

ATTACHMENT B

Chapter 11.04

PARKS, PARK FACILITIES, AND BEACHES

Sections:

- 11.04.010 Intent and Purpose.**
- 11.04.020 Definitions.**
- 11.04.030 General Administration.**
- 11.04.040 Park Hours.**
- 11.04.050 Closed Park Areas.**
- 11.04.060 Permit or Agreement Requirement.**
- 11.04.070 Prohibited Conduct.**
- [11.04.080 Biking and Similar Activities on the Beach.](#)**
- 11.04.090 Abandoned Bicycle.**
- 11.04.100 Violation of Rules and Policies of Department.**
- 11.04.110 Ejection.**
- 11.04.120 Prohibition Against Obstructing Performance of City Employee.**
- 11.04.130 Exemption.**
- 11.04.140 Penalty.**

11.04.010 Intent and Purpose.

It is the policy of the City of Newport Beach to allow maximum public use of the City's public parks, park facilities and beaches subject to rules and regulations necessary for administration and maintenance of the City's public parks, park facilities and beaches. The City Council finds that these rules and regulations are necessary to preserve and protect the public health, safety and welfare. All persons using the City's public parks, park facilities and beaches shall comply with the provisions of this chapter, in addition to any other provisions contained within this code. Consistent with the provisions of this chapter, the Director shall be responsible for administering the use of the City's public parks, park facilities and beaches and shall be authorized to enforce this chapter and establish and enforce policies, rules and regulations regarding the use and administration of the City's public parks, park facilities and beaches. (Ord. 2012-6 § 1 (part), 2012: Ord. 2004-26 § 3 (part), 2004)

11.04.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings set forth in this section:

“Beach” or “beaches” means any public oceanfront or bayfront beach within the City of Newport Beach, including ocean or bay public piers, public floats, public wharves or public strands adjoining public oceanfront or bayfront beach areas.

“Bicycle” ~~means a device upon which any person may ride, which is propelled exclusively by human power through a belt, chain, or gears, and which has one or more wheels~~ has the same meaning as defined in California Vehicle Code Section 231.

“Bicycle rack” means a structure or rack specifically designed for the fastening or attaching of bicycles to the structure or rack.

“Director” means the Director of the Recreation and Senior Services Department.

“Electric bicycle” has the same meaning as defined in California Vehicle Code Section 312.5. “Electrically Motorized Board” has the same meaning as defined in California Vehicle Code Section 313.5.

“Instructional activity” means any educational or recreational program or activity involving individual, team, or group instruction that is conducted or performed when there is monetary consideration provided for participation in the program or activity that occurs in a park, park facility, or on a beach.

“Motorized bicycle” has the same meaning as defined in California Vehicle Code Section 406.

“Motorized scooter” has the same meaning as defined in California Vehicle Code Section 407.5.

“Park” or “park facility” means all publicly owned or leased property, grounds, parking lots, roadways, venues, bike paths, walking or hiking trails, parks and park-related buildings, facilities and improvements, together with the sidewalks or walkways abutting or adjoining the same, and any school facilities when they are in use as recreational or community center facilities and under the control of the Director.

“Park patrol” and “park patrol officer” mean and include the park patrol officers authorized under Section 1.12.020.

“Pedicab” has the same meaning as defined in California Vehicle Code Section 467.5

“Surrey cycle” means a bicycle or electric bicycle with seating for one or more persons which has four or more wheels.

“Regulations” means the provisions of this chapter and such rules, policies and regulations established from time to time by the City Council or the Director for the

administration of this chapter. (Ord. 2023-22 § 516, 2023; Ord. 2012-6 § 1 (part), 2012; Ord. 2004-26 § 3 (part), 2004)

11.04.030 General Administration.

A. Any activity held at a park, park facility, or beach will be conducted according to the regulations of this chapter and all applicable laws, including fire and safety regulations and applicable provisions of this code.

B. Any person or group of people violating the regulations or conditions of any permit shall be subject to the immediate revocation of park or park facility use privileges provided in the permit. The City shall be entitled to retain all fees previously paid.

C. Any person using a park, park facility, or beach shall be liable and responsible for paying for any damage to any person or property including, but not limited to, City property connected with such use.

D. When groups or organizations desire to use a park or park facility on a repetitive basis, they shall first obtain the Director's approval through a separate park or park facility use agreement. No person shall violate any conditions set forth in a use agreement or continue to conduct any activity or use for which a use agreement is required upon revocation of a use agreement.

E. Use of a park or park facility for group activities or events shall not interfere with the public enjoyment of the park or park facility; detract from the health, safety, welfare or recreation of the general public; cause unusual or extraordinary expense to the City; nor draw crowds in excess of the capacity of the park or park facility.

F. Scheduling procedures, use regulations, and application processes for City parks or park facilities shall be determined by the Director. (Ord. 2012-6 § 1 (part), 2012; Ord. 2004-26 § 3 (part), 2004)

11.04.040 Park Hours.

No person shall enter or remain upon any park or park facility between the hours of 11:00 p.m. and 6:00 a.m. the following morning. (Ord. 2012-6 § 1 (part), 2012; Ord. 2004-26 § 3 (part), 2004)

11.04.050 Closed Park Areas.

When necessary for the protection of the public interest, health, or welfare, the City Manager, Director, Chief of Police, or Fire Chief shall have the authority to close from public access or use any park, park facility, or portion thereof, on a temporary basis. No person

shall enter or remain upon areas posted or publicly noticed as closed. (Ord. 2023-22 § 517, 2023; Ord. 2012-6 § 1 (part), 2012; Ord. 2004-26 § 3 (part), 2004)

11.04.060 Permit or Agreement Requirement.

A. The Director may issue permits allowing use of a park or park facility, or portion thereof, by one or more persons to the exclusion of others in connection with planned social occasions such as birthday parties, programs and recreational activities. No person other than the person authorized by the permit shall enter or remain on designated park or park facility, or portion thereof, during the period covered by the permit. All park or park facility use permits issued may only be used by the permit holder. Director permits are nontransferable.

B. The Director shall have the authority to post reservation notices at a park or park facility, or portion thereof, notifying the public that a park or park facility, or portion thereof, is reserved for exclusive use during a specified time period, pursuant to a permit. No person shall disobey any reservation notice posted or issued by the Director relating to the use of any park or park facility, or portion thereof, site, tables or other public accommodations identified in the permit.

C. Any person that wishes to use a park, park facility, or a portion thereof, for repetitive athletic league, team or group sporting activity, including any games, practices, clinics, or other sport related events, shall first obtain a permit or use agreement from the Director authorizing said use prior to occupying the park, park facility, or portion thereof, for said activities.

D. No person shall conduct or perform any instructional activity for monetary consideration in a park, park facility, or on a beach without first obtaining a written agreement from the Director to conduct or perform said instructional activity in a park, park facility, or on a beach. No person shall violate any conditions set forth in said written agreement or continue to conduct any activity or use for which said agreement is required upon revocation of said agreement.

E. Any person not having a permit for the use of a park or park facility shall surrender or turn over possession of the park, park facility, or portion thereof, to any person having possession of a valid permit from the Director. A person not having a permit from the Director shall not refuse to or fail to surrender the use of such park, park facility, or portion thereof, to any person who has a permit for the use of such park, park facility, of portion thereof, from the Director. (Ord. 2012-6 § 1 (part), 2012; Ord. 2004-26 § 3 (part), 2004)

11.04.070 Prohibited Conduct.

It is unlawful for any person to conduct, perform or participate in any of the following activities at any park, park facility, beach or oceanfront boardwalk unless otherwise authorized to do so by the Director:

- A. Hit, strike or chip a golf ball except in designated areas for such purposes.
- B. Rollerblade, roller skate or skateboard on any public tennis or sport court.
- C. Remove, damage or destroy any athletic equipment or paraphernalia provided by the City for use, except, this section shall not apply to an employee of the City who removes athletic equipment or paraphernalia while engaged in the course and scope of his or her employment.
- D. Play basketball on any outdoor public basketball court within three hundred (300) feet of any residentially zoned parcel, between 7:00 p.m. and 8:00 a.m. the following morning.
- E. Use any park or park facility when a fee is charged, or permit or use agreement is required, without first having paid the required fee or having received any required permit or use agreement as required under Section 11.04.030(D) or 11.04.060.
- F. Drive, propel, ride or park or leave standing any vehicle propelled by a motor except in areas designated for such purposes, except, this section shall not apply to an employee of the City acting in the course and scope of his or her employment, or to activities authorized by a special event permit issued pursuant to the provisions of Chapter 11.03. This section does not permit public parking of event attendees.
- G. Continuing to conduct or perform any event, activity, behavior or conduct that is determined to be unsafe, a nuisance, or a disturbance to the public by the Director, a park patrol officer, code enforcement officer, lifeguard or peace officer after the person or group of people conducting or performing the event, activity, behavior or conduct has been issued a verbal or written warning that said event, activity, behavior or conduct has been determined to be unsafe, a nuisance, or a disturbance to the public.
- H. Engaging in any sidewalk vending activity unless conducted in compliance with Chapter 5.97, or any successor chapter.
- I. Use any public fountain, public drinking faucet, public restroom sink or public sprinkler to wash dishes, clothing or garments, to bathe, or conduct personal hygiene (such as washing hair or body with or without soap, shampoo or similar personal hygiene products; shaving with or without shaving cream or similar personal hygiene products; oral care

including using mouthwash or brushing teeth with or without toothpaste or similar personal hygiene products; cleaning any injury, wound, lesion, gash or abrasion in any manner with or without medical products, cleaning products or similar personal hygiene products; using any medical or other personal hygiene product to rid the body of lice or any disease, infection or growth).

J. Cut, break, injure, deface, or disturb any City tree, shrub, plant, rock, building, cage, pen, monument, fence, bench or other structure, apparatus, or property. (Ord. 2024-19 § 6, 2024; Ord. 2023-11 §§ 3, 4, 2023; Ord. 2018-19 § 6, 2018; Ord. 2012-6 § 1 (part), 2012; Ord. 2004-26 § 3 (part), 2004. Formerly 11.04.080)

11.04.080 Biking and Similar Activities on the Beach.

It is unlawful for any person to drive or ride any bicycle, electric bicycle, electrically motorized board, motorized bicycle, motorized scooter, pedicab or surrey cycle on the sandy portion of any beach.

Formatted: Font: Not Bold

11.04.090 Abandoned Bicycle.

Any bicycle, electric bicycle, electrically motorized board, motorized bicycle, motorized scooter, pedicab or surrey cycle that is attached or fastened to any City property, including a bicycle rack, or left in a park, park facility, on a beach, or oceanfront boardwalk for a period of forty-eight (48) hours or longer shall be deemed abandoned property and may be impounded by the City. Any bicycle such device which has been impounded by the City and held for ninety (90) days without redemption by or on behalf of the lawful owner thereof shall, if saleable, be sold at such time and place and in such a manner as required by California Civil Code Section 2080 et seq. (Ord. 2023-22 § 519, 2023; Ord. 2012-6 § 1 (part), 2012)

11.04.100 Violation of Rules and Policies of Department.

No person shall disobey or violate any of the written rules, policies or regulations issued by the Director governing the use and enjoyment by the public of any park, park facility, or beach. (Ord. 2012-6 § 1 (part), 2012; Ord. 2004-26 § 3 (part), 2004. Formerly 11.04.090)

11.04.110 Ejection.

Any person who violates any of the prohibited conduct provisions in this chapter shall be guilty of disorderly conduct and may be ejected from the park, park facility, or beach by the Director, a park patrol officer, a code enforcement officer, a lifeguard, or a peace officer. (Ord. 2012-6 § 1 (part), 2012. Formerly 11.04.100)

11.04.120 Prohibition Against Obstructing Performance of City Employee.

No person shall willfully delay or obstruct any City employee in the performance of his or her duties in a park, park facility, or on a beach. (Ord. 2012-6 § 1 (part), 2012: Ord. 2004-26 § 3 (part), 2004. Formerly 11.04.110)

11.04.130 Exemption.

The provisions of this chapter shall not apply to [a law enforcement officer](#), an employee [or contractor](#) of the City acting in the course and scope of ~~his or her~~ [their](#) employment, or to activities or programs of the Recreation and Senior Services Department or authorized by a special event permit issued by the Director pursuant to the provisions of Chapter 11.03. (Ord. 2012-6 § 1 (part), 2012: Ord. 2004-26 § 3 (part), 2004. Formerly 11.04.120)

11.04.140 Penalty.

Unlawful sidewalk vending activities shall be punished in accordance with Chapter 5.97. (Ord. 2023-22 § 520, 2023; Ord. 2018-19 § 7, 2018; Ord. 2012-6 § 1 (part), 2012)