

ATTACHMENT B

ORDINANCE NO. 2026-2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING SECTION 1.04.060 (SAFETY ENHANCEMENT ZONE) OF CHAPTER 1.04 (CODE ENFORCEMENT), SECTIONS 5.95.045 (CONDITIONS) AND 5.95.065 (SUSPENSIONS AND REVOCATIONS) OF CHAPTER 5.95 (SHORT TERM LODGING PERMIT), AND SECTION 11.08.020 (USE OF SHADE COVERINGS) OF CHAPTER 11.08 (CONDUCT ON BEACHES AND PIERS) OF THE NEWPORT BEACH MUNICIPAL CODE TO ADDRESS ILLEGAL ACTIVITY DURING HIGH-RISK PERIODS

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 Council recognizes that certain periods of high public activity ("high-risk periods") including, but not limited to, Memorial Day, Fourth of July, and Labor Day weekends, as well as Spring Break, have historically been associated with increased public safety risks, including noise disturbances, illegal fireworks, overcrowding, and other violations of the law;

WHEREAS, during the Fourth of July weekend in 2025, law enforcement issued over 285 citations for violations of the Newport Beach Municipal Code ("NBMC"), including 16 citations for use and possession of illegal fireworks, 24 citations for use of the beach after hours, 27 citations related to loud and unreasonable noise; and over 160 citations related to possession of open containers of alcohol or drinking in public;

WHEREAS, on the Fourth of July in 2025, there were over 450 citations issued for violations of the NBMC and state laws, including 11 citations for violations of the Loud and Unruly Gathering Ordinance ("LUGO"), as well as 602 calls for service, and 43 arrests, with many of these citations, calls for service and arrests occurring outside of the current West Newport Safety Enhancement Zone, primarily concentrated between the current boundaries of the West Newport Safety Enhancement Zone and the area around the Balboa Pier;

WHEREAS, over the Fourth of July weekend, many of the problems encountered by law enforcement stemmed from short-term lodging units including, but not limited to, the issuance of LUGO and other citations to transient users of short-term

lodging units or property owners on 28th Street, 33rd Street, W. Balboa Boulevard, E. and W. Oceanfront, and Seashore Drive in Newport Beach;

WHEREAS, the City has also seen increased violations during other high-risk periods, especially during those periods designated as Spring Break for schools in Arizona and Nevada;

WHEREAS, the City Council has previously established the West Newport Safety Enhancement Zone to promote public safety, regulate illegal activity, and ensure compliance with applicable laws and regulations;

WHEREAS, extending the West Newport Safety Enhancement Zone to include the areas of the peninsula from the current boundary to the area adjacent to Balboa Pier is necessary to address documented incidents of high-risk behavior, including large gatherings, unruly parties, and other activities that threaten public health, safety, and welfare;

WHEREAS, during high-risk periods, the beaches experience significant crowding, and the use of shade structures can obstruct clear lines of sight for public safety personnel, conceal unsafe behavior from view, and impede the safe movement of pedestrians and emergency vehicles;

WHEREAS, many short term lodging units are being rented by adults for occupancy by individuals under the age of twenty-five during high-risk periods;

WHEREAS, requiring the owner or owner's agent and the adult transient user on the rental agreement to respond promptly to a short term lodging unit when there has been a good faith determination that there has been a violation of the law or the short-term lodging permit conditions, will enhance enforcement, prevent escalation of unsafe activities, and ensure accountability of both property owners and transient users;

WHEREAS, the violation of laws and permit conditions related to short-term lodgings including, but not limited to, illegal fireworks, excessive noise, drug or alcohol offenses, and unruly gatherings, during high-risk periods poses a significant threat to public health, safety, and welfare;

WHEREAS, the City Council finds that the mandatory revocation of a short-term lodging permit is an appropriate and necessary enforcement tool when significant violations have occurred during high-risk periods because it ensures accountability, deters future violations, and protects the community from recurring safety risks; and

WHEREAS, the City Council seeks to balance public enjoyment of beaches and recreational areas with the protection of residents, visitors, and public safety personnel from unsafe or unlawful activities.

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

Section 1: Section 1.04.060 (Safety Enhancement Zone) of the Newport Beach Municipal Code is hereby amended to read as follows:

Section 1.04.060 Safety Enhancement Zone.

A. Designation Process. The City Council may designate a specific geographical area as a Safety Enhancement Zone by ordinance or by resolution upon finding that the area is subject to unique conditions during a specific period creating a significant threat to the public health, safety and welfare. The ordinance or resolution establishing a Safety Enhancement Zone shall contain the following provisions: (1) a description of the geographical area comprising the zone; (2) the date and time the designation is in effect; (3) the factual basis for the designation; (4) the manner in which general notice of the Safety Enhancement Zone and applicable penalties for violations shall be provided; and (5) the manner in which specific notice of additional duties, responsibilities or restrictions shall be provided to owners of property within the zone.

B. West Newport Safety Enhancement Zone. The City Council hereby designates the area bounded by West Coast Highway on the north, Newport Boulevard from West Coast Highway to West Balboa Boulevard and from West Balboa Boulevard to East Balboa Boulevard ending at B Street on the east, the Pacific Ocean on the south, and 54th Street and Jo Anne Place on the west as a Safety Enhancement Zone. General notice of the Safety Enhancement Zone, as provided for in subsection (E), shall be provided at no less than three locations along West Coast Highway, two locations along Newport Boulevard, two locations on West and East Balboa Boulevard, one location on C Street, four locations along Oceanfront Walk/Seashore Drive and two locations along 54th Street or Jo Anne Place.

C. Corona del Mar Safety Enhancement Zone. The City Council hereby designates the portions of Corona del Mar bounded by the Pacific Ocean and Newport Harbor on the south, Buck Gully from the Pacific Ocean to Fifth Avenue on the east, Fifth Avenue to Dahlia Avenue (north of East Coast Highway), Dahlia Avenue (north of East Coast Highway) to East Coast Highway, and East Coast Highway to Avocado Avenue on the north, and the east side of Avocado Avenue (and its extended alignment) from East Coast Highway to Newport Harbor on the west, which area shall include Pirate's Cove, Corona del Mar State Beach, and Little Corona Beach as well as the immediately

adjacent parking lots, roads, stairs, and paths that provide ingress and egress thereto as a Safety Enhancement Zone. General notice of the Safety Enhancement Zone, as provided for in subsection (E), shall be provided at no less than three locations along East Coast Highway, at least one location on MacArthur Boulevard south of San Miguel Drive, one location on Marguerite Avenue south of San Joaquin Hills Road, and at Pirate's Cove, Corona del Mar State Beach and Little Corona Beach.

D. The designation for the West Newport and Corona del Mar Safety Enhancement Zones shall be effective: (1) from 12:01 a.m. on the last Friday in May until 11:59 p.m. on the last Monday in May ("Memorial Day"); (2) from 12:01 a.m. on Friday until 11:59 p.m. on Monday when the Fourth of July falls on a Friday, Saturday, Sunday or Monday; (3) from 12:01 a.m. on July 4th to 3:00 a.m. on July 5th when the Fourth of July falls on a Tuesday, Wednesday or Thursday; (4) from 12:01 a.m. on the Saturday before the first Monday in September until 11:59 p.m. on the first Monday in September ("Labor Day"); (5) from 12:01 a.m. on the date designated by resolution of the City Council as first day of any Spring Break until the 11:59 p.m. on the last day of any designated Spring Break ("Spring Break"); and (6) at other times when designated by ordinance or resolution upon a finding that unique conditions during a specific period of time create a significant threat to the public health, safety and welfare. The factual basis for this designation is found in Ordinances 2026-____, 2025-3 and 2003-5.

E. General notice of the designation of the Safety Enhancement Zone shall be provided at the locations set forth in subsections B and C on or before 6:00 p.m. on the Friday before Memorial Day, Labor Day and July 4th when the Fourth of July holiday falls on Friday, Saturday, Sunday or Monday, before 6:00 p.m. on July 3rd when the Fourth of July holiday falls on a Tuesday, Wednesday or Thursday, and before 6:00 p.m. of the first day of any Spring Break as set forth in a resolution adopted by the City Council.

F. Specific Notice advising of the Safety Enhancement Zone designation and the fines, penalties and provisions shall be sent before the date set forth in the City Council resolution that designates any Spring Break, and before April 15th, June 15th, and August 15th, to each property owner within the zone, based on the most recent property tax records.

Section 2: Subsection (A) of Section 5.95.045 (Conditions) of the Newport Beach Municipal Code is hereby amended to add subsection (24), which shall read as follows:

24. If a City law enforcement officer, fire official, code enforcement officer, or other authorized City official makes a good-faith determination that a violation of any law, ordinance, regulation or permit condition is occurring at a unit and provides verbal

notice of the violation to any person occupying the site and to the owner's local contact, the following persons shall appear in person at the unit within two (2) hours of such notice being provided: the owner of the property or the owner's agent; and a transient user who is 25 years or older and whose name appears on the rental agreement for the unit.

Section 3: Section 5.95.065 (Suspensions and Revocations) of the Newport Beach Municipal Code is hereby amended to read as follows:

5.95.065 Suspensions and Revocations.

In addition to any fine or penalty that may be imposed pursuant to any provision of this Code, a short term lodging permit for a unit may, or where required shall, be suspended or revoked as provided in this section.

A. Suspensions/Revocations.

1. If any person violates any short term lodging permit condition two or more times in any twelve (12) month period or any other provision of this Code, state law or federal law, two or more times in any twelve (12) month period, and the violation relates in any way to the unit that has a short term lodging permit, the short term lodging permit for the unit may be suspended for a period of six months in accordance with subsection (B) of this section.

2. In the case of a short term lodging permit for a unit that is located in a safety enhancement zone, if there is a violation of any provision of this Code during the period that the safety enhancement zone is in effect, the short term lodging permit for the unit may be suspended for a period of one year or revoked in accordance with subsection (B) of this section.

3. If a lodging unit that is subject to a short term lodging permit has been the location of two or more loud or unruly gatherings, as defined in Chapter 10.66, while the lodging unit was occupied on a short term basis, within any twenty-four (24) month period, the permit may be suspended for a period of one year or revoked in accordance with subsection (B) of this section. A loud or unruly gathering that occurred prior to the passage of fourteen (14) days from the mailing of notice to the owner in compliance with Section 10.66.030(D) shall not be included within the calculation of the two or more loud or unruly gatherings required to revoke a short term lodging permit.

4. If a person violates Section 5.95.020 regarding any unit that has had a short term lodging permit suspended pursuant to subsection (B) of this section, the short term lodging permit for the unit may be revoked in accordance with subsection (B) of this section.

5. If any person violates any short term lodging permit condition or any other provision of this Code, state or federal law within six (6) months of having a previously suspended short term lodging permit reinstated for a unit, and the violation relates in any way to the unit that has the short term lodging permit, the short term lodging permit for the unit may be revoked in accordance with subsection (B) of this section.

6. If any person violates any short term lodging permit condition three or more times in any twelve (12) month period or provision of this Code, state or federal law three or more times in any twelve (12) month period, and the violation relates in any way to the unit that has a short term lodging permit, the short term lodging permit for the unit may be revoked in accordance with subsection (B) of this section.

7. If any person fails to collect and remit transient occupancy tax or the visitor service fee in accordance with the requirements of this chapter, Chapter 3.16 or 3.28 in regards to any unit that has a short term lodging permit, two or more times within any thirty-six (36) month period, the short term lodging permit for the unit may be revoked in accordance with subsection (B) of this section.

8. If any person is determined to have provided false information on an application for an annual short term lodging permit, or renewal thereof, the short term lodging permit for the unit may be revoked in accordance with subsection (B) of this section.

9. If the preponderance of the evidence shows that any person has violated any of the rules, regulations or laws set forth in subsection (A)(9)(a) during a high-risk period, as defined in subsection (A)(9)(b) of this section, and the violation relates in any way to the unit that has a short term lodging permit, the short term lodging permit for the unit shall be revoked in accordance with subsection (B) of this section.

a. For purposes of this subsection, the applicable rules, regulations and laws are as follows: Chapters 6.40 (Prohibition of Sale Distribution and Use of Nitrous Oxide), 10.24 (Discharge of Weapons-Permission Required), 10.28 (Loud and Unreasonable Noise), 10.58 (Police Services at Large Parties, Gatherings or Events on Private Property), or 10.66 (Loud and Unruly Gatherings) of this Code; Sections 5.95.045 (A) (2), (4), (5), (6), (10), (12), (17), (18), (21), or (24) (Conditions), 5.95.047 (A) (1), (4), (5), or (6) (Violations of Permit Conditions by Transient User, Occupant or Guest), 9.04.420 (Amendments to Section 5601.1.3 Fireworks), or 10.12.020 (Interference) of this Code; California Business and Professions Code Section 25658; California Penal Code Sections 69, 148(a), 148.9, 243 (b) (c), 272, 415, 416, 29610, 22210, or 21510; Health and Safety Code Sections 12677, or 11357; and any law punishable as a felony.

b. For purposes of this subsection, a “high-risk period” shall include the following: (1) from 12:01 a.m. on the last Friday in May until 11:59 p.m. on the last Monday in May; (2) from 12:01 a.m. on Friday until 11:59 p.m. on Monday when the Fourth of July falls on a Friday, Saturday, Sunday or Monday; (3) from 12:01 a.m. on July 4th to 3:00 a.m. on July 5th when the Fourth of July falls on a Tuesday, Wednesday or Thursday; (4) from 12:01 a.m. on the Saturday before the first Monday in September until 11:59 p.m. on the first Monday in September; (5) from 12:01 a.m. on the date designated by resolution of the City Council as first day of any Spring Break until the 11:59 p.m. on the last day of any designated Spring Break; and (6) at other times when designated by ordinance or resolution upon a finding that unique conditions during a specific period of time create a significant threat to the public health, safety and welfare.

Where a violation or set of violations qualifies for suspension or revocation under more than one subsection, the subsection that imposes the most severe penalty, including mandatory revocation, shall control.

B. Permits shall be suspended or revoked only in the manner provided in this section.

1. The Administrative Services Director shall investigate whenever he or she has reason to believe that an owner has submitted an application that contains false information or committed a violation of a permit condition, this Code, or state or federal law related to a permitted unit. Such investigation may include, but is not limited to, on-site property inspections. Should the investigation reveal substantial evidence to support a finding that warrants a suspension or revocation of the short term lodging permit, the Administrative Services Director shall issue written notice of intention to suspend or revoke the short term lodging permit. The written notice shall be served on the owner in accordance with Section 1.08.080, and shall specify the facts which, in the opinion of the Administrative Services Director, constitute substantial evidence to establish grounds for imposition of the suspension and/or revocation, and specify the proposed time the short term lodging permit shall be suspended and/or that the short term lodging permit shall be revoked within thirty (30) days from the date the notice is given, unless the owner files with the Administrative Services Director, before the suspension or revocation becomes effective, a request for hearing before a hearing officer, who shall be retained by the City, and pays the fee for the hearing established by resolution of the City Council. Subject to subsection (E) of this section, failure to file a timely request for hearing and pay all applicable fees shall result in the suspension or revocation of the permit.

2. If the owner requests a hearing and pays the hearing fee, established by resolution of the City Council, within the time specified in subsection (B)(1) of this

section, the Administrative Services Director shall serve written notice on the owner, pursuant to Section 1.08.080, setting forth the date, time and place for the hearing. The hearing shall be scheduled not less than fifteen (15) days, nor more than sixty (60) days, from the date on which notice of the hearing is served by the Administrative Services Director. The hearing shall be conducted according to the rules normally applicable to administrative hearings. At the hearing, the hearing officer will preside over the hearing, take evidence and then submit proposed findings and recommendations to the City Manager. The City Manager shall suspend or revoke the short term lodging permit only upon a finding that a violation has been proven by a preponderance of the evidence, and that the suspension or revocation is consistent with the provisions of this section. The City Manager shall render a decision within thirty (30) days of the hearing, and the decision shall be final as to the City but subject to judicial review pursuant to California Code of Civil Procedure Section 1094.5.

C. If a short term lodging permit is suspended, it shall be the owner's responsibility to vacate any future bookings and remove all advertisements related to the short term rental of the unit during the term of the suspension. If a short term lodging permit is revoked, it shall be the owner's responsibility to vacate any future bookings and remove all advertisements related to the short term rental of the unit.

D. After any suspension, the owner may reapply for reinstatement of the short term lodging permit which shall be processed in accordance with Section 5.95.030, provided the owner has paid the City all amounts owed the City in accordance with this chapter and Chapters 3.16 and 3.28.

E. The Administrative Services Director may extend the deadlines set forth in this section if the Administrative Services Director determines that good cause has been shown to extend the deadline.

Section 4: Section 11.08.020 (Use of Shade Coverings) of the Newport Beach Municipal Code is hereby amended to read as follows:

11.08.020 Use of Shade Coverings.

A. Unless authorized by the City Council, City Manager, authorized City personnel or a special event permit, no person shall install, erect or maintain any shade covering on any ocean beach, bay beach, public park adjacent to an ocean or bay beach, or tideland that:

1. Is connected, attached, or tied in any manner to another shade covering.
2. Is positioned so that both the base and the outer edge of the canopy, fabric, or covering are located less than five (5) feet from the base or outer edge of any

other shade covering. The required separation shall be measured horizontally from the closest point of the canopy, fabric or covering and from the closest point of the base, pole, frame, or anchoring point.

3. Is grouped, arranged or positioned to allow multiple shade coverings to function as a single structure or to expand the usable shaded area, regardless of whether the individual shade covering meets the spacing requirements set forth in this section.

4. Is not sufficiently anchored to prevent displacement by wind or tides. No ropes, cords, guy lines, stakes, or similar devices may extend beyond the perimeter of the shade covering, and improvised anchors including, but not limited to, concrete blocks, buckets, coolers, or water-filled containers, are prohibited.

5. Exceeds six (6) feet in height or six (6) feet in width at its widest point.

6. Is closed to public view on more than one side or obstructs line-of-sight access from the surrounding beach or shoreline.

7. Is located within fifty (50) feet of any lifeguard tower, emergency access point, or public access point. Proximity shall be measured horizontally from the nearest point of the shade covering to the base/edge of any lifeguard tower, emergency access point, or public access point.

8. Interferes with a lifeguard's ability to observe the water or adjacent lifeguard towers.

9. Prohibits reasonable ingress and egress on any ocean beach, bay beach, public park adjacent to an ocean or bay beach, or tideland. Such areas shall be clearly marked by City personnel or City contractors through signage, cones, flags, painted markings, or other visible means indicating that the area is reserved for ingress and egress.

10. Is placed in proximity to a fire ring so as to create a fire hazard. The reasonableness of proximity shall be determined by existing conditions. Under no condition shall a shade covering be within ten (10) feet of any exposed fire.

B. Shade coverings shall only be erected, maintained, or occupied on any ocean beach, bay beach, public park adjacent to an ocean or bay beach, or tideland during daytime hours (6:00 a.m. to 7:00 p.m.) and only when a responsible person is present in the immediate vicinity.

C. A shade covering shall be immediately removed during hazardous weather conditions, high wind advisories, emergency operations, or when otherwise directed by

a fire official, lifeguard, law enforcement officer, or other authorized City personnel for public safety reasons.

D. Any shade covering that violates subsections A (7) through A (10) or C of this section, shall be immediately relocated at the request of a fire official, lifeguard, law enforcement officer, or other authorized City personnel. Failure to immediately comply with a request to relocate shall constitute a violation of this section.

E. For purposes of this section the term “shade covering” shall include any umbrella, canopy, or other shade structure.

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, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

Section 7: The City Council of the City of Newport Beach finds the introduction and adoption of this ordinance is exempt from environmental review under the California Environmental Quality Act (“CEQA”) pursuant to Section 15060(c)(2) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, which states that an activity is not subject to CEQA if “[t]he activity will not result in a direct or reasonably foreseeable indirect physical change in the environment”.

Section 8: 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 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 and shall become final thirty (30) days after adoption.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 10th day of February 2026, and adopted on the 24th day of February 2026, by the following vote, to-wit:

AYES: _____

NAYS: _____

ABSENT: _____

Lauren Kleiman, Mayor

ATTEST:

Lena Shumway, City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp, City Attorney