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# **NEWPORT BEACH**

## **City Council Staff Report**

August 26, 2025  
Agenda Item No. 3

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** David Miner, Chief of Police - 949-644-3701, dminer@nbpd.org

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**TITLE:** Ordinance 2025-19: Amending Title 11 (Recreational Activities) of the Newport Beach Municipal Code to Prohibit Climbing on Railings of Public Property and Amending Swimming Regulations and Restrictions on Diving, Jumping and Climbing on Public Property Adjacent to Waterways

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### **ABSTRACT:**

For the City Council's consideration is the introduction of an ordinance to amend Newport Beach Municipal Code (NBMC) Title 11 (Recreational Activities), adding Chapter 11.12.140 prohibiting the climbing on railings of public property. The ordinance also amends NBMC Title 11 (Recreational Activities), Chapter 11.12.150 by updating language in this section.

### **RECOMMENDATIONS:**

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
- b) Waive full reading, direct the City Clerk to read by title only, and introduce 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* and pass to a second reading on September 9, 2025.

### **DISCUSSION:**

Bridges, piers and ledges adjacent to waterways in Newport Beach have historically been popular places for people to jump into nearby waterways. Jumping or diving from a bridge, pier, wharf or similar structure is currently prohibited by the NBMC. Jumping from a bridge into the harbor poses significant dangers not only to the individual jumper, but also others using the waterways. The jumper risks serious injury or death from shallow water, submerged debris, or the impact itself, especially if tides or currents are strong.

Additionally, boaters, kayakers, paddle boarders and other vessels in the area may be endangered by an unexpected jumper, potentially leading to collisions, emergency maneuvers, or rescue attempts that put multiple lives at risk. These actions can also cause disruptions to maritime traffic and place a burden on emergency services.

Adding Chapter 11.12.140 to the NBMC, which would prohibit climbing on railings, ledges or other structures on public property near waterways, would be a proactive measure to reduce such risky behavior. By clearly defining and providing enforcement options, the ordinance, if adopted, would help deter individuals from accessing dangerous areas where jumping might occur. This would not only decrease the likelihood of injuries but also lower the frequency of waterway disruptions and emergency response interventions. Ultimately, the NBMC amendment would help enhance public safety, support responsible waterfront use, and reduce the City of Newport Beach's liability for accidents on public property.

The proposed amendment to Chapter 11.12.150 updates the language in this section of the NBMC.

**FISCAL IMPACT:**

There is no fiscal impact related to this item.

**ENVIRONMENTAL REVIEW:**

Staff recommends the City Council find this action 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, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

**ATTACHMENT:**

Attachment A – Ordinance No. 2025-19