

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 95, "LIBRARY," OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS; PROVIDING AN EFFECTIVE DATE

WHEREAS, a review of the Code of Ordinances guiding governance of the Mansfield Public Library must be reviewed periodically and updated to reflect current conditions in the community; and

WHEREAS, the need to update the Code of Ordinances is due to the use of technology, the automated resource sharing program between Mansfield and Arlington, and the current state of operations of the Mansfield Public Library; and

WHEREAS, the ordinance was last reviewed and updated in 2011; and

WHEREAS, the changes to the Code of Ordinances will reflect the current state of Library operations and procedures and update the schedule of fees;

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

SECTION 1.

The Code of Ordinances, Chapter 95, of the City of Mansfield, Texas, be, and the same is hereby, amended as follows.

§ 95.01 CREATED.

Pursuant to the City Charter, § 6.08, there is hereby created a board known as the Mansfield Public Library Advisory Board.

§ 95.02 PURPOSE.

The purpose of the Library Advisory Board is to advise City Administration and the City Council on matters related to the development and maintenance of public library service in Mansfield, and the operation of the Mansfield Public Library.

§ 95.03 COMPOSITION; APPOINTMENT; TERM; FILLING OF VACANCIES.

- (A) The Library Advisory Board will be made up of **nine (9) residents** of the city of Mansfield appointed by the City Council.
- (B) Members of the Library Advisory Board will serve two (2) year terms, with appointments staggered so they do not expire at once.
- (C) Library Advisory Board may be removed at any time by the City Council, whether or not their terms have expired.
- (D) Vacancies on the Library Advisory Board will be filled by the City Council for the duration of the unexpired term, whether made vacant by removal, resignation or for any other reason.

§ 95.04 POWERS AND DUTIES.

The Library Advisory Board will:

- (A) Act as the liaison between the public and the library.
- (B) Advocate for the continuing development of public library service in Mansfield.
- (C) Recommend policies and programming regarding public library service to City Administration and the City Council.
- (D) Review the annual library budget prior to its submission to the City Council.
- (E) Assist in planning public library services and facilities.

USE OF LIBRARY MATERIALS; REGULATIONS; ENFORCEMENT

§ 95.15 FEES AND CHARGES.

Fees and charges as set forth in this section may be charged to a person who borrows library materials or uses library services. The types and amounts of fees and charges will be determined by the City Council.

- (A) *Overdue materials.* Late fees may be charged on library books, magazines, audio/visual media and other materials that are retained beyond their due dates, not to exceed the suggested retail prices of the materials in question. Such fees are as follows:
 - \$.25 a day each for late books, magazines, newspapers, and audiobooks
 - \$.50 a day each for late interlibrary loan items
 - \$1.00 a day each for late DVDs, videotapes, and music CDs, and portable WiFi hotspots.
- (B) *Lost or destroyed materials.* Charges for lost or destroyed materials will be their full suggested retail price, provided that the materials are commercially available, or the full suggested retail price of suitable substitutes.
- (C) *Damaged materials.* Damaged materials will be repaired and remain in use if practicable. If materials are judged to be damaged beyond repair and further use, they will be considered destroyed and the patron may be charged for them. Patrons must surrender such materials to the library, but may have them returned to them upon paying for them.
- (D) Other fees and charges are as follows:
 - \$.10 a page for black and white printing from a computer
 - \$.25 a page for color printing from a computer
 - \$.10 a page for B&W photocopies
 - \$.20 a page for B&W photocopies two sides
 - \$.25 a page for color photocopies
 - \$.50 a page for color photocopies two sides
 - \$1.00 per page to send a fax**
 - \$2.00 each to replace a library card
 - \$3.00 each to replace a video case, DVD case, or music CD case
 - \$6.00 each to replace an audio book case
 - \$3.00 each for interlibrary loan items not picked up
 - \$40.00 per year annual user fee for nonresident library card holders
 - \$40.00 refundable deposit for use of the library Community Room
- (E) Fees and charges may be adjusted by the City Librarian for cause, on an individual basis, as necessary.

§ 95.16 INTENTIONAL DAMAGE TO MATERIALS.

It will be unlawful to intentionally injure, deface, damage or destroy, whether by neglect or intent, any materials owned by, or subject to the control of the Mansfield Public Library. Anyone doing so will be held responsible for the cost of replacement or repair of said materials. Library card privileges may be suspended until payment is made.

§ 95.17 UNLAWFUL RETENTION OF MATERIALS.

It will be unlawful for any person who borrows library materials to fail to return any materials owned by, or subject to the control of the Mansfield Public Library, within 15 days after the library has given notice to return them, provided notice is given after expiration of the time for which the materials were lent under the rules of the library. Failure to return library materials will result in suspension of library card privileges.

§ 95.18 FAILURE TO PAY FEES AND CHARGES.

If fees and charges owed to the library have not been paid, or arrangements made with the City Librarian 15 days after the patron has been notified, the patron's library card privileges will be suspended. Such notice shall advise the patron that owing such fees and charges is unlawful and that his or her library card privileges have been suspended until payment or arrangements have been made.

§ 95.19 NOTICE.

All notices required to be sent under this chapter, whether by telephone, text or electronic mail, will be given to the patron at the telephone number or email address reflected in the most recent record held by the library. The notice will be deemed given to the patron when delivered by telephone or sent electronically via text message or email.

SECTION 2.

That all Ordinances of the City in conflict with the provisions of this Ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provision of this Ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part of provision thereof, other than the part so declared to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Mansfield Code of Ordinances as a whole.

SECTION 4.

This Ordinance shall take effect after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

FIRST READING APPROVED ON THIS _____ DAY OF _____, 2016.

SECOND READING APPROVED ON THIS _____ DAY OF _____, 2016.

**DULY PASSED ON THE THIRD AND FINAL READING BY THE CITY COUNCIL OF
THE CITY OF MANSFIELD, TEXAS THIS _____ DAY OF _____, 2016.**

David L. Cook, Mayor

ATTEST:

Jeanne Heard, City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney