ORDINANCE NUMBER 589

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING THE MUNICIPAL CODE BY DELETING CHAPTER 2.52, LIBRARY, OF TITLE 2, ADMINISTRATION AND PERSONNEL; AND ADDING A NEW CHAPTER 2.52, LIBRARY.

WHEREAS, the City Council finds it necessary and appropriate to update the chapter of the Municipal Code pertaining to the library.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

Section 1. That Chapter 2.52, Library, of Title 2, Administration and Personnel, of the Municipal Code is hereby deleted in its entirety, and a new Chapter 2.52. Library, is hereby adopted as follows:

Chapter 2.52 - LIBRARY

Sections:

2.52.010 Public Library Established.
2.52.020 Library Advisory Board—Establishment.
2.52.030 Library Advisory Board—Organization.
2.52.040 Library Advisory Board—Powers.
2.52.050 Library Manager.
2.52.060 Overdue, Lost and Damaged Materials—Delegation of Authority.
2.52.070 Overdue, Lost and Damaged Materials—Responsibility.
2.52.080 Violation—Penalty.

2.52.010 Public Library Established.

The City shall maintain a public library for use by the residents of the City and environs. The City Council shall include in the annual budget an amount sufficient to provide for the staffing, operation and adequate growth of the library during each fiscal year.

2.52.020 Library Advisory Board—Establishment.

There is established a Library Advisory Board. It shall consist of seven members, at least five of whom shall reside within the corporate limits of the City.

2.52.030 Library Advisory Board—Organization.

The Library Advisory Board shall select a president, vice-president and a secretary. The Board shall make and publish rules and regulations to govern its proceedings and to provide for its meetings. Unless exempted by law, all meetings, discussions, minutes and other records of the Board shall be open to the public. The minutes and records of all Board proceedings shall be kept by the library manager.

2.52.040 Library Advisory Board—Powers.

The Library Advisory Board shall from time to time make recommendations to the City Council, City Manager, and Library Manager on the general policies of the library and specific matters that may affect library users.

2.52.050 Library Manager

The position of Library Manager is created. The Library Manager shall administer and oversee the day-to-day operations of the library and its staff, under the direction and supervision of the Community Services General Manager and/or City Manager. The Library Manager shall be responsible for making recommendations regarding library policy for consideration by the Community Services General Manager, City Manager, Library Advisory Board and/or City Council, as appropriate.

2.52.060 - Overdue, lost and damaged materials—Delegation of authority.

In order to establish legal recourse for the library to recover unreturned, damaged or stolen materials and unpaid fines, library policies concerning such matters shall be adopted from time to time, as necessary, by the City Council, on the recommendation of the Library Manager, Community Services General Manager, and/or Library Advisory Board.

2.52.070 - Overdue, lost and damaged materials—Responsibility.

A. All card holders shall sign a declaration on their registration card which reads: "I agree to be responsible for materials borrowed with this card for fines and fees incurred, including charges for lost and damaged materials. In the event that I should

move and continue to use this library card or have library materials checked out I will notify the Cottonwood Public Library of my change of address. If collection proceedings are instituted, I agree to pay all costs associated therewith, including attorney's fees and court costs." The Library Manager may impose and collect fines as approved and adopted by the City Council. Failure to return borrowed materials within ninety days of the date due is a violation of this chapter pursuant to A.R.S. § 9-240.B(28) or any successor statute, and may result in the patron's name being turned over to a collection agency and/or the Cottonwood police department.

B. Unauthorized removal of library materials is a violation of this chapter pursuant to A.R.S. § 9-240.B(28) or any successor statute.

C. Any unauthorized buying or selling, or holding materials removed from the library without authorization is a violation of this chapter pursuant to A.R.S. § 9-240.B(28) or any successor statute.

2.52.080 Violation—Penalty

Any violation of this chapter shall be classified as a civil offense, and carry a civil penalty of up to three hundred dollars, with a mandatory minimum of twenty-five dollars, plus the costs of materials, library fines and collection fees.

Section 2. That if any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions hereof.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS 16TH DAY OF OCTOBER 2012.

Diane Joens, Mayor

APPROVED AS TO FORM:

Steven B. Horton, Esq.
City Attorney

ATTEST:

Marianne Jiménez, City Clerk

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