

AN ORDINANCE

amending Chapter 26, Offenses, of the Joplin City Code, by adding two new sections thereto, Sections 26-39 and 26-40, providing generally for the regulation of library theft in the City of Joplin.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI as follows:

Section 1. That Chapter 26, Offenses, of the Joplin City Code be amended by the addition of a new section thereto, Section 26-39, Definitions, as follows:

"Section 26-39. Definitions.

(a) *Library.* The Joplin Public Library and any branch libraries or bookmobiles associated with the Joplin Public Library.

(b) *Library card.* A card utilized by the library for purposes of identifying a person authorized to borrow library material, subject to all limitations and conditions imposed on such borrowing by the library issuing or honoring such card.

(c) *Library material.* Any book, plate, picture, photograph, engraving, painting, sculpture, artifact, drawing, map, newspaper, microform, sound recording, audiovisual material, magnetic or other tape, electronic data processing record or other document, written or printed material, regardless of physical form or characteristic, which is a constituent element of a library's collection or any part thereof, belonging to, on loan to, or otherwise in the custody of the library.

(d) *Notice in writing.* Any notice deposited as certified or registered mail in the United States mail and addressed to the person at his address as it appears on the library card or to his last known address. The notice shall contain a statement that failure to return the library material within ten days of receipt of the notice may subject the user to prosecution.

(e) *Premises of a library.* A building structure or other enclosure in which a library is located or in which the library keeps, displays and makes available for inspection, borrowing or return of library materials."

Section 2. That Chapter 26, Offenses, of the Joplin City Code be amended by the addition of a new section thereto, Section 26-40, Library theft, penalty, as follows:

"Section 26-40. Library theft, penalty.

- (a) A person commits the crime of library theft if with the purpose to deprive, he:
- (1) Knowingly removes any library material from the premises of a library without authorization; or
 - (2) Borrows or attempts to borrow any library material from a library by use of a library card:
 - (A) without the consent of the person to whom it was issued; or
 - (B) knowing that the library card is revoked, canceled or expired; or
 - (C) knowing that the library card is falsely made, counterfeit or materially altered; or
 - (3) Borrows library material from any library pursuant to an agreement or procedure established by the library which requires the return of such library material and, with the purpose to deprive the library of the library material, fails to return the library material to the library.
- (b) It shall be *prima facie* evidence of the person's purpose to deprive the library of the library materials if, within ten days after notice in writing deposited as certified mail from the library demanding the return of such library material, he without good cause shown fails to return the library material. A person is presumed to have received the notice required by this subsection if the library mails such notice to the last address provided to the library by such person.
- (c) Any person who violates this section, upon conviction, may be punished in accordance with Section 1-5 of this Code."

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this

19th day of August, 1996.



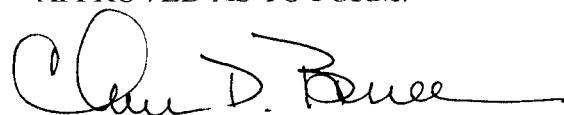
Ronald D. Shand
Mayor

ATTEST:



Mary C. Davis
City Clerk

APPROVED AS TO FORM:



Alan D. Bruce
City Attorney