

BILL NO. 19-021

ORDINANCE NO. 4813

FIRST READING 09.03.2019

SECOND READING 09.17.2019

AN ORDINANCE REVISING SECTION 16 OF THE REVISED ORDINANCES OF THE CITY OF HANNIBAL, BY ADDING A NEW SECTION 16-238, LIBRARY THEFT

WHEREAS, the City Council has determined that theft of Library Books is a problem which is being suffered by the Hannibal Public Library, and that it is within the reasonable police powers of the City of Hannibal to regulate and address such issues, and

WHEREAS, Chapter 570.210 of revised statutes of Missouri make such Library Theft illegal, and lays out certain provisions for the determination of whether such theft has occurred. AND **WHEREAS** the council believes it is appropriate and necessary for the City of Hannibal to be able to use its regular police powers to address such library theft, and that therefore an ordinance modeled on such statute is necessary and appropriate.

NOW THEREFORE BE IT ORDAINED, the City Council makes the following amendments to Chapter 16 of the ordinances of the City of Hannibal:

SECTION ONE: Section 16, Article VII, OFFENSES AGAINST GOVERNMENT, is hereby amended by enacting the following new section 16-238:

SEC. 16-238. Library theft, guilty of stealing.

1. Any person who:

- (1) Knowingly removes any library material from the premises of a library without authorization;
- (2) Borrows or attempts to borrow any library material from a library by the unauthorized use of a library card;
- (3) Borrows library materials from any library pursuant to an agreement or procedure established by the library which requires the return of such library material and fails to return the library material to the library; or
- (4) Knowingly writes on, injures, defaces, tears, cuts, mutilates, or destroys a book, document, or other library material belonging to, on loan to, or otherwise in the custody of a library; shall be deemed to have appropriated said item with the intent to deprive the library of said item without its consent and shall be guilty of the offense of stealing under section 16-66 of these ordinances.

2. 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, such person 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. Payment to the library, in an amount equal to the cost of replacement of an item of no historical significance shall be considered returning the item for purposes of this subsection. (Statutory References: RSMo Section 570.210)

SECTION TWO: It hereby is declared to be the intention of the City Council that each and every part, portion and sub-portion of this Ordinance shall be separate and severable from each and every other part, portion or sub-portion hereof and that the City Council intends to adopt each said part, portion or sub-portion separately and independently of any other part, portion or sub-portion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and sub-portions shall be and remain in full force and effect.

SECTION THREE: All ordinances and parts of ordinances in conflict with this ordinance, in so far as they conflict, are hereby repealed.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its passage and approval.

ADOPTED this 17th day of September, 2019

APPROVED this 17th day of September, 2019


James R. Hark, Mayor

ATTEST:


Angelica N. Zerbonia, MRCC, CMO - City Clerk