

CITY OF SEGUIN

ORDINANCE NO.:

STATE OF TEXAS

ORDINANCE OF THE CITY COUNCIL OF SEGUIN, TEXAS AMENDING THE SEGUIN CODE OF ORDINANCES CHAPTER 66, LIBRARY, TO REVISE THE CURRENT ORDINANCE TO MEET THE NEEDS OF THE NEW SEGUIN PUBLIC LIBRARY; PROVIDING FOR PUBLICATION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE

**WHEREAS**, in 2014 the Seguin citizens approved a bond package to fund a new public library; and

**WHEREAS**, the City's new Public Library is scheduled to open before the end of August, 2016; and

**WHEREAS**, some parts of the library ordinance in the current Seguin Code of Ordinances are outdated and do not fit the operation of the new Library; and

**WHEREAS**, as part of the ongoing effort to streamline procedures city staff recommends changes to the selection of the Library Board of Trustees so that appointments are made in the same manner as other city boards and commissions.

**NOW THEREFORE BE IT RESOLVED** by the City Council of Seguin, Texas:

**SECTION ONE.** The Seguin Code of Ordinances, Chapter 66, Library, Article I, In General, is amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

Sec. 66-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board or board of trustees means the board of trustees of the Seguin Public Library.

Library means the Seguin-~~Guadalupe County~~ Public Library.

Sec. 66-2. - Penalty for violation.

Any person ~~found guilty of violating a rule set out in this chapter, if convicted, shall, upon conviction, be fined not in excess of \$50.00~~ may be subject to the penalty provided in Section 1-14 of the Seguin Code of Ordinances. In addition such person may also be assessed ~~plus~~ the cost of materials damaged or not returned.

Sec. 66-3. - Complaint by librarian.

The librarian of the library or any person authorized by the librarian may file a complaint in the municipal court against any person violating rules set out in this chapter.

**SECTION TWO.** The Seguin Code of Ordinances, Chapter 66, Library, Article II, Board of Trustees, is amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

Sec. 66-31. - Created; number and term; ~~advisory status; number of members from inside and outside corporate limits;~~ nominations and appointments.

- (a) Created. The city council has determined that it is in the best interest of the citizens ~~of the county, including the citizens of the city~~, that the creation of a library board of trustees and the establishment of the Seguin Library as a city department with a position of library director ensures the continued operation of the public library that meets the citizens' needs.
- (b) Number and term; advisory status. A board of trustees shall be created consisting of nine members who are appointed for a three-year term to serve as advisory support to the city council, library director, and city manager. No member shall serve for more than two consecutive terms.
- (c) ~~Number of members from inside and outside corporate limits; n~~ Nominations and appointments. Appointments to the board shall be made by the Mayor with approval by the city council. The Mayor shall endeavor to appoint one person who resides outside the City limits but within Guadalupe County. The city council shall make three appointments to the board of trustees annually to serve a three-year term. The board of trustees shall consist of city residents and citizens residing in Guadalupe County. At all times a minimum of five members shall be citizens residing within the corporate city limits. At least one appointment per year shall be a citizen residing outside the city limits but within Guadalupe County. For county citizens, the Guadalupe County judge shall present nominations for consideration and approval by the city council.

**SECTION THREE.** The Seguin Code of Ordinances, Chapter 66, Library, Article III, Use Regulations, is amended as follows (underlining indicates added text, ~~striketrough~~ indicates deleted text):

Sec. 66-51. - Failure to return material.

It shall be unlawful for any person to fail to return to the library any book, ~~videocassette~~, audiovisual material, magazine or other article in the custody of or belonging to the library after a lapse of 15 days from the date of posting by regular United States mail of a notice addressed to such person at the last address furnished the library. The notice may be given at any time after the date on which such person should have returned the property in accordance with the rules of the library. However, no penalty shall be imposed under this section if restitution shall have been made prior to the expiration of such 15-day period.

Sec. 66-52. - Use of fictitious name or address.

It shall be unlawful to give a fictitious or incorrect name or address at the library in order to obtain possession or use of any property in the custody of or belonging to the library.

Sec. 66-53. - Damaging, defacing and disfiguring materials.

It shall be unlawful for any person to damage, deface, cut, tear, disfigure or destroy any book, audiovisual material, magazine ~~videocassette~~, ~~article~~ or other library material or equipment, or any part thereof which belongs to or is borrowed from the library.

Sec. 66-54. - Loitering.

No person shall loiter on the library lands or in its buildings in such manner as to create or cause to be created a danger of a breach of the peace or whereby a breach of the peace may be occasioned.

Sec. 66-55. - Vandalism.

It shall be unlawful for any person to willfully or maliciously commit any vandalism or injury or damage to or upon the lands or buildings of the library or any of its real or personal property, including but by no way of limitation any furniture, fixtures, shelving, equipment, books, videocassettes, articles and all other materials belonging to or in the possession of the library.

~~Sec. 66-56. Hours of operation.~~

~~The hours of operation of the Seguin Public Library shall be Monday through Thursday 9:00 a.m. to 9:00 p.m. and Friday and Saturday 9:00 a.m. to 5:00 p.m.~~

Sec. 66-56. No Smoking

It shall be unlawful for any person to use tobacco products or smoke any substance, including electronic cigarettes or vapor products in any part of the library or within twenty feet of the building.

**SECTION FOUR.** In accordance with Section 3.10 of the Seguin City Charter, this Ordinance shall become effective upon ten (10) days following passage on second reading and shall be published in a newspaper of general circulation.

**SECTION FIVE.** If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

**SECTION SIX.** City staff is authorized to prepare this Ordinance for submission as a supplement to the Seguin Code of Ordinances.

**PASSED AND APPROVED** on first reading this 16<sup>th</sup> day of August, 2016.

**PASSED AND APPROVED** on second reading this 30<sup>th</sup> day of August 2016.

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DON KEIL, Mayor

ATTEST:

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Thalia Stautzenberger, City Secretary