



**CITY OF**

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# **NEWPORT BEACH**

## **City Council Staff Report**

January 27, 2026  
Agenda Item No. 3

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

**FROM:** David A. Webb, Public Works Director - 949-644-3311,  
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**TITLE:** Ordinance No. 2026-01 Modifying Provisions Related to Temporary  
Street Closures and City Franchised Solid Waste Management

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### **ABSTRACT:**

The City Council's Ad Hoc Refuse Committee (Committee) recommends a proposed ordinance to update the Newport Beach Municipal Code (NBMC) sections pertaining to commercial franchise waste hauling. The proposed NBMC changes are in response to concerns raised about commercial franchise system access and self-hauling flexibility. The ordinance addresses/updates definitions, changes to exclusion and eligibility language, and provides enforcement authority for temporary street closure permits.

### **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; and
- b) Introduce Ordinance No. 2026-01, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Chapters 12.62 (Temporary Street Closure) and Chapter 12.63 (Solid Waste Management) of the Newport Beach Municipal Code Related to Solid Waste Hauling*, and pass to second reading on February 10, 2026.

### **DISCUSSION:**

The Committee, comprised of Councilmember Grant, Councilmember Barto and staff reviewed concerns brought forth regarding NBMC language limitations pertaining to commercial franchise refuse hauling. The concerns discussed included insufficient coverage based on current code definition language, the inability to sufficiently enforce temporary street closure permits, and commercial franchise system accessibility issues relating to codified franchise entry barriers based on operational history. The Committee reviewed specific municipal code sections and identified solutions to support improved inclusiveness of prospective haulers, update definition language to meet the needs of the present-day development environment and further clarify self-hauling concepts, reduce

the over-penalization of formerly non-compliant haulers and provide an enforcement mechanism for non-compliant temporary street closure permittees.

#### Proposed Ordinance Changes to NBMC Chapter 12.62

Chapter 12.62 of the NBMC provides for temporary street closures for public streets or alleys within the Newport Beach. Chapter 12.62 was adopted in 1968 with the most recent amendments in 1985. A summary of the areas covered by Chapter 12.62 includes chapter purpose, application requirements, permit issuance requirements and process, an appeal and review process, and ramifications of improper or overextended street or alley closures.

The Committee has identified a need to enhance the City of Newport Beach's (City) ability to enforce the requirements of Chapter 12.62. This code section allows contractors to place temporary waste containers in public streets or alleys as long as a permit is issued and an authorized City franchise hauler is utilized. The changes proposed for Chapter 12.62 include adding grounds for permit revocation. Specifically, a permit may be revoked if the permittee has ceased to meet the requirements for permit issuance, provided false information or made a misrepresentation of a material fact in the application, or the activity associated with the street closure permit creates a public nuisance that constitutes a health or safety hazard.

#### Proposed Ordinance Changes to NBMC Chapter 12.63

Chapter 12.63 of the NBMC provides a franchise requirement for companies providing solid waste handling services within the City. Chapter 12.63 was initially adopted in 1985 with most recent amendments in 2023. The chapter encompasses 18 sections, but only three will reflect modifications; 12.63.020 Definitions, 12.63.080 Required Findings, and 12.63.150 Exclusions. Prospective haulers have indicated that the code, as written, creates a significant barrier to entry in the context of the current development and waste collection environment.

One step in becoming a commercial franchise hauler is obtaining City Council approval of an application if the required findings are met. At present, if the applicant is found to be operating a solid waste enterprise in the city without a franchise, the applicant would not meet the required findings to be a City franchisee for the next three years. The Committee is proposing the three-year exclusion only apply to enterprises that have been terminated or received two or more administrative citations within the past year. If a prospective hauler was unaware of the non-exclusive commercial franchise system and was found conducting work in the city, this revised approach provides an avenue for notification/education and to work toward becoming a City-approved commercial franchise hauler. Additionally, the City commercial franchise hauler system was not designed or intended to support material volumes generated by public agency construction projects. For this reason, the Committee is proposing adding an exclusion

for City and other public agency construction projects from required use of City commercial franchise haulers.

**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).

**ATTACHMENTS:**

Attachment A – Ordinance No. 2026-01  
Attachment B – Chapter 12.62 Redline  
Attachment C – Chapter 12.63 Redline