

# **Attachment A**

Ordinance No. 2024-25

**ORDINANCE NO. 2024-25**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING SECTION 15.02.085 (ADDITION OF SECTION 105.3.1.1) OF CHAPTER 15.02 (ADMINISTRATIVE CODE) OF THE NEWPORT BEACH MUNICIPAL CODE, TO UPDATE ADMINISTRATIVE PROCEDURES FOR THE HANDLING OF PERMIT DEPOSITS AND FEES ASSOCIATED WITH WASTE GENERATED FROM CONSTRUCTION PROJECTS HAVING A VALUATION OVER \$100,000 OR THAT RESULT IN THE COMPLETE DEMOLITION OF A STRUCTURE**

**WHEREAS**, Section 200 of the City Charter, of the City of Newport Beach (“City”), vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the City Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges or procedures granted or prescribed by any law of the State of California;

**WHEREAS**, the City is committed to ensuring the safety, health, and welfare of all its residents, visitors, and businesses;

**WHEREAS**, Chapter 15.02 (Administrative Code) of the Newport Beach Municipal Code (“NBMC”), adopts and incorporates by reference Chapter 1, Division II of the California Building Code (2022 Edition);

**WHEREAS**, Section 15.02.085 (Addition of Section 105.3.1.1) of the NBMC requires the use of franchised waste haulers to dispose of waste resulting from construction projects having a valuation over \$100,000 or the complete demolition of a structure, as well as the payment of a deposit to ensure franchised haulers are used, which helps facilitate the City's compliance with statutory waste diversion requirements;

**WHEREAS**, Section 15.02.085 (Addition of Section 105.3.1.1) of the NBMC provides that administrative fees are to be deducted from the permit deposit;

**WHEREAS**, the Finance Director has determined that it would be more efficient to have the administrative fees paid separately, rather than have the administrative fees deducted from the permit deposit;

**WHEREAS**, other related modifications to Section 15.02.085 (Addition of Section 105.3.1.1) of the NBMC are necessary to allow for the extension of deadlines, when there is good cause to do so; and

**WHEREAS**, the City Council desires to amend the NBMC to increase efficiency by allowing the extension of deadlines, when there is good cause to do so, separate the administrative fee from the permit deposit, and update other administrative procedures related thereto.

**NOW THEREFORE**, the City Council of the City of Newport Beach ordains as follows:

**Section 1:** Section 15.02.085 (Addition of Section 105.3.1.1.) of the NBMC is hereby amended its entirety and shall read as follows:

**15.02.085 Addition of Section 105.3.1.1.**

Section 105.3.1.1 is added as follows:

Section 105.3.1.1 Construction and demolition waste permits. Prior to issuance of a building permit for construction having a valuation over \$100,000 or a demolition permit for complete demolition of a structure, the permittee shall certify that a City franchised solid waste hauler shall be used for the handling, removal and disposal of all construction and demolition waste. A permit deposit and fees, set by Resolution of the City Council, shall be paid at the time of submitting the building or demolition permit application and the Construction and Demolition Waste Certification and Deposit Form. Said deposit shall be returned to the permittee at the conclusion of the construction or demolition project, upon the submittal of documentation that a franchised solid waste hauler was used to handle, remove and dispose of all construction and demolition waste. Claims for refund of the permit deposit, that qualify, must be requested by April 30, 2025, or six (6) months from the date the permit receives a final status from the Building Division, whichever is later. The permit deposit shall be forfeited in its entirety if the identified franchised solid waste hauler is not used to handle, remove and dispose of all construction and demolition waste.

If the Building Official finds that the work described in an application for a building or demolition permit and the plans, specifications and other data filed therewith conform to the requirements of this Code and the technical codes and other

pertinent laws and ordinances, and that the fees specified in Section 109 have been paid and that a franchised solid waste hauler is being used, the Building Official shall issue a permit therefor to the applicant. Prior to any construction or demolition activities authorized by the permit, the permittee shall notify the Community Development Department's Code Enforcement Division no less than twenty-four (24) hours or more than seventy-two (72) hours in advance of its intent to commence construction or demolition and provide the name of the franchised solid waste hauler that will haul and dispose of the construction and demolition waste. Any hauling or disposal of demolition and construction waste by other than the identified franchised solid waste hauler shall subject the project to suspension of work as authorized in this Code and subject the deposit to forfeiture.

If good causes exist, as determined in the sole discretion of the Building Official, the Building Official may extend the deadlines set forth in this section.

**Section 2:** The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

**Section 3:** The Building Official is hereby authorized to retroactively extend deadlines, upon a finding of good cause, to extent the Building Official is authorized to do so in Section 1 of this ordinance.

**Section 4:** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**Section 5:** The City Council finds the introduction and adoption of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**Section 6:** Except as expressly modified in this ordinance, all other sections, subsections, terms, clauses and phrases set forth in the NBMC shall remain unchanged and shall be in full force and effect.

**Section 7:** The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance, or a summary thereof, to be published pursuant to City Charter Section 414.

This ordinance shall be effective thirty (30) calendar days after its adoption. This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 22nd day of October, 2024, and adopted on the 12th day of November, 2024, by the following vote, to-wit:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

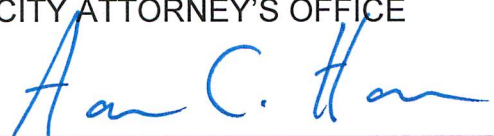
ABSENT: \_\_\_\_\_

\_\_\_\_\_  
WILL O'NEILL, MAYOR

**ATTEST:**

\_\_\_\_\_  
LEILANI I. BROWN, CITY CLERK

**APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE**

  
\_\_\_\_\_  
AARON C. HARP, CITY ATTORNEY