

Fines Policy

1. All efforts will be made to encourage members to return overdue materials. It is more important to recover library materials than to collect fines. Whenever a choice is necessary, the decision should be made to encourage the return of the borrowed materials. Collection of overdue fines may be addressed separately.
2. An overdue fine of 10 cents per day will be charged for late return of books, CD's, magazines, educational games and puzzles with a maximum fine of \$5.00 per item.
3. An overdue fine of 50 cents per day will be charged for late return of DVDs, with a maximum fine of \$5.00 per item.
4. An overdue fine of \$1.00 per day will be charged for late Telescopes, with no maximum fine limit.
5. As a **courtesy**, members with overdue materials will be notified within 24 hours by email, telephone, text messaging and/or mail.
6. Member accounts with \$5.00 or less overdue fines may continue to check out materials. Any member with overdue fines of more than \$5.00 will be denied account access and checkout privileges until overdue fine is less than \$5.00.
7. Other members of a family or household living at the same address will be allowed checkout privileges provided there are no problems on their individual account or fines over \$5.00.
8. A member's responsibility for library materials does not end until it is determined that the material has not been damaged and there are no parts missing.
9. The following steps are to be followed when library material is returned with insect infestations.
 - a. Library materials returned with signs of insect infestations will be immediately quarantined in large Ziploc bags for evaluation. The condition of the material will be photographed. The library director will evaluate and determine if the material needs to be treated as damaged or destroyed and subject to the appropriate fines or replacement costs.
 - b. Library staff will immediately notify all library members residing at the same address with the insect infestation that their library checkout privileges have been temporarily suspended until their place of residence has been treated by a professional exterminator.
 - c. Library checkout privileges will not be reinstated until a receipt from a professional exterminator has been presented to the library director for review.
 - d. Repeat instances of materials being returned with insect infestations may result in more stringent circulation limits, including long-term suspension of checkout privileges.

10. A damage fee plus overdue fines, if applicable, will be charged for damaged library materials.
11. A replacement fee plus overdue fines, if applicable, will be assessed for lost or destroyed library materials. (Definition of destroyed is the material is ruined and no longer in suitable condition for general circulation by the public library.)
 - a. Library materials that are lost or destroyed should be reported to a librarian at time material is due or checked in.
 - b. The replacement fee for lost or destroyed material will immediately be charged to the patron's account. All check-out privileges will be suspended until the problem is resolved.
 - c. A refund for the replacement fee will be made for the return of lost materials in good condition within thirty (30) days of payment. An overdue fine will not be refunded.
 - d. The member may have the option to replace the material with an exact duplicate of the lost or destroyed material, subject to approval by library staff. Once a duplicate has been accepted, the transaction is final.
12. The replacement fee for library materials returned incomplete will be charged to the member's account at the time the material is checked in.
 - a. DVDs, CDs, games, puzzles, educational kits and other materials that have multiple parts are included, as all parts must be returned when due.
 - b. If the missing part is not returned in 30 days, the 30-day policy will take effect.
13. Members who do not pay their overdue fines, return overdue materials, or pay for library materials, lost, damaged or destroyed will have their checkout privileges suspended until the outstanding balance is \$5.00 or less.
14. Members with library materials thirty (30) days overdue will receive a letter with the following: list of materials, date the materials were due, replacement price of materials and overdue fines. This is a request to return the materials and pay all fines as soon as possible or, in the event there is a problem, to contact the library. If the total amount owed at that time exceeds \$150.00, the letter will be sent via certified mail, return receipt requested, and an additional \$20 administrative fee will be added to the amount owed. If the members have not returned the items or contacted the library sixty (60) days after the original due date, the items will be deleted from the library collection. After this point, the items cannot be returned and the full replacement price will must be paid by the member.
15. At the discretion of the Library Board, members failing to return library materials with a value exceeding \$150.00 may have further civil action taken against them by the City Attorney in county court and any person willfully and maliciously writing upon, injuring, defacing, tearing or destroying any property or thing of value belonging to the public library, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding fifty dollars (\$50.00) for each offense. (See Code of the City of Nebraska City, Sec. 20-7 and Chapter 51, Section 214 of the laws of Nebraska for authority to take such action.)
16. A library account will be permanently closed if action was taken against the member by the Otoe County Attorney or City Attorney of Nebraska City. Any associated library accounts within a household may also be permanently closed by the Library Director.

17. The Library Board reserves the right to set an amnesty period for the return of overdue library materials following approval of such by the City Council.
18. Each member of the staff will be given up to a total of \$20 in vouchers each fiscal year to waive overdue fines or replacement fees at their discretion. The staff will report every waived fine to the Library Director and will apply such vouchers in a non-discriminatory manner without regard to race, color, national origin, age, sex, or disability.

STATUTE 51-214:

Penalties; action to recover; disposition of funds collected.

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 of the city, village, county, or township. Money, other than any court costs and attorney's fees, collected in such actions shall be forthwith placed in the treasury of the city, village, township, or county to the credit of the city, village, township, or county library fund. Attorney's fees collected pursuant to this section shall be placed in the treasury of the city, village, or county and credited to the budget of the city, village, or county attorney's office. All attorneys' fees collected on behalf of a township shall be paid over to the county treasury and credited to the budget of the county attorney's office.

Source:

Laws 1911, c. 73, § 9, p. 317; R.S.1913, § 3800; C.S.1922, § 3193; C.S.1929, § 51-209; R.S.1943, § 51-214; Laws 1972, LB 1032, § 256; Laws 1984, LB 229, § 1.

Code of the City of Nebraska City

Sec. 20-7 Destruction of library property; penalty

Any person who shall willfully and maliciously write upon, injure, deface, tear or destroy any property or thing of value belonging to the public library, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not exceeding fifty dollars (\$50.00) for each offense. (Code 1938, Ch. 9 & 14)

Amended April 10, 2019