

## ATTACHMENT A

### ORDINANCE NO. 2025-19

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ADDING SECTION 11.12.140 (CLIMBING ON RAILINGS OF PUBLIC PROPERTY) AND AMENDING SECTION 11.12.150 (DIVING OR JUMPING FROM PUBLIC PROPERTY) OF CHAPTER 11.12 (SWIMMING REGULATIONS) TO TITLE 11 (RECREATIONAL ACTIVITIES) OF THE NEWPORT BEACH MUNICIPAL CODE, RELATING TO RESTRICTIONS ON DIVING, JUMPING, AND CLIMBING ON PUBLIC PROPERTY ADJACENT TO WATERWAYS**

**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**, diving, jumping or entering the water from public structures within the city is unlawful pursuant to the Newport Beach Municipal Code ("NBMC") Section 11.12.150;

**WHEREAS**, individuals frequently stand and climb upon the railings of public structures prior to jumping or diving from the public structures within the city;

**WHEREAS**, these pre-diving activities can attract large crowds of spectators and ocean vessels, which in turn compromises public safety and diminishes the quality of life for residents of Newport Beach;

**WHEREAS**, the NBMC only criminalizes jumping and diving from public structures within the city, and does not currently provide a mechanism to address or penalize people who are preparing to jump or dive off those structures; and

**WHEREAS**, to address this gap in enforcement authority and proactively safeguard the health, safety and welfare of the public, it is necessary to amend the NBMC to prohibit pre-diving and pre-jumping activities within Newport Beach.

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

**Section 1:** The table for contents for Chapter 11.12 (SWIMMING REGULATIONS) of the NBMC is hereby amended to read as follows:

**Chapter 11.12  
SWIMMING REGULATIONS**

Sections:

- 11.12.010 Designation of Protected Swimming Areas.**
- 11.12.020 Swimming Area No. 1.**
- 11.12.030 Swimming Area No. 2.**
- 11.12.040 Swimming Area No. 3.**
- 11.12.050 Swimming Area No. 4.**
- 11.12.060 Swimming Area No. 5.**
- 11.12.070 Swimming Area No. 6.**
- 11.12.080 Swimming Area No. 7.**
- 11.12.090 Swimming Area No. 8.**
- 11.12.100 Swimming Area No. 9.**
- 11.12.110 Swimming Area No. 10.**
- 11.12.120 Activities Restricted in Swimming Areas.**
- 11.12.130 Prohibited Swimming Areas.**
- 11.12.140 Climbing on Railings of Public Property.**
- 11.12.150 Diving or Jumping from Public Property.**
- 11.12.160 Swimming and Diving Prohibited in Harbor Entrance.**
- 11.12.170 Crafts Prohibited in Harbor Entrance.**

**Section 2:** Section 11.12.140 (Climbing on Railings of Public Property) of Chapter 11.12 (Swimming Regulations) is added to the NBMC and shall read as follows:

**11.12.140 Climbing on Railings of Public Property.**

It shall be unlawful for any person to sit, stand, balance, crouch, or climb upon the railings, ledges, barriers, or protruding cement structures of any public bridge, pier, wharf, or bulkhead within the City. This section shall not apply to City employees or City contractors who are performing their official duties.

**Section 3:** Section 11.12.150 (Diving or Jumping from Public Property) of Chapter 11.12 (Swimming Regulations) of the NBMC is hereby amended to read as follows:

**11.12.150 Diving or Jumping from Public Property.**

It shall be unlawful for any person to dive, jump, or otherwise enter the water from any public bridge, pier, wharf, float adjacent to such pier or wharf, bulkhead, seawalls, groin, jetty or natural rock formation, which is located on public property within the City. This section shall not apply to City employees or City contractors who are performing their official duties.

**Section 4:** The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

**Section 5:** 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 6:** 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 7:** Except as expressly modified in this ordinance, all other sections, subsections, terms, clauses and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

**Section 8:** 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 26<sup>th</sup> day of August, 2025, and adopted on the 9<sup>th</sup> 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