

Attachment F

Draft Ordinance – Adopting the California Wildland-Urban Interface Code

ORDINANCE NO. 2025-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ADDING CHAPTER 9.07 (WILDLAND URBAN INTERFACE CODE) TO TITLE 9 OF THE NEWPORT BEACH MUNICIPAL CODE TO ADOPT THE 2025 EDITION OF THE CALIFORNIA WILDLAND URBAN INTERFACE CODE, WITH LOCAL AMENDMENTS

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 (“State”);

WHEREAS, pursuant to Health & Safety Code Sections 17922 and 18935, the State of California Building Standards Commission (“BSC”) has approved the adoption of new model codes relating to design and construction for the protection of life and property;

WHEREAS, the 2025 Edition of the California Wildland Urban Interface Code (“CWUI”) is based on the 2024 International Wildland Urban Interface Code. The CWUI published by the BSC in Title 24, Part 7 of the California Code of Regulations must be in effect by January 1, 2026. To include local amendments and enhance life safety and property protection, the City must complete its adoption process thirty (30) days prior to implementation. The adoption of the 2025 CWUI into the Newport Beach Municipal Code (“NBMC”) provides for an orderly administration of the 2025 CWUI by the City’s Building Official and Fire Code Official;

WHEREAS, local jurisdictions may amend the California Building Standards Code, which includes the 2025 CWUI, as necessary to mitigate differences caused by local topographical, geographical, and climatic conditions. In accordance with California Health and Safety Code Section 17958.7, any modifications made via local ordinance must be filed, along with the findings thereto, with the BSC. These local changes will be incorporated into Title 9 of the NBMC;

WHEREAS, to aid in efficiency and clarity, portions of Title 9 are amended in their entirety as indicated in this ordinance and replaced with each of these modifications to the State code that are correlated with the findings in Resolution No. 2025-59 adopted by the City Council of the City on September 9, 2025. When approved, the ordinance and accompanying resolution will be forwarded to the BSC and the California Department of Housing and Community Development as required by state law;

WHEREAS, all prior references to the former Newport Beach Fire Code pertaining to the Wildland Urban Interface shall be construed to apply to the corresponding provisions of the Newport Beach Wildland Urban Interface Code contained herein; and

WHEREAS, the 2025 Edition of the Wildland Urban Interface Code is similar to the 2022 version of the California Fire Code, California Building Code Chapter 7A and California Residential Code R337; the attached ordinance contains similar provisions as adopted by the City Council in 2022.

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

Section 1: Chapter 9.07 of the Newport Beach Municipal Code is hereby added to Title 9 Fire Code and shall read as follows:

Chapter 9.07
WILDLAND URBAN INTERFACE CODE*

Sections:

- 9.07.010 Adoption of the 2025 California Wildland Urban Interface Code.
- 9.07.020 Amendment of Section 101.3.1 Application.
- 9.07.030 Amendment of Section 101.3.1.1 Application Date and Where Required.
- 9.07.040 Amendment of Section 202 Definitions.
- 9.07.050 Addition of Section 303.3 Fuel Modification Zone.
- 9.07.060 Amendment to Section 501.1 Scope.
- 9.07.070 Amendment to Section 503.1 General.
- 9.07.080 Amendments to Section 504.11.5 Miscellaneous Structures Located 3 Feet or More but Less than 50 Feet.
- 9.07.090 Addition of Section 602.4 Fuel Modification Plans.
- 9.07.100 Addition of Section 604.6 Maintenance of Fuel Modification Zones.
- 9.07.110 Combustible Construction Prohibited.
- 9.07.120 Adoption of Appendix A in its Entirety Except Sections A-102.3 – A102.3.2.2.

Section 9.07.010 Adoption of the 2025 California Wildland Urban Interface Code.

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2025 Edition of the California Wildland-Urban Interface Code, and all national code and standards referenced therein, based on the 2024 International Wildland-Urban Interface Code, as published by the International Code Council.

The various parts of these codes and standards, along with the additions, amendments and deletions adopted in this section, shall constitute and be known as the “Newport Beach Wildland-Urban Interface Code.” A copy of the 2025 California Wildland-Urban Interface Code, printed in code book form, shall be kept on file in the office of the fire code official and building official and made available for public inspection.

Section 9.07.020 Amendment of Section 101.3.1 Application.

Section 101.3.1 Application is amended to read as follows:

Section 101.3.1. Application is amended by deleting exception No. 5 in its entirety.

Section 9.07.030 Amendment of Section 101.3.1.1 Application Date and Where Required.

Section 101.3.1.1 Application Date and Where Required is amended to read as follows:

Section 101.3.1.1 Application Date and Where Required is amended by deleting Exception No. 2 in its entirety.

Section 9.07.040 Amendment of Section 202 Definitions.

Section 202 is amended to add the following definitions to read as follows:

FUEL MODIFICATION PLAN: An approved plan which identifies specific fuel modification zones within a property are subject to fuel modification. Fuel modification plans show the area and location of all hardscape/softscape improvements and fuel modifications necessary to achieve the minimum acceptable level of risk to structures from fires in combustible vegetation.

FUEL MODIFICATION ZONE: A specific area where vegetation has been removed, planted, or modified in conjunction with an approved fuel modification plan that increases the likelihood that a structure will survive a wildfire, improve the defensible space around the structure for firefighting activities, and prevents direct flame contact with structures. Vegetation includes native and ornamental plants, non-native naturalized annual grasses, and other invasive or naturalized species. Fuel modification activities can include removal, partial or total

replacement of existing plants with adequately spaced drought-tolerant and fire-resistant species and thinning of existing native or ornamental species.

UNENCLOSED COVERED STRUCTURE. Includes covered structures with a solid or open roof and no more than one side closed.

Section 9.07.050 Addition of Section 303.3 Fuel Modification Zone.

Section 303.3 is hereby added as follows:

Section 303.3 Fuel Modification Zone. A specific area where vegetation has been removed, planted, or modified in conjunction with an approved fuel modification plan that increases the likelihood that a structure will survive a wildfire, improve the defensible space around the structure for firefighting activities, and prevents direct flame contact with structures. Vegetation includes native and ornamental plants, non-native naturalized annual grasses, and other invasive or naturalized species. Fuel modification activities can include removal, partial or total replacement of existing plants with adequately spaced drought-tolerant and fire-resistant species and thinning of existing native or ornamental species.

Section 9.07.060 Amendment to Section 501.1 Scope

Section 501.1 is amended to read as follows:

Section 501.1 Scope. This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of buildings including one-and-two family dwellings locating with a Fire Hazard Severity Zone or Wildland Urban Interface area as defined in Section 202.

Section 9.07.070 Amendment to Section 503.1 General.

Section 503.1 is amended to read as follows:

Section 503.1 General is amended by deleting Exception No. 2 in its entirety.

Section 9.07.080 Amendment to Section 504.11.5 Miscellaneous Structures Located 3 Feet or More but Less than 50 Feet.

Section 504.11.5 is amended to read as follows:

Section 504.11.5 Miscellaneous Structure Requirements Located 3 Feet or More but Less than 50 Feet. Miscellaneous structures that require a permit and are separated from an applicable building on the same lot by a distance of more than three (3) feet but less than fifty (50) feet from an applicable building shall be constructed of noncombustible materials or of ignition-resistant construction described in Sections 504.1 – 504.11.6.

Section 9.07.090 Addition of Section 602.4 Fuel Modification Plans.

Section 602.4 is hereby added as follows:

Section 602.4 Fuel Modification Plans. Fuel modification plans shall be submitted to and approved by the fire code official prior to the issuance of a building permit. The plans shall be developed using the criteria set forth in the City’s Guidelines and Standards G.02 “Fuel Modification Plans and Maintenance Standard.”

Section 9.07.100 Addition of Section 604.6 Maintenance of Fuel Modification Zones.

Section 604.6 is hereby added as follows:

Section 604.6 Maintenance of Fuel Modification Zones. Fuel Modification Zones not in compliance with the City’s respective guidelines and standards shall constitute a fire hazard.

Section 9.07.110 Combustible Construction Prohibited.

Section 9.07.110 is amended to read as follows:

Section 9.07.110 Combustible Construction Prohibited. No attached or detached buildings, patio covers, sheds, decks, stairs, or similar structures shall be built or placed in the twenty (20) foot Zone A setback, as described in City’s Guidelines and Standards G.02 “Fuel Modification

Plans and Maintenance Standard” unless completely constructed of non-combustible materials.

Section 9.07.120 Adoption of Appendix A in its Entirety Except Sections A-102.3 – A102.3.2.2

Section 9.07.120 is hereby added as follows:

Section 9.07.120 Appendix A is adopted in its entirety except Sections A-102.3 – A102.3.2.2.

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

Section 3: 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. In the event that any part of this ordinance is found to be invalid or unconstitutional, the affected section, subsection, sentence, clause or phrase shall revert to the version that was in effect immediately prior to the adoption of this ordinance.

Section 4: 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. Additionally, this ordinance is exempt from the CEQA pursuant to State CEQA Guidelines Section 15061(b)(3), the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This ordinance does not authorize development that would directly result in physical change to the environment.

Section 5: Except as expressly modified in this ordinance or the ordinance adopting the Newport Beach Fire Code Ordinance No. 2025-24, all other Sections, Subsections, terms, clauses and phrases set forth in Title 24, Part 7 (California Wildland Urban Interface Code) and the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

Section 6: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance and the City Clerk shall cause the same to be published pursuant to City Charter Section 414 and California Government Code Section 50022.1 et seq. This ordinance shall take effect on January 1, 2026, pursuant to California Health and Safety Code Sections 17958 and 18941.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 9th day of September 2025, and adopted on the 23rd day of September, 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