

**ORDINANCE NO. 2022-82**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING SECTION 58.127 OF SAN MARCOS CITY CODE TO, AMONG OTHER THINGS, ELIMINATE FEES FOR OVERDUE LIBRARY MATERIALS; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

**SECTION 1.** Section 58.127 of the San Marcos City Code is hereby amended to read as follows (Added language is underlined. Deleted language is stricken through.):

**Sec. 58.127. Fees and charges for library services.**

(a) Use of the library shall be free of charge to all persons who reside in or own property in the city, subject only to the fees and charges specifically authorized by this division.

(b) Use of the library shall be free of charge to all persons under the age of 18 who reside outside the city and within the area of the San Marcos Consolidated Independent School District.

(c) All other persons who reside outside the city may use the library upon paying a fee established by the city council.

(d) Other entities such as counties, school districts or the Gary Job Corps may enter into agreements with the city in order to allow their constituents who reside outside the city to use the city library without a user fee.

(e) In order to borrow library materials or equipment, users must first obtain and present a library card.

(f) Charges for damaged, but repairable, library material or equipment shall be based on the cost of repairing the damaged item as determined by the library director.

(g) Charges for lost or irreparably damaged library material or equipment shall include the replacement cost of the item, as determined by the library director, plus a handling fee established by the city council.

~~(h) Overdue fees established by the city council will be charged for materials and equipment that are not returned on or before the established due date and time. Payment of an overdue fee will not bar prosecution of a person under section 58.126.~~

(h) The library director may, with the approval of the library board, set incidental fees ~~for postage and materials used to provide library services~~. Examples of such fees are interlibrary loan and reserve book postage fees, replacement card fees, room cleaning fees, and fees for photocopies, microfilm prints, and computer copies.

(i) The library director shall, with the approval of the library board, determine the materials to be designated as "popular" thus subject to an increased overdue fee. The library director shall post notice to patrons of the materials so designated.

**SECTION 2.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION 3.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 4.** This ordinance will take effect after its passage, approval and adoption on second reading.

**PASSED AND APPROVED** on first reading on September 20, 2022.

**PASSED, APPROVED AND ADOPTED** on second reading on October 3, 2022.

Jane Hughson  
Mayor

Attest:

Approved:

Elizabeth Trevino  
City Clerk

Michael J. Cosentino  
City Attorney