

ORDINANCE NO. 1162

AN ORDINANCE OF THE CITY OF NEWPORT BEACH REPEALING SECTIONS 4238, 4238.1, AND 4239 OF THE NEWPORT BEACH MUNICIPAL CODE, AND ADDING CHAPTER 2.5 TO ARTICLE IV OF SAID CODE ESTABLISHING REGULATIONS FOR THE USE OF SURFBOARDS, PADDLEBOARDS AND SIMILAR DEVICES

The City Council of the City of Newport Beach does ordain as follows:

SECTION 1. Sections 4238, 4238.1, and 4239 of the Newport Beach Municipal Code are repealed.

SECTION 2. Chapter 2.5 is added to Article IV of the Newport Beach Municipal Code to read:

"Chapter 2.5

SURFING REGULATIONS

SECTION 4250. Surfing Defined. 'Surfing', as used in this chapter, shall mean the use in the water of a surfboard, paddleboard, skim board, bellyboard, or similar device made of any hard material or substance.

SECTION 4251. Surfing Regulations.

(a) Designation of Surfing Areas.

The City Council by resolution may designate certain areas of the Pacific Ocean where surfing shall be permitted, specify the dates and hours when such surfing areas may be used for surfing, and adopt other regulations relating to surfing.

(b) Surfing Prohibited.

No person shall have in his possession or use a surfboard, paddleboard or similar device at any place in the Pacific Ocean within the City except within designated surfing areas on such dates and during such hours when surfing is permitted as provided by resolution of the City Council or shall violate any other regulation relating to surfing adopted by resolution of the City Council.

(c) Swimming Prohibited in Surfing Areas.

The City Council may by resolution adopt regulations

specifying dates and hours when wading, bathing or swimming shall not be permitted in any designated surfing area by any person, unless such person has in his possession and is using a surfboard, paddleboard or similar device. No person shall wade, bathe or swim in a designated surfing area in violation of any such regulation.

SECTION 4252. Hazardous Surfing.

(a) Endangering Others.

No person shall use any surfboard, paddleboard, belly-board, skim board, ski, canoe or any similar device made of any hard substance in the Pacific Ocean in a manner that constitutes a hazard to any other person.

(b) Order to Cease Surfing.

Any City police officer, City lifeguard, or other City employee designated by the City Manager to enforce surfing regulations may prohibit surfing with a surfboard, paddleboard or other similar device at any time that such activity becomes hazardous as a result of storm, congestion of people, or other conditions which endanger the safety of persons participating in surfing or other persons using the beach. No person shall fail, refuse or neglect to stop surfing activities or to leave the water when ordered to do so by any City employee referred to above.

(c) Signal Flags.

The authority to prohibit surfing set forth in subsection (b) may be exercised by displaying signal flags consisting of a solid black circle on a yellow background. When such flags are displayed on the beach they shall signify that surfing is prohibited.

SECTION 4253. Surfboards on Private Property Prohibited.

No person shall place, leave or store any surfboard, paddleboard or similar device on private property unless he

shall have first obtained the express consent of the owner or other person having control of such private property."

SECTION 3. This ordinance shall be published once in the official newspaper of the City, and the same shall be effective 30 days after the date of its adoption.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 25th day of April, 1966, and was adopted on the 9th day of May, 1966, by the following vote, to wit:

AYES, COUNCILMEN: Parsons, Marshall,
Gruber, Cook, Forgit, Shelton

NOES, COUNCILMEN: None

ABSENT COUNCILMEN: Rogers

ATTEST:

Laura Lagorio
Deputy City Clerk

Paul Gruber
Mayor