

Proposed Ordinance 2023-0027 Amendment Tracker

June 27, 2023

#	1 st Page & Line #	Sponsor	Amendment Description	
JKW>> CARRIED	1	Pg. 1 Line 9	Kohl-Welles	Remove consumer services <ul style="list-style-type: none">The ordinance as drafted would apply to retail sales of food, consumer goods, and consumer services in unincorporated King County.This amendment would remove consumer services so that retailers of services (hairdressers, tanning salons, insurance agents, etc.) would not be required to accept cash.
DUNN>> CARRIED	1.1	Pg. 3 Line 53	Upthegrove Kohl-Welles	Finding about state, national action <ul style="list-style-type: none">The amendment would add a new Finding stating that policies to require retailers to accept cash would be most effective if adopted at the state or national level.
JKW>> CARRIED	2	Pg. 5 Line 100	Kohl-Welles	Metro Transit fares <ul style="list-style-type: none">All Metro fixed-route services currently accept cash.However, Metro has indicated, most recently in response to a Council budget proviso via Motion 16152, that it may seek to become cashless in coming years.If Metro does propose to become cashless, Council approval would be needed to amend the Code (KCC 4A.700.010.B).This amendment would state that KCC 4A.700.010.B would guide transit fares, meaning cash would be accepted now but if the Council changes that section of the Code to move Metro services to cashless, Metro fares would be cashless in both incorporated and unincorporated areas.
DEMBOWSKI>> CARRIED	3	Pg. 6 Line 123	Dembowski Kohl-Welles	Exemption process <ul style="list-style-type: none">The amendment would allow retailers to apply to the Hearing Examiner for an exemption from the requirement to accept cashThe Hearing Examiner would make a determination about exemption based on the unique hardships a retailer faces (history of theft, distance to banking services, home-based businesses, only 1 employee on site at a time, etc.)Would eventually require changes to Title 20 (can be done as part of PO 2023-0099)

Proposed Ordinance 2023-0027 Amendment Tracker, cont'd

June 27, 2023

#	1 st Page & Line #	Sponsor	Amendment Description
NOT OFFERED 4	Pg. 6 Line 124	Dembowski Kohl-Welles	Enforcement process <ul style="list-style-type: none">The ordinance as drafted would use a private right of action as the means to enforce any violations of the requirement to accept cash paymentsThe amendment would replace this with a civil procedure that would rely on Code Enforcement and the Hearing ExaminerFines would be based on the schedule in KCC 23.32.010 Mutually exclusive with Amendments 4a & 4b Requires Title Amendment
NOT OFFERED 4a	Pg. 6 Line 124	Dembowski Kohl-Welles	Enforcement process plus private right of action option after 60 days <ul style="list-style-type: none">The ordinance as drafted would use a private right of action as the means to enforce any violations of the requirement to accept cash paymentsThe amendment would replace this with a civil procedure that would rely on Code Enforcement and the Hearing ExaminerFines would be based on the schedule in KCC 23.32.010If after 60 days Code Enforcement has not acted, the complainant may use a private right of action for injunctive relief Mutually exclusive with Amendments 4 & 4b Requires Title Amendment
DUNN>> CARRIED 4b	Pg. 6 Line 124	Upthegrove	Remove enforcement process, ask Executive to recommend enforcement mechanism <ul style="list-style-type: none">The ordinance as drafted would use a private right of action as the means to enforce any violations of the requirement to accept cash paymentsThe amendment would remove the section on private right of action and instead include a requirement that the Executive analyze enforcement and implementation mechanisms and make a recommendation to the Council on an enforcement mechanism and any other implementation measures by December 1, 2024. Mutually exclusive with Amendments 4 & 4a Does NOT require Title Amendment
DUNN>> CARRIED 5	Pg. 6 Line 130	Upthegrove	New effective date (2025) <ul style="list-style-type: none">The ordinance as drafted would set an effective date six months after Council adoptionThe amendment would change the effective date to July 1, 2025 Mutually exclusive with Amendment 5a
NOT OFFERED 5a	P. 6 Line 130	Kohl-Welles	New effective date (2024) <ul style="list-style-type: none">The ordinance as drafted would set an effective date six months after Council adoptionThe amendment would change the effective date to July 1, 2024 Mutually exclusive with Amendment 5

Proposed Ordinance 2023-0027 Amendment Tracker, cont'd

June 27, 2023

#	1st Page & Line #	Sponsor	Amendment Description
T1	Title	Kohl-Welles	Positive Language This title amendment would redraft the title to use more positive language, instead of prohibiting retailers in unincorporated King County from refusing to accept payment in cash it would require retailers in unincorporated King County to accept payment in cash If Amendments 3, 4, 4a all do not pass
T2	Title	Kohl-Welles	Positive Language + Civil Penalties Would use the positive language of T1 and also amend the ordinance's title to note that it would prescribe penalties if the Code Enforcement process is followed If Amendments 4 or 4a pass but Amendment 3 does not
T3	Title	Kohl-Welles	Positive Language + Exemption Would use the positive language of T1 and also amend the ordinance's title to note that the ordinance would apply only to retailers "not otherwise exempted" If Amendment 3 passes but Amendments 4 or 4a do not
T4	Title	Kohl-Welles	Positive Language + Exemption + Civil Penalties Would use the positive language of T1 and also amend the ordinance's title to note that the ordinance would apply only to retailers "not otherwise exempted" and would also note that it would prescribe civil penalties If Amendment 3 passes and either Amendment 4 or 4a passes

JKW>>CARRIED

June 6, 2023

1

Remove consumer services

[mbourguignon]

Sponsor: Kohl-Welles

Proposed No.: 2023-0027.2

1 **AMENDMENT TO PROPOSED ORDINANCE 2023-0027, VERSION 2**

2 On page 1, beginning on line 9, after "purchase" strike "food, consumer goods, and
3 consumer services" and insert "food and consumer goods"

4

5 On page 2, beginning on line 28, after "purchase" strike "food, consumer goods, and
6 consumer services" and insert "food and consumer goods"

7

8 On page 2, line 34, after "pay for" strike "food, consumer goods, and consumer services"
9 and insert "food and consumer goods"

10

11 On page 3, line 48, after "limited in the" strike "food, consumer goods, and consumer
12 services" and insert "food and consumer goods"

13

14 On page 3, line 52, after "purchases" strike "food, consumer goods, and consumer
15 services" and insert "food and consumer goods"

16

17 On page 4, beginning on line 67, strike "C. "Consumer services" means services offered
18 to individuals primarily for personal, family, or household purposes that have intangible

#12

19 value with no physical form, including, but not limited to, an experience, result, or
20 process."

21 Renumber the remaining subsections consecutively and correct any internal references
22 accordingly.

23

24 On page 4, line 75, after "offered for sale" strike ", or where consumer services are
25 provided at retail"

26

27 On page 4, beginning on line 77, after "in person of" strike "food, consumer goods, or
28 consumer services" and insert "food or consumer goods"

29

30 On page 4, line 86, after "consumer goods" strike "or services"

31

32 On page 6, line 128, after "five dollars of " strike "food, consumer goods, or consumers
33 services" and insert "food or consumer goods"

34

35 **EFFECT prepared by *Mary Bourguignon*:**

36 **The ordinance as drafted would apply to retail sales of food, consumer goods, and**
37 **consumer services in unincorporated King County. This amendment would remove**
38 **consumer services so that retailers of services (hairdressers, tanning salons,**
39 **insurance agents, etc.) would not be required to accept cash.**

40

June 27, 2023

1.1

New finding about state,
national action

[mbourguignon]

Sponsor: Upthegrove

Proposed No.: 2023-0027.2

1 **AMENDMENT TO PROPOSED ORDINANCE 2023-0027, VERSION 2**

2 On page 3, after line 53 insert

3 "I. Policies to require retailers to accept cash for purchase would be most
4 effective and efficient if adopted at the state or national level."

5

6 **EFFECT prepared by *Mary Bourguignon*:**

7 **The amendment would add a new Finding stating that policies to require retailers to**
8 **accept cash would be most effective if adopted at the state or national level.**

9

June 6, 2023

2

Metro Transit fares

[mbourguignon] Sponsor: Kohl-Welles
 Proposed No.: 2023-0027.2

1 **AMENDMENT TO PROPOSED ORDINANCE 2023-0027, VERSION 2**

2 On page 5, after line 100, insert:

3 "D. Fares for public transportation services operated by the Metro transit
 4 department shall be paid as authorized by K.C.C. 4A.700.010.B."

5

6 Renumber the remaining subsections consecutively and correct any internal references
 7 accordingly.

8

9 **EFFECT prepared by *Mary Bourguignon*:**

- 10 • **All Metro fixed-route services currently accept cash.**
- 11 • **However, Metro has indicated, most recently in response to a Council budget**
- 12 **proviso via Motion 16152, that it may seek to become cashless in coming**
- 13 **years. Metro has indicated that it anticipates proposing a move to cashless**
- 14 **transit services to speed up boarding, offer easier transfers, give riders the**
- 15 **appropriate fare reductions (for age, income, etc., which are only available**
- 16 **through an ORCA fare card), and avoid the expense of cash management.**
- 17 • **If Metro does propose to become cashless, Council approval would be needed**
- 18 **to amend the Code (KCC 4A.700.010.B).**

#12

- 19 • **This amendment would state that KCC 4A.700.010.B would guide transit**
20 **fares, meaning cash would be accepted now but if the Council changes that**
21 **section of the Code to move Metro services to cashless, Metro fares would be**
22 **cashless in both incorporated and unincorporated areas.**

June 6, 2023

3

Process to exempt retailers from requirement

[mbourguignon]

Sponsor: Dembowski, Kohl-Welles

Proposed No.: 2023-0027.2

1 **AMENDMENT TO PROPOSED ORDINANCE 2023-0027, VERSION 2**

2 On page 6, after line 123, insert:

3 "E.1. A retailer may seek an exemption from the requirement to accept cash
4 payments by applying in writing to the hearing examiner, documenting the specific
5 reasons that accepting cash payments will pose unique difficulties for the retailer,
6 including, but not limited to:

7 a. a history of theft or attempted theft at the retail establishment or a bona fide
8 concern for theft or robbery of cash;

9 b. the presence of only a single retail employee at the retail establishment;

10 c. location of the retail establishment within a residence;

11 d. distance of fifteen or more miles by road between the retail establishment
12 and the nearest branch of a banking institution; or

13 e. other circumstances that affect the ability of the retailer to accept cash
14 payments.

15 2. The examiner should process the application in accordance with K.C.C.
16 20.22.100; and

#12

17 3. If the retailer is granted an exemption, the retailer shall place a conspicuous
18 sign in the retail establishment indicating that the retailer has been exempted from the
19 requirement to accept cash payments."

20

21 **EFFECT prepared by *Mary Bourguignon*:**

22 **The amendment would allow retailers to apply to the Hearing Examiner for an**
23 **exemption from the requirement to accept cash payments. The Hearing Examiner**
24 **would make a determination about exemption based on the level of hardship to the**
25 **retailer (theft history, distance to banking services, number of employees on site,**
26 **home-based business, etc.)**

June 6, 2023

NOT OFFERED



Enforcement process

[mbourguignon]

Sponsor: Dembowski, Kohl-Welles

Proposed No.: 2023-0027.2

1 **AMENDMENT TO PROPOSED ORDINANCE 2023-0027, VERSION 2**

2 On page 6, beginning on line 124, after "SECTION 5." strike "An affected person may
3 bring a civil action in a court of competent jurisdiction against a retailer for violating this
4 ordinance and, upon prevailing, may be awarded reasonable attorneys' fees and costs and
5 such legal or equitable relief as is appropriate to remedy the violation including penalties
6 of up to one hundred dollars for each five dollars of food, consumer goods, or consumers
7 services the person attempted to purchase using cash."

8 and insert

9 "A. An affected person may file a complaint against a retailer for violating this
10 ordinance with the code enforcement section of the department of local services under the
11 procedures outlined in K.C.C. Title 23.

12 B. If a complaint is filed, the department may determine whether or not a
13 violation has occurred. If the department finds that a violation has occurred, the
14 department may issue a notice, citation, order, or impose civil fines using the schedule in
15 K.C.C. chapter 23.32.

16 C. If the department determines that a violation has occurred, the retailer may file
17 an appeal under the procedures outlined in K.C.C. Title 23."

18

#12

19 **EFFECT prepared by *Mary Bourguignon*:**

20 **The ordinance as drafted would use a private right of action as the means to enforce**

21 **any violations of the requirement to accept cash payments. The amendment would**

22 **replace this with a civil procedure that would rely on Code Enforcement and the**

23 **Hearing Examiner. Fines for violations would be based on the schedule in KCC**

24 **23.32.010.**

June 20, 2023

4a

Enforcement process with option

[mbourguignon]

Sponsor: Dembowski, Kohl-Welles

Proposed No.: 2023-0027.2

1 **AMENDMENT TO PROPOSED ORDINANCE 2023-0027, VERSION 2**

2 On page 6, beginning on line 124, after "SECTION 5." strike "An affected person may
3 bring a civil action in a court of competent jurisdiction against a retailer for violating this
4 ordinance and, upon prevailing, may be awarded reasonable attorneys' fees and costs and
5 such legal or equitable relief as is appropriate to remedy the violation including penalties
6 of up to one hundred dollars for each five dollars of food, consumer goods, or consumers
7 services the person attempted to purchase using cash."

8 and insert

9 "A. An affected person may file a complaint against a retailer for violating this
10 ordinance with the code enforcement section of the department of local services under the
11 procedures in K.C.C. Title 23.

12 B. If a complaint is filed, the department may determine whether or not a
13 violation has occurred. If the department finds that a violation has occurred, the
14 department may issue a notice, citation, order, or impose civil fines using the schedule in
15 K.C.C. chapter 23.32.

16 C. If the department determines that a violation has occurred, the retailer may file
17 an appeal under the procedures in K.C.C. Title 23.

18 D. If after 60 days after the filing of the complaint the department has not acted,

#12

19 the affected person may bring a civil action in a court of competent jurisdiction seeking
20 injunctive relief against a retailer for violating this ordinance."

21

22 **EFFECT prepared by *Mary Bourguignon*:**

23 **The ordinance as drafted would use a private right of action as the means to enforce**
24 **any violations of the requirement to accept cash payments. The amendment would**
25 **replace this with a civil procedure that would rely on Code Enforcement and the**
26 **Hearing Examiner. Fines for violations would be based on the schedule in KCC**
27 **23.32.010. The amendment would also provide that if Code Enforcement does not**
28 **act on the complaint within 60 days that the complainant can use private right of**
29 **action to seek injunctive relief.**

June 27, 2023



Remove private right of action section, require Executive report on enforcement and implementation

[mbourguignon]

Sponsor: Upthegrove

Proposed No.: 2023-0027.2

1 **AMENDMENT TO PROPOSED ORDINANCE 2023-0027, VERSION 2**

2 On page 6, beginning on line 124, after "SECTION 5." strike "An affected person may
3 bring a civil action in a court of competent jurisdiction against a retailer for violating this
4 ordinance and, upon prevailing, may be awarded reasonable attorneys' fees and costs and
5 such legal or equitable relief as is appropriate to remedy the violation including penalties
6 of up to one hundred dollars for each five dollars of food, consumer goods, or consumers
7 services the person attempted to purchase using cash."

8 and insert

9 "To ensure effective implementation and enforcement of this ordinance, the executive
10 shall analyze implementation and enforcement mechanisms and shall transmit to the
11 council an implementation and enforcement plan recommending an enforcement
12 mechanism and implementation measures, as well as any legislation needed to implement
13 the recommended actions. The executive shall electronically file the implementation and
14 enforcement plan and any associated legislation no later than December 1, 2024, with the
15 clerk of the council, who shall retain an electronic copy and provide an electronic copy to
16 all councilmembers, the council chief of staff, and the lead staff for the local services and
17 land use committee or its successor."

18

#12

19 **EFFECT prepared by *Mary Bourguignon*:**

20 **The ordinance as drafted would use a private right of action as the means to enforce**
21 **any violations of the requirement to accept cash payments. The amendment would**
22 **remove the section on private right of action and instead include a requirement that**
23 **the Executive analyze enforcement and implementation mechanisms and make a**
24 **recommendation to the Council on an enforcement mechanism and any other**
25 **implementation measures by December 1, 2024.**

#12

DUNN >> CARRIED

June 27, 2023

5

Later effective date

[mbourguignon]

Sponsor: Upthegrove

Proposed No.: 2023-0027.2

1 **AMENDMENT TO PROPOSED ORDINANCE 2023-0027, VERSION 2**

2 On page 6, beginning on line 130, after "This ordinance takes effect" strike " six months

3 after the date of its adoption by the King County council" and insert "July 1, 2025"

4

5

6 **EFFECT prepared by *Mary Bourguignon*:**

7 **The amendment would change the effective date from six months after Council**

8 **adoption to July 1, 2025.**

9

#12

NOT OFFERED

June 27, 2023

5a

Later effective date

[mbourguignon]

Sponsor: Kohl-Welles

Proposed No.: 2023-0027.2

1 **AMENDMENT TO PROPOSED ORDINANCE 2023-0027, VERSION 2**

2 On page 6, beginning on line 130, after "This ordinance takes effect" strike " six months

3 after the date of its adoption by the King County council" and insert "July 1, 2024"

4

5

6 **EFFECT prepared by *Mary Bourguignon*:**

7 **The amendment would change the effective date from six months after Council**

8 **adoption to July 1, 2024.**

9

#12

June 27, 2023

T1

Positive Title

[mbourguignon]

Sponsor: Kohl-Welles

Proposed No.: 2023-0027.2

1 **AMENDMENT TO PROPOSED ORDINANCE 2023-0027, VERSION 2**

2 On page 1, strike lines 1 through 4 and insert:

3 "AN ORDINANCE relating to retail establishments;
4 requiring retailers in unincorporated King County to accept
5 payment in cash; and adding a new chapter to K.C.C. Title
6 12."

7
8 **EFFECT prepared by *Mary Bourguignon*: This title amendment would redraft the**
9 **title to use more positive language. Instead of prohibiting retailers in**
10 **unincorporated King County from refusing to accept payment in cash it would**
11 **require retailers in unincorporated King County to accept payment in cash.**

#12

June 27, 2023

T2

Positive Title + Civil penalties

[mbourguignon]

Sponsor: Kohl-Welles

Proposed No.: 2023-0027.2

1 **AMENDMENT TO PROPOSED ORDINANCE 2023-0027, VERSION 2**

2 On page 1, strike lines 1 through 4 and insert:

3 "AN ORDINANCE relating to retail establishments;
4 requiring retailers in unincorporated King County to accept
5 payment in cash; adding a new chapter to K.C.C. Title 12
6 and prescribing penalties."

7
8 **EFFECT prepared by *Mary Bourguignon*: This title amendment would redraft the**
9 **title to use more positive language. Instead of prohibiting retailers in**
10 **unincorporated King County from refusing to accept payment in cash it would**
11 **require retailers in unincorporated King County to accept payment in cash.**

12
13 **This title amendment would conform the title to the ordinance if the ordinance is**
14 **amended to provide for the use of Code Enforcement and the penalties in K.C.C.**
15 **23.32.**

June 27, 2023



Positive Title + Exemption

[mbourguignon]	Sponsor: <u>Kohl-Welles</u>
	Proposed No.: <u>2023-0027.2</u>

1 **AMENDMENT TO PROPOSED ORDINANCE 2023-0027, VERSION 2**

2 On page 1, strike lines 1 through 4 and insert:

3 "AN ORDINANCE relating to retail establishments;

4 requiring retailers in unincorporated King County, unless

5 otherwise exempted, to accept payment in cash; and adding

6 a new chapter to K.C.C. Title 12."

7

8 **EFFECT prepared by *Mary Bourguignon*: This title amendment would redraft the**

9 **title to use more positive language. Instead of prohibiting retailers in**

10 **unincorporated King County from refusing to accept payment in cash it would**

11 **require retailers in unincorporated King County to accept payment in cash. It**

12 **would also note that the ordinance would apply only to retailers “not otherwise**

13 **exempted.”**

#12

June 27, 2023

T4

Positive Title + Civil penalties +
Exemption

[mbourguignon]

Sponsor: Kohl-Welles

Proposed No.: 2023-0027.2

1 **AMENDMENT TO PROPOSED ORDINANCE 2023-0027, VERSION 2**

2 On page 1, strike lines 1 through 4 and insert:

3 "AN ORDINANCE relating to retail establishments;
4 requiring retailers in unincorporated King County, unless
5 otherwise exempted, to accept payment in cash; adding a
6 new chapter to K.C.C. Title 12 and prescribing penalties."
7

8 **EFFECT prepared by *Mary Bourguignon*: This title amendment would redraft the**
9 **title to use more positive language. Instead of prohibiting retailers in**
10 **unincorporated King County from refusing to accept payment in cash it would**
11 **require retailers in unincorporated King County to accept payment in cash.**

12
13 **This title amendment would conform the title to the ordinance if the ordinance is**
14 **amended to provide for the use of Code Enforcement and the penalties in K.C.C.**
15 **23.32.**

16
17 **The amendment would also amend the title to note that retailers are only subject to**
18 **the ordinance “unless otherwise exempted”**