



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		6/10/13		
Department:		Libraries		
Department Head		Cathy Ziegler		
Agenda Coordinator (include phone #): Jeanne Argomaniz x4327				
CAPTION				
<p>An Ordinance of the City of Plano, Texas, amending certain sections of Ordinance No. 2003-8-8 codified as Section 10-3 of Article I, Chapter 10, Library, of the Code of Ordinances of the City of Plano to revise the fee schedule for unreturned and overdue materials, and to establish charges for interlibrary loan materials and non-resident library cards; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.</p>				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2012-13	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): GENERAL FUND				
<p>COMMENTS: Any additional revenues received as a result of this fee schedule revision are undeterminable at this time.</p> <p>STRATEGIC PLAN GOAL: Amending certain sections of Ordinance No. 2003-8-8 codified as Section 10-3 of Article I, Chapter 10, Library, of the Code of Ordinances of the City of Plano relate to the City's Goal of a Financially Strong City with Service Excellence.</p>				
SUMMARY OF ITEM				
<p>Amending certain sections of Ordinance No. 2003-8-8 and the standards to borrow and return library materials, adopting a more simplified fee schedule for unreturned and overdue library materials and include additional provisions to allow charges for interlibrary loan materials and non-resident library card fees.</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Cathy Ziegler- Memo 5/30/13 Ordinance 2003-8-8				

Memorandum

Date: May 30, 2013

To: Lashon Ross, Deputy City Manager

From: Cathy Ziegler, Director of Libraries

Subject: City Council Approval to amend City Ordinance No. 2003-8-8

The purpose of the ordinance amendment is to codify the current practice of library fine and fee collection. There is no change in overdue fines, as the current fine amounts are adequate to induce prompt return of library materials by the end of the loan period. The list of materials that are subject to fines is simplified. Some of the itemized materials in the 2003-8-8 ordinance are no longer offered through the Plano Public Library System.

The amendment includes the \$50 annual non-resident card fee and the ability to collect postage fees for materials borrowed from other library systems.

ORDINANCE NO. 2003-8-8

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING SECTIONS OF ORDINANCE NO. 89-6-18 CODIFIED AS SECTION 10-3 (B), (C), (D) AND (E) AND ORDINANCE NO. 92-6-20 CODIFIED AS SECTION 10-21 OF CHAPTER 10 (LIBRARY) OF THE CITY OF PLANO CODE OF ORDINANCES; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PUBLICATION CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, on June 26, 1989 by Ordinance No. 89-6-18 and June 22, 1992, by Ordinance No. 92-6-20 codified as Chapter 10 (Library) of the City of Plano Code of Ordinances, the City Council of the City of Plano adopted regulations for the Library; and

WHEREAS, it is necessary and in the best interest of the public to update the existing ordinance by removing and adding certain library materials to the late fees' schedule to reflect the Libraries' current practices; by adopting the collection process for recovery of late fees and costs for lost materials; by amending the penalty provision to be in conformance with state law; and by removing the specified month for expiration of terms for board members; and

WHEREAS, the City Council hereby finds that it is necessary and in the best interest of the City and its citizens to amend certain sections of Ordinances 89-6-18 and 92-6-20, codified as Section 10-3 (b), (c), (d) and (e) and Section 10-21 respectively of Chapter 10 of the City of Plano Code of Ordinances.

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

Section I. Specific provisions of Ordinance No. 89-6-18 and Ordinance 92-6-20 duly passed and approved by the City Council of the City of Plano, Texas, on June 22, 1989 and June 22, 1992 respectively, and codified as Chapter 10 (Library) of the Code of Ordinances of the City of Plano have been heretofore amended.

Section II. Section 10-3 of Article I (General), Chapter 10 of the Code of Ordinances of the City of Plano, Texas, is hereby amended to read as follows:

"Sec. 10-3. Identification of borrowers; overdue materials.

(a) Any person making application to borrow materials from the library will be required to present whatever documents are deemed necessary by the librarian for adequate identification of the applicant.

(b) Any person who has outstanding fees for overdue materials may be disallowed from further borrowing until the fees have been paid.

(c) The fees for failure to return library materials, which have been borrowed from the Plano Public Library System, within the time allowed, shall be as follows:

(1) Book, per day	\$0.25
(2) Magazine, per day	0.25
(3) Interlibrary loan/resource sharing, per day	0.25
(4) CD and audio cassette, per day	0.25
(5) DVD and video cassette, per day	1.00
(6) Puppet, per day	0.25
(7) Theme box, per day	1.00
(8) CPR kit, per day	1.00

(d) It shall be unlawful for any person who has borrowed library materials to fail or refuse to return the same to the public library system within thirty (30) days after written notice has been mailed. Any person violating this provision shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished as provided in section 1-4(b) of the City of Plano Code of Ordinances for each offense. Each overdue library material shall constitute a separate offense for each day it is not returned to the library.

The City shall be entitled to pursue collection of fees and/or costs for overdue or lost materials through its employees and agents."

Section III. Section 10-21 of Chapter 10 (Library) of the Code of Ordinances of the City of Plano, Texas, is hereby amended to read as follows:

"Section 10-21. Term of office of members.

The term of office for the members of the library advisory board shall be two (2) years and shall expire on a staggered basis each year. Members currently serving on the board shall continue serving until their present terms expire. The city council will fill any and all vacancies on the board; and the city council, will appoint the chairperson for a one-year period."

Section IV. All provisions of the Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section V. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

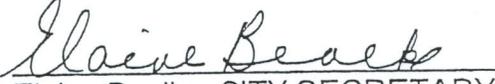
Section VI. The correction of any ordinance or part of any ordinance effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this Ordinance.

Section VII. This Ordinance shall become effective from and after its passage and publication as required by law.

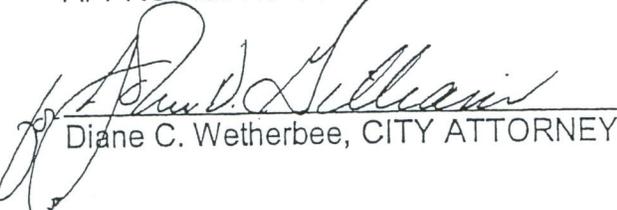
DULY PASSED AND APPROVED this the 11th day of August, 2003.


for Pat Evans, MAYOR

ATTEST:


Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:


Diane C. Wetherbee, CITY ATTORNEY

An Ordinance of the City of Plano, Texas, amending certain sections of Ordinance No. 2003-8-8 codified as Section 10-3 of Article I, Chapter 10, Library, of the Code of Ordinances of the City of Plano to revise the fee schedule for unreturned and overdue materials, and to establish charges for interlibrary loan materials and non-resident library cards; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.

WHEREAS, on August 11, 2003, the City Council of the City of Plano enacted Ordinance No. 2003-8-8 establishing the standards for borrowing and returning library materials and amending the fee schedule for unreturned and overdue library materials; and

WHEREAS, staff recommends adopting a more simplified fee schedule and adding provisions to allow charges for interlibrary loan materials and non-resident library cards; and

WHEREAS, the City Council, after all things considered, deems it is in the best interest of the citizens of the City of Plano that the fee schedule be amended and charges for interlibrary loan materials and non-resident library cards be assessed.

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

Section I. Section 10-3, Identification of borrowers; overdue materials, of Article I, Chapter 10, of the Code of Ordinances of the City of Plano, is hereby amended to read in its entirety as follows:

“Sec. 10-3. Identification of borrowers; overdue materials.

- (a) Any person making application to borrow materials from the library will be required to present whatever documents are deemed necessary by the librarian for adequate identification of the applicant.
- (b) Any person who has outstanding fees for overdue materials may be disallowed from further borrowing until the fees have been paid.
- (c) The fees for failing to return library materials to the Plano Public Library System by the due date shall be as follows:

(1) DVDs and kits, per day	\$1.00
(2) Items for in-house check-out, per hour	\$1.00
(3) All other materials, per day	\$0.25
- (d) Fines will be assessed daily against the patron who returns incomplete set materials until the complete set is returned. If the complete set is not returned within thirty (30) days, the patron will be charged the cost of the entire replacement set.
- (e) Materials may be available by interlibrary loan from libraries outside the Plano Public Library System. The patron requesting the materials shall be responsible for applicable postage/courier charges.
- (f) An annual fee of \$50.00 shall be assessed for each non-resident library card.

- (g) It shall be unlawful for any person who has borrowed library materials to fail or refuse to return the same to the public library system within thirty (30) days after written notice has been mailed. Any person violating this provision shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished as provided in section 1-4(b) of the City of Plano Code of Ordinances for each offense. Each overdue library materials shall constitute a separate offense for each day it is not returned to the library.

The City shall be entitled to pursue collection of fees and/or costs for overdue or lost materials through its employees and agents.”

Section II. All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section III. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

Section IV. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

Section V. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(b) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. This Ordinance shall become effective immediately upon its passage and publication as required by law.

DULY PASSED AND APPROVED this the 10th day of June, 2013.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY