

RESOLUTION NO. 95- 116

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH DESIGNATING SURFING AREAS, ESTABLISHING DATES AND HOURS WHEN SURFING AREAS MAY BE USED, AND RESCINDING RESOLUTION NO. 93-33.

WHEREAS, The City of Newport Beach is the grantee of tide and submerged lands, including ocean beaches, within the corporate limits of the City of Newport Beach; and

WHEREAS, Members of the general public have certain constitutional and statutory rights relative to the use of, and access to, ocean beaches; and

WHEREAS, Municipal regulation of the use of ocean beaches will promote the public health, safety and welfare by reducing the potential for conflict between various users such as surfers and swimmers; and

WHEREAS, The City Council is authorized, pursuant to provisions of Newport Beach City Charter and the Newport Beach Municipal Code, to adopt reasonable regulations specifying the days of the years, and hours of the day when ocean beaches may be used for surfing, swimming, and other activities; and

WHEREAS, The City Council has considered public testimony from representatives of interest groups and users of ocean beaches, reports from the Fire and Marine and Community Services Departments, as well as the record of the proceedings conducted by the Parks, Beaches, and Recreation Commission prior to adopting this Resolution; and

WHEREAS, The City finds and declares as follows:

- A. Restrictions on the use of ocean beaches specified in this Resolution are intended and designed to minimize any conflict between users and thereby reduce the potential for personal injury or property damage;
- B. These restrictions and regulations are consistent with the authority of the City Council to regulate the public's right to use and access ocean beaches.
- C. These restrictions and regulations are the product of extensive review and analysis of the interests and

desires of all potential users of ocean beaches, as well as homeowners and property owners who are impacted by members of the public who use ocean beaches; the regulations satisfy these often competing interests and desires to the maximum extent possible; and these restrictions and regulations represent fundamental policy decisions on the use of an important public resource.

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

Section 1. Definitions.

(A) Surfboard. The term surfboard shall mean:

(i) Any device which floats on or about the surface of the water, is more than forty-four (44) inches long, has a skeg or other device on the bottom to control direction, and is capable of being ridden by a person while standing; or

(ii) Any device with a surface made or covered, in whole or in part, with any hard substance, including wood, metal, fiberglass, or hard plastic, which is used, or is capable of being used, on water or ocean beaches, including, without limitation, skim boards, knee boards, and belly boards.

(B) Floatation Device. The term floatation device shall mean any object other than a surfboard which is buoyant or adds to the buoyancy of the user (other than fins).

(C) Blackball Flag. The Blackball Flag is any flag or sign with a yellow background with a large black circle in the center which is posted by an employee of the City of Newport Beach.

(D) Wedge. Shall mean the area of water and ocean beach between the West Harbor Jetty and Lifeguard Tower P.

(E) Surfing. Shall mean the use of any surfboard in or on the ocean or ocean beach.

Section 2. Surfing.

(A) Surfing Areas/ Surfing Permitted. Surfing is permitted in the following areas subject to the restrictions and

regulations specified in Section 3 of this Resolution.

(i) Area No. 1 The area of ocean and ocean beaches between the area between the west boundary of the City of Newport Beach and the West Harbor Jetty;

(ii) Area No. 2 The area of ocean and ocean beaches between the area beginning 20 feet easterly of the East Harbor jetty and extending to a point 200 feet from the East Harbor Jetty;

(iii) Area No. 3 The area of ocean and ocean beaches between the area which lies between a prolongation of Poppy Avenue and the East boundary of the City of Newport Beach including, without limitation, the area known as Little Corona Beach.

Section 3. Surfing Restrictions and Regulations. Surfing is permitted in Areas No. 1, No. 2, and No. 3 subject to the following restrictions and regulations:

A. From June 15 to September 10 of each year, surfing is prohibited in Area No. 1, No. 2, or No. 3, or any portion thereof, whenever the blackball flag is displayed on the beach or on the closest lifeguard tower. The blackball flag shall generally be displayed from 12:00 noon to 4:00 p.m. during this period, unless, in the opinion of the supervising Marine Safety Lieutenant, the conditions in the water during that period do not create any significant potential for conflict between surfers and other users.

B. Surfing is prohibited at the Wedge between the hours of 10:00 a.m. and 5:00 p.m., from May 1st through October 31st of each year.

C. Surfing is prohibited in the area between the midline of the rock groins located approximately on the prolongation of 40th Street and 44th Street between May 1st through October 31st of each year. Surfing is permitted in this area from November 1st through April 30th.

D. Surfing is prohibited except in those places at and those times expressly permitted by this Resolution.

Section 4. Special Restrictions. No person shall use or possess any floatation device at the Wedge between the hours of 10:00 a.m. and 5:00 p.m., from May 1st through October 31st during each year.

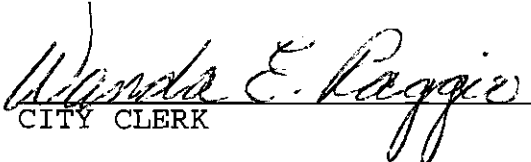
BE IT FURTHER RESOLVED that Resolution No. 93-33 is hereby rescinded.

ADOPTED, this 9th day of October, 1995.



MAYOR

ATTEST:



CITY CLERK

