

1 SNOHOMISH COUNTY COUNCIL
2 Snohomish County, Washington

3
4 ORDINANCE NO. 23-078

5
6 RELATING TO COUNTY BUSINESSES, REQUIRING THE ACCEPTANCE OF CASH AS
7 PAYMENT FOR GOODS AND/OR SERVICES, ADDING A NEW CHAPTER 6.70 SCC, AND
8 PROVIDING AN EFFECTIVE DATE
9

10 WHEREAS, Snohomish County strives to be an equitable and inclusive place and
11 strives to empower all residents to participate in the economic life of the county. A key
12 aspect of participation in economic life is the ability to purchase food, consumer goods, and
13 consumer services; and
14

15 WHEREAS, it has been estimated that three percent of Washington state residents
16 are unbanked, meaning they do not use or do not have access to traditional financial
17 services, including bank accounts, credit cards, or personal checks, and that more than
18 seventeen percent of Washington state residents are underbanked, meaning they might
19 have a checking account, but might often rely on alternative financial services, such as
20 money orders, check-cashing services, and payday loans rather than on traditional loans
21 and credit cards to fund purchases and manage their finances; and
22

23 WHEREAS, in recent years, many retailers have moved toward a cashless model of
24 payment, citing improved technology, including tap-to-pay mobile applications, as well as
25 the safety concerns of storing and handling cash; and
26

27 WHEREAS, people who are unbanked or underbanked, as well as those who might
28 prefer to use cash for some purchases, might find it difficult to purchase from retailers that
29 use a cashless model and might be limited in the food, consumer goods, and consumer
30 services they can procure; and
31

32 WHEREAS, other jurisdictions, including the cities of New York, San Francisco, and
33 Philadelphia, the District of Columbia, the states of Massachusetts and New Jersey, and
34 King County, Washington, have imposed requirements that retailers accept cash for
35 purchases of food, consumer goods, and consumer services;
36

37 NOW, THEREFORE, BE IT ORDAINED:
38

39 Section 1. A new chapter is added to Title 6 of the Snohomish County Code to read:
40

41 Chapter 6.70

42 CASH ACCEPTANCE
43

44 Sections:

| | |
|-------------|--------------|
| 45 6.70.010 | Purpose. |
| 46 6.70.020 | Definitions |
| 47 6.70.030 | Application. |
| 48 6.70.040 | Complaints. |

49
50

1 6.70.010 Purpose.

2 The purpose of this chapter is to alleviate hardships on residents of Snohomish
3 County by providing methodologies for the ability to pay for consumer goods and/or
4 services within unincorporated Snohomish County with cash.
5

6 6.70.020 Definitions.

7 For the purposes of this chapter, the following terms shall have the meanings set
8 forth below:
9

- 10 (1) "Cash" means United States currency, in the form of both paper federal reserve
11 notes and metal coins. For the purpose of this chapter, "cash" does not include:
12 (a) Currency issued under the authority of a country other than the United
13 States;
14 (b) A paper instrument other than a federal reserve note, including but not
15 limited to, any check, bond, or promissory note; and
16 (c) A metal coin, including, but not limited to, a gold or silver coin that is not
17 legal tender in the United States.
- 18 (2) "Consumer goods" means items bought or acquired by individuals for personal,
19 family, or household consumption or use.
- 20 (3) "Consumer services" means services offered to individuals primarily for personal,
21 family, or household purposes that have intangible value with no physical form,
22 including, but not limited to, an experience, result, or process.
- 23 (4) "Retail employee" means a person who is employed by a retailer to work at a
24 retail establishment for wages or salary, including, but not limited to, a full-time
25 employee, a part-time employee, and a temporary worker.
- 26 (5) "Retail establishment" means an establishment, including, but not limited to, a
27 building, room, vehicle, push cart, or stand, in which food or consumer goods are
28 sold, displayed, or offered for sale, or where consumer services are provided at
29 retail.
- 30 (6) "Retailer" means any person, firm, association, company, partnership, or
31 corporation who operates a store, stand, booth, concession, or other place at
32 which sales are made to purchasers for consumption or use.
- 33 (7) "Retail Transaction" means a sale conducted in person of food, consumer goods,
34 or consumer services at a retail establishment, in which payment for purchase is
35 received directly and in person from the purchaser by a retailer or retail
36 employee. For the purposes of this chapter, "retail transaction" does not include:
37 (a) A transaction for which an order is placed and payment is made by
38 telephone, mail, or Internet, including by mobile application;
39 (b) A transaction for which a retailer or retail employee is not physically
40 present to receive payment, such as at a parking lot at which payment is
41 made at an automated kiosk; and
42 (c) A transaction for the rental of consumer goods or services, including
43 accommodations or equipment, for which posting of collateral or security
44 is typically required.
- 45 (8) "Unincorporated Snohomish County" means those areas outside any city or town
46 and under Snohomish County's jurisdiction.
47

1
2 6.70.030 Application.

- 3 (1) A retail establishment in unincorporated Snohomish County shall not refuse to
4 accept cash, if offered, as a form of payment for a retail transaction and shall not
5 charge a higher price to customers who pay cash than they would pay using any
6 other form of payment.
- 7 (2) A retailer may refuse to accept payment in cash or putative cash that the retailer
8 reasonably suspects to be counterfeit. A retailer may also refuse to accept
9 currency denominations greater than twenty dollars.
- 10 (3) In single retail transactions that total more than two hundred dollars, the retailer
11 must accept cash for any amount up to two hundred dollars, but may refuse to
12 accept cash as payment for the remainder of the amount due.
- 13 (4) A retailer may refuse to accept payment in cash if the retail establishment
14 provides a device on premises, or in a location proximate to the retail
15 establishment if shared with other nearby retailers and accessible to consumers,
16 that converts cash into a prepaid card that allows a consumer to complete a
17 purchase, and;
- 18 (a) The retailer shall place a conspicuous sign in the retail establishment
19 indicating that the retailer does not accept cash payments and that cash
20 can be exchanged for a prepaid card at the cash conversion device and
21 providing directions to the location of the cash conversion device;
- 22 (b) The cash conversion device must not charge a fee to a consumer if
23 requiring the device be used;
- 24 (c) The cash conversion device must not require a minimum deposit amount
25 greater than one dollar;
- 26 (d) The cash conversion device must provide each consumer with a receipt
27 indicating the amount of cash the consumer deposited onto the prepaid card;
- 28 (e) Cash deposits through a cash conversion device onto a prepaid card must
29 not be subject to an expiration date, there must not be a limit on the number
30 of transactions that may be completed on such a prepaid card, and a
31 prepaid card must be able to be used at other retail establishments; and
- 32 (f) If a cash conversion device malfunctions, the retailer where the device is
33 located shall accept payment in cash from consumers throughout the time
34 in which the cash conversion device does not function. The retailer shall
35 place a conspicuous sign on or immediately adjacent to the cash
36 conversion device indicating that the retailer is required to accept cash if
37 the conversion device malfunctions.

38
39 6.70.040 Complaints.

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

Section 2. This ordinance takes effect six months after the date of its adoption by the Snohomish County Council.

PASSED this ___ day of _____, 2023.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Chairperson

ATTEST:

Deputy Clerk of the Council

() APPROVED

() EMERGENCY

() VETOED

DATE:

County Executive

ATTEST:

Approved as to form only:

Ray Bell 07-19-2023
Deputy Prosecuting Attorney

denied at public hearing 10/25/23