

**ORDINANCE NO. 2007-10**

**AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADDING SECTION 2-1 TO CHAPTER 2 OF THE CODE OF ORDINANCES OF THE TOWN; DESIGNATING AN OFFICIAL TOWN SEAL, LOGO AND LETTERHEAD; PROVIDING FOR PENALTIES FOR ILLEGAL USE OF THE OFFICIAL TOWN SEAL, LOGO OR LETTERHEAD; PROVIDING FOR CODIFICATION INTO THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the TOWN OF MALABAR has determined that the best interests of the public will be served by designating an official seal, official logo and official letterhead of the Town of Malabar; and

**WHEREAS**, Florida Statute 165.043 was enacted by the Florida Legislature in 1991 and authorized municipalities to designate an official seal by ordinance; and

**WHEREAS**, the Town Council of the Town of Malabar has determined that the use of either the Town seal, Town Logo or the Town Letterhead by persons or entities other than officials of the Town misleads members of the public and should be prohibited.

**WHEREAS**, prohibiting the unauthorized use of the Town Seal, Town Logo and Town Letterhead will preserve the dignity of the Town and will reduce incidents of the public being misled into believing that a person, meeting, project or event carries official Town sanction or approval.

**WHEREAS**, as provided in s. 2(b), Art. VIII of the State Constitution, municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law.

**WHEREAS**, the Town Council of the Town of Malabar finds that prohibiting the use of the Town's designated seal, logo and letterhead serves an important municipal purpose and that the unauthorized use of the Town's designated seal, logo or letterhead should be punishable as a criminal offense.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, as follows:**

**SECTION 1.** Section 2-1 is hereby added to Chapter 2 of the code of ordinances to read as follows:

**“Section 2-1. Town seal; logo and letterhead.**

(a) The Town hereby adopts the following as its official Town seal:  
(seal)

In accordance with Florida Statutes 165.043, the manufacture, use, display, or any other employment of any facsimile or reproduction of the Town of Malabar seal except for Town of Malabar officials or employees in the performance of their official duties, without the express approval of the Town Council of the Town of Malabar, is prohibited. The Town Clerk of the Town of Malabar is the custodian of the Town Seal.

Any person or entity who violates any portion of this subsection (a) , in accordance with Section 165.043, Florida Statutes, is guilty of a second degree misdemeanor, punishable as provided in Sections 775.082 and/or 775.083, Florida Statutes.

(b) The Town adopts the following as its official Town logo:



The use of the Town Logo is for official Town business only. It shall be a violation of this Ordinance to manufacture, use, display, or other employment of any facsimile or reproduction of the Town Logo, except by the Town of Malabar officials or employees in the performance of their official duties, without the express approval of the Town Council of the Town of Malabar. Violators of this section shall be subject to sanctions as set forth in subsection (e) of this Ordinance.

(c) The Town adopts the following as the official Town letterhead;

Office of the \_\_\_\_\_  
(321) 727-7764  
FAX (321) 722-2234



Town Hall  
2725 Malabar Road  
Malabar, FL 32950

The use of the Town letterhead is for official Town business only. It may not be used by or for

any person, entity or political use. Violators of this section shall be subject to sanctions pursuant to the State of Florida Ethics Law, or as set forth in subsection (e), of this Ordinance.

(d) The Town, through the Town Clerk, may immediately revoke a person or entities previously authorized use of the Town Seal or Town Logo upon finding false or inaccurate information was submitted on its application to the Town requesting authorization to use the Town Seal or Town Logo. The Town shall not be liable to the person or entity for expenses incurred as a result of authorization being revoked.

(e) Any person or entity who violates any portion of subsections (b), (c), or (d) of this Ordinance is guilty of a second degree misdemeanor, punishable as provided in Sections 775.082 and/or 775.083, Florida Statutes.”

**SECTION 2. CONFLICTS.**

All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this ordinance

**SECTION 3. CODIFICATION.**

It is the intention of the town council of the Town of Malabar, Brevard County, and it is hereby provided that the provisions of this ordinance shall become part of the Code of Ordinances of the Town of Malabar.

**SECTION 4. SEVERABILITY.**

Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions or parts of this ordinance.

**SECTION 5. EFFECTIVE DATE.**

This ordinance shall take effect immediately upon its adoption.

The foregoing Ordinance was moved for adoption by Council member McClelland. The motion was seconded by Council member Moccia and, upon being put to a vote, the vote was as follows:

Council Member Nancy Borton	<u>Not Present</u>
Council Member Brian Vail	<u>Not Present</u>
Council Member Charles D. (Chuck) McClelland	<u>Aye</u>
Council Member Roberta (Bobbi) Moccia	<u>Aye</u>
Council Member Patricia Dezman	<u>Aye</u>

This ordinance was then declared to be duly passed and adopted this 2nd day of July, 2007.

**TOWN OF MALABAR**

**BY:** Thomas M. Eschenberg

Mayor Thomas M. Eschenberg, Chair

First Reading: 06/18/2007

Second Reading: 07/02/2007

ATTEST:

Susan Kabana

Susan Kabana, CMC  
Town Clerk/Treasurer

(seal)

Approved as to form and content:

Karl W. Bohne, Jr.

Karl W. Bohne, Jr.  
Town Attorney