

MEMORANDUM OF LAW

DATE: May 17, 1991
TO: Mayor Maureen O'Connor
FROM: City Attorney
SUBJECT: Use of City Seal and Name

Your memorandum of May 9, 1991, to City Attorney John W. Witt has been referred to me for response. In lieu of reciting the background facts you give, I attach a copy of your memorandum to this response.

You essentially ask whether the City's seal, name, and likenesses of City buildings may be used for the commercial purposes of developing a game board.

The City's law governing use of the City seal is set forth in San Diego Municipal Code (SDMC) section 21.01(b), which reads as follows: "No person shall use or allow to be used any reproduction or facsimile of the Seal of The City of San Diego for any commercial purpose unless previously authorized by the Council."

This section prohibits only "commercial use" of the City's seal, absent previous authorization of the City Council. By implication, use of the City's seal for non-official purposes is permitted. This view is supported by the legislative history of SDMC section 21.01, whose current language was adopted in 1968, by Ordinance No. O-9819 N.S. (adopted on June 11, 1968.) The City Clerk's official file concerning Ordinance No. O-9819 shows that the then City Council specifically considered and rejected limiting the use of the City's seal for official City purposes only.

I found no law or policy prohibiting or limiting the commercial use of the City's name or likenesses of its buildings.

In conclusion, private parties may use the City's seal for commercial purposes if the City Council approves the use in advance. There are no legal limits on private use of the City's name or likenesses of City buildings for commercial purposes.

JOHN W. WITT, City

Attorney

By
Cristie C. McGuire
Deputy City Attorney

CCM:jrl:011(x043.2)
Attachment

ML-91-37