

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
REPEALING AND REPLACING CHAPTER 11.06 OF THE MONTEREY COUNTY
CODE TO UPDATE THE DESIGN OF THE OFFICIAL EMBLEM OF THE COUNTY
OF MONTEREY**

County Counsel Summary

This ordinance repeals and replaces Chapter 11.06 of the Monterey County Code to update the design of the official emblem of the County of Monterey, and to provide for more efficient enforcement of the County's intellectual property rights.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. FINDINGS AND DECLARATIONS.

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

B. Chapter 11.06 of the Monterey County Code currently designates the design of the official emblem of the County of Monterey and provides for the protection of the County's intellectual property rights.

C. The County now wishes to update the design of its official emblem and to provide for more efficient enforcement of its intellectual property rights.

SECTION 2. Chapter 11.06 of the Monterey County Code is hereby repealed and replaced to read as follows:

**CHAPTER 11.06
COUNTY EMBLEM**

Sections:

- 11.06.010 Design of emblem.**
- 11.06.020 Use of emblem.**
- 11.06.030 Exclusivity of emblem.**
- 11.06.040 Enforcement, penalties, and administration of this Chapter.**

11.06.010 – Design of emblem.

The official Emblem of the County of Monterey is that emblem authorized, approved and filed with the Clerk of the Board of Supervisors.

11.06.020 – Use of emblem.

The Emblem may be used for purposes directly connected with the official business of the County of Monterey including, without limitation, to identify County property, to identify the official stationery of the County and its officials, and for other official County purposes.

11.06.030 – Exclusivity of emblem.

No other emblem or logo, including any variant of the Emblem, may be used for any official County use, with the sole exception that the County continue to use all preexisting County property bearing the Emblem in effect at the time of the procurement of the relevant County property.

11.06.040 – Enforcement, penalties, and administration of this Chapter.

A. The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity.

B. Any person who makes unauthorized use of any reproduction or facsimile of the Emblem, including any design so closely resembling the Emblem as to be apt to deceive, shall be guilty of a misdemeanor. No proof of knowledge, intent, or other mental state is required to establish a violation.

C. Any condition caused or allowed to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and shall, at the discretion of County, create a cause of action for penalty pursuant to Chapters 1.20 and 1.22 of the Monterey County Code, and any other action authorized by law.

D. The County Administrative Office, or its designee, shall have primary responsibility for the enforcement of this Chapter.

SECTION 3. SEVERABILITY.

If any subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect. The Board of Supervisors hereby declares that it would have adopted this Ordinance and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the article would be subsequently declared invalid or unconstitutional. The courts are hereby authorized to reform the provisions of this Chapter in order to preserve the maximum permissible effect of each subsection herein.

SECTION 4. EFFECTIVE DATE.

This ordinance shall take effect on the thirty-first day following its adoption.

PASSED AND ADOPTED this ____ day of ____ 2023, by the following vote:

AYES:

NOES:


ABSENT:

Luis A. Alejo
Chair, Monterey County Board of Supervisors

A T T E S T:

VALERIE RALPH
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM

Kelly L. Donlon
Assistant County Counsel