

ORDINANCE NO. 02-603

AN ORDINANCE RELATING TO the library; to revise, enact, and eliminate provisions related to the library; to repeal conflicting ordinances and sections; to provide for the publication of this ordinance in pamphlet form; and to provide an effective date.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FRIEND, NEBRASKA:

Section 1. Section 3-901 of the Municipal Code of Friend, Nebraska, is enacted to read as follows:

LIBRARY; OPERATION AND FUNDING.

(A) The Municipality owns and manages the municipal library through the Library Board.

(B) The Governing Body, for the purpose of defraying the cost of the management, purchases, improvements, and maintenance of the library may each year levy a tax not exceeding the maximum limit prescribed by state law, on the taxable value of all the taxable property within the municipality. The amount collected from the levy shall be known as the Library Fund. (Neb. RS 51-201)

(C) The fund shall also include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the municipal library.

(D) All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance, or support of the municipal library shall be kept for the use of the library separate and apart from all other funds of the municipality, shall be drawn upon and paid out by the Municipal Treasurer upon vouchers signed by the President of the Library Board and authenticated by the Secretary of the Board, and shall not be used or disbursed for any other purpose or in any other manner. The Governing Body may establish a public library sinking fund for major capital expenditures. (Neb. RS 51-209)

(E) Any money collected by the library shall be turned over monthly by the Librarian to the Municipal Treasurer along with a report of the sources of the revenue.

Section 2. Section 3-902 of the Municipal Code of Friend, Nebraska, is enacted to read as follows:

LIBRARY BOARD; GENERAL POWERS AND DUTIES.

(A) The Library Board shall have the power to make and adopt such bylaws, rules, and regulations for its own guidance and for the government of the library and reading room as it may deem expedient, not inconsistent with Neb. RS 51-201 through 51-219. (Neb. RS 51-205)

(B) The Library Board shall have exclusive control of expenditures, of all money collected or donated to the credit of the Library Fund, of the renting and construction of any library building, and the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose. (Neb. RS 51-207)

(C) The Library Board shall have the power to appoint a suitable librarian and assistants, to fix their compensation, and to remove such appointees at pleasure. It shall have the power to establish rules and regulations for the government of the library as may be deemed necessary for its preservation and to maintain its usefulness and efficiency. It shall have the power to fix and impose, by general rules, penalties and forfeitures for trespasses upon or injury to the library grounds, rooms, books, or other property, for failure to return any book, or for violation of any bylaw, rule, or regulation. The Board shall have and exercise such power as may be necessary to carry out the spirit and intent of Neb. RS 51-201 through 51-219 in establishing and maintaining the library and reading room. (Neb. RS 51-211)

Section 3. Section 3-903 of the Municipal Code of Friend, Nebraska, is enacted to read as follows:

LIBRARY; GROUNDS AND BUILDING.

(A) The Library Board may purchase or lease grounds, exercise the power of eminent domain, and condemn real estate for the purpose of securing a site for a library building. The procedure to condemn property shall be exercised in the manner set forth in Neb. RS 76-704 through 76-724. (Neb. RS 51-210)

(B) The Board may erect, lease, or occupy an appropriate building for the use of the library. (Neb. RS 51-211)

Section 4. Section 3-904 of the Municipal Code of Friend, Nebraska, is enacted to read as follows:

LIBRARY; SALE AND CONVEYANCE OF REAL ESTATE.

The Library Board may, by resolution, direct the sale and conveyance of any real estate owned by the Board or by the municipal library, which is not used for library purposes, or of any real estate so donated or devised to the Board or to the library upon such terms as the Board may deem best and as otherwise provided in Neb. RS 51-216. (Neb. RS 51-216)

Section 5. Section 3-905 of the Municipal Code of Friend, Nebraska, is enacted to read as follows:

LIBRARY; MORTGAGES; RELEASE OR RENEWAL.

The President of the Library Board shall have the power to release, upon full payment, any mortgage constituting a credit to the Library Fund and standing in the name of the Library Board. The signature of the President on any such release shall be authenticated by the Secretary of the Board. The President and Secretary in like manner, upon resolution duly passed and adopted by the Board, may renew any such mortgage. (Neb. RS 51-206)

Section 6. Section 3-906 of the Municipal Code of Friend, Nebraska, is enacted to read as follows:

LIBRARY; COST OF USE.

(A) Except as provided in division (B) of this section, the municipal library and reading room shall be forever free to the use of the inhabitants of the municipality, subject always to such reasonable regulations as the Library Board may adopt to render the library of the greatest use to such inhabitants. The Library Board may exclude from the use of the library and reading rooms any person who willfully violates or refuses to comply with rules and regulations established for the government thereof. (Neb. RS 51-212)

(B) The library shall make its basic services available without charge to all residents of the municipality. The Library Board may fix and impose reasonable fees, not to exceed the library's actual cost, for nonbasic services. (Neb. RS 51-211)

(C) For purposes of this section:

(1) Basic services shall include, but not be limited to, free loan of circulating print and nonprint materials from the local collection and general reference and information services; and

(2) Nonbasic services shall include, but not be limited to, use of:

(a) Photocopying equipment;

(b) Telephones, facsimile equipment, and other telecommunications equipment;

(c) Media equipment;

(d) Personal computers; and

(e) Videocassette recording and playing equipment. (Neb. RS 51-201.01)

Section 7. Section 3-907 of the Municipal Code of Friend, Nebraska, is enacted to read as follows:

LIBRARY; DISCRIMINATION PROHIBITED.

No library service shall be denied to any person because of race, sex, religion, age, color, national origin, ancestry, physical handicap, or marital status. (Neb. RS 51-211)

Section 8. Section 3-908 of the Municipal Code of Friend, Nebraska, is enacted to read as follows:

LIBRARY BOARD; ANNUAL REPORT.

The Library Board shall, on or before the second Monday in June in each year, make a report to the Governing Body of the condition of its trust on June 1 of such year, showing all money received or expended; the number of books and periodicals on hand; newspapers and current literature subscribed for or donated to the reading room; the number of books and periodicals ordered by purchase, gift, or otherwise obtained during the year, and the number lost or missing; the number of and character of books loaned or issued, with such statistics, information, and suggestions as it may deem of general interest, or as the Governing Body may require, which report shall be verified by affidavit of the President and Secretary of the Library Board. (Neb. RS 51-213)

Section 9. Section 3-909 of the Municipal Code of Friend, Nebraska, is enacted to read as follows:

LIBRARY; PENALTIES; RECOVERY; DISPOSITION.

Penalties imposed or accruing by any bylaw or regulation of the Library Board and any court costs and attorney's fees may be recovered in a civil action before any court having jurisdiction, such action to be instituted in the name of the Library Board. Money, other than any court costs and attorney's fees, collected in such actions shall be placed in the treasury of the municipality to the credit of the Library Fund. Attorney's fees collected pursuant to this section shall be placed in the treasury of the municipality and credited to the budget of the Municipal Attorney's office. (Neb. RS 51-214)

Section 10. Section 3-910 of the Municipal Code of Friend, Nebraska, is enacted to read as follows:

LIBRARY; DONATIONS.

Any person may make donation of money, lands, or other property for the benefit of the municipal library. The title to property so donated may be made to and shall vest in the Library Board and their successors in office, and the Board shall thereby become the owners thereof in trust to the uses of the municipal library. (Neb. RS 51-215)

Section 11. Section 3-911 of the Municipal Code of Friend, Nebraska, is enacted to read as follows:

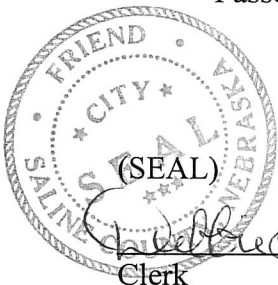
LIBRARY; IMPROPER BOOK REMOVAL.

It shall be unlawful for any person not authorized by the regulations made by the Library Board to take a book or any other material from the library, without the consent of the Librarian or an authorized employee of the library. Any person removing a book or other material from the library without properly checking it out shall be deemed to be guilty of an offense.

Section 12. Sections 3-901 through 3-905 and any other ordinance or section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 13. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in pamphlet form or posting as required by law.

Passed and approved this 4th day of December, 2002.



(SEAL)

Clerk

Roger C. Horner
Mayor