

ORDINANCE NO. CO05.18.12.13.E1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING THE CITY OF CEDAR PARK CODE OF ORDINANCES, CHAPTER 1 GENERAL ADMINISTRATION, ARTICLE 1.09 LIBRARY REGULATIONS; AND APPENDIX A FEE SCHEDULE, ARTICLE 5.000 LIBRARY FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, pursuant to Texas Local Government Code Chapter 51, the City Council may adopt publish, amend, or repeal an ordinance, rule or police regulation that is for the good government, peace, and order of the municipality or for the trade and commerce of the municipality; and

WHEREAS, the City Council finds that certain changes to the policies and fees for Cedar Park Public Library patrons would enhance services to patrons and protect the interests of the municipality.

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

SECTION 1. That the Cedar Park Code of Ordinances, Chapter 1 General Administration, Article 1.09 Library Regulations; and Appendix A Fee Schedule, Article 5.000 Library Fees, is hereby amended as provided in attached Exhibit A.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

SECTION 5. This ordinance shall be and remain in full force and effect from and after the date of approval.

READ AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 6th day of December, 2018, at which a quorum was

present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 13<sup>th</sup> day of December, 2018, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

\_\_\_\_\_  
Corbin Van Arsdale, Mayor

\_\_\_\_\_  
LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

\_\_\_\_\_  
J.P. LeCompte, City Attorney

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## CHAPTER 1 GENERAL ADMINISTRATION

### ARTICLE 1.09 LIBRARY REGULATIONS

#### ARTICLE 1.09 LIBRARY REGULATIONS

##### **Sec. 1.09.001 Definition**

*Library materials.* All property of the City of Cedar Park Library available for use by: residents within the City, residents who live in extraterritorial jurisdictions that have an interlocal agreement with the City, and nonresidents who have obtained a City of Cedar Park library membership. This term includes: books, articles, media, digital content, equipment, and other materials.

#### ARTICLE 1.09 LIBRARY REGULATIONS

##### **Sec. 1.09.002 Removal of library materials**

No person shall remove or borrow any library materials from the premises of the Cedar Park Public Library or from digital content systems unless and until such removal of library materials has been consented to, recorded and charged out in the library system of the Cedar Park Public Library.

(1) Residents within the City limits of Cedar Park, residents who live in extraterritorial jurisdictions that have an interlocal agreement with the City, or nonresidents who own real property within the City limits may borrow library materials from the City Library at no charge. Proper identification and proof of current address or property ownership must be provided at the time of registration.

(2) Nonresidents who do not own real property within the City limits wishing to borrow library materials shall purchase a nonresident library membership for a period of either: one year, six months, or three months. The charge for such memberships shall be as provided for in the fee schedule found in the [Appendix A](#) of this Code.

(3) TexShare cardholders may borrow [physical](#) library materials from the City Library at no charge. [TexShare cardholders are not eligible to borrow digital library materials from the City Library at no charge.](#) TexShare cardholders are participants in the TexShare Card System, established under the [Texas Government Code, Chapter 441, Libraries and Archives, Subchapter M](#), TexShare Library Consortium, as amended.

## ARTICLE 1.09 LIBRARY REGULATIONS

### Sec. 1.09.003 Return of library materials

It shall be unlawful for any person to retain or fail to return any library materials beyond the date designated by the library employee or designee at the time such material is removed by consent of the Hlibrary, or beyond any extensions of time granted by the Hlibrary.

## ARTICLE 1.09 LIBRARY REGULATIONS

### Sec. 1.09.004 ~~Fines and late charges~~ Fees for failure to return library materials

Any person failing to return any library materials on or before the date designated as provided in [section 1.09.003](#) shall be liable for [replacement fees](#) ~~finer or late charges for each day of such retention~~ as provided by [Appendix A](#) of this Code. If the offending person or borrower of the library materials is under eighteen (18) years of age, then the parent or guardian who signed for the membership for such person shall be liable for [replacement fees](#) ~~finer or late charges for each day of such retention~~ as provided in [Appendix A](#) of this Code, to be assessed against such parent or guardian.

## ARTICLE 1.09 LIBRARY REGULATIONS

### Sec. 1.09.005 Use of false identification or false names

It shall be unlawful for any person to register or furnish a false name or address to obtain a library membership or to forge or furnish false identification for the purpose of borrowing or removing library materials from the Cedar Park Public Library. Any violation of this section may be charged as a class C misdemeanor and fined in accordance with [section 1.01.009](#) of this Code.

## ARTICLE 1.09 LIBRARY REGULATIONS

### Sec. 1.09.006 Defacing, damaging or destroying, etc., library materials

It shall be unlawful for any person to damage ~~any eReader, laptop, or tablet,~~ or destroy any library materials. Any person in violation of this section shall be subject to fees in accordance with [Appendix A](#) of this Code.

## ARTICLE 1.09 LIBRARY REGULATIONS

### **Sec. 1.09.007 Public library's community room and conference room rules and regulations**

(a) The Cedar Park Public Library's community room and conference room are facilities of the City.

(b) The rooms are available for public meetings and programs on a first-come, first-served basis and may be reserved up to six months in advance. However, all reservations are subject to the City's priority status for City uses. The City may, without notice, preempt any reservation of the rooms.

(c) User shall pay all applicable fees to use a community room or conference room required pursuant to [Appendix A](#) of this Code upon reservation. No refunds will be made for any reservation cancelled by the user within two weeks of scheduled use.

(d) No part of the library building is to be reserved for the exclusive use of anyone, nor shall entry or reservation be denied on the grounds of race, color, national origin, creed, religion, political belief, sex, sexual orientation, age or disability.

(e) The user shall perform all cleaning in accordance with the room rental agreement, on file with library staff, at the conclusion of use and shall be responsible for the cost of any damage to the rooms or facility. The City may retain any portion of the cleaning/damage deposit, required pursuant to [Appendix A](#), necessary to cover actual cost of repairs, up to the full amount of the deposit. Any damages to the rooms or facility beyond the amount of the cleaning/damage deposit will be the responsibility of the user, and the user shall reimburse the City for the actual cost of all repairs.

(f) Any user of the library community room or conference room shall sign an agreement to indemnify and hold harmless the City, its officers, employees, agents and representatives against all claims of liability and causes of action resulting from injury or damage to persons or property arising out of use.

(g) Failure to comply with the above rules will result in forfeiting the right to use the community room, or conference room, and all fees paid.

## ARTICLE 1.09 LIBRARY REGULATIONS

### **Sec. 1.09.008 Miscellaneous fees**

Fees for interlibrary loans between the Hlibrary and other libraries and for use of miscellaneous library materials by patrons may be assessed by library staff in accordance with [Appendix A](#).

(Ordinance CO53-16-09-22-E1 adopted 9/22/16)

**APPENDIX A FEE SCHEDULE**

**ARTICLE 5.000 LIBRARY FEES**

**ARTICLE 5.000 LIBRARY FEES**

**Sec. 5.100 Room rental fees**

(a) Rental rates.

<b>Facility</b>	<b>Group Type</b>	<b>Resident</b>	<b>Nonresident</b>	<b>Refundable Cleaning/Damage Deposit</b>	<b>Kitchen</b>
Community room	General use	\$100.00 per first 2 hours, \$50.00 per additional hour	\$150.00 per first 2 hours, \$75.00 per additional hour	\$150.00	\$20.00
Community room	Nonprofit	\$50.00 per first 2 hours, \$25.00 per additional hour	\$75.00 per first 2 hours, \$37.50 per additional hour	\$150.00	\$20.00
Community room	Youth oriented and senior groups	\$10.00 per first 2 hours, \$5.00 per additional hour	\$15.00 per first 2 hours, \$7.50 per additional hour	\$150.00	\$20.00
Conference room	General use	\$40.00 per 4 hours	\$60.00 per 4 hours	\$150.00	N/A
Conference room	Nonprofit	\$20.00 per 4 hours	\$30.00 per 4 hours	\$150.00	N/A
Conference room	Youth oriented and senior groups	\$10.00 per 4 hours	\$15.00 per 4 hours	\$150.00	N/A

(b) Group types.

(1) General use. All uses not included in subsections (2) and (3) below, including, but not limited to: private lesson groups, private educational institutions, or any individual, organization or business which stands to receive personal or corporate gain from use of the facility.

(2) Nonprofit. Organizations meeting the definition of “nonprofit corporation” in accordance with the [Texas Business Organizations Code section 22.001](#)(5), as amended.

- (3) Youth oriented and senior groups. Organizations serving a member constituency of children, adolescents or seniors including Boy Scouts, Girl Scouts, 4-H, AARP, Family Eldercare, etc.

ARTICLE 5.000 LIBRARY FEES

**Sec. 5.200 Removal and use of library materials**

(a) Annual membership. Nonresidents wishing to borrow library materials ~~shall~~may purchase a nonresident library membership which will expire one year after its issuance. The charge for such membership shall be \$35.00 annually.

(b) Six-month membership. Nonresidents wishing to borrow library materials may purchase a nonresident library membership which will expire six months after its issuance. The charge for such memberships shall be \$20.00.

(c) Three-month membership. Nonresidents wishing to borrow library materials may purchase a nonresident library membership which will expire three months after its issuance. The charge for such memberships will be \$10.00.

~~(d) — Overdue fines Fees for damaged or lost materials. Overdue fines Fees as provided in Appendix A, section 5.300, subsection a, shall also be imposed on nonresident library material borrowers who fail to return materials in accordance with section 1.09.0024 of this Code, as well as fees for damaged or lost materials.~~

ARTICLE 5.000 LIBRARY FEES

**Sec. 5.300 ~~Circulation~~ Library Material Replacement Fees**

~~(a) — Overdue fines.~~

	<u>Overdue</u>	<u>Overdue Maximum</u>	<u>Grace Period</u>
<del>-</del>			
<del>Books and Magazines</del>	<del>\$0.25/day</del>	<del>\$7.50</del>	<del>3 days</del>
<del>Audiobook CDs, DVDs, music CDs and book club kits</del>	<del>\$0.25/day</del>	<del>\$7.50</del>	<del>None</del>
<del>Interlibrary loan materials</del>	<del>\$0.50/day</del>	<del>\$10.00</del>	<del>None</del>
<del>eReaders</del>	<del>\$2.00/day</del>	<del>\$30.00</del>	<del>None</del>
<del>Laptops and tablets</del>	<del>\$2.00/hour</del>	<del>\$18.00</del>	<del>30 minutes</del>

~~(b) Lost, or damaged, or unreturned library materials.~~

	Replacement (entire item)	Replacement (single part)	Replacement processing fee
Books	Manufacturer's suggested retail price (MSRP)	N/A	\$5.00
Magazines	MSRP	N/A	N/A
Audiobook CDs, DVDs and music CDs	MSRP	\$8.00/disc	\$5.00
Book club kits	MSRP of each item and \$8.00 for container	MSRP	\$5.00
Interlibrary Loan materials	Per lending library	N/A	Per lending library
eReaders, laptops, and tablets	MSRP for item and all accessories	Cost of repair or replacement	\$5.00

(1) The \$5.00 replacement processing fee will be assessed only for replacement of items with a manufacturer's suggested retail price of more than \$7.00.

(2) If the library material is out of print or the MSRP is no longer available, the library charges a flat fee of \$30.00 for a hardbound book; \$8.00 for a paperback book; \$20.00 per DVD; or \$8.00 per CD; plus a \$5.00 replacement processing fee.

(3) The Hlibrary reserves the right to determine the extent of damage to an item and whether an item is repairable.

(eb) Notice regarding collection of outstanding ~~fin~~es and ~~fee~~s. The Hlibrary ~~will~~may report ~~anyall~~ patron accounts with outstanding ~~fin~~es and ~~fee~~s balances totaling \$50.00 or more for more than 60 days to an independent collection agency.

ARTICLE 5.000 LIBRARY FEES

Sec. 5.400—Interlibrary loan

The fee for an interlibrary loan is \$3.50 per item.

ARTICLE 5.000 LIBRARY FEES



**Sec. 5.500—400** Miscellaneous

(a) The Library Director will set reasonable fees for interlibrary loan, copying, scanning, faxing and miscellaneous services, not to exceed \$510.00 per service, to be posted on the Library website. Black and white copy machine and public computer printing: \$0.10 per copy.

~~(b) — Color copy machine and public computer printing: \$0.50 per page.~~

~~(c) — Fax:~~

~~(1) — Incoming: \$1.00 per page.~~

~~(2) — Outgoing local: \$1.00 per page, including cover.~~

~~(3) — Outgoing long distance (within the United States): \$3.00 for the first page and \$1.00 for each additional page. No international faxes will be sent.~~

~~(d) — Pencil: \$0.25.~~

~~(e) — Replacement of library card: \$1.00 per card.~~

(Ordinance CO53-16-09-22-E1 adopted 9/22/16)