

Ordinance No. 2018-4432

An ordinance of the City of Sanford, Florida relating to City logos, branding designs and City Seal and City flag usage; amending Section 1-2 and Section 2-1 of the *City Code* and amending Subsection 1.2 I, Schedule “N”, Part III (*Land Development Regulations*) of the *City Code*; providing for legislative findings and intent; providing for implementing administrative actions; providing for a savings provision; providing for conflicts; providing for severability; providing for codification as well as the correction of scrivener's errors and providing for an effective date.

Whereas, as part of its initiative to create a contemporary and consistent brand for the City of Sanford, the City Manager’s Office has protected the logos of the City as intellectual property and has developed branding designs to incorporate elements of various City seals and logos that have been used in the past and conveys a distinctive image for the City; and

Whereas, recent determinations have been made with regard to Federal law and the use of governmental seals and flags; and

Whereas, cities, such as the City of Sanford, spend significant resources to develop material otherwise susceptible to federal trademark protection and develop logos or slogans to promote a unique identity; and

Whereas, the City of Sanford’s use of such marks increases its profile within and outside the community and, insofar as possible under controlling law, the City will consider seeking protections for its various creative endeavors; and

Whereas, the City Commission of the City of Sanford hereby distributes the duties, responsibilities and authorities relative to the uses of the logos to the City Seal and City logos to the City Manager, or designee, and to the City Clerk, as appropriate with the duties of the City Clerk under the *City Charter*, in order to effectively and efficiently implement the programs, activities and projects of the City; and

Whereas, while this Ordinance amends a section of the codified *Land Development*

Regulations of the City, it is not a land development regulation affecting the development of land and, while the provisions of this Ordinance are police power regulations of the City, the provisions of this Ordinance are, indeed, consistent with the City's *Comprehensive Plan*; and

Whereas, this Ordinance is an exercise of the City of Sanford's powers as a municipality under the provisions of Article VIII, Section 2 of the *Constitution of the State of Florida*; Chapter 163, *Florida Statutes*; Chapter 166, *Florida Statutes*, and other applicable and controlling law such as that referenced herein; and

Whereas, the City Commission has taken all actions in accordance with the requirements and procedures mandated by State law and complied, in every respect, with the requirements of law; and

Whereas, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text and ~~strikethrough~~ shall constitute deletions to the original text.

Now, Therefore, Be It Enacted By The People Of The City Of Sanford, Florida:

Section 1. Legislative findings and intent. The City Commission of the City of Sanford finds and determines as follows:

(a). The City Commission of the City of Sanford hereby adopts and incorporates into this Ordinance the recitals (whereas clauses) set forth herein as the legislative and administrative findings and intent of the City Commission.

(b). The recitals of this Ordinance shall guide and direct the various roles and functions of the various Charter officers of the City and their designees.

(c). This Ordinance shall not be construed, interpreted or implemented in any manner that would conflict with applicable provisions of controlling law and the City Attorney shall assist in all matters relative to the implementation of this Ordinance.

Section 2. City Logos; City Seal; City Flag; Branding. Section 2-1 of the *Code of Ordinances of the City of Sanford* is amended to read as follows:

Sec. 2-1. – Protection of and use of City logos, City Seal, City Flag, City Branding Designs.

(a) ~~*Sanford Historic Waterfront Gateway and "Sanford Florida 1877"; logo designs.*~~ The logos of the City, City branding designs and the City Seal and City flag shall be as adopted and approved by the City Manager, after consultation with the City Commission with regard to the City Seal in accordance with Section 1-6 of the *City Code* of ~~"Sanford Historic Waterfront Gateway" and "Sanford Florida 1877"~~ shall be as set forth in the exhibits depicting facsimiles of the logos, which exhibits are incorporated by this reference as if fully set forth herein.

(b) ~~*Use of City corporate seals and logos, City Seal, City flag and branding designs.*~~ The ~~"Sanford Historic Waterfront Gateway", and "Sanford Florida 1877"~~ logos of the City, City branding designs and the City Seal and City flag, including any facsimile thereof, are intended for use by authorized agents or officers of the City in conducting the official business of the City. No other person shall use ~~City the "Sanford Historic Waterfront Gateway" or "Sanford Florida 1877"~~ logos, City branding designs or the City Seal or City flag for any other purpose, without the express written permission of the City Manager and it is prohibited and unlawful to use a City logo, a City branding design, the City Seal or the City flag without the express written permission of the City Manager. The logos of the City, City branding designs and the City Seal and City flag shall be deemed the property of the City; and no persons shall exhibit, display, or in any manner utilize the logos of the City, City branding designs or the City Seal or City flag or any facsimile or representation thereof for nongovernmental purposes unless such use is specifically authorized by the City under the provisions of controlling law. The City Manager, upon consultation with and action by the City Attorney, may seek any available legal remedy to prevent the unpermitted use of a City logo, a City branding design, or the City Seal or City flag.

(c) City Manager regulation and administration. The City Manager shall regulate the use of the logos of the City, City branding designs and the City Seal and City flag and administer all matters relating thereto including, but not limited to, development, and subsequent amendment of, a style guide; provided, however, that the City Clerk shall be responsible for the appropriate use of the City Seal in terms of the attestation and sealing of documents and other similar purposes and functions.

Section 3. City Seal; Amendment To Section 1-6, City Code. Section 1-6 of the Code of Ordinances of the City of Sanford is amended to read as follows:

Sec. 1-6. - City seal.

The City Seal heretofore used, namely a circular seal with the words "Sanford, Seminole County, Florida" encircling an Indian head, shall be in the form as approved by the City Manager as part of the City's logo and branding program and such design shall constitute the Seal of the City after consultation with the City Commission. , and The City Seal shall be in the custody of the City Clerk. , who The City Manager and the City Attorney shall be responsible for its proper use ; provided, however, that the City Clerk shall be responsible for the appropriate use of the City Seal in terms of the attestation and sealing of documents and other similar purposes and functions.

Section 4. City Logos; Street Signs; Amendment To Subsection 1.2 I, Schedule "N", Part III (Land Development Regulations). Subsection 1.2 I, Schedule "N", Part III (*Land Development Regulations*) of the *Code of Ordinances of the City of Sanford* is amended to read as follows:

Section 1.2. - General street design and arrangement.

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I. *Street identification signs.* Street identification signs which comply with the following specifications shall be installed by the developer at all street intersections (See Figure N-10).

1. Sign design. All street identification signs shall be double sided. Signs shall be constructed of flat panel aluminum (.080 thickness for six-inch panels and .063 thickness for none-inch panels) with three-quarter inch rounded corners. Sign panels shall be a minimum of six inches in height for local streets (25 mph or less) and nine inches on all other streets. The length of the sign shall be determined by the legend.

2. Sign lettering. Sign legends shall be in the font 'Highway Gothic' or the equivalent as specified in the Standard Highway Signs Manual. Sign legends shall be in capital letters. Signs faces shall have a white high intensity 3M material or equivalent reflective backing with black vinyl legend and border. All sign legends shall incorporate block designation and the City of Sanford logo or such other City branding design, as determined by the City Manager. For City streets, the logo or other City branding design shall be placed on the left side and the block designation shall be placed on the right side with equal spacing between border and legend. Private streets shall not use a the City logo, unless authorized to do so by the City Manager, but shall comply with all other design standards of this subsection.

3. Posts and hardware. Posts shall be a standard two and three-eighths inches diameter by a minimum of ten feet high. Posts shall be made of galvanized steel and shall be secured in order to avoid vandalism of the sign.

4. Post cap. The post cap shall be a 'Supra-Lok 922F' or equivalent aluminum cap for a two and three-eighths eighths inch round post or a 91UF-OL90 for a U-channel post.

5. Cross separator. The cross separator shall be a 'Supr-Lok9-90F' or equivalent.

6. The alternative bracket shall be a VS-Twist bracket or equivalent to accommodate six inch blades or nine inch blades for mounting above 'stop' signs.

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Section 5. Implementing administrative actions; adoption of administrative rules.

(a). The City Manager is hereby authorized and directed to implement the provisions of this Ordinance by the promulgation of rules, the establishment of fees and the development and usage of forms and processes all as may be deemed necessary or appropriate by the City Manager all of which rules shall be enforceable as a violation of this Ordinance.

(b). The City Manager may delegate responsibilities arising under this Ordinance to such City employees as deemed appropriate and necessary.

Section 6. Savings.

The prior actions of the City of Sanford in terms of the matters relating to the regulation of its logos, branding designs, the City Seal and the City flag, as well as any and all activities of the City of Sanford pertaining thereto or of an associated nature, are hereby ratified and affirmed.

Section 7. Conflicts.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed. Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements shall apply.

Section 8. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise to be invalid, unlawful, or unconstitutional.

Section 9. Codification; scrivener's errors.

(a). The provisions of this Ordinance shall be codified; provided, however, that the

recitals to this Ordinance and the provisions of Sections 6, 7, 8, 9 and 10 shall not be codified and the sections of this Ordinance may be renumbered or re-lettered and that the word "Ordinance" may be changed to "section", "article" or some other appropriate word or phrase to accomplish codification.

(b). Regardless of whether this Ordinance is ever codified, the division and provisions of this may be renumbered or re-lettered.

(c). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected without the need for a public hearing.

Section 10. Effective Date.

This Ordinance shall take effect immediately upon passage and adoption.

Passed and adopted this 22nd day of January, 2018.

**City Commission of the City of Sanford,
Florida.**

Jeff Triplett, Mayor

Attest:

Cynthia Porter, City Clerk

Approved as to form and legality:

William L. Colbert, Esquire
City Attorney

**Lonnie N. Groot
ACA**