

ORDINANCE NO. 2019-21

AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS, ADOPTING REGULATIONS FOR PROTECTION OF THE CITY LOGO AND CITY SEAL AND PROHIBITING THE UNAUTHORIZED USE THEREOF; PROVIDING FOR THE LICENING OF THE CITY LOGO AND CITY SEAL IN CERTAIN CIRCUMSTANCES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw, Texas is a home rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City of Saginaw, Texas owns a logo that is circular, yellow in color, with three grain silos, which represents the grain industry as being vital to city development and business; and

WHEREAS, the City of Saginaw, Texas owns a seal that is circular with the words "City of Saginaw Texas" inside the outer circle with a single star at the bottom of the outer circle, and the words "corporate seal" in the inner circle, which the City applies to official documents of the City; and

WHEREAS, the City of Saginaw, Texas has a substantial interest in protecting its logo and seal from unauthorized use to avoid consumer and resident confusion.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAGINAW, TEXAS:

SECTION 1.

That the Saginaw City Code is hereby amended by adding a new Article to Chapter 54, to be numbered VI, which said Article reads as follows:

"ARTICLE VI. CITY LOGO AND CITY SEAL

Sec. 54-151 Definitions.

City logo means the logo used by the City of Saginaw, including any cut, facsimile or reproduction thereof, which consists of a circular logo with three blue grain silos with the center silo having the shape of the state of Texas in yellow cut into it and there being a blue star within Texas in the approximate location of the City of Saginaw as set forth below:



City of Saginaw

City Seal means a seal that is circular with the words “City of Saginaw Texas” inside the outer circle with a single star at the bottom of the outer circle, and the words “corporate seal” in the inner circle; and or similar insignia, including any cut, facsimile or reproduction thereof and the face of which is substantially as set forth below:



Sec. 54-152. Custodian.

The City Manager or his/her designee is the custodian of the city logo and city seal.

Sec. 54-153. Use of city logo or city seal for official use.

- (a) The city logo and city seal are the property of the City of Saginaw.
- (b) The city logo may be used by city employees and elected or appointed city officials in connection with the performance of official city business or city sanctioned events, including but not limited to placement of the city logo on city vehicles, equipment, stationery, the city flag, department websites, handouts for city training sessions, city brochures, city presentations, city uniforms and city issued articles of clothing, department news releases, city-sponsored events, and city memorabilia used to promote the city.

- (c) The city secretary or the city secretary's designee is authorized to use the city seal on any ordinance, resolution, proclamation, commendation, certificate or other instrument approved by the city council or executed by the mayor or other city officials and to use the city logo to authenticate official documents in the conduct of official city business.

Sec. 54-154. Other approved uses.

- (a) The City Manager may approve other uses of the city logo or city seal by any person for the following purposes provided that such use promotes the interests of the city and is not detrimental to the image of the city:
 - (1) In an encyclopedia, dictionary, book, journal, pamphlet, periodical, magazine or newspaper incident to a description or history of the city logo or city seal;
 - (2) In a library, museum or educational facility incident to descriptions or exhibits relating to the city logo, city seal, or the city;
 - (3) In a theatrical, motion-picture, television, or similar production exhibited for a historical, educational or other non-commercial purpose.
- (b) Before any person is allowed to use the city logo or any city seal pursuant to this section, the person must:
 - (1) Agree that the proposed use of the city logo or city seal shall conform to the permitted uses set forth in the preceding subsection.
 - (2) Submit samples of all documents, goods, and other materials upon which the city logo or city seal is to be used sufficient to demonstrate that the proposed use of the city logo or city seal is a faithful reproduction and has not been altered in any manner.
 - (3) Acknowledge the right of the city, at all reasonable times, to inspect any item upon which the city logo or city seal is used to ensure that the city logo or city seal is being used appropriately in an unadulterated form.
 - (4) Execute an agreement approved by the city attorney containing such terms as the city attorney may require.
- (c) Approval to use the city logo or city seal shall not be assignable or transferable.
- (d) The approval to use the city logo or city seal under this section shall be limited to only the event or item for which the approval is granted.
- (e) If a person who is authorized to use the city logo or city seal pursuant to this section breaches any provisions of the agreement for its use, the city attorney shall serve written notice of such breach upon the person with a demand to take appropriate and immediate affirmative action to cure such breach. Any failure to cure the breach to the city's satisfaction shall be grounds for the city's termination of permission to use the city logo or city seal and the city attorney shall pursue all steps reasonably necessary to restrain the improper use of the city logo or city seal

- (f) The city may revoke a person's previously authorized use of the city logo or city seal upon finding false or inaccurate information was submitted by the person to the city or that he violated any provision of this division.

Sec.54-155. Prohibited uses.

The use of the city logo or city seal by any person for the following uses is specifically prohibited:

- (1) In support or opposition of any candidate for elective office, referendum, initiative, or ballot measure or in any candidate or committee campaign literature.
- (2) In connection with any advertisement or promotion for any product, business, organization or service whether offered for sale, profit, or without charge.
- (3) On any written or printed material designed, calculated, intended or likely to confuse, deceive or mislead the public or cause the reader of such written or printed material to believe it to be an official city publication, including circulating or distributing any such written or printed material or to suggest or assert any city support or endorsement of any product, goods or services.

Sec. 54-156. Offense.

It shall be unlawful for any person to use the city logo or city seal in violation of this section.

Sec. 54-157.-54-180. - Reserved.”

SECTION 2.

That this ordinance shall be cumulative of all other ordinances of the City of Saginaw and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 3.

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

That all rights or remedies of the City of Saginaw, Texas, are expressly saved as to any and all violations of the City Code or any amendments thereto regarding the unauthorized use of either the City Logo or the City Seal that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each violation of this ordinance.

SECTION 6.

The City Secretary of the City of Saginaw is hereby directed to publish at least twice in the official newspaper of the City of Saginaw, the caption and the penalty clause of this ordinance in accordance with Section 52.013(b) of the Local Government Code.

SECTION 7.

This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

PASSED AND APPROVED ON this the _____ day of _____, 2019.

TODD FLIPPO, MAYOR

ATTEST:

JANICE ENGLAND, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

BRYN MEREDITH, CITY ATTORNEY