

CITY OF MONROE
ORDINANCE NO. 017/2025

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING CHAPTER 9.28 MMC PARK CODE; UPDATING THE PURPOSE, PARK HOURS, TRASH DISPOSAL STANDARDS, USE REGULATIONS, CAMPING RESTRICTIONS, USE OF PROHIBITED SUBSTANCES, AND PROCEDURES FOR PARK EXCLUSION; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City of Monroe has adopted and codified regulations governing the use of City park facilities at Chapter 9.28 MMC; and

WHEREAS, the City desires to update and amend said regulations to reflect modern practices, terminology, legal standards, and administrative roles;

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

Section 1. Amendment of Chapter 9.28 MMC—New Section 9.28.015 Adopted. Chapter 9.28 of the Monroe Municipal Code is hereby amended by the adoption of new Section 9.28.015 to provide in its entirety as follows:

9.28.015 Purpose; Construction.

This chapter establishes the general regulations which will be in effect for all city parks unless otherwise provided. These general regulations are in addition to other applicable city, state, and federal laws. The provisions of this chapter shall be reasonably construed and administered in a manner that is consistent with applicable state and federal law, specifically including without limitation applicable First Amendment standards governing free speech and expressive conduct.

Section 2. Amendment of MMC 9.28.020. Section 9.28.020 of the Monroe Municipal Code is hereby amended as follows:

9.28.020 Exercise of Police Power and Land-Owner Authority.

This chapter is an exercise of the police power of the state of Washington and the city of Monroe for the public peace, health, safety and welfare, **and an exercise of the City's authority as owner of the park facilities governed hereunder,** and this provision shall be liberally construed.

Section 3. Amendment of MMC 9.28.030. Section 9.28.030 of the Monroe Municipal Code is hereby amended as follows:

9.28.030 Definitions.

The terms herein used, unless clearly contrary to or inconsistent with the context in which used, shall be considered as follows:

. . . .

E. "Department" means the parks and recreation department.

F. "Director" means the director of the parks and recreation department or their designee.

G. "Camp" or "camping" means to pitch, use, or occupy a tent, lean-to, temporary shelter, recreational vehicle, or similar temporary, portable, and/or mobile facilities for the purposes of habitation.

Section 4. Amendment of MMC 9.28.035. Section 9.28.035 of the Monroe Municipal Code is hereby amended to provide in its entirety as follows:

9.28.035 Hours.

~~Unless otherwise posted, city parks are open to the public from dawn to dusk and closed to public use from dusk to dawn.~~

The provisions of this section shall apply to all parks property, improved and unimproved, within the city or owned by the city.

A. Unless otherwise posted, all parks, including without limitation any vehicle parking areas located therein, shall be closed to the general public 30 minutes prior to "dawn sunrise" and 30 minutes after "sunset".

B. It is unlawful for any person to enter, remain in, otherwise use a park at any time between the closing hour designated above and the opening hour of the following day; provided, that the foregoing prohibition shall not apply to law enforcement and other first responder personnel or authorized city employees or contractors.

C. For the purposes of this section, "sunrise" and "sunset" means the time of official sunrise and sunset for the particular day as published by the U.S. Weather Service.

Section 5. Amendment of MMC 9.28.040. Section 9.28.040 of the Monroe Municipal Code is hereby amended to provide in its entirety as follows:

9.28.040 Erection of signs or structures.

It is unlawful to ~~use,~~ **install, affix,** place or erect any sign board, sign, billboard, bulletin board, post, pole or device of any kind for advertising in any park; or to attach any notice, bill, poster, sign, wire, rod or card to any tree, shrub, railing, post or structure within any park; or to **install, affix,** place or erect in any park a structure of any

kind, unless authorized by the director, permitted under a city-approved concessionaire agreement, special event permit, Monroe city council or as allowed by Chapter 22.50 MMC, as applicable.

Section 6. Amendment of MMC 9.28.065. Subsections 9.28.065(A) and (B) of the Monroe Municipal Code are hereby amended to provide in their respective entirety as follows:

9.28.065 Off-leash area for dogs.

- A. The ~~Monroe parks~~ director shall have the authority to designate areas at city parks as off-leash areas for dogs to run at large.
- B. The ~~Monroe parks~~ director shall have the authority to establish such rules and regulations as reasonably necessary for the operation of such designated off-leash areas.

....

Section 7 Amendment of MMC 9.28.100. Section 9.28.100 of the Monroe Municipal Code is hereby amended to provide in its entirety as follows:

9.28.100 Solicitors – Loudspeakers.

Except as may be specifically provided by law, it is unlawful to take up collections; or to act as or ply the vocation of solicitor, agent, peddler or fakir, mendicant, beggar, strolling musician, organ grinder, exhorter, barker, showman, or bootblack; or to operate or use any loudspeaker, without written permission from the ~~parks~~ director.

Section 8 Amendment of MMC 9.28.110. Section 9.28.110 of the Monroe Municipal Code is hereby amended to provide in its entirety as follows:

9.28.110 Use of Watercraft - Restrictions.

- ~~A. The city council shall have the right to designate areas where it shall be~~ **It is unlawful** to operate any boat, float, raft or other watercraft in or upon any bank, lake, slough, ~~river~~ or creek within the limits of any park **except for areas specifically designated therefore. Without limitation of the foregoing,** ~~n~~No gas-powered motors of any size and no electric motors in excess of one and three-quarters horsepower, including model boats, shall be allowed on Lake Tye, unless otherwise approved by special event permit.
- B. It is unlawful to launch any boat, float, raft or other watercraft from a trailer in or upon any bank, lake, slough, river or creek within the limits of any park except for areas specifically designated therefore.** ~~Launching of boats of any type from beach~~

~~area in Lake Tye is prohibited. For Lake Tye, boats shall be launched within the designated boat launch area.~~

C. The provisions of the section shall not apply to the extent that the activities are authorized by the director, approved pursuant to a special use permit, or are allowed pursuant to a city-approved concessionaire agreement.

Section 9. Amendment of MMC 9.28.120. Section 9.28.120 of the Monroe Municipal Code is hereby amended to provide in its entirety as follows:

9.28.120 Parking areas and Vehicle use Restrictions.

A. It is unlawful to ride or drive any bicycle, tricycle, motorcycle, or motor vehicle over or through any park except along and upon the park driveways, parkways, boulevards, or at a speed in excess of ten miles per hour or to stand or park any vehicle except in areas designated **for such use**. ~~by the city council and so designated by signs.~~ In particular it shall be unlawful for anyone to drive off of roads or vehicle rights-of-way, and motorcycles and four-wheel drive vehicles shall not be authorized to use any park paths or other roads other than roadways for ingress or egress to and from a park unless there is a designation that such other roads may be used by off-road vehicles and are so designated by signs.

B. Vehicles may only park within designated parking areas in any park except as expressly allowed under an approved special event permit.

C. Designated parking areas are for the exclusive purpose of parking the vehicles of park users. It is unlawful to use a designated parking area for any other purpose except when expressly allowed under an approved special event permit.

D. It is unlawful to place, deposit, store, set, or otherwise locate any other items of personal property upon the surface of a designated parking area except temporarily, for a period not to exceed five (5) minutes, as reasonably necessary to load or unload a parked vehicle.

Section 10. Amendment of MMC 9.28.140 Camping. Section 9.28.140 of the Monroe Municipal Code is hereby amended to provide in its entirety as follows:

9.28.140 Camping.

A. It is unlawful to camp in any park except **as provided in this section.**

B. 1. Camping at Lake Tye Park and Sky River Park Overnight camping may be allowed for up to two consecutive nights may be allowed in conjunction with a special event permit issued pursuant to Chapter [5.28](#) MMC or as provided by the current city of Monroe athletic field priorities, policies and procedures. ~~or~~

~~2. Camping for up to two consecutive nights may be allowed in conjunction with special events through a special event permit issued pursuant to Chapter 5.28 MMC and approved by the city council.~~

~~**CB.** Any fees associated with this section shall be as set by periodic resolution of the ~~Monroe~~ city council.~~

Section 11. Amendment of MMC 9.28.150. Section 9.28.150 of the Monroe Municipal Code is hereby amended to provide in its entirety as follows:

9.28.150 Public facilities, water and other utilities.

It shall be unlawful to do the following:

- ~~A. Use any park facility unless such is designated for public use and a sign so indicates, or prior approval has been obtained from the city council.~~
- B. A. Use any park facility or other utility unless such **facility** is designated **and signed** for public use **or prior approval has been obtained from the director.****
- C. B. Remove water from any parks for personal, residential, commercial, or other use not incident to utilization and enjoyment of the park. Water may be used for city-authorized park maintenance and municipal purposes by city-authorized personnel.**

Section 12. Amendment of MMC 9.28.160 Sports – Location Restriction. Section 9.28.160 of the Monroe Municipal Code is hereby amended to provide in its entirety as follows:

9.28.160 Sports – Location restriction.

It is unlawful to practice or play golf, baseball, cricket, lacrosse, polo, archery, hockey, tennis, badminton, **pickleball, skateboarding**, or other games of like character or to hurl or propel any airborne or other missile except at places ~~set aside~~ **designated** for such purposes, ~~by the city council.~~

Section 13. Amendment of MMC 9.28.170. Section 9.28.170 of the Monroe Municipal Code is hereby amended to provide in its entirety as follows:

9.28.170 Litter and Trash Receptacles.

It shall be unlawful to do the following:

- ~~**A. Littering in City Parks.** It shall be unlawful for any person to tThrow any refuse, litter, broken glass, crockery, nails, shrubbery, trimmings, junk or~~

advertising matter in any park or to deposit any waste or abandoned material therein except in designated receptacles.

- B.** ~~Designated Trash Receptacles (trash cans). It shall be unlawful for any person to deposit~~ **Deposit dangerous or extremely hazardous waste as defined by Chapter 70A.300 RCW, human sanitary waste or sewage as defined by Chapter 246-272A WAC or, waste generated from a household or commercial enterprise in designated waste receptacles.**
- C.** **Notwithstanding the prohibitions in this subsection, a person may dispose of a limited quantity of human sanitary waste, contained within a single, sealed, non-reusable absorbent garment (diaper), or similar product, into a waste receptacle provided:**
- i.** **The waste was generated by an infant or an individual requiring such a garment.**
 - ii.** **The disposal of such waste shall be limited to an amount consistent with its incidental use during the person's visit to the park.**

Section 14. Amendment of MMC 9.28.190. Section 9.28.190 of the Monroe Municipal Code is hereby amended to provide in its entirety as follows:

9.28.190 Speed or endurance competitions prohibited.

It is unlawful to engage in, conduct or hold any **rac**es, trials or competition for speed, endurance, **drift racing**, or hill climbing involving any vehicle, boat, aircraft or animal in any park, unless otherwise approved by a special event permit issued pursuant to Chapter **5.28** MMC.

Section 15. Amendment of MMC 9.28.200. Section 9.28.200 of the Monroe Municipal Code is hereby amended to provide in its entirety as follows:

9.28.200 Fires.

- A.** It is unlawful to **set or maintain** any **uncontained** fires in any park except in areas designated **for such use.**
- B.** **Unless otherwise posted, the operation of gas grills or similar gas cooking appliances is allowed in areas of a park not designated for other uses, and only upon sand, gravel, asphalt, concrete, and irrigated grass surfaces. All such gas grills or similar gas cooking appliances shall be supervised during operation at all times.**

Section 16. Amendment of MMC 9.28.210. Section 9.28.210 of the Monroe Municipal Code is hereby amended to provide in its entirety as follows:

9.28.210 Open containers of alcoholic beverages, and cannabis prohibited.

~~It is unlawful for any person to consume or possess any alcoholic beverage in a city park, including unopened alcoholic beverage containers, except in those areas and/or at those events for which the appropriate license(s)/permit(s) has been obtained from the state of Washington and an approved special event permit has been issued by the director or designee in accordance with Chapter 5.28 MMC.~~

- A. **It is a civil infraction for any person to possess an open container of any alcoholic beverage or consume cannabis while in any city park. Any person having an open container within one's immediate reach or control (such as at a bench, picnic table, blanket, or motor vehicle where that person is sitting) within a city park may be considered as in possession of the container for the purposes of this section.**

- B. **A person is exempt from this section as it relates to alcoholic beverages to the extent that their actions are in accordance with a special events permit for which the appropriate license(s)/permit(s) has been obtained from the Washington State Liquor and Cannabis Board and an approved special event permit has been issued by the director in accordance with Chapter 5.28 MMC.**

Section 17. Amendment of MMC 9.28.225. Section 9.28.225 of the Monroe Municipal Code is hereby amended to provide in its entirety as follows:

9.28.225 Trespass in parks – Punishment

- A. Any person who knowingly (1) enters or remains in a park from which he or she has been excluded during the period covered by an exclusion notice pursuant to MMC 9.28.255; (2) enters, remains in, or is otherwise present within the premises of a park during hours which the park or portion of the park is not open to the public, unless the person is present within the park to participate in an activity either conducted by the parks and recreation department or conducted pursuant to the terms of a permit issued by the parks and recreation department or by special event permit issued pursuant to Chapter 5.28 MMC; or (3) enters or remains in any area of a park which has been designated and posted by the parks ~~manager~~ **director** as a closed area, using such postings as “no admittance” or “closed to use” or “no trespassing” shall be guilty of trespass in parks, a gross misdemeanor, and may be punished by a fine not to exceed five

thousand dollars or imprisonment in jail not to exceed one year, or by both such imprisonment and fine.

- B. The provisions of this section do not apply to any duly authorized department of parks and recreation or other city employee in the performance of his or her duties, or other person authorized by law.
- C. It is not a defense to the crime of trespass in parks:
 - 1. That the underlying exclusion issued pursuant to this chapter is on appeal when the excluded person is apprehended, charged, or tried under this section; nor
 - 2. That the excluded person entered or remained in the park pursuant to a permit that was issued in the name of another person either before or after the date of the exclusion notice.

Section 18. Amendment of MMC 9.28.255. Section 9.28.255 of the Monroe Municipal Code is hereby amended to provide in its entirety as follows:

9.28.255 Park exclusion.

- A. **Law enforcement personnel are authorized to issue and enforce trespass violations of Monroe parks by consent of the director.**
The parks manager **director** and his/her **their** designees shall be empowered to exercise the authority of peace officers to the extent necessary to enforce this section.
- B. **Law enforcement personnel and the** parks manager **director** or his/her **their** designees may, by delivering an exclusion notice in person to the offender, or by first class mail and certified mail to the offender at the offender's last known address, exclude from **all** city parks anyone who within a city park:
 - 1. Violates any provision of this chapter; or
 - 2. Violates any park rule; or
 - 3. Violates any provision of this code or the Revised Code of Washington.

The offender need not be charged, tried, or convicted of any crime or infraction in order for an exclusion notice to be issued or be effective. The exclusion may be based upon observation by **law enforcement personnel** the parks manager **director** or his/her **their** designee or upon civilian reports that would ordinarily be relied upon by police officers in the determination of probable cause.

- C. If the offender:

1. Has not been excluded from any city park by an exclusion notice issued within one year prior to the violation, then ~~Officers of the Monroe Police Department~~ **law enforcement personnel** the ~~or~~ parks manager **director** or his/her ~~designee~~ may exclude the offender from all city parks for a period not exceeding ~~seven~~ **one year** from the date of the exclusion notice.

2. Has been the subject of a prior exclusion notice issued within one year prior to the current violation then **law enforcement personnel** or the parks manager **director** or his/her ~~designee~~ may exclude the offender from all city parks for a period **not exceeding** ~~ninety days~~ **two years** from the date of the exclusion notice.

3. Has **not** been **excluded from any city park by an** exclusion notice **and** the current violation is a weapon violation, then the parks manager or his/her designee may exclude the offender from all city parks for a period **not exceeding** ~~of two years~~ **two years** from the date of the exclusion notice.

D. The exclusion notice shall be in writing and shall contain the date of issuance. The exclusion notice shall specify the length and places of exclusion. It shall be signed by the issuing individual. Warning of the consequences for failure to comply shall be prominently displayed on the notice.

~~E. Only the parks manager or his/her designee after a hearing may rescind, shorten or modify an exclusion notice for a period not exceeding seven days.~~

F. **E.** An offender receiving an exclusion notice longer than seven days may seek a hearing **before the City hearing examiner**, to have the exclusion notice rescinded, the period of exclusion shortened, or the areas of exclusion reduced. ~~The hearing examiner shall be the City of Monroe Police Chief, unless the Mayor designates another as the hearing examiner.~~ The request for a hearing shall be delivered to the parks manager **director** or postmarked no later than seven days after the issuance date of the exclusion notice. The request for hearing shall be in writing and shall be accompanied by a copy of the exclusion notice on which the hearing is sought. Such requests shall be forwarded by the parks manager **director** or his/her ~~designee~~ to the hearing examiner. The hearing should occur within seven days after the parks manager **director** receives the request for hearing. Hearings will be conducted by written request only.

G. **F.** At the hearing, the violation must be proved by a preponderance of the evidence in order to uphold the exclusion notice. If the exclusion notice was issued because of the alleged violation of any criminal law, the offender need not be charged, tried, or convicted for the exclusion

notice to be upheld. The exclusion notice establishes a prima facie case that the offender committed the violation as described. The hearing examiner shall consider ~~a sworn report~~ **an unsworn declaration substantially in the form found in RCW 5.05.050** or a declaration made under penalty of perjury, written by the individual who issued the exclusion notice, without further evidentiary foundation. The certifications authorized in Rule 6.13 of the Criminal Rules for Courts of Limited Jurisdiction shall be considered without further evidentiary foundation. The hearing examiner may consider information that would not be admissible under the evidence rules in a court of law but which the hearing examiner considers relevant and trustworthy.

- H. **G.** If the violation is proved, the exclusion notice shall be upheld; but upon good cause shown, the hearing examiner may shorten the duration of the exclusion or reduce the areas covered by the exclusion. If the violation is not proved by a preponderance of the evidence, the hearing examiner shall rescind the exclusion. If the hearing examiner rescinds an exclusion, the exclusion shall not be considered a prior exclusion for purposes of subsection **(C)** of this section.
- I. **H.** The decision of the hearing examiner is final. An offender seeking judicial review of hearing examiner's decision must file an application for a writ of review in the Snohomish County superior court within fifteen days of the date of that decision.
- J. **I.** The exclusion shall remain in effect during the pendency of any administrative or judicial proceeding.
- ~~K.~~ **J.** No determination of facts made by a person conducting a hearing under this section shall have any collateral estoppel effect on a subsequent criminal prosecution or civil proceeding and shall not preclude litigation of those same facts in a subsequent criminal prosecution or civil proceeding.
- L. **K.** This section shall be enforced so as to emphasize voluntary compliance with laws and park rules, and so that inadvertent minor violations that would fall under subsection **(C)(1)** of this section can be corrected without resort to an exclusion notice.

Section 19. Amendment of MMC 9.28.60. Section 9.28.260 of the Monroe Municipal Code is hereby amended to provide in its entirety as follows:

9.28.260 Violation—Penalty.

- A. Anyone concerned in the violation of this chapter, whether directly committing the act or omitting to do the thing constituting the offense,

or who aids or abets the same, and whether present or absent, and anyone who directly or indirectly counsels, encourages, hires, or commands, is and shall be a principal under the terms of this chapter and shall be proceeded against and prosecuted as such.

- B. **Except as otherwise provided herein, any person violating any of the provisions or failing to comply with any of the mandatory requirements of this chapter shall be guilty of a misdemeanor and may be punished by a fine of not more than one thousand dollars or by imprisonment not to exceed ninety days or by both such fine and imprisonment.** ~~Violation of or failure to comply with the provisions of this chapter shall subject the offender to a fine of not more than one thousand dollars and/or a jail sentence not exceeding ninety days.~~

Section 20. 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 21. 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 23rd day of September, 2025.

First Reading: September 9, 2025
Adoption: September 23, 2025
Published: September 26, 2025
Effective: October 1, 2025

CITY OF MONROE, WASHINGTON:


Geoffrey Thomas (Sep 24, 2025 22:03:45 PDT)

Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:


Jodi Wycoff (Sep 25, 2025 08:40:01 PDT)

Jodi Wycoff, City Clerk


Zach Lell (Sep 24, 2025 08:03:53 PDT)

J. Zachary Lell, City Attorney

Ord 17-2025 -Park Code Amendments

Final Audit Report

2025-09-25

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