

ATTACHMENT A

ORDINANCE NO. 2025- 6

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING CHAPTER 11.04 (PARKS, PARK FACILITIES, AND BEACHES) OF THE NEWPORT BEACH MUNICIPAL CODE RELATED TO THE USE OF BICYCLES, ELECTRIC BICYCLES, AND OTHER SUCH DEVICES ON THE BEACH

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 owns and operates 6.7 miles of ocean beaches and 2.5 miles of bay beaches which attract tens of millions of visitors annually, resulting in high pedestrian demand and crowded foot traffic, especially during holidays and peak seasons;

WHEREAS, the City's beaches have seen a substantial increase in the use of bicycles, electric bicycles, and other vehicles on the beach, which poses an unreasonable risk of injury to beach pedestrians and to the safety of the cyclists;

WHEREAS, the City has approximately 50.4 miles of bike lanes, 9.6 miles of on-street bike routes, and 20.1 miles of sidewalk authorized by resolution of the City Council for bicycle use, all of which cyclists may utilize for travel throughout the City and enjoy for cycling recreation;

WHEREAS, the City desires to maximize public use and enjoyment of the City's beaches by implementing rules and regulations that promote the overall health, safety and welfare of beachgoers by reserving use of the oceanfront beaches for pedestrians;

WHEREAS, the California Vehicle Code ("CVC") authorizes a public agency to regulate the use of bicycles, electric bicycles, motorized bicycles, electrically motorized boards, pedicabs, and other such devices within the jurisdiction of the public agency;

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

WHEREAS, the City Council desires to amend NBMC Chapters 11.04 (Parks, Park Facilities, And Beaches) to prohibit the operation of bicycles, electric bicycles, electrically motorized boards, motorized bicycles, motorized scooters, pedicabs and surrey cycles from operation on the City's beaches and to update provisions in the NBMC related to said bicycles and similar devices.

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.**
- 11.04.090 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 11.04.020 (Definitions) of Chapter 11.04 (Parks, Park Facilities, and Beaches) of the NBMC is hereby amended to read as follows:

11.04.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings set forth in this section:

“Beach” or “beaches” means any public oceanfront or bayfront beach within the City of Newport Beach, including ocean or bay public piers, public floats, public wharves or public strands adjoining public oceanfront or bayfront beach areas.

“Bicycle” has the same meaning as defined in California Vehicle Code Section 231.

“Bicycle rack” means a structure or rack specifically designed for the fastening or attaching of bicycles to the structure or rack.

“Director” means the Director of the Recreation and Senior Services Department.

“Electric bicycle” has the same meaning as defined in California Vehicle Code Section 312.5.

“Electrically motorized board” has the same meaning as defined in California Vehicle Code Section 313.5.

“Instructional activity” means any educational or recreational program or activity involving individual, team, or group instruction that is conducted or performed when there is monetary consideration provided for participation in the program or activity that occurs in a park, park facility, or on a beach.

“Motorized bicycle” has the same meaning as defined in California Vehicle Code Section 406.

“Motorized scooter” has the same meaning as defined in California Vehicle Code Section 407.5.

“Park” or “park facility” means all publicly owned or leased property, grounds, parking lots, roadways, venues, bike paths, walking or hiking trails, parks and park-related buildings, facilities and improvements, together with the sidewalks or walkways abutting or adjoining the same, and any school facilities when they are in use as recreational or community center facilities and under the control of the Director.

“Park patrol” and “park patrol officer” mean and include the park patrol officers authorized under Section 1.12.020.

“Pedicab” has the same meaning as defined in California Vehicle Code Section 467.5

“Surrey cycle” means a bicycle or electric bicycle with seating for one or more persons which has four or more wheels.

“Regulations” means the provisions of this chapter and such rules, policies and regulations established from time to time by the City Council or the Director for the administration of this chapter.

Section 3: Section 11.04.080 (Biking and Similar Activities on the Beach) of Chapter 11.04 (Parks, Park Facilities, and Beaches) is added to the NBMC and shall read as follows:

Section 11.04.080 Biking and Similar Activities on the Beach.

It is unlawful for any person to drive or ride any bicycle, electric bicycle, electrically motorized board, motorized bicycle, motorized scooter, pedicab or surrey cycle on the sandy portion of any beach.

Section 4: Section 11.040.090 (Abandoned Bicycle) of Chapter 11.04 (Parks, Park Facilities, and Beaches) of the NBMC is hereby amended to read as follows:

Any bicycle, electric bicycle, electrically motorized board, motorized bicycle, motorized scooter, pedicab or surrey cycle that is attached or fastened to any City property, including a bicycle rack, or left in a park, park facility, on a beach, or oceanfront boardwalk for a period of forty-eight (48) hours or longer shall be deemed abandoned property and may be impounded by the City. Any such device which has been impounded by the City and held for ninety (90) days without redemption by or on behalf of the lawful owner thereof shall, if saleable, be sold at such time and place and in such a manner as required by California Civil Code Section 2080 et seq.

Section 5: 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, or to activities or programs of the Recreation and Senior Services Department or authorized by a special event permit issued by the Director pursuant to the provisions of Chapter 11.03.

Section 6: 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 7: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 8: 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 9: 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 10: 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 11: 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 29th day of April, 2025, and adopted on the 13th day of May, 2025, by the following vote, to-wit:

AYES: _____

NAYS: _____

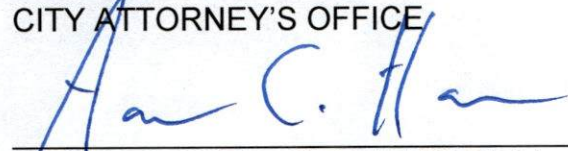
ABSENT: _____

JOE STAPLETON, MAYOR

ATTEST:

LEILANI I. BROWN, CITY CLERK

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



AARON C. HARP, CITY ATTORNEY