

ORDINANCE NUMBER 708

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE CITY'S MUNICIPAL CODE BY REPLACING CHAPTER 2.52, LIBRARY AND DELETING CHAPTER 2.68. PARKS AND RECREATION COMMISSION.

WHEREAS, the City of Cottonwood staff has recommended that the City's Library Board and Parks and Recreation Commission be reorganized into advisory workgroups; and

WHEREAS, in order to complete the reorganization, certain chapters and sections of the City's Municipal Code should be deleted and removed; and

WHEREAS, the City Council finds that the amendment recommended by the City staff is appropriate and in the City's best interests.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

Section 1. That CHAPTER 2.52. LIBRARY of the City's Municipal Code is hereby deleted in its entirety, and replaced with a new CHAPTER 2.52. LIBRARY as follows:

Chapter 2.52 LIBRARY

2.52.010 Public library established.

The city shall maintain a public library for use by the residents of the city and environs. The city council shall include in the annual budget an amount sufficient to provide for the staffing, operation and adequate growth of the library during each fiscal year.

2.52.020 Library manager.

The position of library manager is created. The library manager shall administer and oversee the day-to-day operations of the library and its staff, under the direction and supervision of the deputy city manager and/or city manager. The library manager shall

be responsible for making recommendations regarding library policy for consideration by the deputy city manager, city manager, and/or city council, as appropriate.

2.52.040 Overdue, lost and damaged materials – Delegation of authority.

In order to establish legal recourse for the library to recover unreturned, damaged or stolen materials and unpaid fines, library policies concerning such matters shall be adopted from time to time, as necessary, by the city council, on the recommendation of the library manager, deputy city manager and/or city manager.

2.52.060 Overdue, lost and damaged materials – Responsibility.

A. All card holders shall sign a declaration on their registration card which reads: "I agree to be responsible for materials borrowed with this card for fines and fees incurred, including charges for lost and damaged materials. In the event that I should move and continue to use this library card or have library materials checked out I will notify the Cottonwood Public Library of my change of address. If collection proceedings are instituted, I agree to pay all costs associated therewith, including attorney's fees and court costs." The library manager may impose and collect fines as approved and adopted by the city council. Failure to return borrowed materials within ninety days of the date due is a violation of this chapter pursuant to A.R.S. § 9-240.B(28) or any successor statute, and may result in the patron's name being turned over to a collection agency and/or the Cottonwood police department.

B. Unauthorized removal of library materials is a violation of this chapter pursuant to A.R.S. § 9-240.B(28) or any successor statute.

C. Any unauthorized buying or selling, or holding materials removed from the library without authorization is a violation of this chapter pursuant to A.R.S. § 9-240.B(28) or any successor statute.

2.52.080 Violation – Penalty.

Any violation of this chapter shall be classified as a civil offense, and carry a civil penalty of up to three hundred dollars, with a mandatory minimum of twenty-five dollars, plus the costs of materials, library fines and collection fees.

Section 2. That CHAPTER 2.68. PARKS AND RECREATION COMMISSION, is hereby deleted in its entirety from the City's Municipal Code.

Section 3. That if any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be unlawful, invalid or unenforceable by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

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PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE
MAYOR OF THE CITY OF COTTONWOOD, ARIZONA, THIS 19TH DAY OF
OCTOBER 2021.



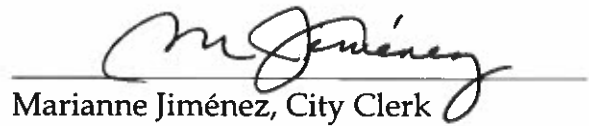
Tim Elinski, Mayor

APPROVED AS TO FORM:



Steven B. Horton, Esq., City Attorney

ATTEST:



Marianne Jiménez, City Clerk

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