

REGULAR

NUMBER 275

TITLE: **AN ORDINANCE OF THE CITY OF MILPITAS ADDING SECTION 3.02 TO CHAPTER 1, TITLE I OF THE MILPITAS MUNICIPAL CODE PERTAINING TO RESTRICTIONS ON USE OF THE CITY SEAL AND PENALTIES FOR MISUSE THEREOF.**

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of _____, 2007, upon motion by Councilmember _____ and was adopted (second reading) by the City Council at its meeting of _____, upon motion by Councilmember _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney

ORDAINING CLAUSE:

THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:

SECTION 1. Section I-1-3.02 of the Milpitas Municipal Code is hereby amended to read as follows:

I-1-3.02 Authorized Use of City Seal.

(a) Use of Seal. It shall be unlawful and a misdemeanor for any person to make or use the seal of the City of Milpitas, or reproduction thereof, for any purpose other than for the official business of the City of Milpitas, its City Council, officers or departments, except upon approval of the City Council by ordinance or resolution.

(b) Imitation of Seal. No person shall place any imitation of the City seal on any written or printed 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) Penalty. Any person violating this section shall be guilty of a misdemeanor.

(d) Custodian of Seal. The City Clerk of the City of Milpitas shall be the official custodian of the official seal of the City.

SECTION 2. SEVERABILITY

In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

SECTION 3. PUBLICATION AND EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the Milpitas Post, a newspaper of general circulation, published and circulated in the City of Milpitas, County of Santa Clara, thenceforth and thereafter the same shall be in full force and effect.