Attachment A

Ordinance No. 2026-08

ORDINANCE NO. 2026-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING SECTION 1.12.020 (AUTHORITY OF PUBLIC OFFICERS OR EMPLOYEES TO ISSUE CITATIONS), CHAPTER 1.12 (CITATIONS AND WARRANTS), TITLE 1 (GENERAL PROVISIONS) OF THE NEWPORT BEACH MUNICIPAL CODE RELATED TO CITY EMPLOYEES' ENFORCEMENT OF THE MUNICIPAL CODE AND STATE LAW

WHEREAS, Section 200 of the Charter of the City of Newport Beach ("Charter") 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 Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, power, and privileges, or procedures granted or prescribed by any law of the State of California;

WHEREAS, effective July 1, 2026, Park Patrol Officers will be transferred from the Recreation and Senior Services Department to the Newport Beach Police Department, thereby formally relocating the Park Patrol function under the operational oversight and command structure of the Police Department;

WHEREAS, Section 1.12.020 (Authority of Public Officers or Employees to Issue Citations) of the Newport Beach Municipal Code ("NBMC") authorizes designated City officers and employees to issue citations for violations of the NBMC;

WHEREAS, in connection with the transfer of Park Patrol Officers to the Police Department, it is necessary and appropriate to clarify and expand their authority to ensure they can effectively support public safety operations, enforce applicable laws and regulations, and carry out their duties in alignment with the mission and standards of the Police Department;

WHEREAS, currently, the Fire Chief, the Public Works Director and the Harbormaster, and other employees holding positions in these departments designated by them, are authorized to issue citations for violations of Division 3 of the California Harbors and Navigation Code;

WHEREAS, Divisions 1, 1.5, and 2 of the California Harbors and Navigation Code contain provisions that are applicable to activities and enforcement within Newport Harbor;

WHEREAS, expanding the ability for City employees to issue citations to include these additional divisions in the California Harbors and Navigation Code will enhance

regulatory compliance, improve enforcement consistency, and better protect public safety and harbor operations;

WHEREAS, granting enforcement authority to the Municipal Operations Director, and designated employees, related to waste and other matters will help the City maintain compliance with state mandates and protect the public; and

WHEREAS, granting such authority will promote efficient enforcement of municipal regulations, and better serve the public health, safety, and welfare of the community.

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

Section 1: Section 1.12.020 (Authority of Public Officers or Employees to Issue Citations), Chapter 1.12 (Citations and Warrants), Title 1 (General Provisions), is hereby amended to read as follows:

"Section 1.12.020 Authority of Public Officers or Employees to Issue Citations.

A. The following designated public officers and employees shall have the power to issue citations for any violation of this Code:

1. Animal Control Officers, Community Service Officers, Custody Officers, Parking Control Officers, Police Officers, Park Patrol Officers, and employees holding positions in the Police Department designated by the Police Chief.

2. The Community Development Director, Harbormaster, Public Works Director, and employees holding positions in these departments designated by the director of the department.

3. Code Enforcement Officers.

4. Municipal Compliance Officers who may be employed by contract.

B. The following designated public officers and employees shall have the power to issue citations for violations of the following provisions of this Code:

1. The Fire Chief and other employees holding positions in the Fire Department designated by the Fire Chief shall have the power to issue citations for any violation of

Titles 5, 9, 11, and 17, Chapters 7.04, 7.16, 7.20, and 7.30, and Sections 6.04.050, 6.04.190, and 10.06.010.

2. The Revenue Manager and other employees holding positions in the Administrative Services Department designated by the Administrative Services Director shall have the power to issue citations for any violations of Titles 3, 5, 6, and 10, Chapters 12.62 and 12.63, and Section 12.40.060.

3. The Municipal Operations Director and other employees holding positions in the Municipal Operations Department designated by the Municipal Operations Director shall have the power to issue citations for any violations of Chapters 6.04, 6.05, 6.06, 12.63, and 13.08.

4. The Building Official, and other employees holding positions in the Building Division designated by the Building Official, shall have the power to issue citations for any violation of Title 15.

5. The City Clerk shall have the power to issue administrative citations for violations of Chapter 1.28.

C. The following designated public officers and employees shall have the power to issue citations for violations of the following provisions of State or local law:

1. Animal Control Officers, Community Services Officers, Custody Officers, Police Officers, Park Patrol Officers, and Parking Control Officers, and other employees holding positions in the Police Department designated by the Chief of Police shall have the power to issue citations for violations of the California Vehicle Code to the maximum extent allowed under State law, including, but not limited to, California Vehicle Code Section 22507.8 and local ordinances and resolutions adopted pursuant to California Vehicle Code Section 22511.7.

2. The Fire Chief, Public Works Director, Municipal Operations Director and Harbormaster, and other employees holding positions in these departments designated by them, shall have the power to issue citations for any violation of Sections 22500.1 and 22514 of the California Vehicle Code, the California Fish and Game Code, Title 14 of the California Code of Regulations, the provisions of California Harbors and Navigation Code, Divisions 1, 1.5, 2, and 3, any provision of State or local law related to fire suppression or fire prevention and any provision of State and local laws pertaining to the handling, use, storage or disposal of hazardous materials or waste.

D. The City Clerk shall be informed, in writing, by the Police Chief, Fire Chief, Harbormaster, and Department Directors of all positions authorized to issue citations pursuant to this section. The City Clerk shall maintain a list of all positions designated pursuant to this section and shall provide a copy of the designated position list to the public upon request.

E. Nothing in this section shall be considered to limit any authority otherwise vested in the named officers and employees, provided elsewhere in this Code, or by State law."

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.

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.

Section 5: 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 6: 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 June, 2026, and adopted on the 14th day of July, 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