

RESOLUTION NO. 2026-XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA, AMENDING THE INFRACTION AND MISDEMEANOR BAIL SCHEDULE WITH RESPECT TO FINES AND PENALTIES TO BE IMPOSED FOR VIOLATIONS OF SAN MARCOS MUNICIPAL CODE SECTION 17.64.260 (FIREWORKS)

WHEREAS, the City of San Marcos ("City") has established in Title 1, Chapter 1.12 of the Municipal Code and Charter that any person violating any provision or failing to comply with any requirement of the Municipal Code shall be guilty of an infraction or misdemeanor as delineated in Title 1, Chapter 1.12; and

WHEREAS, San Marcos Municipal Code (SMMC) section 1.12.060 authorizes the City Council to approve fine amounts imposed for violations of the SMMC; and

WHEREAS, SMMC section 1.12.020 provides that any person convicted of a misdemeanor shall be punished by a fine or imprisonment for a term not exceeding six (6) months, or both; and

WHEREAS, SMMC Chapter 17.64 regulates the City's application of the California Fire Code and associated codes and regulations, and SMMC section 17.64.290 provides that any violation of Chapter 16.64 constitutes a misdemeanor; and

WHEREAS, SMMC section 17.64.260 prohibits the sale, discharge, firing, or use of all firecrackers, party poppers, bombs, rockets, torpedoes, Roman candles, Sky Lanterns or other fireworks or substances designed and intended for pyrotechnic display, and of all firework pistols/cannons, or other appliances using blank cartridges or caps containing chlorate of potash mixture or other mixtures designed to make an explosive sound, within the City except as specifically permitted by the City Council; and

WHEREAS, the current San Marcos Misdemeanor and Infraction Bail Schedule sets the fine amount for violations of SMMC Chapter 17.64, which includes SMMC section 17.64.260 (Fireworks), at \$1000 per violation; and

WHEREAS, the City Council desires to modify the fine amounts to be imposed for violations of SMMC section 17.64.260 to reflect the serious threat to public health and safety represented by fireworks, with respect to the potential for personal injury as well as the threat of fire, as much of the City is located within Very High Fire Hazard Severity Zones as identified by the State Fire Marshal pursuant to Government Code section 51178, with additional areas falling within High and Moderate Fire Hazard Severity Zones; and

WHEREAS, staff recommends that the City of San Marcos Misdemeanor and Infraction Bail Schedule attached herein as Attachment 1 be amended to include additional bail/fine amounts for second and third violations of SMMC 17.64.260, as delineated in Attachment 1.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Marcos makes the following determinations:

1. The above recitals are true and correct.
2. This action does not constitute a “project” as defined under Section 15378 of the California Environmental Quality Act Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000 – 15387) and is therefore not subject to environmental review pursuant to Guidelines Section 15060(c)(3).
3. The City of San Marcos Infraction and Misdemeanor Bail Schedule is hereby amended to include the fine and penalty amounts of \$1,000.00 for first violations, \$2,500 for second violations, and \$5,000 for third violations, which will now collectively serve as the fines and penalties for violations of SMMC section 17.64.260, as delineated in Attachment 1.
4. Hereafter, any person convicted of a violation of SMMC section 17.64.260 shall be fined in accordance with the amount set forth in the attached City of San Marcos Infraction and Misdemeanor Bail Schedule.
5. The City of San Marcos Infraction and Misdemeanor Bail Schedule may be amended from time to time by Resolution of the City Council.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Marcos, State of California at its regular meeting held on this 26th day of May 2026, by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

Rebecca D. Jones, Mayor
City of San Marcos

ATTEST:

Phillip Scollick, City Clerk
City of San Marcos

ATTACHMENT 1

**ADDITIONS AND AMENDMENTS TO
SAN MARCOS MISDEMEANOR AND INFRACTION BAIL SCHEDULE
RELATING TO VIOLATIONS OF SAN MARCOS MUNICIPAL CODE SECTION 17.64.260**

I/M	CODE SECTION	DESCRIPTION OF VIOLATION	FINE/BAIL	PA¹	CT²
M	Chapter 17.64 ³	CA Fire Code – Failure to comply	\$1,000.00		✓
<u>M</u>	<u>Section 17.64.260</u>	<u>Fireworks</u> <ul style="list-style-type: none"> • <u>1st offense</u> • <u>2nd offense</u> • <u>3rd offense</u> 	<u>\$1,000.00</u> <u>\$2,500.00</u> <u>\$5,000.00</u>		<u>✓</u> <u>✓</u> <u>✓</u>

Note: new provisions shown in red

¹ Penalty Assessed (in accordance with the San Diego Superior Court Bail Schedule, a penalty assessed is not to be added when a court appearance is mandatory)

² Mandatory Court Appearance

³ Previously applicable to all violations of San Marcos Municipal Code Chapter 17.64, including violations of section 17.64.260 (Fireworks).