

ORDINANCE O-16-05

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE,
COUNTY OF COCHISE, STATE OF ARIZONA, AMENDING CHAPTER 11 OF THE
BISBEE CITY CODE ENTITLED PARKS AND RECREATION; LIBRARY AND
PROVIDING FOR REPEAL AND SEVERABILITY**

WHEREAS, the City Code of Bisbee, Article 11.3.4, currently provides for payment of fines through U.S. currency only; and

WHEREAS, the Bisbee Fire Department wishes to collect cans for its annual holiday food drive with the assistance of the Bisbee Public Library; and

WHEREAS, an amendment to the City Code is required to permit the collection of cans in lieu of U.S. currency in order to assist in the collection of cans for the Bisbee Fire Department's annual holiday food drive.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, AS FOLLOWS:

Section 1. Chapter 11 Parks and Recreation; Library, Article 11.3.4 Fines and Collection Policies is amended to read as follows:

A. Fines policies for overdue materials shall be as follows:

1. A fine of \$0.10 per day accrues beginning on the first overdue date for all items, except Interlibrary Loan materials. The charge for overdue Interlibrary Loan materials is \$1.00 per day. All fines are assessed per overdue item.
2. A maximum fine of \$5.00 per item applies to all items except damaged materials, materials with missing pages, or lost materials.
3. Materials returned within three days of the due date are exempt from fine levies. Materials returned after this three-day grace period will be assessed for the entire overdue period.
4. Any items, including out-of-print items, that are damaged beyond repair, missing pages or lost shall be replaced with equivalent copies or paid for in full by the borrower in accordance with the following fee schedule:

Hardback books	\$30.00
Paperback books	\$10.00
Children's hardback books	\$20.00
Audio books	\$75.00
Videos	\$35.00

A processing fee of \$3.50 per item shall also be paid by the borrower or patron.

5. Printouts shall be charged at \$.10 per page. Lost or damaged library cards shall be replaced for a fee of \$3.00.
6. Upon the approval of the Mayor and Council, the Bisbee Public Library may collect food cans in lieu of U.S. currency as required in Article 11.3.4(A)(1). Mayor and Council shall set forth the beginning and end dates for the collection of cans in lieu of U.S. currency. One food can is equivalent to \$1.00. The donation of food cans equivalent to the amount owed after rounding up or down to the nearest dollar will be sufficient to pay off a fine owed on a late item.

For example, if a patron owes \$3.20 on a late item, the patron may pay off the fine by donating three cans of food to the library, which after rounding is equivalent to \$3.00. If a patron owes \$3.50 on a late item, the patron may pay off the fine by donating four cans of food to the library, which after rounding is equivalent to \$4.00.

7. Article 11.3.4(A)(6), permitting the collection of cans in lieu of U.S. currency, shall not apply to fines incurred on damaged materials, materials with missing pages, or lost materials. For damaged materials, materials with missing pages, or lost materials. Article 11.3.4(A)(4) shall apply.

8. Article 11.3.4(A)(6), permitting the collection of cans in lieu of U.S. currency, shall not apply to patrons that have received more than two notices regarding an overdue item. Patrons who have received more than two notices regarding an overdue item will be required to pay the fine at the U.S. currency rates in subsections A(1) and/or A(4), above.

B. Collection policies for overdue materials shall include the following:

1. Four notices will be sent to patrons with overdue materials.
2. If, after two months and four notices, a patron does not return overdue materials, the overdue materials shall be declared lost and the patron shall pay the full replacement cost of the overdue materials in accordance with the fee schedule specified in Article 11.3.4 (A)(4).
3. The library shall exhaust, within reason, all possible avenues to recover severely overdue materials.

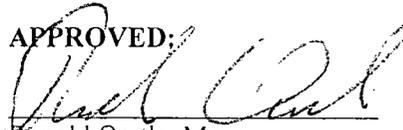
Section 2. All Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict with the provisions of this Ordinance, or any part hereof, are hereby repealed.

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Section 3. If any section, subsection or portion of this Ordinance is for any reason held to be invalid or unenforceable by the decision of any court or competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions hereof.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Bisbee, Arizona this 1st day of November, 2016.

APPROVED:



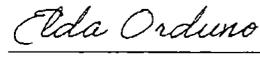
Ronald Oertle, Mayor

ATTEST:



Ashlee Coronado, City Clerk

APPROVED AS TO FORM:



Eida Orduño, City Attorney