



# City of Port Hueneme

## NOTICE OF ADOPTION

At the regular meeting of February 16, 2021, the City Council of the City of Port Hueneme held a public hearing and introduced for first reading the following Ordinance:

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF PORT HUENEME, CALIFORNIA, AMENDING SECTION 5141 OF PART G OF CHAPTER 2 OF ARTICLE V OF THE CITY OF PORT HUENEME MUNICIPAL CODE RELATING TO FIREWORKS**

Following a second reading on March 1, 2021 via public electronic broadcast from the City Hall Council Chamber, 250 North Ventura Road, Port Hueneme, CA 93041, the City Council of the City of Port Hueneme adopted **Ordinance No. 776** with the following full text:

**Whereas**, the City of Port Hueneme Police Department has historically received high call volume in the days surrounding and including July 4<sup>th</sup> of each year due to the use of illegal fireworks; and

**Whereas**, On May 21, 2018, the City Council of the City of Port Hueneme adopted Ordinance 739, which, *inter alia*, allowed for law enforcement to enforce the City's prohibition on the detonation of illegal fireworks without direct observation of the infraction, which was a limiting factor in law enforcement effectiveness in responding to the voluminous calls relating to fireworks; and

**Whereas**, Ordinance 739 has resulted in greater ability for the City of Port Hueneme Police Department to enforce its fireworks restrictions and has yielded a significant reduction in the use of illegal fireworks in recent years; and

**Whereas**, certain definitions contained within Section 5141 of the City's Municipal Code are no longer accurate and the City desires to update and amend this Section to maintain the efficacy of the City's fireworks regulations.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORT HUENEME DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1:** RECITALS AND FINDINGS. The above recitals are all true and correct:

**Section 2:** Section 5141 of Part G of Chapter 2 of Article V is hereby amended to read as follows:

**5141 – Definitions.**

The following words and phrases as used in this Part shall be defined as follows:

- (a) "Dangerous Fireworks" shall be defined as set forth in Section 12505 of the Health & Safety Code of the State of California.
- (b) "Fireworks" shall be defined as set forth in Section 12511 of the Health & Safety Code of the State of California.

**Section 3:** ENVIRONMENTAL REVIEW. The Council exercises its independent judgment and finds that the proposed ordinance is not subject to California Environmental Quality Act (CEQA)

pursuant to Section 16060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and Section 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 the proposed ordinance has no potential for resulting in any significant physical change to the environment, either directly or indirectly, and consists of general procedure and policy making.

**Section 4:** ENFORCEABILITY. Repeal of any provision of the Port Hueneme Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

**Section 5:** SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Chapter is held to be invalid or unconstitutional by any court of competent jurisdiction for any reason, such decision shall not affect the validity of the remaining portions of this Chapter. The Council declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this Chapter irrespective of whether one or more sections, subsections, sentences, clauses, phrases, or portions of this Chapter be declared invalid or unconstitutional.

**Section 6:** EFFECTIVE DATE. This Ordinance shall take effect 30 days after its final passage.

**Section 7:** REPEAL OF CONFLICTING PROVISIONS. All of the provisions of the City Municipal Code as heretofore adopted by the Council that are in conflict with the provisions of this Ordinance are hereby repealed.

**Section 8:** CERTIFICATION. The City Clerk of the City is hereby directed to certify to the passage and adoption of this Ordinance and to cause it to be published as required by law.

**Passed and Adopted** on this 1<sup>st</sup> day of March 2021 with the following vote:

**Ayes: Hernandez, Perez, Martinez, Rollins, Gama**

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Kristy Buxkemper,  
City Clerk

Date: March 12, 2021