

## Lost, Destroyed, or Damaged Materials Policy

1. Daily overdue fines are not assessed by the Morton-James Public Library.
2. A damage fee will be charged for damaged library materials. Examples include but are not limited to broken DVD and CD cases, torn and dirty pages, and missing pieces from interactive materials.
3. A replacement fee, 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 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.
1. 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.
2. Members, who do not, return overdue materials, or pay for library materials, lost, damaged or destroyed will have their checkout privileges suspended until the outstanding balance is less than \$20.00.
3. Member accounts with problems less than \$20.00 may continue to check out materials.
4. 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 over \$20.00.
5. Members with library materials thirty (30) days overdue will receive a letter with the following: list of materials, date the materials were due, and replacement price of materials. This is a request to return the materials 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 may 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.

6. 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.)
7. 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.
8. 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.
9. Each member of the staff will be given up to a total of \$20 in vouchers each fiscal year to waive replacement fees at their discretion. The staff will report every waived fee 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)