

Approved: 10/25/2023

Effective: 01/01/2025

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

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

WHEREAS, Snohomish County endeavors to be an equitable and inclusive place and strives to empower all residents to participate in the economic life of the county. A key aspect of participation in economic life is the ability to purchase food, consumer goods, and consumer services; and

WHEREAS, it has been estimated that three percent of Washington state residents are unbanked, meaning they do not use or do not have access to traditional financial services, including bank accounts, credit cards, or personal checks; and that more than seventeen percent of Washington state residents are underbanked, meaning they might have a checking account, but might often rely on alternative financial services, such as money orders, check-cashing services, and payday loans rather than on traditional loans and credit cards to fund purchases and manage their finances; and

WHEREAS, 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 the safety concerns of storing and handling cash; and

WHEREAS, 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; and

WHEREAS, other jurisdictions, including the cities of New York, San Francisco, and Philadelphia, the District of Columbia, the states of Massachusetts and New Jersey, and King County, Washington, have imposed requirements that retailers accept cash for purchases of food, consumer goods, and consumer services;

NOW, THEREFORE, BE IT ORDAINED:

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

Chapter 6.70
CASH ACCEPTANCE

Sections:

6.70.010 Purpose.

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

PAGE 1 OF 10

- 1 6.70.020 Definitions.
- 2 6.70.030 Application.
- 3 6.70.040 Exemptions
- 4 6.70.050 Complaints.

5

6 6.70.010 Purpose.

7

8 The purpose of this chapter is to provide methodologies for the ability to pay for food,
9 consumer goods and/or services within unincorporated Snohomish County with cash.

10

11 6.70.020 Definitions.

12

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

15

- 16 (1) "Cash" means United States currency, in the form of both paper federal
17 reserve notes and metal coins. For the purpose of this chapter, "cash" does
18 not include:
- 19 (a) Currency issued under the authority of a country other than the United
20 States; and
- 21 (b) A paper instrument other than a federal reserve note, including but not
22 limited to, any check, bond, or promissory note; and
- 23 (c) A metal coin, including, but not limited to, a gold or silver coin that is
24 not legal tender in the United States.
- 25 (2) "Consumer goods" means items bought or acquired by individuals for
26 personal, family, or household consumption or use.
- 27 (3) "Consumer services" means services offered to individuals primarily for
28 personal, family, or household purposes that have intangible value with no
29 physical form, including, but not limited to, an experience, result, or process.
- 30 (4) "Retail employee" means a person who is employed by a retailer to work at a
31 retail establishment for wages or salary, including, but not limited to, a full-
32 time employee, a part-time employee, and a temporary worker.
- 33 (5) "Retail establishment" means a building or room in a building in which food or
34 consumer goods are sold, displayed, or offered for sale, or where consumer
35 services are provided at retail.
- 36 (6) "Retailer" means any person, firm, association, company, partnership, or
37 corporation who operates a retail establishment at which sales are made to
38 purchasers for personal, family or household consumption or use.
- 39 (7) "Retail Transaction" means a sale conducted in person of food, consumer
40 goods or consumer services at a retail establishment, in which payment for
41 purchase is received directly and in person from the purchaser by a retailer or
42 retail employee. For the purposes of this chapter, "retail transaction" does not
43 include:
- 44 (a) A transaction for which an order is placed and payment is made by
45 telephone, mail, or Internet, including by mobile application;

- 1 (b) A transaction for which a retailer or retail employee is not physically
2 present to receive payment, such as at a parking lot at which payment
3 is made at an automated kiosk; and
4 (c) A transaction for the rental of consumer goods or services, including
5 accommodations or equipment, for which posting of collateral or
6 security is typically required.
7 (8) "Shift" means any set amount of time that an employer schedules and
8 expects an employee to work.
9 (9) "Unincorporated Snohomish County" means those areas outside any city or
10 town and under Snohomish County's jurisdiction.
11

12 6.70.030 Application.
13

- 14 (1) A retail establishment in unincorporated Snohomish County shall not refuse to
15 accept cash, if offered, as a form of payment for a retail transaction and shall
16 not charge a higher price to customers who pay cash than they would pay
17 using any other form of payment.
18 (2) A retailer may refuse to accept payment in cash or putative cash that the
19 retailer reasonably suspects to be counterfeit. A retailer may also refuse to
20 accept currency denominations greater than twenty dollars.
21 (3) In single retail transactions that total more than two hundred dollars, the
22 retailer must accept cash for any amount up to two hundred dollars but may
23 refuse to accept cash as payment for the remainder of the amount due.
24 (4) A retailer may refuse to accept payment in cash if the retail establishment
25 provides a device on premises, or in a location proximate to the retail
26 establishment if shared with other nearby retailers and accessible to
27 consumers, that converts cash into a prepaid card that allows a consumer to
28 complete a purchase, and;
29 (a) The retailer shall place a conspicuous sign in the retail establishment
30 indicating that the retailer does not accept cash payments and that
31 cash can be exchanged for a prepaid card at the cash conversion
32 device and providing directions to the location of the cash conversion
33 device;
34 (b) The cash conversion device must not charge a fee to a consumer if
35 requiring the device be used;
36 (c) The cash conversion device must not require a minimum deposit
37 amount greater than one dollar;
38 (d) The cash conversion device must provide each consumer with a receipt
39 indicating the amount of cash the consumer deposited onto the prepaid
40 card;
41 (e) Cash deposits through a cash conversion device onto a prepaid card
42 must not be subject to an expiration date, there must not be a limit on
43 the number of transactions that may be completed on such a prepaid
44 card, and a prepaid card must be able to be used at other retail
45 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. Snohomish County Code Section 30.85.010, adopted by Amended Ordinance No. 08-062 on October 1, 2008, is amended to read:

30.85.010 Purpose.

The purpose of the enforcement procedures found in this chapter is to establish an efficient system to enforce the land use, ~~((and))~~ development and cash acceptance codes of Snohomish County for the benefit of the public health,

1 safety and welfare, and the environment. To achieve this purpose, this chapter
2 provides procedures for:

- 3 (1) Efficient notice and opportunities to correct violations;
- 4 (2) Progressive monetary penalties proportionate to the violations;
- 5 (3) Contesting a citation or appealing a notice of violation;
- 6 (4) Collecting civil penalties; and
- 7 (5) Abatement and remediation of violations.

8
9 Section 3. Snohomish County Code Section 30.85.020, last amended by
10 Amended Ordinance No. 12-111 on January 9, 2013, is amended to read:

11
12 30.85.020 Applicability.

13
14 This chapter applies to violations of any provision of Titles 13 and 30 SCC,
15 ((chapter)) chapters 10.01 and 6.70 SCC, and other Snohomish County Code
16 provisions within the administrative jurisdiction of the department of planning and
17 development services or the department of public works. Violations subject to
18 this chapter are not subject to chapter 10.70 SCC. Violations subject to this
19 chapter include but are not limited to:

- 20 (1) Failure to obtain required permits or authorizations within the
21 administrative jurisdiction of the applicable department;
- 22 (2) Failure to comply with the terms or conditions of a permit or authorization
23 issued by the applicable department;
- 24 (3) Failure to comply with any county code provision within the administrative
25 jurisdiction of the applicable department;
- 26 (4) Failure to comply with rules or regulations adopted pursuant to the
27 administrative authority of the applicable department;
- 28 (5) Removal without authorization or defacing any sign, notice or order posted
29 pursuant to the administrative authority of the applicable department; and
- 30 (6) Failure to comply with a stop work or emergency order issued under this
31 chapter.

32
33 Section 4. Snohomish County Code Section 30.85.080, adopted by Amended
34 Ordinance No. 08-062 on October 1, 2008, is amended to read:

35
36 30.85.080 Warning notice.

- 37
38 (1) Before initiating an enforcement action, the director may provide a warning
39 notice to the person(s) responsible. The person(s) named in the warning
40 notice may be given the opportunity to correct the violation(s), within the time
41 specified in the warning notice.
- 42 (2) A warning notice shall be written in a form determined by the department and
43 include the following information:
 - 44 (a) The tax parcel number of the property where the violation(s) occurred
45 or is located and, when available, the street address;

- 1 (b) A statement describing the violation(s), with specific references to
2 applicable code section(s);
3 (c) The date by which the violation(s) must be corrected to avoid initiation
4 of an enforcement action;
5 (d) A statement of the potential consequences of failure to complete
6 corrective action including the imposition of fines or monetary
7 penalties, if applicable; and
8 (e) Code enforcement contact information and instructions for the
9 responsible person(s) to respond.
10 (3) The warning notice may include suggested corrective actions to cure, abate
11 or stop the violation(s).
12 (4) Prior to issuing a citation under SCC 30.85.090 for the first violation of chapter
13 6.70 SCC, the director shall issue, at a minimum, two warning notices.
14

15 Section 5. Snohomish County Code Section 30.85.090, last amended by
16 Ordinance No. 14-081 on October 29, 2014, is amended to read:
17

18 30.85.090 Citation.

- 19 (1) Violations of the following provisions of Snohomish County Code shall be
20 subject to the citation and/or criminal provisions set forth in this chapter:
21 (a) Junkyard conditions in urban zones (SCC 30.22.100 or 30.65.285);
22 (b) Recreational vehicle occupancy (SCC 30.22.100, 30.22.110,
23 30.22.120 or 30.22.130(19)(b) and (c) or 30.65.285);
24 (c) Illegal signs (chapter 30.27 SCC);
25 (d) Noise standards (chapter 10.01 SCC, except public disturbance noises
26 as defined by SCC 10.01.040);
27 (e) Fence height (SCC 30.50.308 or 30.23.100);
28 (f) Erosion control measures and best management practices (chapter
29 30.63A SCC);
30 (g) Overcrowding beyond building capacity or blocking means of egress
31 SCC 30.53A.382);
32 (h) Obstruction of fire apparatus access roads (SCC 30.53A.512);
33 (i) Means of egress (SCC 30.53A.010, Section 1030 IFC);
34 (j) Burn permit (SCC 30.53A.298);
35 (k) Stop work order (SCC 30.85.230); ~~((and))~~
36 (l) Emergency order (SCC 30.85.240)~~((-))~~; and
37 (m) Cash acceptance (chapter 6.70 SCC).
38 (2) Issuance of the citation is a final determination and a fine will be assessed in
39 accordance with SCC Table 30.85.130.
40 (3) Payment of a fine assessed under the citation shall not relieve the person(s)
41 named in the citation of any obligation to cure, abate or stop the violation(s).
42 (4) A citation may be modified or withdrawn by the department at any time it was
43 issued in error or if an exemption form has been recorded or could be
44 recorded under SCC 6.70.040.

- 1 (5) Each day a person violates or fails to comply with a provision of this section
2 may be considered a separate violation for which a citation may be issued,
3 including the period pending a contested hearing.
4

5 Section 6. Snohomish County Code Section 30.85.120, adopted by Amended
6 Ordinance No. 08-062 on October 1, 2008, is amended to read:
7

8 30.85.120 Contested citation hearing.

- 9 (1) When the department receives a written statement contesting a citation, the
10 statement shall be transmitted to the hearing examiner within three business
11 days.

12 (a) The contested citation statement may be dismissed if the hearing
13 examiner determines it is untimely, incomplete, frivolous, or beyond the
14 hearing examiner's jurisdiction. A summary dismissal order shall be
15 issued within 15 days following receipt of the contested citation by the
16 hearing examiner.

17 (b) The hearing examiner shall conduct a hearing of the contested citation
18 within 45 days of the date that the hearing examiner received the
19 request for the hearing.

20 (c) The hearing examiner shall notify the person contesting the citation
21 and the department in writing of the time, place and date of the hearing
22 at least 15 days prior to the date of the hearing.

- 23 (2) The applicable county department has the burden of proof by a preponderance
24 of the evidence to prove:

25 (a) The person named on the citation is the responsible party for causing
26 the violation or is the property owner; and

27 (b) The violation listed on the citation occurred.

- 28 (3) The public hearing shall be an open record hearing conducted in accordance
29 with the Snohomish County Hearing Examiner Rules of Procedure, except as
30 modified by this chapter.

- 31 (4) Each person participating in an open record hearing shall be allowed to:

32 (a) Call, examine and cross examine witnesses (subject to reasonable
33 limitation by the examiner in accordance with the examiner's adopted
34 rules of procedure) on any matter relevant to the issues of the hearing;

35 (b) Introduce documentary and physical evidence;

36 (c) Rebut evidence; and

37 (d) Represent him/herself or to be represented by anyone of his choice
38 who is lawfully permitted to do so.

- 39 (5) The citation containing the certified statement or declaration authorized by
40 RCW 9A.72.085 submitted by the department and any attached
41 documentation shall be prima facie evidence that a violation occurred and
42 that the person(s) cited are responsible. The citation containing the certified
43 statement or declaration of the code enforcement officer or inspector
44 authorized under RCW 9A.72.085, and any other evidence accompanying the
45 file shall be admissible without further evidentiary foundation. Any

- certifications or declarations authorized under RCW 9A.72.085 shall also be admissible without further evidentiary foundation.
- (6) 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.
- (7) The decision of the hearing examiner shall constitute a final decision and order under SCC 30.85.260.

Section 7. Snohomish County Code Section 30.85.130, last amended by Ordinance No. 14-081 on October 29, 2014, is amended to read:

30.85.130 Fines for citations.

Table 30.85.130 Fines for Citations

CODE PROVISION	FIRST VIOLATION		REPEAT VIOLATION ²		MULTIPLE REPEAT VIOLATIONS ²	
	Non-commercial ¹	Commercial	Non-commercial ¹	Commercial	Non-commercial ¹	Commercial
Junkyard conditions in Urban Zone SCC 30.22.100 or 30.65.285	\$150	\$250	\$300	\$500	\$500	\$700
RV occupancy SCC 30.22.100 , 30.22.110 , 30.22.120 , 30.22.130(19)(b)&(c) or 30.65.285	\$150	\$250	\$300	\$500	\$500	\$700
Tree Canopy (per tree) SCC 30.25.016(11)	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Non-permitted sign Chapter 30.27 SCC	\$150	\$250	\$300	\$500	\$500	\$700
Noise prevention Chapter 10.01 SCC	\$150	\$250	\$300	\$500	\$500	\$700

CODE PROVISION	FIRST VIOLATION		REPEAT VIOLATION ²		MULTIPLE REPEAT VIOLATIONS ²	
	Non-commercial ¹	Commercial	Non-commercial ¹	Commercial	Non-commercial ¹	Commercial
Fence height SCC 30.50.308 or 30.23.100	\$150	\$250	\$300	\$500	\$500	\$700
Erosion control measures Chapter 30.63A SCC	\$150	\$250	\$300	\$500	\$500	\$700
Overcrowding building or egress SCC 30.53A.382	NA	\$250	NA	\$500	\$500	\$700
Obstruction of fire access roads SCC 30.53A.512	\$150	\$250	\$300	\$500	\$500	\$700
Means of egress SCC 30.53A.010 ; Section 1030 IFC	NA	\$250	NA	\$500	\$500	\$700
Burn permit SCC 30.53A.298	\$150	\$250	\$300	\$500	\$500	\$700
Stop work order SCC 30.85.230	\$300	\$500	\$600	\$1,000	\$1,000	\$1,500
Emergency order SCC 30.85.240	\$450	\$750	\$500	\$1,500	\$700	\$2,100
<u>Cash acceptance</u> <u>SCC 6.70</u>	<u>NA</u>	<u>\$250</u>	<u>NA</u>	<u>\$500</u>	<u>NA</u>	<u>\$700</u>

Section 8. Snohomish County Code Section 2.02.122, 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.

1
2 Examiner ((~~land use~~)) decisions authorized under Title 30 SCC, including those
3 decisions authorized under chapter 6.70 SCC, shall be governed by the
4 applicable procedures set forth in that title; provided, that the provisions of this
5 chapter shall supplement any procedures set forth in Title 30 SCC to the extent
6 the provisions of this chapter do not conflict with provisions of Title 30 SCC.
7

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

10 PASSED this 25th day of October, 2023.
11

12 SNOHOMISH COUNTY COUNCIL
13 Snohomish County, Washington
14

15 Jared Mead
16 Chairperson
17

18
19 ATTEST:
20

21 M. G. G. G.
22 Deputy Clerk of the Council
23
24

25 (X) APPROVED
26

27 () EMERGENCY
28

29 () VETOED
30

31 DATE: October 25, 2023
32

33 D. S.
34 County Executive
35

36 ATTEST:
37

38 Melissa Geraghty
39
40

41 Approved as to form only:
42

43 R. J. J. J. 10-06-2023
44 Deputy Prosecuting Attorney
45