 10th of October 2023.
SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington
/s/ Jared Mead
Council Chair

ATTEST:
/s/ Elena Lao, CMC
Deputy Clerk of the Council
104482
Published: October 12, 2023.

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