

**ORDINANCE 20-29**

**TO AMEND TITLE 1 (GENERAL PROVISIONS) OF THE BLOOMINGTON MUNICIPAL CODE - Re: Amending Chapter 1.08 to Harmonize the Design of the City Logo and City Seal**

- WHEREAS, pursuant to Indiana Code § 36-1-4-4, municipalities are empowered to adopt a corporate seal; and
- WHEREAS, pursuant to Indiana Code § 36-4-10-4, the City Clerk is charged with keeping the city's seal; and
- WHEREAS, the Common Council, by its Ordinance 71-66, approved and adopted a City seal for the City of Bloomington, which took effect on December 30<sup>th</sup>, 1971; and
- WHEREAS, the Common Council, by its Resolution 86-2, approved and adopted a City logo for the City of Bloomington, which took effect on January 6<sup>th</sup>, 1986; and
- WHEREAS, the City logo was commissioned and approved by the Bloomington Arts Commission as an expression of the growth and vitality of the Bloomington community; and
- WHEREAS, the City logo design was inspired by quilt patterns predominantly used by regional folk artists during the 19<sup>th</sup> Century, and resembles a combination of the peony and trout lily flowers; and
- WHEREAS, the City logo design symbolizes the Downtown Square and community interaction; and
- WHEREAS, the Common Council of the City of Bloomington approved the City logo design, which was created by Tim Mayer, with various logo applications developed by Teresa Allen; and
- WHEREAS, the City logo is widely recognized and associated with the City and has been formally registered as an official trademark of the City since 2000; and
- WHEREAS, the City Clerk therefore wishes to harmonize the City seal design with that of the City logo; and
- WHEREAS, the new City seal design, developed by Andrew Krebbs, incorporates the City logo; and
- WHEREAS, in order to ensure that the City seal and graphical City seal are utilized for appropriate circumstances only, and that unauthorized, deceptive, or fraudulent use, which may be harmful to the public health, safety, and welfare, be made unlawful;

NOW, THEREFORE BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. The new City seal commissioned by the City Clerk, and designed by Andrew Krebbs, a copy of which is attached hereto and made part hereof, is hereby approved as the official seal for of the City of Bloomington, Indiana.

SECTION II. Chapter 1.08 of the Bloomington Municipal Code entitled "City Seal" shall be deleted in its entirety and replaced with a new Chapter 1.08 entitled "City Seal". The codifier shall insert the title in the Table of Contents for Title 1 "General Provisions". Chapter 1.08 shall read as follows:

## CHAPTER 1.08 – City Seal

### Sections:

- 1.08.010 City Seal Described; Graphical City Seal
- 1.08.020 Use of City Seal
- 1.08.030 Enforcement
- 1.08.040 Violations and Penalties

### **1.08.010 City Seal Described; Graphical City Seal.**

The seal of the city shall be a circle approximately two inches in diameter with a royal blue background and containing the City of Bloomington logo design in the center in white. The circle shall have a 2.5pt white ring (“Ring One”) around its outer edge, with a 14pt second ring in royal blue (“Ring Two”) encircling Ring One and containing the words, “Seal of the City of Bloomington, Indiana” in white, sans serif font, bolded, capitalized letters of uniform size, except that the words “OF THE” shall be unbolded and half-sized. The words shall run from the lower left side of Ring Two up around the top of the ring and end at the lower right side of the ring. There shall be a 2pt third ring in white (“Ring Three”) encircling Ring Two, and the periphery of the seal shall be a 5pt ring (“Ring Four”) in royal blue. The center of the bottom of Ring Two shall contain the City of Bloomington’s founding date of 1818, in white, flanked on each side by a single white dot. The seal may be produced in other colors with the approval of the City Clerk or the City Clerk's designee to accommodate specific temporary uses or circumstances. The standard graphical representation of the seal shall be as follows:



### **1.08.020 Use of City Seal.**

- (a) The City Clerk has charge of the City seal and graphical City seal and will affix the City seal to all certificates and documents as may be required by law, by this Code, or by ordinance of the City.
- (b) All other uses of the City seal and graphical City seal are restricted to official City business and such other appropriate uses that further the operations of the City as may be authorized in writing by the City Clerk, or required by law, or as otherwise specifically permitted in this Code.
- (c) No person may make or use the City seal or graphical City seal or any cut, facsimile, or reproduction thereof of either of them, or to make or use any seal or any design which is an imitation, in the design of, or which may be mistaken for the City seal or graphical City seal without the written authorization of the City Clerk.
- (d) City officers, City employees, members of the City Council, and members of City boards and commissions may use stationery, printed materials and other articles with the graphical City seal or facsimile of the graphical City seal while acting within the scope of their office or employment.
- (e) Outside entities or agencies may request to use the graphical City seal for events co-hosted or supported by the City, for a limited time, using a form approved by the City Clerk. All such requests must be submitted to the City Clerk or the City Clerk’s designee, who has the sole discretion to approve or deny such requests, and to promulgate the manner, timing, and format of such requests. When considering such requests, the City Clerk or designee will consider the ultimate benefit to the City of such use, the effects of association by the City with the event or occurrence, the City’s traditional sponsorship activities, and other criteria which shall be fairly and neutrally applied to all requestors. The decision of the City Clerk or designee regarding use of the graphical City seal may

be appealed to the City Council by submitting a written protest to the City Clerk's Office within fourteen (14) days of the City Clerk or designees' decision.

- (f) Pins, Insignia and Other Articles. From time to time, the Mayor or an individual City Council Member may wish to incorporate the graphical City seal into a pin, insignia, or other article for use in ceremonial occasions or for other civic purposes but not for sale or commercial purposes. Each such proposed design must be submitted to the City Clerk for approval, and the production of such items after approval shall be at the sole expense of the creator of the design. The decision of the City Clerk may be appealed to the City Council by submitting a written protest to the City Clerk's Office within fourteen (14) days of the City Clerk or designees' decision. Ownership of the design shall be retained by the City.

#### **1.08.030 Enforcement.**

- (a) Enforcement of this chapter shall be implemented by the City Clerk's office, or the City Clerk's designee(s).
- (b) Any citizen who desires to register a complaint under this chapter may initiate enforcement with the department or positions designated by the City Clerk's office.
- (c) Upon finding that any provision of this chapter has been violated, the enforcement designee(s) shall issue a notice of violation (NOV) to the person(s) responsible for the violation. The NOV shall be in writing and shall be served upon the person(s) responsible for the violation by one or more of the following methods: delivery in-person or first class mail. The NOV shall state:
- (1) The location of the violation;
  - (2) The nature of the violation;
  - (3) The fine assessed for the violation;
  - (4) That the fine is paid at the city legal department; and
  - (5) That the fine may be contested in the Monroe County Circuit Courts.


#### **1.08.040 Violations and penalties.**

- (a) It shall be unlawful for any person to make or use the City seal and graphical City seal of the City of Bloomington deceptively, fraudulently, or without express written permission from the City Clerk of the City of Bloomington, or the City Clerk's designee.
- (b) Any person who violates any provision of this chapter shall be subject to a fine of one hundred dollars (\$100) for a first violation of this chapter. Fines for subsequent violations of this Chapter shall double for each subsequent violation up to the statutory maximum provided for by law. If the city legal department has reason to believe that fines will not be effective in enforcing this chapter, then the city legal department shall be empowered to seek any other remedies provided by law.

SECTION III. If any sections, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION IV. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.


PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 16<sup>th</sup> day of DECEMBER, 2020.

  
STEPHEN VOLAN, President  
Bloomington Common Council

ATTEST:

  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 21<sup>st</sup> day of December, 2020.

  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this 21<sup>st</sup> day of December, 2020.

  
JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance repeals and replaces Bloomington Municipal Code Chapter 1.08 entitled "City Seal," to adopt a new city seal that harmonizes the designs of the City logo and City seal. It also creates standards for the use of the City seal, prohibits unauthorized use of the City seal, and prescribes penalties for violations of the chapter.



