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**CITY OF FIRCREST
ORDINANCE NO. 1742**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON, ENACTING FIRCREST MUNICIPAL CODE CHAPTER 16.56 AUTHORIZING AND REGULATING THE USE OF AUTOMATED TRAFFIC SAFETY CAMERAS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to RCW [46.63.220](#), local jurisdictions are authorized to implement automated traffic safety camera programs; and

WHEREAS, pursuant to RCW [46.63.250](#), automated traffic safety cameras are authorized in school speed zones, school walk zones, and public park speed zones, as defined in RCW [46.63.210](#); and

WHEREAS, pursuant to RCW [46.63.230](#), automated traffic safety cameras are authorized to detect stoplight violations at intersections of two or more arterials, subject to the conditions laid forth in subsection 2 of RCW [46.63.230](#); and

WHEREAS, the City desires to improve traffic and pedestrian safety throughout the City with an emphasis on school speed zones and park speed zones, and intersections of two or more arterials; and

WHEREAS, attentive driving in and around intersections of two or more arterials and reduced speeds in school and park zones help decrease the likelihood of an accident involving pedestrian and vehicular traffic; and

WHEREAS, pursuant to RCW [46.63.220\(3\)](#), the City has prepared an analysis of locations where automated traffic safety cameras are proposed to be located; and

WHEREAS, having considered the aforementioned analysis, the City Council has concluded that the authorization of automated traffic safety cameras will enhance the health, welfare, and safety of the community; and

WHEREAS, pursuant to RCW [46.63.220\(2\)](#), the City is required to enact an ordinance authorizing the use of automated traffic safety cameras.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FIRCREST DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 16.56 of the Fircrest Municipal Code Established. Fircrest Municipal Code (FMC) Chapter 16.54 – Automated Traffic Safety Cameras, is hereby established to read as follows:

1 **Chapter 16.54**
2 **Automated Traffic Safety Cameras**

3 **16.54.010 Definitions.**

4 For the purposes of this chapter, the following definitions shall apply:

5 (a) "Automated traffic safety camera" means a device that uses a vehicle sensor installed
6 to work in conjunction with an intersection traffic-control system or a speed measuring
7 device and a camera synchronized to automatically record one or more sequenced
8 photographs, microphotographs, or electronic images of the rear of a motor vehicle at
the time the vehicle fails to stop when facing a steady red traffic-control signal or
exceeds a speed limit to a school speed zone as detected by a speed measuring device.

9 (b) "Public park speed zone" means the marked area within public park property and
10 extending three hundred (300) feet from the border of public park property, consistent
11 with active park use, and where signs are posted to indicate the location is within a public
park speed zone.

12 **16.54.020 Authorized use of automated traffic safety cameras.**

13 (a) Consistent with the authority granted in Chapter [46.63](#), law enforcement officers of
14 the City of Fircrest and persons commissioned by the Fircrest chief of police are
15 authorized to use automated traffic cameras and related automated systems to detect
one or more of the following:

- 16 (1) Stoplight violations
17 (2) School speed zone violations
18 (3) Public park speed zone violations

19 (b) The use of automated traffic safety cameras is subject to the following restrictions:

20 (1) Use of automated traffic safety cameras is restricted to intersections of two or
21 more arterials with traffic control signals that have yellow change interval
durations in accordance with RCW [47.36.022](#), school speed zones, and public park
22 speed zones only; and

23 (2) Automated traffic safety cameras may only take pictures of the vehicle and
24 vehicle license plate, and only while an infraction is occurring. Pictures taken by
automated traffic safety cameras may not reveal the faces of the driver or of the
passengers in the vehicle.

25 (c) The city shall clearly mark all locations where automated traffic safety cameras are
26 in use by placing signs in locations that clearly indicate to drivers that they are entering
27 a zone where traffic laws are enforced by an automated traffic safety camera. Said signs
28 must comply with the specifications and guidelines outlined in the Manual on Uniform
29 Traffic Control Devices for Streets and Highways, as adopted by the Washington State
30 Department of Transportation under Chapter [47.36](#) RCW.

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16.54.030 Notice of infraction.

(a) Whenever any vehicle is photographed by an automatic traffic safety camera, a notice of infraction shall be mailed to the registered owner of the vehicle within 14 days of the violation, or to the renter of a vehicle within 14 days of establishing the renter's name and address under this section.

(b) If the registered owner of the vehicle is a rental car business, the Fircrest police department shall, before a notice of infraction is issued, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within 18 days of receiving the written notice, provide to the Fircrest police department by return mail:

(1) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(2) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(3) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the Fircrest police department relieves a rental car business of any liability under this chapter for the notice of infraction.

(c) The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotos, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, micro-photos, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction.

16.54.040 Request for hearing.

A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail. The person receiving the infraction may also request a hearing in the Fircrest municipal court consistent with the procedures, rules, and regulations governing other infractions.

16.54.050 Prima facie presumption.

(a) In a traffic infraction case involving an infraction detected through the use of an automated traffic safety camera, proof that the particular vehicle described in the notice of traffic infraction was in violation of any such identified traffic infraction, together

1 with proof that the person named in the notice of traffic infraction was at the time of the
2 violation the registered owner of the vehicle, constitutes in evidence a prima facie
3 presumption that the registered owner of the vehicle was the person in control of the
vehicle at the point where, and for the time during which, the violation occurred.

4 (b) This presumption may be overcome only if the registered owner states, under oath,
5 in a written statement to the court or in testimony before the court that the vehicle
6 involved was, at the time, stolen or in the care, custody, or control of some other person
other than the registered owner.

7 **16.54.060 Infractions processed.**

8 Infractions detected through the use of automated traffic safety cameras are not part of
9 the registered owner's driving record under RCW [46.52.101](#) and [46.52.120](#) as now
10 enacted or hereafter amended. Additionally, infractions generated by the use of
11 automated traffic safety cameras under this section shall be processed in the same
manner as parking infractions, including for the purposes of
RCW [3.50.100](#), [35.20.220](#), [46.16A.120](#), and [46.20.270\(2\)](#).

12 **16.54.070 Nonexclusive enforcement.**

13 Nothing in this chapter prohibits a law enforcement officer from issuing a notice of
14 traffic infraction to a person in control of a vehicle at the time a violation occurs under
RCW [46.63.030\(1\)\(a\)](#), (b), or (c).

15 **16.54.080 Monetary penalty.**

16 (a) The monetary penalty for a violation of this chapter detected outside of a school
17 zone, including all applicable statutory assessments, shall not exceed \$145.00,
18 consistent with the authority of RCW [43.63.220](#).

19 (b) The monetary penalty for school speed zone infractions committed pursuant to the
20 provision of this chapter shall be as follows:

Miles per Hour over Posted Speed	Penalty Amount
1 – 10 miles per hour	\$145
11 – 15 miles per hour	\$200
16 – 20 miles per hour	\$250
Over 20 miles per hour	\$290
Repeat Offenses	\$290

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25 (c) Whenever the state of Washington increases the penalty imposed for a violation of
26 RCW [46.61.050](#) by legislation or court rule, the city's penalty shall be increased to an
27 amount equal to the increase imposed by legislation or court rule upon the effective date
of such legislation or court rule.

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(d) Beginning January 1, 2029, penalty amounts shall be adjusted for inflation every five years as determined by the Office of Financial Management based upon changes in the Consumer Price Index during that time period.

Section 2. Corrections. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this ordinance.

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

PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON, at a regular meeting thereof this 12th day of August 2025.

APPROVED:



Shannon Reynolds, Mayor

ATTEST:



Arlette Burkhardt, City Clerk

APPROVED AS TO FORM:



Joanna M. Eide, City Attorney