

Attachment A

City Council Ordinance No. 2019-9, Amending portions of Chapters 10.28 and 15.16
and adding Section 15.60.03 to the Newport Beach Municipal Code

ORDINANCE NO. 2019-9

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY NEWPORT BEACH, CALIFORNIA, AMENDING PORTIONS OF CHAPTERS 10.28 AND 15.16, AND ADDING SECTION 15.60.030 TO THE NEWPORT BEACH MUNICIPAL CODE, RELATING TO CONSTRUCTION ACTIVITY AND SIGNAGE IN DESIGNATED HIGH-DENSITY AREAS

WHEREAS, Section 200 of the Charter of the City of Newport Beach ("City") 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, powers, and privileges, or procedures granted or prescribed by any law of the State of California;

WHEREAS, at the study session held on April 23, 2019, the City Council discussed the effect of construction in high-density areas of the City and directed City staff to bring back proposed modifications to the Newport Beach Municipal Code to reduce said impacts; and

WHEREAS, the City Council finds and declares that new construction in close proximity to other new construction in high-density areas effects the public health, safety and welfare by interfering with limited on-street parking as well as the peace and quiet of the City and its inhabitants.

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

Section 1: Section 10.28.040 of Chapter 10.28 of Title 10 of the Newport Beach Municipal Code is hereby amended to read as follows:

10.28.040 Construction Activity—Noise Regulations.

A. No person shall, while engaged in construction, remodeling, digging, grading, demolition, painting, plastering or any other related building activity, operate any tool, equipment or machine in a manner which produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, unless authorized to do so in accordance with subsection B.

B. The provisions of subsection 10.28.040(A), shall not apply to the following:

1. Work Performed on any weekday, which is not a federal holiday, between the hours of seven a.m. and six-thirty p.m.

2. Work performed on a Saturday, in any area of the City that is not designated as a high-density area, between the hours of eight a.m. and six p.m.
 3. Emergency work performed pursuant to written authorization of the Community Development Director, or his or her designee.
 4. Maintenance, repair or improvement of any public work or facility by public employees, by any person or persons acting pursuant to a public works contract, or by any person or persons performing such work or pursuant to the direction of, or on behalf of, any public agency; provided, however, this exception shall not apply to the City of Newport Beach, or its employees, contractors or agents, unless.
 - a. The City Manager or department director determines that the maintenance, repair or improvement is immediately necessary to maintain public services;
 - b. The maintenance, repair or improvement is of a nature that cannot feasibly be conducted during normal business hours; or
 - c. The City Council has approved project specifications, contract provisions, or an environmental document that specifically authorizes construction during hours of the day, which would otherwise be prohibited pursuant to this section.
- C. No landowner, construction company owner, contractor, subcontractor, or employer shall permit or allow any person or persons working under their direction and control to operate any tool, equipment or machine in violation of the provisions of this section.
- D. Any person who violates any provision of this section is guilty of a misdemeanor unless the violation is deemed an infraction pursuant to the provisions of Section 1.04.010, or any successor section, of this Code.
- E. The term "designated high-density area" shall mean any shaded area on the following map. See Exhibit A.

Section 2: Subsection 10.28.045(E)(1) of Chapter 10.28 of Title 10 of the Newport Beach Municipal Code is hereby amended to read as follows:

- E. Exceptions. The provisions of this section shall not apply to the following:
1. Emergency property maintenance authorized by the Community Development Director, or his or her designee;

Section 3: The definition of "Designated High-Density Area" is hereby added to Section 15.16.010 of Chapter 15.16 of Title 15 of the Newport Beach Municipal Code to read as follows:

Designated High-Density Area. The term "designated high-density area" shall mean any shaded area on the following map. See Exhibit A.

Section 4: The definition of "Temporary Project Information Sign" is hereby added to Section 15.16.010 of Chapter 15.16 of Title 15 of the Newport Beach Municipal Code to read as follows:

Temporary Project Information Sign. The term "temporary project information sign" shall mean any sign constructed of cloth, canvas, light fabric, wallboard, or other light materials, with or without frames, intended to be displayed on construction site fencing required under Chapter 15.60, or any successor chapter, for the duration of the construction of a new structure or addition and reconstruction, rehabilitation or renovation of an existing structure in accordance with the requirements of Section 15.60.030, or any successor statute.

Section 5: Subsection 15.16.340(C) of Chapter 15.16 of Title 15 of the Newport Beach Municipal Code is hereby amended to read as follows:

C. Exception. Restrictions of time, size and height provided by this section shall not apply to signs for which a use permit has been obtained under the provisions of Title 20 or a sign considered a temporary project information sign subject to Section 15.60.030, or any successor statute.

Section 6: The table of contents for Chapter 15.60 shall be amended to add Section 15.60.030 Temporary Project Information Sign and a new Section 15.60.030 is hereby added to Chapter 15.60 of Title 15 of the Newport Beach Municipal Code to read as follows:

15.60.030 Temporary Project Information Sign

When a property in a designated high-density area, as defined in Section 15.16.010, is required to be fenced in accordance with Section 15.60.020, a temporary project information sign shall be affixed to the fence that can be readily viewed by the public. The temporary project information sign shall be subject to prior approval by the Community Development Director, or his or her designee. The temporary project information sign shall be two (2) feet in height by three (3) feet in length with the following information printed legibly in seventy-two (72) point font:

- a) Permit Number;
- b) Site Address;
- c) General Contractor's Name;
- d) General Contractor's License Number;
- e) Contact Name;
- f) Contact Phone Number; and
- g) Contact Email Address.

The temporary project information sign shall be labeled with the words "PROJECT INFORMATION" at the center top and contain the most current contact information for the City's Code Enforcement, Parking Enforcement, and Building Inspection divisions located at the bottom and such other information as the Community Development Director, or his or her designee, may specify and require.

The temporary project information sign shall be in substantial conformance to the following; however, the Community Development Director, or his or her designee, may require inclusion of additional information.

PROJECT INFORMATION	
ADDRESS: _____	
CONTACT: _____	PHONE #: _____
CONTRACTOR: _____	LICENSE #: _____
PERMIT No: _____	EMAIL: _____
CODE ENFORCEMENT: 644-3215 PARKING ENFORCEMENT: 644-3717 BUILDING INSPECTION 644-3200	
CDD@newportbeachca.gov	

Section 7: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 8: 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 9: The City Council finds and determines that 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 10: Except as expressly modified in this ordinance, all other titles, chapters, sections, subsections, terms, sentences, clauses and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

Section 11: 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.

Section 12: Effective Date. This ordinance shall take effect and be in full force on August 12, 2019.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 28th day of May, 2019, and adopted on the 11th day of June, 2019, by the following vote, to-wit:

AYES: _____

NAYS: _____


ABSENT: _____

DIANE B. DIXON, MAYOR

ATTEST:

LEILANI I. BROWN, CITY CLERK

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



AARON C. HARP, CITY ATTORNEY

