

ORDINANCE NO. 003/2009

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING MONROE MUNICIPAL CODE (MMC) SECTION 9.28.070 IN ORDER TO REMOVE RESTRICTIONS ON CARRYING FIREARMS IN A CITY PARK.

WHEREAS, RCW 9.41.290 “fully occupies and preempts the entire field of firearms regulation;”

WHEREAS, RCW 9.41.300 permits municipalities to regulate the possession of firearms only in stadiums and convention centers;

WHEREAS, Washington State Attorney General Opinion No.8 (2008) concludes that RCW 9.41.290 preempts a city’s authority to enact local laws prohibiting possession of firearms on city property; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. MMC 9.28.070 is hereby amended to provide as follows:

It is unlawful to shoot, fire, or explode any firearm, fireworks, firecracker, torpedo, model rockets, model motorized aircraft or explosive of any kind or to shoot or fire any air gun, bows and arrows, B.B. gun, or use any slingshot in any park, except as authorized pursuant to Chapter 5.28 or 9.18 MMC.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 17th day of February 2009.

CITY OF MONROE, WASHINGTON:

1st Reading: 2/17/09
Published: 2/24/09
Effective: 3/1/09

Donnetta Walser, Mayor

ATTEST/AUTHENTICATED:

Eadye Martinson, Deputy City Clerk

APPROVED AS TO FORM:

Phil Olbrechts, City Attorney