

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
AMENDING CHAPTER 1.08, "CITY SEAL," OF
THE MERCED MUNICIPAL CODE REGARDING
THE USE OF THE CITY SEAL**

**THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN
AS FOLLOWS:**

SECTION 1. AMENDMENT TO CODE. Chapter 1.08, "City Seal," of the Merced Municipal Code is hereby amended to read as follows:

**"CHAPTER 1.08
CITY SEAL**

Section:

- 1.08.010 City Seal.**
- 1.08.020 Custodian.**
- 1.08.030 Use of City Seal.**
- 1.08.040 Penalty.**

1.08.010 City Seal.

The common seal of the City is hereby adopted and described as follows:

A palm tree, a fountain, and a waterfall, so arranged that the palm tree shall occupy the central space of the seal, the fountain on the right, and the waterfall on the left of the palm tree, surrounding which, in the margin of the seal shall appear the words, 'City of Merced, California, Incorporated April 1, A. D. 1889.'

1.08.020 Custodian.

As provided for in Section 602(D) of the Charter, the City Clerk shall be the custodian of the City Seal.

1.08.030 Use of City Seal.

A. It shall be unlawful for any person or group to make or use the seal of the City of Merced, or any derivation, rendering, version, expression, logo, stamp or reproduction thereof, for any purpose other than for the official business of the City of Merced, its City Council, officers or departments, except upon approval of the City Council by resolution.

B. No person or group shall place any imitation of the City Seal, nor any derivation, rendering, version, expression, logo, stamp or reproduction thereof, on any written, printed or electronic material that is designed, intended or likely to confuse, deceive or mislead the public or cause the reader of such material to believe it to be an official city publication.

C. It shall be unlawful for any person or group to place the City Seal, or any derivation, rendering, version, expression, logo, stamp or reproduction thereof, on any written, printed or electronic material in favor of or against any ballot measure, or in favor of or against any candidate for public office.

1.08.040 Penalty.

A violation of this Chapter is a misdemeanor, punishable in accordance with Chapter 1.12 of this Code. At the discretion of the City, this Chapter may also be enforced by use of civil or administrative remedies.”

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 3. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the ____ day of _____, 2017, and was passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 2017, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

APPROVED:

Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

Kelly C. Fincher 2/28/17
City Attorney **Date**