

ATTACHMENT A

ORDINANCE NO. 2025-29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ADDING SECTION 11.04.085 (PROHIBITING THE USE OF ELECTRIC BICYCLES AND SIMILAR DEVICES ON THE NEWPORT ELEMENTARY SCHOOL PLAYGROUND) AND AMENDING SECTION 11.04.130 (EXEMPTION) OF CHAPTER 11.04 (PARKS, PARK FACILITIES, AND BEACHES) OF THE NEWPORT BEACH MUNICIPAL CODE

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, City is the trustee of certain tidelands and filled lands within the corporate limits of Newport Beach lying southerly of West Ocean Front between the southerly extension of 13th Street and the southerly extension of 14th Street;

WHEREAS, the Newport-Mesa Unified School District, a political subdivision of the State of California ("District"), operates a public elementary school (Newport Elementary School), which is bounded by 13th Street, West Ocean Front, 14th Street and West Balboa Boulevard;

WHEREAS, on February 10, 2015, the City entered into a lease agreement with the District for the shared use between the City and District of the tidelands lying southerly of West Ocean Front between the southerly extension of 13th Street and the southerly extension of 14th Street, consisting of a grass playfield, a blacktop playground, and a sand playground area ("Property");

WHEREAS, during those times when the Property is not in use by the District for school activities, the City has observed a significant increase in the use of electric bicycles, electrically motorized boards, motorized bicycles, and motorized scooters to perform tricks and similar bike maneuvers, which conflict with other recreational activities and pose an unreasonable risk of injury to the users of these devices and other users of the Property;

WHEREAS, the City desires to maximize public use and enjoyment of the Property by implementing rules and regulations that promote the overall health, safety and welfare of people using the Property for recreational purposes;

WHEREAS, Newport Beach Municipal Code ("NBMC") Chapter 11.04 (Parks, Park Facilities, And Beaches) provides regulations regarding the use of the City's parks, park facilities and beaches; and

WHEREAS, the City Council desires to amend NBMC Chapters 11.04 (Parks, Park Facilities, And Beaches) to prohibit the operation of electric bicycles, electrically motorized boards, motorized bicycles, and motorized scooters from operating on the Property when the Property is not in use by the District.

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

Section 1: The table for contents for Chapter 11.04 (Parks, Park Facilities, and Beaches) of the NBMC is hereby amended to read as follows:

**Chapter 11.04
PARKS, PARK FACILITIES, AND BEACHES**

Sections:

- 11.04.010 Intent and Purpose.**
- 11.04.020 Definitions.**
- 11.04.030 General Administration.**
- 11.04.040 Park Hours.**
- 11.04.050 Closed Park Areas.**
- 11.04.060 Permit or Agreement Requirement.**
- 11.04.070 Prohibited Conduct.**
- 11.04.080 Biking and Similar Activities on the Beach.**
- 11.04.085 Prohibiting the Use of Electric Bicycles and Similar Devices on the Newport Elementary School Playground.**
- 11.04.090 Abandoned Bicycle.**
- 11.04.100 Violation of Rules and Policies of Department.**
- 11.04.110 Ejection.**
- 11.04.120 Prohibition Against Obstructing Performance of City Employee.**
- 11.04.130 Exemption.**
- 11.04.140 Penalty.**

Section 2: Section 11.04.085 (Prohibiting the Use of Electric Bicycles and Similar Devices on the Newport Elementary School Playground) is added to Chapter 11.04 (Parks, Park Facilities, and Beaches) of the NBMC and shall read as follows:

Section 11.04.085 Prohibiting the Use of Electric Bicycles and Similar Devices on the Newport Elementary School Playground.

A. It shall be unlawful for any person to operate or ride an electric bicycle, electrically motorized board, motorized bicycle, or motorized scooter on the playground of Newport Elementary School during the following times: on weekends; on weekdays between the hours of 3:00 p.m. to 6:00 a.m.; and at any time when Newport Elementary School is closed to students, including but not limited to, school holidays, school breaks, such as winter break and spring break, and school vacations, such as summer vacation.

B. For purposes of this section, the “playground of Newport Elementary School” is defined as the area located south of West Ocean Front, between the southerly extensions of 13th Street and 14th Street, extending to the Pacific Ocean and shall include, but not be limited to, all areas at this location with asphalt/blacktop, rubberized surfacing, grass, artificial turf, sand, and playground equipment.

Section 3: Section 11.040.130 (Exemption) of Chapter 11.04 (Parks, Park Facilities, and Beaches) of the NBMC is hereby amended to read as follows:

The provisions of this chapter shall not apply to a law enforcement officer, an employee or contractor of the City acting in the course and scope of their employment, activities or programs of the Recreation and Senior Services Department, activities or programs of the Newport-Mesa Unified School District (“District”) on property leased to the District, or as authorized by a special event permit issued by the Director pursuant to the provisions of Chapter 11.03.

Section 4: The City’s Traffic Engineer or designee is hereby directed to erect or place appropriate signs giving notice of the regulations imposed by this ordinance.

Section 5: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 6: 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 7: 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 8: 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 9: 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 23rd day of September, 2025, and adopted on the 14th day of October, 2025, by the following vote, to-wit:

AYES: _____

NAYS: _____

ABSENT: _____

JOE STAPLETON, MAYOR

ATTEST:

MOLLY PERRY, INTERIM CITY CLERK

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



AARON C. HARP, CITY ATTORNEY