

ORDINANCE NO. 2025-__

A JOINT ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS
AND THE SAN MARCOS FIRE PROTECTION DISTRICT BOARD OF
DIRECTORS WHICH ADOPTS THE 2025 CALIFORNIA WILDLAND URBAN
INTERFACE CODE AND THE 2024 INTERNATIONAL WILDLAND URBAN
INTERFACE CODE AND DECLARING LOCAL CONDITIONS TO AMEND
CERTAIN PROVISIONS OF THE SAME TO BE THE SAN MARCOS FIRE
PROTECTION DISTRICT WILDLAND URBAN INTERFACE CODE

WHEREAS, Health & Safety Code section 17958 mandates that the City Council of the City of San Marcos (City) and the Board of Directors of the San Marcos Fire Protection District (District) shall adopt Ordinances or regulations imposing the same requirements as are contained in the regulations adopted by the State pursuant to Health & Safety Code section 17922; and

WHEREAS, the State of California is mandated by Health & Safety Code section 17922 to impose the same requirements as are contained in the 2025 California Wildland Urban Interface Code based on the 2024 International Wildland Urban Interface Code published by the International Code Council, hereinafter referred to collectively as the WUI Code; and

WHEREAS, the State of California is mandated by Health & Safety Code section 17922 to impose the same requirements as are contained in the 2025 California WUI Code based on the 2024 International WUI Code, together with the City and District amendments, shall be the San Marcos Fire Protection District WUI Code for the purpose of prescribing regulations in the unincorporated territory of the County of San Diego and the boundaries of the San Marcos Fire Protection District; and

WHEREAS, code amendments adopted by the State of California shall take precedence over the 2024 International WUI Code language. The 2024 International WUI Code language shall be used for those code sections not adopted by the State; and

WHEREAS, local amendments adopted by the City and District shall take precedence over both the 2024 International WUI Code and 2025 California WUI Code provisions; and

WHEREAS, Health & Safety Code section 17958.5 permits the City and District to make such changes or modifications to the Codes as are reasonably necessary for the protection of the public health, safety and welfare due to local conditions; and

WHEREAS, Health & Safety Code section 17958.7 requires that the City and District before making any changes or modifications pursuant to section 17958.5 make express findings that such changes or modifications are needed due to local climatic, geological, or topographical conditions; and

WHEREAS, the City Council of the City of San Marcos and Board of Directors of the District does herewith find that the District has certain climatic, geological, and topographical features that can have a deleterious effect on emergency services such as fire protection and emergency medical services; and

WHEREAS, the City Council of the City of San Marcos and Board of Directors of the District does herewith find that the local amendments are related to home hardening in compliance with AB 130 and Health & Safety Code Section 13869.7; and

WHEREAS, the City Council of the City of San Marcos Board of Directors of the San Marcos Fire Protection District find that the modifications and changes to the 2024 International WUI Code and 2025

California WUI Code are reasonably necessary because of the following local climatic, geological, and topographical conditions as identified in the findings below; and

WHEREAS, certain amendments to the 2025 California WUI Code and the 2024 International WUI Code serve to mitigate to the extent possible said deleterious effects; and

WHEREAS, sections 50022.1 through 50022.10, inclusive, of the Government Code and section 13869 of the Health & Safety Code, provide authority for the adoption by reference of codes, or portion of such codes.

NOW THEREFORE, the City Council of City of San Marcos and the Board of Directors of the San Marcos Fire Protection District do ordain and find as follows:

SECTION 1. The 2025 California Wildland Urban Interface Code including appendices F & G, the 2024 International Wildland Urban Interface Code as referenced in Chapter 7 of the 2025 California Wildland Urban Interface Code, together with the City's and District's amendments in this ordinance is adopted in accordance with Exhibit "A," attached hereto and incorporated herein by reference.

SECTION 2. That the following findings are made and adopted in support of revised standards for the City and District as set forth in Exhibit "A":

Finding A. The jurisdictional boundaries of the City and of the San Marcos Fire Protection District encompass many large brush-covered hillsides and canyons, many containing residential structures, which are difficult to access with regular firefighting equipment, and are subject of frequent Santa Ana winds and drought conditions.

Finding B. The jurisdictional boundaries of the City and of the San Marcos Fire Protection District include numerous areas of commercial uses in close proximity to residential areas, creating an extreme fire danger.

Finding C. The topography within the jurisdictional boundaries of the City and of the San Marcos Fire Protection District presents problems relative to the delivery of emergency services, including fire protection. The hilly terrain has narrow winding roads with little circulation, preventing rapid access and orderly evacuation. Many of these hills are covered with highly combustible natural vegetation. In addition to access and evacuation problems, the terrain makes delivery of water extremely difficult.

Finding D. The preceding conditions, coupled with the size of the service area and relatively modest resources of the San Marcos Fire Department and the District, necessitate greater fire protection requirements than are provided in the 2025 California Wildland Urban Interface Code and the 2024 International Wildland Urban Interface Code.

Finding E. The potential exists and in the District that new and future development will result in taller buildings on small parcels, creating an extreme life safety hazard.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance or any of the codes or standards adopted by reference by this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance including any of the codes or standards adopted by reference. The City/District declares that it would have passed the Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any part hereof be declared invalid or unconstitutional.

SECTION 4. Any previous Ordinance adopting an International Fire Code or any other Code or Standard adopted by reference by the Ordinance is hereby repealed. Any Ordinance containing provisions

in conflict or in contrast with the provisions of this Ordinance are repealed to the extent of the inconsistency or conflict.

SECTION 5. This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the Clerk of the City Council/Board of Directors shall publish this Ordinance or the title hereof as a summary in a newspaper of general circulation in the City/District as required by law.

INTRODUCED at a regular meeting of the City Council of the City of San Marcos and the Board of Directors of the San Marcos Fire Protection District, held on the 10th day of November 2025; and

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Marcos and the Board of Directors of the San Marcos Fire Protection District on the _____ day of 2025, by the following roll call vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

Rebecca D. Jones
Mayor, City of San Marcos, and
Chair, San Marcos Fire Protection District

ATTEST:

APPROVED AS TO FORM:

Phillip Scollick
Clerk, City of San Marcos, and
Clerk, San Marcos Fire Protection District

Helen Holmes Peak
City Attorney, City of San Marcos, and
General Counsel, San Marcos Fire Protection District

ATTACHMENT(S):

EXHIBIT A – SAN MARCOS FIRE PROTECTION DISTRICT CALIFORNIA WILDLAND-URBAN INTERFACE CODE