

## **ESTHERVILLE PUBLIC LIBRARY CHARGES FOR LOST AND OVERDUE MATERIALS**

### **Overdue notices:**

Notices are called, e-mailed, or texted (members' choice) at 10 days past due, and again at 30 days past due. Final notices are sent via mail at 60 days, including replacement costs of past due items.

### **Renewal and Special Due Date Limitations:**

1. The maximum number of allowable renewals for all members is 3, which provides the member with up to 8 weeks with a particular item. Renewals will not be granted for items on reserve.
2. All members are eligible to request a special due date of up to 8 weeks, provided the item(s) in question are not on reserve.
3. In either instance (the renewal or the special due date), materials will need to be physically returned to the library after 8 weeks. Returning the item after a maximum of 8 weeks allows staff to verify that the item is not lost or damaged, and the member is then welcome to check the item out again.

### **Fines and Charges:**

1. As of January 1, 2014, a "conscience" (or donation) box will be provided in lieu of fines.
2. Materials that are lost or damaged will be assessed a replacement cost by the staff person on duty. Cost of the material plus \$1.00 will be the usual charge for lost materials.
3. Any patron whose items are 60 days past due, or who has been blocked by another library in our system, will lose borrowing privileges until his or her account has been cleared.
4. Patrons may continue to borrow materials until fees of \$5 or more have accrued.
5. Patrons with related cards (of the same family and/or household) will not be restricted based on fines or overdues on cards other than their own.
6. There are no fines on Interlibrary Loan Materials.

**Revised: 06/2012, 12/2013, 8/2016**

## NOTICE OF LAW GOVERNING CONCEALED LIBRARY MATERIALS

### The law of the State of Iowa provides that:

The fact that a person has concealed library materials or equipment as defined in section 702.22 or unpurchased property of a store or other mercantile establishment, either on the premises or outside the premises, is material evidence of intent to deprive the owner, and the finding of library materials or equipment or unpurchased property concealed upon the person or among the belongings of the person, is material evidence of intent to deprive and, if the person conceals or causes to be concealed library materials or equipment or unpurchased property, upon the person or among the belongings of another, the finding of the concealed materials, equipment or property is also material evidence of intent to deprive on the part of the person concealing the library materials, equipment or goods.

The fact that a person fails to return library materials for **two months** or more after the date the person agreed to return the library materials, or fails to return library equipment for one month or more after the date the person agreed to return the library equipment, is evidence of intent to deprive the owner, provided a reasonable attempt, including the mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment. Notices stating the provision of this section and of section 808.12 (below) with regard to library materials or equipment shall be posted in clear public view in all public libraries, in all libraries of educational, historical or charitable institutions, organizations or societies, in all museums and in all repositories of public records.

After the expiration of three days following the due date, the owner of borrowed library equipment may request the assistance of a dispute resolution center, mediation center or appropriate law enforcement agency in recovering the equipment from the borrower.

The owner of library equipment may require deposits by borrowers and in the case of late returns the owner may impose graduated penalties of up to twenty-five percent of the value to the equipment, based upon the lateness of the return.

In the case of lost library materials or equipment, arrangements may be made to make a monetary settlement. (1997 Code of Iowa)

### 808.12 Detention and search in theft of library materials and shoplifting.

1. Persons concealing property as set forth in section 714.5, may be detained and searched by a peace officer, person employed in a facility containing library materials, merchant, or merchant's employee, provided that the detention is for a reasonable length of time and that the search is conducted in a reasonable manner by a person of the same sex and according to subsection 2 of this section.
2. No search of the person under this section shall be conducted by any person other than someone acting under the direction of a peace officer except where permission of the one to be searched has first been obtained.
3. The detention or search under this section by a peace officer, person employed in a facility containing library materials, merchant, or merchant's employee does not render the person liable, in a criminal or civil action, for false arrest or false imprisonment provided the person conducting the search or detention had reasonable grounds to believe the person detained or searched had concealed or was attempting to conceal property as set forth in section 714.5.

[62, 66, 71, 73, 75, 77, 709.22-709.24; C79, 81, 808.12]