

ORDINANCE NO 2025- XXXX

AN ORDINANCE OF THE CITY OF SAN MARCOS
AMENDING SAN MARCOS MUNICIPAL CODE CHAPTER
10.33 (ENCAMPMENTS ON CITY PROPERTY) TO
ADDRESS INCREASED INCIDENTS OF FIRES IN OR
NEAR ENCAMPMENT AREAS

WHEREAS, the City Council adopted San Marcos Municipal Code Chapter 10.33 in July 2024, making it illegal to camp on public property within the City; and

WHEREAS, Chapter 10.33 prohibited certain specific activities in and around City waterways, it did not specifically address the possession or use of combustible materials.; and

WHEREAS, from and after the date that Chapter 10.33 was adopted, the City's Fire Department has received an increasing number of reports of fire in activities in or near encampment areas; and

WHEREAS, recent examples of reported incidents include, but are not limited to: (i) on January 10th, there was a vegetation fire in a homeless encampment near 150 Valpreda Road; (ii) during the period January 16th to February 25th, the Fire Department was called upon at least five times to conduct smoke checks in the area of the westbound on-ramp to the 78 freeway from Twin Oaks Valley Road, due to cooking and warming fires at encampments; (iii) on January 22nd, there were two incidents of people cooking at encampments behind City Hall, under the bridge, and near the intersection of Twin Oaks Valley Road and Mission Road; and (iv) on June 24 a warming and/or cooking fire was started in a vegetated area located off of N. Twin Oaks Valley Road between a condominium project and the westbound SR 78 lanes; and

WHEREAS, as a result of recent fire activity, City staff is recommending that Chapter 10.33 be amended to clearly specify that using or possessing materials that could ignite or maintain a fire on public property is prohibited; and

WHEREAS, as persons in the City's most-populated encampment areas are essentially surrounded by "fuel," in the form of vegetation, trees, shrubs, wood, etc., the possession of any ignition source presents a potential hazard; and

WHEREAS, the proposed amendment to Chapter 10.33 would make it illegal to use an ignition source to start or attempt to start a fire, or to maintain a fire, on public property, including: burning wood, paper, vegetation, or debris; cooking with open flames; discarding any lit, burning, or combustible material that is capable of igniting a fire; and possessing an ignition source on one's person while in an open space or watershed/waterway area.

Section 1. Chapter 10.33 of the San Marcos Municipal Code is hereby amended as reflected on Exhibit 1 to this Ordinance.

Section 2. Severability. If any section, sentence, clause, or phrase of this Ordinance is determined to be invalid, illegal, or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause, or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 3. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after its passage.

Section 4. Publication. Within fifteen (15) days following its adoption, the City Clerk shall certify to the passage of this Ordinance and cause the same to be published, or the title thereof as a summary, in accordance with the provisions of State law in a newspaper of general circulation designated for legal notices publication in the City of San Marcos.

INTRODUCED at a regular meeting of the City Council of the City of San Marcos, California, held on the 14th day of October, 2025, by the following roll call vote:

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

APPROVED:

Rebecca D. Jones, Mayor

ATTEST:

APPROVED AS TO FORM:

Phillip Scollick, City Clerk
City of San Marcos

Helen Holmes Peak, City Attorney
City of San Marcos