

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REVISING THE SCHEDULE OF FEES AND OTHER CHARGES COLLECTED BY THE MESQUITE PUBLIC LIBRARY SYSTEM; THEREBY REMOVING CIVIL FINES, ESTABLISHING OFFENSES FOR THE UNAUTHORIZED REMOVAL OF LIBRARY MATERIALS, FOR THE FAILURE TO RETURN LIBRARY MATERIALS AND FOR DAMAGE TO LIBRARY MATERIALS; PROVIDING A REPEALER CLAUSE AND SPECIFICALLY REPEALING ORDINANCE NO. 4352; PROVIDING A PENALTY CLAUSE NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF.

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

SECTION 1. That the following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Library Material” means books, pamphlets, periodicals, papers, reference materials, compact discs, book kits, audio/visual materials, audiocassettes, CD-ROMs, Playaways, DVDs, videocassettes, equipment and all other property of every kind and nature now or hereafter belonging to, on loan to, leased by or otherwise in the care, custody or control of the Mesquite Public Library System.

“Lost Material” means any Library Material that is past due for 10 weeks after the initial check out date.

“Mesquite Public Library System” means the public library of the City of Mesquite, Texas.

“Replacement Cost” means the original purchase price of the item being replaced. The list price of a substantially equivalent item shall be used if the original purchase price is no longer available.

SECTION 2. That the current schedule of fees and other charges collected by the Mesquite Public Library System is as follows:

SCHEDULE OF FEES AND OTHER CHARGES
COLLECTED BY THE MESQUITE PUBLIC LIBRARY SYSTEM

(a) Charges for Damages

Plastic Book Cover Replacement	\$ 2.00
Barcode Replacement	\$ 1.00
DVD Case Replacement	\$ 3.00

Playaway Case Replacement	\$ 5.00
Jewel Case Replacement	\$ 2.00
Multi-Disc CD Case Replacement	\$ 5.00 for 5-CD Case \$ 7.00 for 10-CD Case \$ 10.00 for 20-CD Case \$ 15.00 for 30-CD Case
Book or Audiovisual Materials Damage	If item is usable, no charge If item is not usable, the Replacement Cost of the item plus \$5.00 Materials Processing Fee referred to in Section 2(e) below
(b) <u>Lost Materials</u>	
Books (except Paperbacks under \$10.00 and Board Books)	Replacement Cost of the book plus \$5.00 Materials Processing Fee referred to in Section 2(e) below
Paperbacks (under \$10.00)	Replacement Cost of item
Board Books	Replacement Cost of item
Audiovisual Materials	Replacement Cost of item plus \$5.00 Materials Processing Fee referred to in Section 2(e) below
(c) <u>Copy Charges</u>	
Photocopies – Black and White	\$ 0.15 per page
Photocopies - Color	\$ 0.50 per page
Computer Printouts – Black and White	\$ 0.15 per page
Computer Printouts - Color	\$ 0.50 per page
Microfilm Reader Printer	\$ 0.25 per page
(d) <u>Rental Fees</u>	
Meeting Rooms	\$ 15.00 for less than four hours
(only available during Library hours)	\$ 30.00 for four or more hours
(e) <u>Miscellaneous Charges</u>	
InterLibrary Loan Materials	\$ 2.50 per item (for return postage)
Materials Processing Fee (to defray the administrative costs of replacing an item)	\$ 5.00 per item
Lost Library Card Replacement	\$ 1.00
Ear Buds	\$ 2.00

Audio Cable	\$ 10.00
Flash Drive	\$ 10.00

- (f) The fees and charges set forth in Section 2 of this ordinance are fees and charges and are in addition to any criminal fines and penalties which may be assessed for violating this ordinance.

SECTION 3. That it shall be unlawful for any person to intentionally, knowingly or recklessly take, borrow or remove any Library Material from any branch or facility of the Mesquite Public Library System unless such Library Material is taken, borrowed or removed in accordance with the rules of the Mesquite Public Library System. Each Library Material taken, borrowed or removed in violation of this Section 3 shall constitute a separate offense.

SECTION 4. That it shall be unlawful for any person who has borrowed any Library Material in accordance with the rules of the Mesquite Public Library System [or who, as a parent or guardian of a child or ward under the age of 17 years, has agreed to be responsible for Library Material borrowed by the child or ward] to intentionally, knowingly or recklessly neglect, fail or refuse to return such Library Material to the Mesquite Public Library System within 30 days after written notice that the return due date for such Library Material is past due. The written notice provided for in this Section 4 shall be given by certified mail, return receipt requested and/or by regular mail to the address shown on the person's library card application or the person's last known address if such address is different from the address shown on such application. A notice sent as provided in this Section 4 shall be prima facie evidence that the person received such notice on the third day after the deposit of such notice in the United States mail. For purposes of such notification, it shall be the responsibility of each person borrowing Library Material from the Mesquite Public Library System to notify the Mesquite Public Library System of any change of address and a person shall be presumed to have received such notice if the Mesquite Public Library System has not been advised of a change of address. In any prosecution charging a violation of this Section 4, proof that any Library Material was borrowed on the library card of a person shall constitute a prima facie presumption that such person was the person who borrowed the Library Material. Each Library Material not returned in accordance with the provisions of this Section 4 shall constitute a separate offense.

SECTION 5. That it shall be unlawful for any person to intentionally, knowingly or recklessly: (i) cut, mutilate, mark, tear, write upon, deface or otherwise destroy or injure in whole or in part, any Library Material; (ii) permit any Library Material in such person's care, custody or control to be cut, mutilated, marked on, torn, written upon, defaced or otherwise destroyed or injured in whole or in part; and/or (iii) injure any furniture, building or other property of the Mesquite Public Library System or any part thereof or any fixture therein or appurtenant thereto. Each such destruction or injury shall constitute a separate offense.

SECTION 6. That any person who has failed to pay for or return Lost Materials, or otherwise has outstanding fees or charges due to the Mesquite Public Library System may be disallowed from borrowing other Library Material until all fees and charges have been paid or Lost Material(s) have been returned.

SECTION 7. That any person committing any unlawful act as set forth in this ordinance shall upon conviction thereof be subject to a fine up to, but not to exceed, Five Hundred (\$500.00) Dollars for each offense provided; however, no penalty imposed by this Section 7 shall

be greater than the penalty provided for the same or a similar offense under the laws of the State of Texas. The violation of any provision of this ordinance shall be a Class C misdemeanor. Any fines or penalties imposed pursuant to this Section 7 shall be in addition to the fees and charges set forth in Section 2 of this ordinance.

SECTION 8. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, and specifically Ordinance No. 4352, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 9. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 10. That this ordinance shall take effect on and after October 1, 2017.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 18th day of September, 2017.

Stan Pickett
Mayor

ATTEST:

APPROVED:

Sonja Land
City Secretary



B. J. Smith
City Attorney