



NEWPORT BEACH

City Council Staff Report

June 23, 2026
Agenda Item No. 3

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Ordinance No. 2026-09: Amending the Newport Beach Municipal Code to Regulate and Manage Certain Activities within Newport Harbor

ABSTRACT:

As one of its annual objectives, the Harbor Commission tasked itself with reviewing and recommending revisions to Title 17 of the Newport Beach Municipal Code (NBMC). During the review, other sections of the NBMC were also considered for revision. The recommended changes are intended to improve public health and safety and assist staff with management and enforcement of regulations governing Newport Harbor.

The Harbor Commission Title 17 ad hoc committee held a stakeholder meeting on November 11, 2025, to introduce the public to proposed revisions to Title 17. The Harbor Commission reviewed the subcommittee's proposal at its February 11, 2026, meeting and directed staff to return to a future meeting with a resolution outlining the recommended harbor-related changes to the NBMC. The Harbor Commission approved these revisions at its April 8, 2026, meeting, adopting Harbor Commission Resolution HC2026-1 and recommending the City Council adopt amendments to Title 10 (offenses and nuisances), Title 11 (recreational activities) and Title 17 (the Harbor Code).

RECOMMENDATION:

- a) Find this project statutorily 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) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2026-09, An Ordinance of the City Council of Newport Beach, California, *Amending Title 10 (Offenses and Nuisances), Title 11 (Recreational Activities), and Title 17 (Harbor Code) of the Newport Beach Municipal Code to Regulate and Manage Certain Activities within Newport Harbor*, and pass to second reading on July 14, 2026.

DISCUSSION:

In accordance with the Harbor Commission's charge under Section 713 of the Newport Beach City Charter to advise the City Council on matters relating to the use, control, operation and regulation of Newport Harbor, a subcommittee of the Harbor Commission worked on recommendations for improvements to Title 17 of the NBMC.

The subcommittee responsible for Harbor Commission Objective one solicited feedback on the proposed changes from other Commissioners, community members and Harbor Department staff. The Harbor Commission then approved the revisions at its April 8, 2026, meeting, adopting Harbor Commission Resolution HC2026-1 and recommending the City Council adopt amendments to Title 10 (offenses and nuisances), Title 11 (recreational activities) and Title 17 (the Harbor Code).

The most notable changes to the NBMC are as follows:

The recommended change to Title 10 adds Newport Harbor to Section 10.06.010, which prohibits urination or defecation on any public street, sidewalk, alley, park, beach or other public place except in a public or private restroom.

The recommended change to Title 11 adds public docks to the list of locations in Section 11.20.050 where the cleaning of fish, mussel, bait or other marine animal is prohibited.

The recommended change to the noticing requirements for public hearings in 17.05.140 will remove the exclusion of intervening right-of-way and waterways when determining which properties are within a three hundred foot radius of a project site. The removal of this requirement will reduce costs to applicants and ensure notifications reach property owners within the immediate vicinity of a project location.

The recommended changes to Chapter 17.10, Marine Activities Permits (MAP), will require MAP holders to display their permit number on any listing, advertisement, or other marketing materials. Additionally, Section 17.10.022 is being added to allow the Harbormaster or his/her designee to issue and serve administrative subpoenas to the operator or agent of any charter or boat rental hosting platforms, including social media platforms, to obtain specific information regarding charter listings in Newport Harbor. The City will be authorized to file a judicial action should an operator fail to comply with the subpoena. It should be noted that these amendments mirror the current rules for short term lodging permits outlined in NBMC Chapter 5.95.

NBMC Section 17.25.020(H)(3) defines what constitutes a public nuisance as it relates to the condition of a vessel in Newport Harbor. The proposed revisions will make it a public nuisance for any vessel docked, moored or anchored in Newport Harbor to have a portable or permanently installed marine sanitation device that is not operable or connected to an internal holding tank. Additionally, improvised waste containment methods such as buckets or bags will be prohibited.

FISCAL IMPACT:

There is no fiscal impact associated with the adoption of this ordinance.

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. 2026-09

Attachment B – Ordinance Redline