

ORDINANCE NO. 169

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHEELER, TEXAS, MAKING IT UNLAWFUL FOR ANY PERSON TO FAIL TO RETURN MATERIALS BORROWED FROM THE WHEELER PUBLIC LIBRARY WITHIN THIRTY (30) DAYS AFTER THE MATERIALS ARE DUE PROVIDING FOR A PENALTY NOT EXCEEDING \$200.00, AND FOR THE SEVERABILITY OF ANY PORTION THEREOF.

WHEREAS, the books, pamphlets, periodicals, papers, audio visual materials, and works of art of the Wheeler Public Library are important, intellectual, recreational, and cultural resources of the community and essential to the public welfare, and

WHEREAS, the Wheeler Public Library has experienced significant losses of these valuable materials from the failure of patrons to return them, and

WHEREAS, funds would be better spent upon expanding the library rather than merely replacing public materials retained by those who refuse to return overdue materials; now therefore;

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

SECTION 1. Definitions. In this ordinance:

- a. "Book Card" means the identifying card assigned to an item of property by the Library staff for control purposes.
- b. "Library card number" means the identifying number of the card issued to each patron of the Library authorizing such person to check out library materials.

SECTION 2. A person commits an offense if he knowingly or recklessly fails to return any property, including but not limited to books, pamphlets, periodicals, papers, audio or visual recordings works of art, or other property which has been borrowed from the Wheeler Public Library, within thirty (30) days after the property is due to be returned.

SECTION 3. The introduction into evidence of the original, or a true and correct copy, of the "book card" assigned to such property, bearing the due date for return of such property and bearing a library card number which was recorded on the "book card" when the property was checked out, is prima facio evidence that the person to whom said library card number is assigned, according to the records of the Library did borrow such property.

SECTION 4. The introduction into evidence of a copy of a written notice that any Library property is overdue, together with evidence that said notice was deposited in the United States Mail, postage prepaid, addressed to a person, is prima facio evidence that said person has knowledge that such property is overdue.

SECTION 5. A person violating Section 2 of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed two hundred dollars (\$200.00). Each day that such violation continues as to each separate book, pamphlet, periodical, paper, audio or visual recording, work of art, or other property shall constitute a separate offense and shall be punishable accordingly.

SECTION 6. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are separable and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not effect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

SECTION 7. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given all as required by Article 6252-17, Vernon's Annotated Civil Statutes, as amended.

SECTION 8. The City Clerk is hereby directed to publish the provision of this ordinance in the official newspaper one time within ten (10) days of final passage hereof. This ordinance shall take effect ten (10) days after such publication.

On motion of Councilman Rose, seconded by Councilman Simmons the above and foregoing Ordinance was passed and approved on this the 20th day of March, 1995 by the following vote.

Ayes: All Councilmembers present voted aye.

At regular meeting March 20, 1995.

WITNESSED:

Clairine Finsterwald
Clairine Finsterwald

Wanda Herd
Wanda Herd, Mayor