

**CITY OF WASILLA  
ORDINANCE SERIAL NO. 03-58**

**AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 2.52, LIBRARY, IN REGARD TO DUTIES AND BORROWED MATERIALS AND REPEALING WMC 2.52.010 AND .020 IN REGARD TO DEPARTMENT AND APPOINTMENT.**

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\* **Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code

\* **Section 2. Repeal of chapter.** WMC 2.52.010, Department Established and 2.52.020, Appointment, is repealed as follows:

[2.52.010 DEPARTMENT ESTABLISHED.

THERE IS ESTABLISHED, IN ACCORDANCE WITH TITLE 29, THE LIBRARY DEPARTMENT. EXECUTIVE AND ADMINISTRATIVE DUTIES ARE VESTED IN THE ADMINISTRATIVE LIBRARIAN.

2.52.020 APPOINTMENT.

THE LIBRARY DIRECTOR SHALL BE APPOINTED BY THE MAYOR AND SERVE AT THE PLEASURE OF THE MAYOR.]

\* **Section 3. Amendment of chapters.** WMC 2.52.030 Duties and 2.52.040 Borrowed materials, as follows:

**2.52.030 Duties.**

The duties of the library [DEPARTMENT] are to provide library services and facilities to the residents of the city.

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

**2.52.040 Borrowed materials.**

A. A person who borrows [ANY] material from a library operated by the city shall return the material by the date due.

B. A person who [HAS] borrows[ED] materials from a library operated by the city shall return overdue materials within twenty (20) [THIRTY (30)] days of the date notice [OF THE MAILING OF NOTICE] that the materials are overdue is mailed. Notice is sufficient if mailed to the last address provided to the library by the borrower.

C. A person who fails to return borrowed materials as required by subsection B [WITHIN THIRTY (30) DAYS OF THE DATE OF THE MAILING OF NOTICE UNDER THIS SECTION] shall be liable to the city for:

1. the [FULL] actual or estimated cost of replacement of the materials;

2. [EXCEPT,] if a replacement is not available, [THE PERSON SHALL BE LIABLE TO THE CITY FOR] the greater of the cost of comparable [SIMILAR] material or the actual value taking into account historical and collector value, market demand and other factors that would establish value;

3. An administrative charge [IN ADDITION TO THE LIABILITY TO THE CITY FOR THE COST OF REPLACEMENT OR VALUE, A CHARGE OF TWO DOLLARS \$2.00] for each item [SHALL BE PAID] as partial compensation for administrative costs associated with the non-returned, replacement or valuation of the materials.

D. A person who borrows materials that are damaged [OR LOST] while on loan [TO THAT PERSON] shall pay upon demand the amount determined by the city to

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be needed to repair the damage or replace the material if damaged beyond repair plus an [ PLUS A TWO DOLLAR (\$2.00)] administrative fee.

E. The library privileges of a person who fails to meet the requirements of this section [RETURN OVERDUE MATERIALS WITHIN THIRTY (30) DAYS OF THE DATE OF MAILING OF NOTICE OR WHO FAILS TO PAY UPON DEMAND THE AMOUNT REQUIRED TO REPAIR MATERIALS DAMAGED OR REPLACE LOST OR DAMAGED MATERIAL] shall be suspended until the materials are returned or the [CHARGES PAID OR THE] liability of the person under this section has been voluntarily discharged before a civil [PRIOR TO A] judgment [IN ANY CIVIL ACTION BY THE CITY] to recover the amount due.

E[C]. The mayor may establish [OR AUTHORIZE THE ESTABLISHMENT OF] fines for the failure to return borrowed material when due. The mayor may establish [OR AUTHORIZE THE ESTABLISHMENT OF] periods [WHEREIN] when overdue materials may be returned without the payment of fines[ THAT WOULD OTHERWISE APPLY].

[1. EFFECTIVE SEPTEMBER 1, 1996, THEWASILLA PUBLIC LIBRARY WILL BEGIN CHARGING FINES FOR ALL MATERIAL RETURNED AFTER THE DUE DATE. THE PURPOSE OF THE FINE IS TO ENCOURAGE USERS TO RETURN BORROWED MATERIAL IN A TIMELY MANNER, ALLOWING OTHER PATRONS ACCESS TO LIMITED RESOURCES.

2. FINES ON OVERDUE MATERIAL WILL BE CALCULATED AT THE RATE OF TWENTY CENTS (\$0.20) PER ITEM PER DAY UNTIL THE MATERIAL IS RETURNED, TO A MAXIMUM AMOUNT OF FOUR DOLLARS (\$4.00) PER ITEM. THERE IS A THREE-DAY GRACE PERIOD DURING WHICH TIME OVERDUE

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MATERIAL MAY BE RETURNED WITHOUT A FINE. (ON THE FOURTH DAY AFTER THE DUE DATE THE FINE WILL BE SIXTY CENTS (\$0.60).)

3. ACCRUED OVERDUE FINES, UP TO THE MAXIMUM AMOUNT OF FOUR DOLLARS (\$4.00), WILL BE ADDED TO THE CHARGES OUTLINED IN SUBSECTION B OF THIS SECTION.

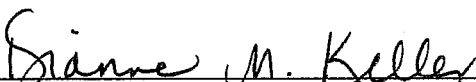
D. A PERSON WHO FAILS TO RETURN OVERDUE MATERIALS AS REQUIRED IN SUBSECTION B OF THIS SECTION COMMITS A MISDEMEANOR AND MAY BE FINED NOT MORE THAN TWO HUNDRED FIFTY DOLLARS (\$250.00) FOR EACH ITEM NOT RETURNED AS REQUIRED.

E. THE CITY, THROUGH ITS DESIGNATED ATTORNEY, MAY MAINTAIN A CIVIL COURT ACTION TO REQUIRE RETURN OF OVERDUE MATERIALS AND/OR TO SEEK A JUDGMENT FOR THE LIABILITY OF THE BORROWER AS ESTABLISHED BY THIS SECTION.

F. THE REMEDIES PROVIDED HEREIN SHALL BE CUMULATIVE AND NOT EXCLUSIVE. ]

\* **Section 4. Effective date.** This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council, on October 27, 2003.

  
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DIANNE M. KELLER, Mayor

ATTEST:

  
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KRISTIE SMITHERS, CMC  
City Clerk

[SEAL]

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]



**CITY OF WASILLA**  
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TO: Wasilla City Council

THRU: Mayor Dianne M. Keller *for me*

THRU: Chester Simton, Library Director *del*

FROM: KJ Martin-Albright, Adult/Electronic Services Librarian *KJ Martin-Albright*

DATE: September 26, 2003

**SUBJECT: Ordinance Serial No. 03-58**

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**SUMMARY:**

The changes to the code have been requested to remove redundancy and to update the code so that the Wasilla Public Library can align its overdue charges, administrative fees and lost materials policies with the rest of the Matanuska-Susitna Library Network.

The Matanuska-Susitna Library Network is made up of public libraries from the communities of Wasilla, Palmer, Big Lake, Sutton, Willow, Talkeetna and Trapper Creek. The libraries within the Matanuska-Susitna Library Network share resources on a daily basis and are all networked on the same library automation system. Patrons may request items from any of the seven participating libraries and have the items delivered to their "home" library. Further, each library subscribes to a policy of resource sharing with libraries outside the network, providing interlibrary loan service to any patron or library that requests the service.

**FISCAL IMPACT:** None If yes, amount requested:  
Account No.:

**RECOMMENDED ACTION:** Introduction and set for public hearing.

**ATTACHMENTS:** none