

1 EXHIBIT 1

2
3 ORDINANCE NO. 2016 -

4
5 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF
6 THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING
7 CHAPTER 2 ADMINISTRATION, ARTICLE I, IN GENERAL, BY
8 AMENDING SECTION 2-1 CORPORATE SEAL, TO INCLUDE
9 RESTRICTIONS ON THE USE OF THE CITY SEAL, LOGO,
10 TRADEMARKED TAG LINES AND NAME AS SPONSOR;
11 PROVIDING FOR CONFLICT; PROVIDING FOR
12 SEVERABILITY; PROVIDING FOR CODIFICATION; AND
13 PROVIDING AN EFFECTIVE DATE.
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15 WHEREAS, the Mayor and City Commission passed Resolution 2012-122 which
16 adopted the city's new logo, tagline and branding plan; and
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18 WHEREAS, as a step of implementing the branding plan, the City Administration filed an
19 application for trademark of the new logo and tagline with the United States Patent and
20 Trademark office; and
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22 WHEREAS, on April 8, 2014 the new logo was officially registered by the U.S. Patent
23 and Trademark office with Registration number 4,509,337; and
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25 WHEREAS, the registered trademarked logo consists of a stylized Capital "H" with the
26 word "Beach" occurring across the midsection of the "H" with the words "Hallandale Beach"
27 below the stylized "H"; and
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29 WHEREAS, the trademark does not grant the City the exclusive right to use the words
30 "Beach" and "Hallandale Beach" separate from the stylized "H", however it does grant the City
31 the exclusive use of the stylized capital "H" with the word "Beach" occurring across the
32 midsection of the "H"; and
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34 WHEREAS, the City also registered the tagline "Progress. Innovation. Opportunity,
35 application serial no. 85/877,428; and
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37 WHEREAS, the registered trademark and tagline are protected against infringement of
38 all or a portion of the marks by federal law and the Mayor and City Commission desire to set

39 forth certain restrictions of the use of the City's seal, logo and taglines and to set forth the
40 penalties for violations thereof.

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42 **NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF**
43 **HALLANDALE BEACH, FLORIDA:**

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45 *****

46 **SECTION 1.** Chapter 2 Administration of the Code of Ordinances of the City of
47 Hallandale Beach, Florida is hereby amended to read as follows:

48 **ARTICLE I. - IN GENERAL**

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50 **Sec. 2-1. – Adoption of Corporate seal, logo, and taglines; restrictions on use**
51 **and penalties.**

52 o a. Corporate Seal. The corporate seal for the city shall be as follows: A round
53 seal two inches in diameter with the words "City of Hallandale Beach" arranged in a circular
54 form constituting the border around the top and the words "Broward County, Florida" around the
55 base and the words "Incorporated 1947," "Seal" in the inner circle and the State of Florida
56 emblem in the inner circle and the center of the seal; however, the city seal may be in such
57 other form as the city commission may prescribe.

58 o b. Logo and tagline. The City's trademarked logo shall consist of a stylized
59 capital "H" with the word "Beach" occurring across the midsection of the "H" with the words
60 "Hallandale Beach" below the stylized "H". The stylized "H" may be in full color or solid black
61 with white lines. The City's tagline shall be "Progress. Innovation. Opportunity" and may be
62 utilized under the stylized "H". The complete trademarked Mark of the City of Hallandale Beach
63 shall be as displayed in this section.



66 c. *Prohibition.* It shall be unlawful for any person, entity or organization to manufacture,
67 use or display any facsimile or reproduction of the entirety or a portion of the City's seal, logo,
68 tagline or name as a sponsor, except by City officials or employees in the performance of their
69 official duties, without the express approval of the City Commission. The City Manager may
70 authorize the use of the City logo and tagline for activities sponsored by governmental or non-
71 profit entities previously approved by the City Commission. This prohibition is inclusive of the
72 utilization of the styled capital "H" with the word "Beach" occurring across the midsection of
73 the "H" without the words "Hallandale Beach" below it. This prohibition does not apply to the
74 words "Hallandale Beach" or "Beach" when not used in connection with the stylized "H" with
75 the word "Beach" occurring across the midsection of the "H".

76 d. *Penalty.* As it relates to unauthorized use of the City's seal, pursuant to Section
77 165.043, Florida Statutes, any violation of this section shall be a second degree misdemeanor
78 and punishable as provided in Sections 775.082 or 775.083 of the Florida Statutes. Any
79 infringement on the City's trademarked logo and/or tagline shall be enforced pursuant to Federal
80 statutes set forth in Chapter 15 of the United States Code including the imposition of an
81 injunction and damages.

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83 *****

84 **SECTION 3. Conflict.** All ordinances or portions of the Code of Ordinances of the City
85 of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the
86 extent of such conflict.

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88 **SECTION 4. Severability.** Should any provision of this ordinance be declared by a court
89 of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a
90 whole, or any part thereof, other than the part declared to be invalid.

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92 **SECTION 5. Codification.** It is the intention of the Mayor and City Commission that
93 the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such
94 intention the words "ordinance" or "section" may be changed to other appropriate words.

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96 **SECTION 6. Effective date.** This Ordinance shall take effect immediately upon
97 adoption.

99 PASSED AND ADOPTED on 1st reading on November 16, 2016.
100 PASSED AND ADOPTED on 2nd reading on _____, 2016.

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JOY F. COOPER
MAYOR

106 SPONSORED BY: MAYOR JOY COOPER

107 ATTEST:

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112 MARIO BATAILLE, CMC
113 CITY CLERK

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115 APPROVED AS TO LEGAL SUFFICIENCY
116 FORM

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121 V. LYNN WHITFIELD
122 CITY ATTORNEY