

Ordinance No. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, BY ADOPTING A TRADEMARK USAGE FEE POLICY; PROVIDING A CUMULATIVE CLAUSE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT WITH THE AMENDED SECTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Pflugerville has adopted a Trademark Permit & License Agreement (“Trademark Agreement”) and Logo Use Guidelines requiring third parties who use the City’s trademarks to enter into and agree to the terms of use for that trademarks;

WHEREAS, the City of Pflugerville has adopted the Trademark Agreement to protect the City’s trademarks and its rights to license the use of its trademarks to third parties; and

WHEREAS, the City of Pflugerville is promoting its businesses and citizens to use the City’s trademarks for an annual fee per year in the amount of twenty-five (\$25.00) dollars per year and per Trademark Agreement; and

WHEREAS, the City of Pflugerville’s Trademark Agreement and twenty-five (\$25.00) dollar annual fee provide the City with the ability to protect its trademarks and oversee the use of its trademark property; and

WHEREAS, City Council has determined that requiring annual trademark use fee and requiring the Trademark Agreement be entered before any trademark is used outside the City is a reasonable method of protecting the City’s trademarks from infringement; and

WHEREAS, City Council finds that amendments to the City of Pflugerville’s Code of Ordinances is warranted for these purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 2. Trademark Agreement. The City of Pflugerville hereby approves the Trademark Permit & License Agreement to be required to be executed by any third parties prior to their use of the City’s trademarks.

Section 3. Rate. The City of Pflugerville, Texas Code of Ordinances _____ is hereby adopted as detailed herein to allow the City to charge a flat-rate fee of twenty-five (\$25.00) per year per Trademark Agreement.

Section 4. Repealer. This ordinance shall be cumulative of all provisions of the City of Pflugerville, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

Section 5. Severability. It is hereby declared to be the intention of the City Council of the City of Pflugerville that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

Section 6. Effective Date. This Ordinance will become effective on its adoption and passage by the City Council.

PASSED AND APPROVED this _____ day of _____, 20__.

CITY OF PFLUGERVILLE, TEXAS

by: _____
VICTOR GONZALES, Mayor

ATTEST:

KAREN THOMPSON, City Secretary

APPROVED AS TO FORM:

CHARLES ZECH, City Attorney
DENTON, NAVARRO, ROCHA, BERNAL, & ZECH P.C.