

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON**

ORDINANCE #6/21

**AN ORDINANCE ESTABLISHING CHAPTER 1, SECTION 18
"MUNICIPAL BRANDING (SEAL, LOGO, FLAG)" OF THE TOWN OF WEST NEW YORK**

WHEREAS, the Mayor and Board of Commissioners have determined that it is in the best interest of the Town of West New York ("the Town") to establish guidelines and procedures, and to properly legislate such for proper implementation and use of the municipal seal, municipal logo, and municipal flag (collectively, "town branding") and any derivative thereof; and,

WHEREAS, the purpose of such is to maintain consistent branding to ensure that communications to and from the Town of West New York are easily identifiable by residents, vendors, and other governmental entities; and,

WHEREAS, a further purpose is to prevent the use of the Town seal and logo to convey a false impression of Town, sanction, sponsorship or approval consistent with the United States Constitution and the Constitution of the State of New Jersey; and

WHEREAS, the Office of the Clerk, per N.J.S.A. 40A:9-129 must maintain the municipal seal of the Town of West New York and file the same with the Department of State of the State of New Jersey.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey that the Code of the Town of West New York is hereby amended as follows: **SECTION I**

Chapter 1, Section 1-18 of the Code shall be added as follows:

§ 1-18 Municipal Branding (Seal, Logo, Flag)

- A. The municipal seal, municipal logo, and municipal flag (collectively, "town branding") and any derivative thereof are the sole property of the Town of West New York.
- a. Use of the town branding for official use only.
 - i. The town branding is the exclusive property of the Town of West New York
 - ii. The town branding may be used by town employees and elected or appointed town officials in connection with the performance of official town business or town sanctioned events, including but not limited to, placement of the town seal on town vehicles, equipment, stationery, the town flag, town website(s), handouts for town training sessions, town brochures, town presentations, town uniforms and/or issued articles of clothing, town news releases, programs and bulletins, town sponsored events, and town memorabilia used to promote the town and any other official document or permit such as a parking permit issued to residents.
 - iii. The town flag may be flown or otherwise displayed by elected or appointed town officials, and by town employees in connection with official town meetings, functions, and events and shall fly at municipal properties as allowable by law.
 - iv.
- B. The municipal seal is used for purposes of certifying official records and instruments of the Town of West New York.

- a. The seal is described as constituting the following elements; specifically,
 - i. It is in the shape of a circle.
 - ii. On the bottom right of the center circle, there remains a visual representation of the Town of West New York pre-waterfront development.
 1. The same, depicts various elements of the historical mixed-use environment which embodies the Town of West New York – that of seamless residential, commercial, and industrial zones coming together.
 2. There is an industrial gear holding up a piece of plywood, symbolizing growth and development – which highlights the rapid population growth the Town has seen since the 1940s and 1950s.
 - iii. On the northern half of the inner circle, we see a visual representation of the City of New York, with modular figures embodying the skyscrapers (inclusive of the Empire State Building) visually present across the river from the Town of West New York.
 - iv. Above the northern half of the inner circle there are thirteen (13) five pointed stars, highlighting the thirteen American colonies which embodied and established safeguards for our shared American values and identity as one of freedom, progress, and prosperity.
 - v. There is an outer ring, which at the top contains the words “WEST NEW YORK, NEW JERSEY” and at the bottom “PROGRESS ‘1898’ PROSPERITY”
 - b. The Town Clerk, or in their absence, the Deputy Town Clerk, shall be the official custodian of the official municipal seal for the Town of West New York. The Town Clerk, Deputy Town Clerk or their designee is authorized to use the Town seal on any ordinance, resolution, proclamation, commendation, certificate or other instrument approved by the town council or executed by the Mayor or other town Officers or Officials; and to authenticate official documents in the conduct of official town business.
- C. The municipal logo is a graphic symbol used to identify town programs, initiatives, partnerships and sponsorships. The logo is described as “Town of West New York” spelled out in capital letters with “TOWN OF” in the color of a royal blue and “WEST NEW YORK” in the color of a medium orange. Derivatives of the same include branded hashtags that may be currently in use or will be in use in the future such as #WeAreWNY or #SomosWNY which also include the same color outlay as the logo.
- D. The Town flag means the official flag, or any prior official flag, of the Town of West New York, including any cut, facsimile, reproduction, incorporation, likeness, or derivation thereof, which is a rectangle having a height-to width ration of 3:5, that contains a blue border, and has two horizontal color stripes of equal width and height in white and navy blue, with the Town seal centered vertically and/or horizontally in the middle of the rectangle and overlapping the two horizontal stripes.
- E. Both the municipal seal and municipal logo may be used on municipal letterhead, but no other derivative may be used on municipal letterhead, except notation highlighting the individual department and/or department heads and supervisors thereof.
- F. Deceptive Misuse Prohibited. It is unlawful for any person to make or use the Town seal, the Town logo, or any cut, facsimile or reproduction thereof, or make or use any design, symbol, emblem, insignia or similar device that is an imitation of the Town seal or the Town logo, or any part thereof, for any private, commercial or non-commercial purpose including but not limited to the purpose of supporting or opposing the nomination or election to any Town or other public office, supporting or opposing any ballot measure or influencing the action of the electorate, in a manner that is designed, intended or likely to confuse, deceive or mislead the public into believing that such use has been made, sanctioned, sponsored or approved by the Town, where such use has not received the prior express consent of the Town Clerk or Deputy Town Clerk in the case of the municipal seal, or the Municipal Administrator or Deputy Municipal Administrator or designee in the case

of the municipal logo under the authority granted by the Mayor and Board of Commissioners.

G. Other approved uses.

- a. (1) The Mayor may approve other uses of the town branding by any person for the following purposes, provided that such use promotes the interests of the town and is not detrimental to the image of the town:
 - i. In an encyclopedia, dictionary, book, journal, pamphlet, periodical, magazine or newspaper incident to a description or history of the town seal;
 - ii. In a library, museum or educational facility incident to descriptions or exhibits relating to the town seal or the town; or,
 - iii. In a theatrical, motion picture, television, or similar production exhibited for a historical, educational or other non-commercial purpose.
- b. Before any person may use the town branding pursuant to this section, the using person must:
 - i. Agree that the proposed use of the town seal or town flag shall conform to the permitted uses set forth in the preceding subsection;
 - ii. Submit samples of all documents, goods, and other materials upon which the town seal is to be used sufficient to demonstrate that the proposed use of the town seal or town flag is a faithful reproduction and has not been altered in any manner;
 - iii. Acknowledge the right of the town, at all reasonable times, to inspect any item upon which the town seal is used to ensure that the town seal or town flag is being used appropriately in an unadulterated form; and,
 - iv. Execute an agreement approved by the Town Attorney containing such terms as he/she may require.
- c. Any approval for use of the town branding under this section shall not be assignable or transferable.
- d. Any approval to use the town branding under this section shall be limited to only the event or item for which the approval is granted.
- e. If a person who is authorized to use the town branding pursuant to this section breaches any provisions of any agreement for its use, the Town Attorney shall serve written notice of such breach upon the person with a demand to take appropriate and immediate affirmative action to cure such breach. Any failure to cure the breach to the town's satisfaction shall be grounds for the town's termination of permission to use the town branding and the Town Attorney shall pursue all steps reasonably necessary to restrain the improper use of the town branding.
- f. The town may revoke a person's previously authorized use of the town branding under this chapter upon finding false or inaccurate information was submitted by the person to the town or that the person violated any provision of this chapter.

H. Offense.

- a. Each violation of any provision of this chapter shall be guilty of a misdemeanor, punishable by a civil fine of not more than \$1,500.00 but no less than \$500.00.

SECTION II

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION III

Repealer. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency.

SECTION IV

Codification. The Town Clerk shall have this Ordinance incorporated in the official copies of the Code of the Town of West New York. The Town Clerk and the Town Attorney be and are hereby authorized and directed to correct any typographical error in this Ordinance and change any heading, chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those headings and numbers and existing provisions of the Code of the Town of West New York, or as they may otherwise deem appropriate, even if the headings, chapter numbers, article numbers and section numbers thus modified are otherwise provided for in this Ordinance.

SECTION V

This Ordinance shall take effect upon passage and publication as required by law.

SUMMARY OF ORDINANCE

This Ordinance establishes and codifies the municipal branding of the Town of West New York, inclusive of the town seal, town logo, and town flag for the Town and provides for allowable uses.

Introduced: March 3, 2021

Notice

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on March 3, 2021 and ordered published, and will be further considered before final passage at a public hearing on March 24, 2021 at 6:30 p.m. held remotely. Instructions regarding attendance and participation in the meeting will be posted on the Town's website: <http://www.westnewyorknj.org/> . A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

Carmela Riccio, RMC
Town Clerk

Exhibit A – Town Seal



Exhibit B – Town Logo

TOWN OF WEST NEW YORK

Exhibit C – Derivatives

#WEAREWNY #SOMOSWNY

Exhibit D – Town Flag

