

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING CHAPTER 1.06 (OFFICIAL SEAL AND LOGO OF THE CITY) OF TITLE 1 (GENERAL PROVISIONS) OF THE HERMOSA BEACH MUNICIPAL CODE TO REGULATE THE USE OF CITY INSIGNIA AND FINDING THE SAME EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS

- A. The City of Hermosa Beach ("City") recognizes the importance of developing unique graphics and branding to reinforce the City's distinctive identity.
- B. Chapter 1.06 of the City's Municipal Code establishes regulations for the use of its official City Logo and City Seal.
- C. In addition to its logo and seal, the City has expended significant time and resources in designing and developing other "City Insignia" that includes logos, marks and emblems used by the City for City business to identify official City events and programs.
- D. The City desires to amend its Municipal Code to protect against the replication and unapproved use of City Insignia by adopting regulations pertaining to its use similar to the City's existing regulations pertaining to its City logo and seal.
- E. This ordinance is adopted pursuant to the City's police powers under Article 11, section 7 of the California Constitution.

SECTION 2. Custody And Use Of The City Seal, Logo And City Insignia. The title of Chapter 1.06 of the City of Hermosa Beach Municipal Code is hereby amended as follows: "Chapter 1.06 "Custody and Use of the City Seal, Logo and City Insignia".

SECTION 3. City Insignia. Section 1.06.025 "City Insignia" is hereby added to read as follows:

- A. "City Insignia" means in addition to the City Seal and City Logo as designated by the City Council, any other logos or emblems

depicting or including the City of Hermosa Beach, as approved by the City Manager.

- B. It shall be unlawful for any person to make, reproduce, manufacture, display, or use City Insignia, or any design so closely resembling the same as to be apt to deceive or be reasonably mistaken for in any way City Insignia for any purpose other than for official city business, a city-sponsored event or program, or a city-endorsed event or program, without approval of the city council.

SECTION 4. Manufacture And Sale Of Souvenir And Decorative Items. Section 1.06.050 "Manufacture and sale of souvenirs and decorative items" is hereby amended to read as follows:

"Nothing in this chapter shall prevent a person from manufacturing or selling non-documentary objects, such as souvenirs or decorative items, bearing the city logo or city insignia as part of the design; provided, that such person undertakes such activity pursuant to agreement with the city, approved by the city council, containing such requirements and limitations as the city council shall deem appropriate to assure that such use of the city logo and city insignia is in good taste and in the best interests of the city of Hermosa Beach.

SECTION 5. Use of City Seal, Logo and Insignia for Political Campaigns. Section 1.06.060 "Use of city seal and logo for political campaign prohibited" is hereby amended to read as follows:

Section 1.06.060 "Use of city seal, logo and insignia for political campaign prohibited"

"No person or campaign committee shall use the city seal, logo, insignia or its design or any design so closely resembling the same as to be apt to deceive or be reasonably mistaken for in any way for the city seal, logo, or city insignia for purposes of supporting or opposing the nomination or election of any person to any city or other public office, or for purposes of supporting or opposing any ballot measure, nor include such city seal, logo or insignia on any writing distributed for purposes of influencing the action of the electorate, or any part thereof, in any election. This section shall not be applicable to writings issued by the city of Hermosa Beach or the city council as a whole pursuant to law.

SECTION 6. Custodian Of City Seal, Logo, And Insignia. Section 1.08.070 "Custodian of city seal and logo" is hereby renumbered and amended to read as follows:

Section 1.06.070. "Custodian of city seal, logo, and insignia"

"The city clerk of the city of Hermosa Beach shall be the official custodian of the of the City seal, logo and other City insignia.

SECTION 7. Penalty. Section 1.08.080 "Penalty" is hereby renumbered to read as follows:

Section 1.06.080 "Penalty"

SECTION 8. All other sections of Chapter 1.06 of the City of Hermosa Beach Municipal Code shall remain unchanged.

SECTION 9. Environmental Review. The City Council finds that adoption and implementation of this ordinance is not a "project" for purposes of the California Environmental Quality Act (CEQA), as that term is defined by CEQA guidelines (Guidelines) sections 15061(b)(3), and 15378(b)(5). The effect of the proposed amendment will be to maintain the status quo. No new development will result from the proposed action. No impact to the physical environment will result. The City Council also alternatively finds that the adoption and implementation of this ordinance is exempt from the provisions of CEQA as an administrative activity by the City of Hermosa Beach, that will not result in any direct or indirect physical change in the environment, per sections 15061(b)(3), and 15378(b)(5) of the CEQA Guidelines.

SECTION 10. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 11. Effective Date. Pursuant to California Government Code section 36937, this ordinance shall take effect thirty (30) days after its final passage.

SECTION 12. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Hermosa Beach's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and cause it to be published or posted in accordance with California law.

PASSED, APPROVED and **ADOPTED** this 14th day of March 2023.

Raymond Jackson
PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach,
California

ATTEST:

APPROVED AS TO FORM:

Myra Maravilla
City Clerk

Patrick Donegan
City Attorney

Ordinance No. 23-XXX
Legislative Digest (for reference only)

" Chapter 1.06 Custody and Use of the City Seal, Logo, and City

"1.06.050 Manufacture and sale of souvenirs and decorative items.

Nothing in this chapter shall prevent a person from manufacturing or selling non-documentary objects, such as souvenirs or decorative items, bearing the city logo or city insignia as part of the design; provided, that such person undertakes such activity pursuant to agreement with the city, approved by the city council, containing such requirements and limitations as the city council shall deem appropriate to assure that such use of the city logo is in good taste and in the best interests of the city of Hermosa Beach.

"1.06.060 Use of city seal, logo, or insignia for political campaign prohibited.

No person or campaign committee shall use the city seal, logo, insignia, or its design or any design so closely resembling the same as to be apt to deceive or be reasonably mistaken for in any way the city seal or logo, for purposes of supporting or opposing the nomination or election of any person to any city or other public office, or for purposes of supporting or opposing any ballot measure, nor include such city seal or logo on any writing distributed for purposes of influencing the action of the electorate, or any part thereof, in any election. This section shall not be applicable to writings issued by the city of Hermosa Beach or the city council as a whole pursuant to law.

"1.06.070 Custodian of city seal, logo and insignia

The city clerk of the city of Hermosa Beach shall be the official custodian of the City seal, logo, and other City insignia .

"1.06.080 Penalty."

Any person or persons violating the provisions of this chapter shall be guilty of a misdemeanor and subject to punishment in accordance with Chapter 1.04. Each and every day during any portion of which the provisions of this chapter are violated shall constitute a separate offense and may be punished accordingly.