

5-13-19

ORDINANCE NO. **31215**

An ordinance amending Chapter 24, "Library," of the Dallas City Code by amending Article I; eliminating library fines; eliminating the fee for failure to present library card; eliminating fee for replacement library card; authorizing the library director to administer two annual amnesty periods allowing forgiveness of some or all fees accrued for losing or damaging an item of library property; providing a penalty not to exceed \$50; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Article I, "In General," of Chapter 24, "Library," of the Dallas City Code is amended to read as follows:

**"ARTICLE I.
IN GENERAL.**

SEC. 24-1. "PUBLIC LIBRARY" DEFINED.

For the purpose of this chapter, the words "public library" shall mean the public library of the city.

SEC. 24-2. ~~[PUBLIC LIBRARY FINES.~~

~~(a) In addition to any other fee, charge, or penalty assessed under this chapter, a person shall pay a civil fine in accordance with the following schedule for each day, including holidays and weekends, that the person fails to return an item of property that the person has borrowed from the public library after the property is due:~~

	Item	Fine
(1)	Books and all other library materials except those listed in Paragraphs (2) and (3) of this subsection	\$0.30
(2)	Record albums, cassette tapes, and microforms	\$0.50

(3)	Special reference materials, vertical file material, compact disks, digital video disks, and video cassettes	\$1.00
-----	--	--------

(b) No fine assessed under Subsection (a) of this section for any item of overdue library property shall exceed \$20 for an item described in Subsection (a)(2) or (a)(3) or \$12.50 for any other item, or the replacement value of the item, whichever is less.

SEC. 24-3.] FAILURE TO RETURN LIBRARY PROPERTY.

A person commits an offense if he takes or borrows from the public library any property, including, but not limited to, books, pamphlets, periodicals, papers, and works of art, and fails to return the property to the public library within 30 days after the date the property is due.

SEC. 24-3[4]. PUBLIC LIBRARY FEES AND CHARGES.

(a) A person who damages an item of library property shall reimburse the public library the costs of repairing or rebinding the item.

(b) A person who loses or damages beyond repair an item of library property shall pay an amount equal to the retail cost of replacing the item, plus a reprocessing fee of \$28. The retail cost and reprocessing fee for replacement of a lost or damaged item may be waived if a person replaces the lost or damaged item with a comparable item of equal or greater value.

(c) ~~[A person, other than an employee or active volunteer in the city of Dallas public library system, who has been issued a library card but fails to present it when borrowing library materials from the public library shall pay \$1 and submit other identification.]~~

(d) ~~A person, other than an employee or active volunteer in the city of Dallas public library system, shall pay a replacement fee of \$4 for a library card that has been lost, destroyed, or mutilated.~~

(e)] Nonresident user fees.

(1) Nonresidents of the city who use the public library shall pay a fee of:

(A) \$25 to borrow five items of library property;

(B) \$60 to borrow 15 items of library property; and

(C) \$250 to borrow unlimited items of library property during a 12-consecutive-month period.

(2) The following nonresidents are exempt from the fees established by this subsection:

(A) a city of Dallas employee;

- (B) an active volunteer for the city of Dallas public library system;
- (C) a student or teacher in a public elementary or secondary school located in the city of Dallas;
- (D) a person participating in the TexShare Card program, but only for items and services covered by that program; and
- (E) any other person exempted by city council resolution.

(d[~~f~~]) Photograph reproduction fees.

(1) The fee for a digital reproduction of a photograph is \$25 per image for a one-time publication or website use in a single language in one country. This fee does not include charges for broadcast or publishing copyright permission.

(2) In addition to the fee required in Subsection (d[~~f~~])(1), the following fees will be charged for for-profit broadcast or publishing copyright permission based on usage:

- (A) \$50 per image for commercial exhibition.
- (B) \$200 per image for commercial reproduction or re-sale.
- (C) \$50 per image for a one-time print use in a single language worldwide.
- (D) \$100 per image for a one-time print or electronic (e-book) use in all languages worldwide.
- (E) \$100 per image for a one-country broadcast use in a single language only.
- (F) \$150 per image for a world broadcast use in a single language only.
- (G) \$300 per image for a world broadcast use in all languages.

(3) In addition to the fee required in Subsection (d[~~f~~])(1), the following fees will be charged for non-profit broadcast or publishing copyright permission based on usage:

- (A) \$25 per image for commercial exhibition.
- (B) \$100 per image for commercial reproduction or re-sale.
- (C) \$25 per image for a one-time print use in a single language worldwide.

(D) \$50 per image for a one-time print or electronic (ebook) use in all languages worldwide.

(E) \$50 per image for a one-country broadcast use in a single language only.

(F) \$75 per image for a world broadcast use in a single language only.

(G) \$150 per image for a world broadcast use in all languages.

(4) The total fee calculated under Subsections (d[f])(1), (d[f])(2), and (d[f])(3) will be increased by:

(A) 100 percent if a one- to five-day turn-around time is requested; and

(B) 50 percent if a six- to 10-day turn- around time is requested.

(5) The following additional fees for delivery and media will be charged if required for an order:

(A) \$3 for postage and handling.

(B) \$3 for CD authoring.

(e[g]) A person requesting research by a staff member of the public library shall pay a fee of \$17.50 per half hour, which fee will include up to four photocopies. Additional photocopies may be purchased for \$0.25 per page. Each person making a request under this subsection will be limited to one hour of research and 50 [~~fifty~~] photocopies per month. The director may waive up to 25 percent of the charges for research requested by a corporate member of the Friends of the Dallas Public Library.

(f[h]) The fee for a printout from an electronic database is \$0.25 per page for a black and white printout and \$0.75 a page for a color printout.

(g[i]) A fee of \$20 will be charged for each public library account turned over to a collection agency for the purpose of recovering any money or property owed to the public library.

(h[j]) A person making an interlibrary loan request shall pay a fee of \$3 for each item received from a library outside of the city of Dallas public library system pursuant to the request.

SEC. 24-4. LIBRARY FEE AMNESTY PERIODS.

(a) The library director is authorized to administer two annual amnesty periods during which the library, at the request of a library card holder, may forgive some or all fees and charges accrued in accordance with Sections 24-3(a) and 24-3(b).

(b) The amnesty periods may not occur for longer than one month in duration, and the library director shall not administer more than two amnesty periods in any fiscal year.

SEC. 24-5. BOOKS FROM HOUSES WHERE THERE IS CONTAGIOUS DISEASE - GENERALLY.

Every person in any house where there is a contagious or infectious disease shall deliver to the director of public health, at such house, any book, periodical or publication that he may have which belongs to the public library. The director of public health shall at once cause such book, periodical or publication to be disinfected and returned to the public library.

SEC. 24-6. SAME - NOTICE TO BE GIVEN BY DIRECTOR OF PUBLIC HEALTH.

It is hereby made the duty of the director of public health of the city, whenever he finds that there is any contagious or infectious disease in any house in the city, to at once give written notice of this fact to the librarian of the public library.

SEC. 24-6.1. PENALTY.

A person violating a provision of this article is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted, and each offense is punishable by a fine not to exceed \$50.”

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$50.

SECTION 3. That Chapter 24 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

31215

190772

SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By 
Assistant City Attorney

Passed **MAY 22 2019**



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL MAY 22 2019

ORDINANCE NUMBER 31215

DATE PUBLISHED MAY 25 2019

ATTESTED BY: