

CITY OF DRIPPING SPRINGS, TX

ORDINANCE NO. 2024-\_\_\_\_\_

**AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS (“CITY”), ADDING ARTICLE 22.07; ADOPTING REGULATIONS FOR THE PROTECTION OF THE CITY LOGO AND CITY SEAL AND PROHIBITING THE UNAUTHORIZED USE THEREOF; PROVIDING FOR THE LICENSING OF THE CITY LOGO AND CITY SEAL IN CERTAIN CIRCUMSTANCES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING SEVERABILITY, SAVINGS, AND PENALTY CLAUSES; PROVIDING PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the City is a Type A General Law city, acting under state laws and enacted local ordinances pursuant to Chapter 6 and related sections and provisions of the Texas Local Government Code; and

**WHEREAS,** the City owns and uses a logo which consists of a circular, multi-color logo, designed to appear hand-painted or -signed, with three stars in the upper right corner, a lowercase, scripted “DS” in the middle of the circle with trailing lines before and after the letters, and “DRIPPING SPRINGS Texas” below the circle with or without “Open spaces, friendly faces.” below a rightward paintbrush stroke; and

**WHEREAS,** the City adopted a seal which is circular with the words “City of Dripping Springs” inside the top of the outer red circle, the word “Texas” at the bottom of the outer circle, the words “Inc. 1981” inside the inner white circle along with a large star in the center and two wheat stalks going up either side of the inner circle starting from the bottom center, which the City applies to official documents of the city pursuant to Texas Local Government Code Section 51.016, et seq.; and

**WHEREAS,** the City has a substantial interest in protecting its logo and seal from unauthorized use and to avoid resident, as well as consumer, confusion.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Dripping Springs, Texas, that:

**SECTION 1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**SECTION 2. AMENDMENT**

The City Code of Ordinances is hereby amended by adding a new Article under Chapter 22, to be numbered Article 22.07, and after such amendment, shall read in accordance with Attachment A, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

### **SECTION 3. INTELLECTUAL PROPERTY PROTECTION**

In addition to amending the City Code of Ordinances as directed in Section 2, in accordance with Attachment A, the City will endeavor to gain and maintain additional protection for its City Logo, and variations therein, by applying for, obtaining if possible, and maintaining trademark protection from the United States Patent and Trademark Office. If at any such time, such additional protection becomes available for the City Seal as well, City will endeavor to gain and maintain such similar protection.

### **SECTION 4. REPEALER**

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

### **SECTION 5. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance, including Attachment A, be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

### **SECTION 6. CODIFICATION**

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.003 of the Texas Local Government Code, as well as publish in the official newspaper as authorized by Section 52.011 of the same code.

### **SECTION 7. EFFECTIVE DATE**

This ordinance shall take immediate effect upon the date of final passage noted below, or when all applicable publication requirements are satisfied in accordance with the City Code of Ordinances and the laws of the State of Texas.

### **SECTION 8. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the \_\_\_\_\_ day of \_\_\_\_\_, by a vote of \_\_\_\_\_ (ayes)  
to \_\_\_\_\_ (nays) to \_\_\_\_\_ (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

By: \_\_\_\_\_  
Bill Foulds Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary

## ATTACHMENT A

### City of Dripping Springs Code of Ordinances

#### Chapter 22: General Regulations

#### Article 22.07: City Logos and Seal

##### Sec. 22.07.001 – Title

This article shall commonly be cited as the logos and seal ordinance.

##### Sec. 22.07.002 – Purpose

The article is adopted so that the City Council may properly protect its logos and seal from unauthorized use to avoid confusion among residents and consumers alike.

##### Sec. 22.07.003 – Scope

This article applies to all property within the incorporated municipal boundaries (i.e., city limits) and the extraterritorial jurisdiction (ETJ) as applicable. This includes all content published or shown viewable within the preceding boundaries.

##### Sec. 22.07.004 – Definitions

- (a) “City Logo” (or “Logo”) means the logo used by the City of Dripping Springs, including any cut, facsimile, reproduction, or alternate versions thereof, which consists of a circular, multi-color logo, designed to appear hand-painted or -signed, with three stars in the upper right corner, a lowercase, scripted “DS” in the middle of the circle with trailing lines before and after the letters, and “DRIPPING SPRINGS Texas” below the circle with or without “Open spaces, friendly faces.” below a rightward paintbrush stroke as set forth below:



- (b) “City Seal” (or “Seal”) means a seal that is circular with the words “City of Dripping Springs” inside the top of the outer red circle, the word “Texas” at the bottom of the outer circle, the words “Inc. 1981” inside the inner white circle along with a large star in the center and two wheat stalks going up either side of the inner circle starting from the bottom center as set forth below:



(c) **“Additional City Logos”** (or “Additional Logos”) means a logo adopted by the City, including without limitation the Dripping Springs Bird City Logo, the Dripping Springs Night Sky Logo, the Dripping Springs Fair & Rodeo Logo, the Dripping Springs Farmers Market Logo, the Dripping Springs Ranch Park Logo, Dripping Springs Parks & Community Logo, the Dripping Springs Historic Logo, the Dripping Springs Emergency Management Logo, the Destination Dripping Springs Logo, the Dripping Springs Songwriters Festival Logo, and the Wedding Capital of Texas Logo. An Additional City Logo shall be treated the same as a City Logo.

**“Dripping Springs Bird City Logo”** means the logo used by the City of Dripping Springs, including any cut, facsimile, reproduction, or alternate versions thereof, which consists of a shield-shaped emblem with a blue background and white border. The top of the shield features a white egret with a yellow beak and a blue heron with a yellow beak. The bottom of the shield has the words “Bird City” in light blue, “Texas” in yellow with blue background and “Dripping Springs” in blue.



**“Dripping Springs Night Sky Logo”** means the logo used by the City of Dripping Springs, including any cut, facsimile, reproduction, or alternate versions thereof, which consists of a blue square with a white circle and stars on the top right corner. The text “Dripping Springs” is written in white in the center of the logo. The text “Texas” is written in white below the above text. The text “An International Dark Sky Community” is written in white below the above text. The logo for the Dark Sky International Association is on the bottom. It is a blue circle with white stars in the center and DarkSky International written in white to the right of the stars.



**“Dripping Springs Fair & Rodeo Logo”** means the logo used by the City of Dripping Springs, including any cut, facsimile, reproduction, or alternate versions thereof, which consists of a semicircle with a yellow and white, rising sun background. The center of the logo features a maroon silhouette of a cowboy riding a bucking bronco. Above the cowboy, there is a red star surrounded by the text “Dripping Springs”. Below the cowboy, there is a maroon banner with the words “Fair and Rodeo” in white letters.



**“Dripping Springs Farmers Market Logo”** means the logo used by the City of Dripping Springs, including any cut, facsimile, reproduction, or alternate versions thereof, which consists of a red truck with a silhouette of a person in the driving seat and a bed full of produce. The truck is facing forward and has “DSTX” written in black on the license plate. The produce in the bed of the truck includes a watermelon, a pumpkin, a carrot, and a bunch of bananas. The logo is surrounded with “City of Dripping Springs” written on the top and “Farmers Market” written on the bottom.



**“Dripping Springs Ranch Park Logo”** means the logo used by the City of Dripping Springs, including any cut, facsimile, reproduction, or alternate versions thereof, which consists of a rectangular shape with a blue background. The text “Dripping Springs” is

written in blue in a serif font on the top of the logo. The text “Ranch Park” is written in blue in a sans-serif font on the bottom of the logo. The words “Ranch” and “Park” are written in a larger font size than the other words. There is a blue border with a star at the top and bottom of the logo.



**“Dripping Springs Parks & Community Logo”** means the logo used by the City of Dripping Springs, including any cut, facsimile, reproduction, or alternate versions thereof, which consists of a rectangular shape with a green tree on the left. The tree is a large oak tree with a wide trunk and many branches. The text “Parks & Community” is written in green and black to the right of the tree. The text “City of Dripping Springs” is written in black below the tree. The background is white.



**“Dripping Springs Historic Logo”** means the logo used by the City of Dripping Springs, including any cut, facsimile, reproduction, or alternate versions thereof, which consists of a circular with a black border and white background. The text “Historic” is written in a curved manner on the top half of the logo. The text “Est. 1853” is written in a curved manner on the bottom half of the logo. The center of the logo has the text “Dripping Springs” in all caps, with illustration of the state of Texas below the above text in the center. The logo also has an illustration of a sunrise or sunset with a single bead of water in the top half of the logo.



**“Dripping Springs Emergency Management Logo”** means the logo used by the City of Dripping Springs, including any cut, facsimile, reproduction, or alternate versions thereof, which consists of a circular seal with a blue outer ring and a red inner ring. The text on the outer ring reads “City of Dripping Springs” in blue capital letters, at the top and

“Emergency Management” in red all capital letters, at the bottom. The center of the logo is a circle separated into 4 equal parts: on the top left is a house with waves over a green background. The top right quarter is a flame with red background. Bottom left panel has a swirl, representing a tornado with a blue background and the bottom right is a hurricane symbol with a yellow background.



“Destination Dripping Springs Logo” means the logo used by the City of Dripping Springs, including any cut facsimile, reproduction, or alternate versions thereof, which consists of a shield, colored brown and green. A banner across the middle of the shield reads “Destination Dripping Springs”. The shield features four symbols: a guitar, rings, wine bottle and glass, and a boot. In the center of the symbols is the state of Texas between two stars.



“Dripping Springs Songwriters Festival Logo” means the logo used by the City of Dripping Springs, including any cut facsimile, reproduction, or alternate versions thereof, which consists of a vintage circular design with a light beige background. Two blue and red banners, one at the top of the circle has the current year of the festival in black lettering and “Dripping” in white and one at the bottom that reads “Springs” in white and “Texas” in black. In the center of the circular displays the text “Songwriters Festival” in white cursive font. The logo is outlined in a dark blue color.



“Wedding Capital of Texas Logo” means the logo used by the City of Dripping Springs, including any cut facsimile, reproduction, or alternate versions thereof, which consists of



a square shaped, white background. It features a wedding cake stand in black. Above the stand, the words “Wedding Capital of Texas” are written in black serif font.



**Sec. 22.07.005 – Custodian**

The City Secretary or their designee is the custodian of the City Logo and the City Seal. Further amendment may alter the custodian of the City Logo but not the City Seal, unless at such time Texas Local Government Code Section 22.0703(b)(2) it determined not to constrain such amendment.

**Sec. 22.07.006 – Official Use of the City Logo and City Seal**

(a) City Logo, Additional City Logos, and City Seal are property of the City of Dripping Springs.

(b) City Logo and Additional City Logos Official Uses – The City Logo and Additional City Logos may be used by city employees and elected and 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. Branding guidelines adopted by the City Administrator or the Administrator’s designee shall be followed in all use of the logo. Additional City Logos as defined herein are subject to the same limitations as the City Logo. Any person, corporation, or other entity that has already been authorized to use the City Logo or an Additional City Logo prior to the effective date of this Ordinance may continue to use the Logo for the length of the authorization, the length of agreement, or up to twelve (12) months after the effective date of this Ordinance, whichever comes first.

(c) City Seal Official Uses – The city secretary, the city secretary’s designee, or the interim city secretary 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 seal to authenticate official documents in the conducting of official city business.

**Sec. 22.07.007 – Other Approved Uses**

(a) Any organization or person wishing to use the City Seal, City Logo, or Additional City Logos shall make an application for a license for such use to the City Council. Use of the City Seal, City Logo, or Additional City Logos shall only be by written agreement where use of a logo or seal is explicitly authorized. Use of the City Logo, City Seal, or Additional City Logos may only be authorized for events in which the City is an active participant, including but not limited to, staffing, event planning, funding, or compensation for which the event's organizing entity has an executed agreement. Rental of city facilities alone is insufficient for logo and seal use.

(b) All political or artistic expression, or non-commercial editorial expression for purposes of education or history, whatever the medium, that does not have the tendency to confuse reasonable members of the public as to the City's endorsement of said expression will be deemed an Approved Use, subject to Section 22.07.008 of this ordinance.

### **Sec. 22.07.008 – Unauthorized Uses**

(a) Any uses of the City Logo, City Seal, or Additional City Logos that do not fall under Sections 22.07.006-.007 are deemed unauthorized uses.

(b) In particular, the following uses shall not be permitted or deemed to be permitted under Sections 22.07.006-.007 of this Code:

(1) No person, including any elected officer of the City, may use the City Seal, City Logo, or any Additional City Logo in any correspondence or other printed materials distributed in favor of or against any ballot measure, or in favor of or against any candidate for public office if such use has the tendency to cause public confusion on the City's position in favor of or against any ballot measure or candidate.

(2) No person, corporation, or other similar entity shall use the City Seal, City Logo, or any Additional City Logo for commercial purposes without obtaining express consent under this ordinance.

(3) No person, corporation, or other similar entity in active litigation (including parent, subsidiary, or affiliated entities) against the City may use the City Seal, City Logo, or Additional City Logos. Active litigation includes litigation in Texas and Federal Courts, State Office of Administrative Hearings, and any controversy between the City and a person, corporation, or other similar entity in front of any State or Federal Agency.

(c) It shall be unlawful for any person, corporation, or similar entity to make or use the City Seal, City Logo, Additional City Logos, or other indicia of the City deceptively, fraudulently, or without express written permission from the City, whether for public or private use. Unauthorized use of the City Seal, City Logo, or other City Logos is guilty of a misdemeanor. Such unauthorized use is also declared a public nuisance and the City can abate or enjoin such use pursuant to this code.

### **Sec. 22.07.009 – City Creation of Additional Logos, Seals, or Insignias**

The City retains the right to create variations of the City Seal, City Logo and Additional Logos, and to adopt and establish other official City Seals, City Logos, and Additional Logos. Such variations may include, but are not limited to, centennial seals, or other seals which mark anniversaries, events, apparel, and any other city occasion the City Council wishes to commemorate. Such seals and logos, for the purposes of this Ordinance Section, shall be treated as a City Logo, City Seal, or Additional Logo, respectively.

**Sec. 22.07.011– No Effect on Any Pending Accrued Violations or Litigation**

All rights or remedies of the City of Dripping Springs, Texas, are expressly saved as to any and all violations of the City Code or any amendments thereto regarding the unauthorized use of the City Logo, City Seal, or Additional City Logos 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.