

City of Houston, Texas, Ordinance No.

2023-30

AN ORDINANCE AMENDING CHAPTER 24 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO OVERDUE FEES FOR LIBRARY BOOKS AND MATERIALS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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WHEREAS, the Houston Public Library ("HPL") is proposing to join library systems across the country by becoming a fines-free library system that does not charge overdue fines for library books and materials; and

WHEREAS, HPL has found that library fines for overdue books and materials serve as a deterrent to library use, especially in low-income communities, and create a financial barrier for library users, causing many library users who owe fines to stop using the library; and

WHEREAS, the rate of library uses, number of library users, and number of library books returned have increased in libraries that have eliminated fines; and

WHEREAS, City Council hereby finds that becoming a fines-free library will increase the HPL's ability to support the goals of literacy enhancement and equitable access to materials for the residents of Houston; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. That Section 24-11 of the Code of Ordinances, Houston, Texas, is hereby repealed.

Section 3. That Section 24-7 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 24-7. Lost books and other materials.

- (a) A replacement fee is hereby imposed and shall be collected by the department for the loss by any borrower of any book or audiovisual material or other circulated item in an amount equal to the publisher or manufacturer's current suggested list price of the item at the time of payment for the loss. The list price of a substantially equivalent item shall be utilized if an exact replacement of the lost item is no longer available. In addition to the replacement fee, there are hereby imposed processing fees in the amounts established pursuant to section 24-8 of this Code for each item that is lost to defray processing costs for the purchase of the replacement item.
- (b) No person who is indebted to the city in an amount of \$25.00 or more for any fine or fee imposed by or pursuant to this section shall be permitted to borrow any item circulated by the department or be issued any renewal or replacement library card until such fine or fee has been fully paid.”

Section 4. That Section 24-8 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

- “(a) The fees for replacement of library items, as referenced in section 24-7 of this Code, shall be in the amounts stated for this provision in the city fee schedule, revisions to which amounts may be established from time to time by motion duly adopted by city council.
- (b) The department is authorized to offer various services for the convenience of its patrons including, but not limited to, self-service and staff-assisted copying, self-service and staff media printing, staff facsimile transmission, staff reference research, materials reservations, and parking in the Jesse Jones Library garage. The fees for those services shall be in the amounts stated for this provision in the city fee schedule, and revised fees to be charged pursuant to this subsection may be established from time to time by motion duly adopted by city council.”

Section 5. That the City Council of the City of Houston, Texas, hereby approves the removal of the following fees from the City Fee Schedule, as recommended by the

Director of the Houston Public Library pursuant to Sections 24-7(a) and 24-8(a) of the Code of Ordinances, Houston, Texas:

Name	Description	Statutory Authority	Amount
Patron Convenience Services	Civil overdue fees - per hour or portion thereof. laptop use (in library only) -	24-7(a)	\$25.00
Patron Convenience Services	Civil overdue fees, per day - Adult items	24-7(a)	\$0.20
Patron Convenience Services	Civil overdue fees, per day - Juvenile items	24-7(a)	\$0.10
Patron Convenience Services	Civil overdue fees, per day - Non-circulating items	24-7(a)	\$1.00
Patron Convenience Services	Civil overdue fees, per day - Young adult items	24-7(a)	\$0.20
Hotspot	Late Fee per day	24-8(a)	\$5.00
Hotspot	Late Fee cap	24-8(a)	\$40.00
HP Stream Notebook Computer	Late Fee per day	24-8(a)	\$25.00
HP Stream Notebook Computer	Late Fee cap	24-8(a)	\$150.00

The Director of Finance is hereby directed to remove these fees from the City Fee Schedule.

Section 6. That the City Council of the City of Houston, Texas hereby approves the following renamed fee pursuant to Section 24-8(a) of the Code of Ordinance, Houston, Texas:

Current Name	Amended Name	Description	Statutory Authority	Amount
HP Stream Notebook Computer	Laptop Computer	Replacement	24-8(a)	\$300.00

The Director of Finance shall incorporate this renamed fee into the City Fee Schedule.

Section 7. That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the "Code") to make such nonsubstantive

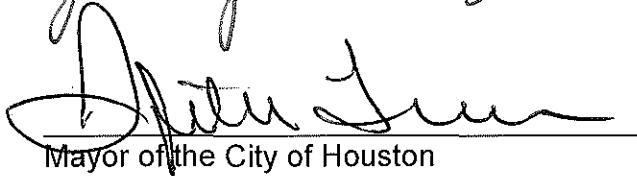
changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and also to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

Section 8. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 9. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 11th day of January, 2023

APPROVED this 11th day of January, 2023


Mayor of the City of Houston


Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

City Secretary

DocuSigned by:


Ariel San Miguel

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 Prepared by Legal Dept. _____

ASM/kro 12/6/2022

Assistant City Attorney

Requested by Rhea Lawson, Director, Houston Public Library

L.D. File No. 0000000098

Meeting 1/11/2023

Aye	No	
✓		Mayor Turner
....	Council Members
✓		Peck
✓		Jackson
✓		Kamin
✓		Evans-Shabazz
✓		Martin
✓		Thomas
✓		Huffman
✓		Cisneros
✓		Gallegos
✓		Pollard
✓		Castex-Tatum
✓		Knox
✓		Robinson
✓		Kubosh
✓		Plummer
✓		Alcorn
Caption	Adopted	

Captions Published in DAILY COURT REVIEW

Date: 1/17/2023