

**BOARD OF COMMISSIONERS
FOR THE
TOWN OF UPPER MARLBORO**

DRAFT

ORDINANCE: 2023-06

SESSION: Regular Town Meeting

INTRODUCED: July 25, 2023

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO AUTHORIZING AND APPROVING A NEW CHAPTER 3 (SEAL AND LOGO) OF THE TOWN CODE OF ORDINANCES ESTABLISHING, DEFINING AND DESCRIBING THE TOWN SEAL AND LOGOS; DESIGNATING THE CUSTODIAN OF THE TOWN SEAL AND LOGOS; AUTHORIZING, AND PROHIBITING CERTAIN USES OF THE TOWN SEAL OR A LOGO; AND PRESCRIBING THAT A VIOLATION OF THIS CHAPTER SHALL BE A MISDEMEANOR AND PUNISHABLE BY A FINE NOT TO EXCEED \$500 OR IMPRISONMENT NOT TO EXCEED 90 DAYS, OR BOTH; AND GENERALLY RELATING TO THE APPROVAL AND AUTHORIZED USE OF THE TOWN SEAL AND LOGOS.

WHEREAS, Section 82-16(2)(2)(a) (Advertising) of the Town Charter authorizes the Board of Commissioners to have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, to pass ordinances for the following specific purpose: To provide for advertising for the purposes of the Town, for printing and publishing statements as to the business of the Town; and

WHEREAS, pursuant to Section 5-204(b) of the Ann. Code of Md., a municipality may establish a seal to attest to the execution of legal instruments and for authentication or attesting to documents or records; and

WHEREAS, the Board approved Resolution 2023-02 on January 24, 2023, to accept a branding and logo from Better City USA; and

WHEREAS, the Board finds that the Town seal and Town logos are the property of the Town and they are used for different purposes whereby the Town uses the seal to certify official Town records, legislation and instruments, and the Town uses logos as a graphic symbol to identify Town departments, programs, initiatives, partnerships and sponsorships; and

WHEREAS, Section 1-401(c) of the BR Article of the Md. Ann. Code defines "Mark" to mean a logo, slogan or tag line, program name, brand name that is different from the business name, name, symbol, word, or combination of 2 or more of these, and any person who adopts and uses a mark in Maryland may file in the Office of the Secretary of State an application for registration of the mark and

since it is a form of municipal property, the Town may use its police powers to regulate the use of such marks or logos; and

WHEREAS, the Board of Town Commissioners further finds there is a need to adopt this ordinance to further promote the health, safety and welfare of the public and the good government of the Town.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, STATE OF MARYLAND, that Chapter 3 "Seal and Logos" of The Code of Ordinances of the Town of Upper Marlboro, Maryland is hereby adopted and enacted such that said Chapter and Code shall henceforth read as follows:

* * *

PART II
CODE OF ORDINANCES
Chapter 3 (Seal and Logos)

§ 3-1. Town seal and logos.

A. Adoption of seal. There is adopted and provided for the Town a seal that shall be known as the "Seal of the Town of Upper Marlboro."

B. Description of seal. The Seal of the Town of Upper Marlboro consists of a circular disk, the center of which contains four lines: the top line contains in a semi-circle the words "Prince George's County" in capital letters; the middle line contains the word "Maryland" in capital letters, with a dot on each side of the word; and the third line contains the word "Incorporated" in capital letters and the bottom line contains the year "1870." The center of the disk also contains a dash followed by a dot followed by a dash, centered above the third line and a dot centered below the top line with a left and right arrow on either side. The center of the disk is surrounded by a ring of small dots and the outside of the seal is a braided ring, between which are the words "The Town Commissioners of Upper Marlboro" in capital letters with a star at the bottom. A facsimile is immediately below:

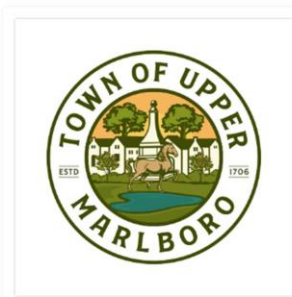


C. Adoption of logo. There is adopted and provided for the Town three logos that shall be known as "CRAIN MONUMENT LOGO", "UPPER MARLBORO PUBLIC WORKS" and "UPPER MARLBORO POLICE LOGO" as logos of the Town of Upper Marlboro. This ordinance also describes "THE FIRST DUKE OF MARLBOROUGH LOGO", retired in use with the adoption of this ordinance.

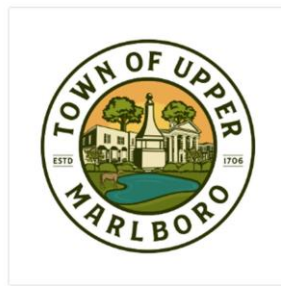
D. Description of Logos.

(1) The "Crain Monument" logo of the Town of Upper Marlboro consists of a circular disk, the center of which contains sky, monument, buildings, houses, and a horse in the colors of green, gold and blue. The disk is surrounded by a greenish circle, the upper half of which contains the words "Town of Upper " in green capital letters and the lower half of which contains the words "Marlboro" in green capital letters. There are the abbreviated word "ESTD" on the left side and "1706" on the right. This logo replaces the Duke of Marlborough shield surrounded by a tobacco leaf logo as the town's official logo. A facsimile is immediately below [*One to be chosen from below*]:

Please use these images as reference for the question below



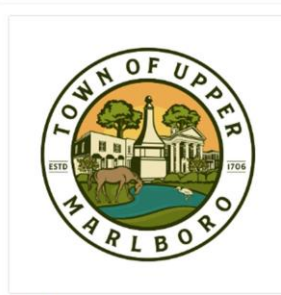
Logo A



Logo B



Logo C



Logo D

(2) The "THE FIRST DUKE OF MARLBOROUGH LOGO" of the Town of Upper Marlboro is retired with the adoption of this ordinance and will no longer be in common use by the Town. It consists of an oblong disk set in the foreground of a brown tobacco leaf, the center of which contains the family crest of the First Duke of Marlborough. The disk is surrounded by a banner in the upper half of which contains the words "Town of Upper Marlboro" in black capital letters and the bottom atop the leaf stems contains the year "1706" in black numbers. The crest includes a lion rampant argent facing to the left in the upper right and lower left quadrants along with the Cross of St. George in the upper left of said quadrants, and red and yellow crossed diamonds divided by a black banner (Gules a Fret Or on a Bend Sable with four Escallops) intersecting the first and fourth quadrants. A facsimile is immediately below.



(3) The "UPPER MARLBORO PUBLIC WORKS" logo consists of an oblong disk, the center of which contains the family crest of the First Duke of Marlborough. The disk is surrounded by a neon yellow-green ring in the upper half of which contains the words "Public Works" in black capital letters and the bottom contains the words "Upper Marlboro." A facsimile is immediately below:



(3) The "UPPER MARLBORO POLICE" logo consists of an oblong disk, the center of which contains the family crest of the First Duke of Marlborough. The disk is surrounded by a blue ring in the upper half of which contains the words "Police" in white capital letters and the bottom contains the words "Upper Marlboro." The right side of the disk contains the words in blue "Upper Marlboro" above the word "Police." A facsimile is immediately below:



§ 3-2. Custodian of seal and logos.

The Town Clerk of the Town of Upper Marlboro shall be the custodian of the Town Seal and logos of the Town of Upper Marlboro.

§ 3-3. Definitions.

For purposes of this article the following words and phrases are defined and shall be construed to have the following meanings:

TOWN LOGO

Includes the "CRAIN MONUMENT," "THE FIRST DUKE OF MARLBOROUGH LOGO", "UPPER MARLBORO PUBLIC WORKS," and "UPPER MARLBORO POLICE" logos of the Town of Upper Marlboro and any copy, facsimile, reproduction, or imitation thereof.

TOWN SEAL

Includes the Town seal of the Town of Upper Marlboro and any copy, facsimile, reproduction, or imitation thereof.

TOWN STATIONERY

Includes, but shall not be limited to, the following materials: letterhead, envelopes, business cards, labels, checks, warrants, business forms, ordinances, resolutions, motions, any written or printed materials, used in authorized and official Town business.

§ 3-4. Prohibited uses of Town seal or logo.

Without the express authorization the Town Board of Commissioners, no person or entity may use, or authorize the use of the Town seal or logo or any similar emblem or facsimile of the Town seal or logo that may lead a reasonable person to assume it is the Town seal or a Town logo.

§ 3-5. Authorized uses of Town seal or logo.

A. The following are authorized uses of the Town seal or the Town logos entitled as: CRAIN MONUMENT," "UPPER MARLBORO PUBLIC WORKS," and "UPPER MARLBORO POLICE" logos:

- (1) Use on Town stationery or other Town written or printed materials.
 - (a) Containing the printed names of the Mayor, or members of the Board of Commissioners when specifically authorized by the Town Board of Commissioners;
 - (b) Containing the printed name of a Town official upon prior consent of the respective Town official;
 - (c) By a Town official or employee used in authorized and official Town business; and
 - (d) By a member of the Board for individual correspondence as appropriately authorized, or the reproduction and distribution of a commissioner's letter by the recipient thereof, at no cost to the Town of Upper Marlboro.
- (2) Use on written or printed material in support of or in opposition to any state or federal legislation or statewide referendum, initiative or other ballot measure, when specifically authorized by a majority of the members of the Board.
- (3) Use for embroidery or other placement on uniforms, named badges and other clothing and identification materials worn or used by Town employees and Town officials.

(4) Use for printing on official Town promotional and recognition materials, such as pens, plaques, coffee mugs and other similar items as may be approved by the Mayor.

(5) Use by elected Town officials, at their own expense, for printing or placement on materials, such as shirts, pens, coffee mugs and other similar items.

(6) For use on Town signage, marketing materials, town buildings, town vehicles, social media and other online platforms, or any other items at the discretion of the Board of Commissioners.

B. The following are authorized uses of the Town logo entitled "UPPER MARLBORO POLICE:"

(1) Use on Town stationary or other written or printed materials so long as it is originating in the police department and its use is authorized by the Chief of Police;

(2) Use for embroidery or other placement on uniforms, named badges, and other clothing and identification materials worn or used by Town employees and Town officials;

(3) Use for printing on official police materials, as well as pens, plaques, coffee mugs, and other similar items as may be approved by the Chief of Police.

C. The following are authorized uses of the Town logo entitled "UPPER MARLBORO PUBLIC WORKS:"

(1) Use on Town stationary or other written or printed materials so long as it is originating in the police department and its use is authorized by the Director of Public Works;

(2) Use for embroidery or other placement on uniforms, named badges, and other clothing and identification materials worn or used by Town employees and Town officials;

(3) Use for printing on official public works materials, as well as pens, plaques, coffee mugs, and other similar items as may be approved by the Director of Public works.

D. Nothing in this section shall be construed so as to authorize use of the Town seal or logo in connection with any political campaign or political issue.

§ 3-6. Violation constitutes a misdemeanor.

Violation of this chapter shall be a misdemeanor and punishable by a fine not to exceed \$500 or imprisonment not to exceed 90 days, or both.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that said Board may set the fines, penalties, and fees associated with violating this Ordinance from time to time by resolution.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that it is the intent that this ordinance is to be codified in the Town's code of ordinances or may stand alone as an individual ordinance until such time as it is codified, and any prior ordinances adopting and enacting any provision of this Ordinance or any other ordinance or resolution previously adopted pertaining to a subject or subjects embodied by the title of this Ordinance or the provisions found in conflict herein shall be deemed repealed and superseded by the provisions of this Ordinance, and should a previously enacted ordinance cover a provision or subject that is not covered by this Ordinance, it shall remain in full force and effect unless it directly conflicts with the express language of this Ordinance.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall become effective at the expiration of twenty (20) calendar days following approval by the Board of Commissioners.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall be posted in the Town Hall office, and it or a fair summary thereof, shall be published once in a newspaper of general circulation in the Town.

INTRODUCED and **ADOPTED** in a public session of the Board of Commissioners on this _____ day of _____, 2023.

ORDAINED, APPROVED, AND FINALLY PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland on this _____ day of _____, 2023, by:

Attest:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

John Hoatson, Town Clerk

Sarah Franklin, President

Date: _____

Charles Colbert, Commissioner

Thomas Hanchett, Commissioner

Karen Lott, Commissioner

Linda Pennoyer, Commissioner

Reviewed and Approved for Legal Sufficiency:

Kevin J. Best, Esq.

Date: _____

CERTIFICATION

I, HEREBY CERTIFY, as the duly appointed Town Clerk of the Town of Upper Marlboro, Maryland, that on the ___ day of July 2023 with ___ Aye (unanimous) votes and _0___ Nay votes, the aforesaid Ordinance 2023-__ passed.

John Hoatson, Town Clerk