

ORDINANCE NO. 18-12

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, ADOPTING AN OFFICIAL MUNICIPAL SEAL; CREATING A NEW SECTION 2-1 IN CHAPTER 2, ARTICLE I OF THE CITY CODE, GOVERNING USE OF THE CITY'S MUNICIPAL SEAL; RESTRICTING USE OF THE MUNICIPAL SEAL AND PENALIZING UNAUTHORIZED USE THEREOF; PROVIDING FOR USE OF THE MUNICIPAL SEAL BY THIRD PARTIES WHERE AUTHORIZED BY THE CITY; AUTHORIZING ADOPTION OF POLICIES, REQUIREMENTS, FORMS, AND DOCUMENTATION RELATED TO USE OF THE CITY SEAL; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Council finds that adopting an official municipal seal will facilitate the process of creating a unique brand for the City of Belle Isle and communicating that brand to the public; and

WHEREAS, the City Council finds that adopting an official municipal seal will promote the consistent use of the image by all City departments and limit the proliferation of disparate logos and symbols that have been used in the past, which will serve to promote the City and the City's brand; and

WHEREAS, the City Council finds that adopting an official municipal seal by ordinance will provide additional protection to the City and the general public in prohibiting and penalizing unauthorized, misleading, and/or deceptive use of the municipal seal under Section 165.043, Florida Statutes, which provides:

The governing body of a county or municipality may, by ordinance, designate an official county or municipal seal. The manufacture, use, display, or other employment of any facsimile or reproduction of the county or municipal seal, except by county or municipal officials or employees in the performance of their official duties, without the express approval of the governing body is a second degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083;

and,

WHEREAS, the City Council finds that this Ordinance serves a municipal purpose and advances the interests of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA:

SECTION 1: RECITALS. The foregoing recitals are ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2: ADOPTION OF MUNICIPAL SEAL. The City hereby adopts as its official municipal seal the graphical depiction contained in the attached **Exhibit “A.”** A copy of the City’s municipal seal shall be kept by the City Clerk in the City’s records. Such graphical depiction shall be deemed the City’s official municipal seal regardless of size and whether displayed in color as depicted in **Exhibit “A,”** black-and-white, or any other color or combination thereof.

SECTION 3: CITY CODE AMENDMENT. There is hereby created a new Section 2-1 in Chapter 2, Article I of the City Code, as follows:

Sec. 2-1. – Municipal seal.

(a) The City has by ordinance adopted an official municipal seal, a copy of which is kept in the City’s records. The municipal seal adopted by the City constitutes its official municipal seal regardless of the size and/or coloring in which it is displayed.

(b) The municipal seal may be used by City officials and employees in the performance of their official duties and may be displayed on City buildings, properties, forms, correspondence, identification cards, websites, and other tangible property and electronic and digital displays related to official City business, except as otherwise provided by the City Council, City Manager, or this Section.

(c) In accordance with Section 165.043, Florida Statutes, the manufacture, use, display, or other employment of any facsimile or reproduction of the municipal seal, except by municipal officials or employees in the performance of their official duties, without the express approval of the City is a second degree misdemeanor, punishable as provided in Sections 775.082 or 775.083, Florida Statutes. Any use of the municipal seal that is prohibited by this section or which is otherwise not expressly authorized by the City is an unauthorized use under Section 165.043, Florida Statutes and this Section.

(d) The municipal seal shall not be used by or in connection with any political campaign, including but not limited to display on any political campaign literature, sign, or other printed, electronic, or televised message connected with a political campaign.

(e) The municipal seal shall not be used in connection with any communication or message in any form, whether printed or electronic, which has the intent or effect of deceiving or confusing the public as to whether such communication or message is made, approved, or endorsed by the City.

(f) The municipal seal shall not be used by any person or entity that is not an official, employee, or department of the City, unless expressly authorized by the City. The City Council or City Manager, and/or the City Manager’s designee may authorize the use of the municipal seal by any person or entity for any purpose provided that such use advances the interests of the City and/or the general public and is not contrary to this Section. The City Council, City Manager, and/or the City Manager’s designee may at any time adopt or amend policies, criteria, requirements, and

form agreements and documentation related to third-party use of the municipal seal. All authority granted in this section is subject to the City Council's ultimate control and discretion.

(g) Violation of this Section shall constitute a violation of the City Code, enforceable by any applicable method under the City Code or as otherwise provided by law.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. CONFLICTS. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 6. CODIFICATION. This Ordinance shall be incorporated into the Belle Isle City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance or the City Code may be freely made.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption by the City Council of the City of Belle Isle, Florida.

FIRST READING: _____, 2018

SECOND READING: _____, 2018

ADOPTED this ____ day of _____, 2018, by the City Council of the City of Belle Isle, Florida.

	YES	NO	ABSENT
Ed Gold	_____	_____	_____
Anthony Carugno	_____	_____	_____
Jeremy Weinsier	_____	_____	_____
Mike Sims	_____	_____	_____
Harvey Readey	_____	_____	_____
Jim Partin	_____	_____	_____
Sue Nielsen	_____	_____	_____

ATTEST: _____

Yolanda Quiceno, CMC-City Clerk

Lydia Pisano, Mayor

Approved as to form and legality

Kurt Ardaman, City Attorney

STATE OF FLORIDA

COUNTY OF ORANGE

I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing document ORDINANCE 18-11 was duly and legally passed by the Belle Isle City Council, in session assembled on the _____ day of _____, 2018, at which session a quorum of its members were present.

Exhibit “A”:
Municipal Seal of the City of Belle Isle



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