

ORDINANCE NO. 11

AN ORDINANCE OF THE MAYOR AND BOARD OF TRUSTEES OF THE TOWN OF HOCHATOWN, OKLAHOMA, AMENDING THE CODE OF ORDINANCES TITLE 1 “ADMINISTRATION”, ADDING CHAPTER 11 “TOWN SEAL” TO PROVIDE FOR ADOPTION OF THE TOWN SEAL AND USE OF THE TOWN SEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOCHATOWN, MCCURTAIN COUNTY, STATE OF OKLAHOMA:

SECTION 1. That Title 1 of the Code of Ordinances of the Town of Hochatown, Oklahoma is hereby amended to add Chapter 11 and shall hereinafter read as follows:

Chapter 11: Town Seal

Section 1-11-1: Town Seal

A. *Adoption.* The seal described in this section is hereby adopted as the common seal of the Town.

B. *Description.* The common seal of the Town shall be so constructed as to make the following impression:

The logo consists of a shield in the shape of an ellipse with the long axis thereof lying horizontally. A green line with filagree at each of the left end and right end creates an outer perimeter, with a similar brown line with drawn inside the outer, green perimeter line. The word HOCHATOWN is written in large letter across the long axis of the ellipse. The font “Colonna MT” is used for the lettering and the font “Komu A” is used for the dates. Across the top of the ellipse within the inner perimeter is written INDIAN TERRITORY. Beneath that is written SETTLED 1832. Below the long axis is written FOUNDED 2022. Along the bottom of the inner perimeter is written OKLAHOMA. Curved lines and straight line set HOCHATOWN off from other words in the shield, with vertical lines between the straight lines and curved lines.

C. *Custodian.* The Town Administrator shall have charge of the seal of the Town and shall be held responsible for its care and proper use.

Section 1-11-2: Use of the Town Seal

A. Except as otherwise expressly provided by state or federal law, or when done in the course of official Town business, it shall be unlawful for any person or entity to use the Town seal, or any emblem or logo approved for Town use by The Board of Trustees, or which is otherwise created by or for the Town in connection with or to identify any official Town program or activity, by affixing or otherwise depicting the Town seal, or any such official emblem, or logo, or replica thereof, on any document, thing, item, or material, or in or upon any internet website, without first having obtained written permission from the Town to do

so as provided in this section. Each day of any unauthorized use of the Town seal, or official emblem or logo, shall constitute a separate offense.

B. The Town Administrator shall authorize in writing the limited use of the Town seal, or any official Town emblem or logo, for a specific purpose by any person or entity (applicant) when all of the following criteria are met:

1. The use of the Town seal, emblem, or logo, or any copy, facsimile or reproduction thereof, is for a Town, local civic, local cultural, local charitable or other local non-profit, non-political purpose.

2. The applicant agrees not to use the Town seal, emblem, or logo for commercial or other purposes not otherwise allowed by this section.

3. The applicant submits a complete application and pays a fee set by resolution of the Board of Trustees for processing the application and administering this code section.

4. A sample or image thereof satisfactory to the Town Administrator of any document, item, material, or website page upon which the Town seal, emblem or logo is to be used is submitted, and objective evidence of good quality and workmanship, or high production standards, as applicable, is presented establishing that use of the Town seal, emblem, or logo, as requested, will not:

- a. Discredit or impair the integrity of the seal, emblem, or logo;
- b. Cause discredit or ridicule to the Town in any manner;
- c. Put the Town in a false light; or
- d. Falsely imply that the applicant is an employee, officer, or agent of the Town; or be used for any political purpose.

C. The Town shall retain the right, at all reasonable times, to inspect any document, item, material, or website upon which the Town seal, emblem, or logo is used in order to verify that the Town seal, emblem, or logo is being used truly and correctly as represented by the applicant and in an unaltered form.

D. Permission to use the Town seal, emblem, or logo shall not be assignable.

E. The use of the Town seal, emblem, or logo may be subject to any reasonable conditions imposed by the Town Administrator to carry out the purposes of this section.

F. If, after receiving written permission, use of the Town seal, emblem or logo by the applicant fails to satisfy any of the criteria set forth above, the Town Administrator shall serve written notice of such violation upon the applicant with a request to cure or take appropriate affirmative action to cure the violation within thirty (30) days of the date of the notice. In the event the applicant fails to cure the violation to the satisfaction of the Town Administrator, the Town Administrator shall serve written notice personally, or by certified mail, to the applicant at the address on the application, that permission to use the Town seal, emblem, or logo is terminated, and any further use shall be a violation of this section and a nuisance.

G. A violation of this section is punishable as a misdemeanor and the same may be enjoined through use of any and all available legal remedies.

SECTION 2. That the remaining portions of Title 1 of the Code of Ordinances of the Town of Hochatown, Oklahoma shall be unchanged by this Ordinance.

SECTION 3. The provisions of this ordinance are severable and if any section, subsection, subdivision, paragraph, sentence, clause or phrase or any part thereof is for any reason determined to be unconstitutional or adjudged invalid or ineffective by any Court of competent jurisdiction, such determination or adjudication shall not affect or impair the validity or effectiveness of the remaining parts, provisions or portions hereof.

SECTION 4. Repealer. All ordinances or parts thereof which are inconsistent with this ordinance are repealed upon effective date of this ordinance.

SECTION 5. It being immediately necessary for the preservation of the public health, peace, and safety of the citizens of the Town of Hochatown, Oklahoma, that an emergency be declared to exist, this ordinance shall be in full force and effect immediately from and after its passage, approval, and publication.

SECTION 6. Pursuant to 11 O.S. §14-108, the Town Clerk is authorized to include this ordinance in the official Code of Ordinances for the Town of Hochatown, it being the intent to authorize recodification with the inclusion of this ordinance upon approval.

PASSED AND APPROVED by the Town Trustees of the Town of Hochatown, Oklahoma this the _____ day of _____, 2024.


Dian Jordan, Mayor

ATTEST:

Helen Harden, Town Clerk