

## **Chapter 58 LIBRARY<sup>1</sup>**

### ***ARTICLE I. IN GENERAL***

**Secs. 58-1—58-25. Reserved.**

### ***ARTICLE II. EUSTIS MEMORIAL PUBLIC LIBRARY<sup>2</sup>***

**Sec. 58-26. Established.**

There shall be established in the city a public library for the use and enjoyment of the citizens and residents of the city, which shall be known as the Eustis Memorial Public Library in memory of the veterans.

(Ord. No. 14-30, § 1, 12-4-2014)

**Sec. 58-27. Trustees, how appointed.**

There shall be appointed by the city commission five persons, citizens of the city, and these persons and their successors shall be officially known as the "Trustees of the Eustis Memorial Public Library" and shall have a right to adopt and use a common seal. The term of office of each trustee shall be five years from date of the appointment. All vacancies shall be filled by appointment by the city commission for the unexpired term or for new terms. The library trustees shall serve without pay.

(Ord. No. 14-30, § 1, 12-4-2014)

**Sec. 58-28. Organization of the board of trustees.**

- (a) The library trustees shall annually, in the month of January, meet in an organizational meeting to select from among themselves a president, vice-president and a secretary, and shall establish and appoint in the manner prescribed by themselves such committees from their own number as they may deem necessary to carry out the objectives and purposes for which they are appointed. The library trustees shall adopt rules of procedure that will govern the conduct of their meetings for the year. The library trustees shall establish their regularly scheduled meeting times and location, and provide for the method of calling special meetings.
- (b) The library trustees shall accept no gift or donation upon any condition that will in any manner tend to impair the public character of the library.

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<sup>1</sup>Cross reference(s)—Administration, ch. 2; streets, sidewalks and certain other public places, ch. 82.

<sup>2</sup>Editor's note(s)—Ord. No. 14-30, § 1, adopted Dec. 4, 2014, repealed Art. II, §§ 58-26—58-31, and enacted a new article as set out herein. Former Art. II pertained to similar subject matter and derived from Code 1959, §§ 14-6—14-10 and 14-13.

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- (c) The director of library, or in the absence of the director a designee of the director of library, shall provide staff support to the library trustees for the performance of their duties.
  - (d) All meetings of the library trustees shall have minutes taken, which minutes shall be placed in an official minute book once approved by the trustees, and shall be made available for public inspection.
  - (e) The board of library trustees shall be further governed and regulated by applicable state law.

(Ord. No. 14-30, § 1, 12-4-2014)

#### **Sec. 58-29. Duties of the trustees.**

- (a) The board of trustees of the library shall be an advisory board to the city commission, making policy suggestions and recommendations to the city concerning the operations of the library.
- (b) The board of trustees of the library shall have the authority to receive and hear complaints concerning the use and operation of the library and to make recommendations to the director of library concerning resolution of legitimate complaints.
- (c) The board of trustees of the library shall have the power to review and make recommendations concerning the acceptability, and incorporation into the holdings of the library, of books, video media, and other materials donated or offered as a gift to the library. The board of trustees of the library shall have the power to accept gifts on behalf of the library, such gifts when accepted to become an asset and the property of the city.
- (d) The board of trustees of the library shall have the power to adopt rules of procedure for the conduct of their board meetings, and form committees for the carrying out of their duties and/or programs.
- (e) The board of trustees of the library shall meet to receive reports on the operations of the library from the director of the library, and to perform the business of the board of trustees. The meetings of the board of trustees of the library shall be open to the public.

(Ord. No. 14-30, § 1, 12-4-2014)

#### **Sec. 58-30. Library use and operation rules.**

The library shall maintain, under rules and regulations prescribed by the trustees with concurrence of the city, a library composed of a circulation collection, reading and study areas, public areas, and magazine, newspaper and periodical reading areas, and such other collections or areas as may be recommended and approved by the city in the future.

(Ord. No. 14-30, § 1, 12-4-2014)

#### **Secs. 58-31—58-50. Reserved.**

### ***ARTICLE III. IMPACT FEES<sup>3</sup>***

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<sup>3</sup>Cross reference(s)—Law enforcement impact fees, § 2-256 et seq.; fire prevention and suppression impact fees, § 38-336 et seq.; parks and recreation impact fees, § 66-51 et seq.; water impact fees, § 94-316 et seq.; sewer impact fees, § 94-351 et seq.

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### **Sec. 58-51. Findings.**

- (a) The city is charged with providing certain levels of library service within its municipal boundaries. The public library is a proper function of the city.
- (b) The city prepares, on an annual basis, a five-year capital improvement program for a library system within the city.
- (c) In order to maintain current levels of library service, it will be necessary to expand capital facilities and equipment in relation to growth and development within the city.
- (d) The imposition of impact fees has been identified as one of the preferred methods of ensuring that development bears a proportionate share of the cost of library capital facilities and equipment necessary to accommodate such development. Allocation of a proportionate share of the capital costs for new development promotes and protects the public health, safety and welfare of the citizens of the city.
- (e) Different types of development create different impacts on library service.
- (f) The report entitled "City of Eustis Library Impact Fee Update, May 2004," prepared by Tindale-Oliver & Associates and previously submitted to the city commissioners and discussed at public workshops and hearings, sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs for additional library capital facilities and equipment within the city.

(Ord. No. 91-70, § 1, 12-5-1991; Ord. No. 04-46, § 1, 9-9-2004)

### **Sec. 58-52. Purpose and imposition.**

For the purpose of helping to pay for a portion of the costs of new or expanded library capital facilities and equipment attributable to new construction within the city limits, impact fees are hereby imposed on new construction within the city limits in accordance with the schedule of impact fees set forth in Exhibit "A" and other provisions of this article.

(Ord. No. 91-70, art. 1, § 1, 12-5-1991; Ord. No. 04-46, art. 1, § 1, 9-9-2004)

Editor's note(s)—Exhibit "A," referred to in this section, is not set out in this Code but is on file and available for inspection in the offices of the city.

### **Sec. 58-53. Applicability.**

This article shall apply to all new construction within the city limits except the following:

- (1) Remodeling, rebuilding or making additions to a residential structure that does not add additional bedroom(s);
- (2) Construction of any public-purpose structure by the city or any agency, subdivision or instrumentality thereof; and construction of any other public-purpose structure by federal, state, or other local government with legislative exemption from such impact fee;
- (3) Construction under any valid building permit issued prior to the effective date of the ordinance from which this article is derived; and
- (4) Construction of accessory buildings not containing bedrooms.

(Ord. No. 91-70, art. 1, § 2, 12-5-1991; Ord. No. 04-46, art. 1, § 2, 9-9-2004)

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## **Sec. 58-54. Review of fee amounts.**

Library impact fees shall be reviewed and updated at least every five years in accordance with an analysis of the demand for services, the cost of any expanded or new capital facilities and equipment for library services and the money, other than impact fee revenues, otherwise available to meet such costs. The city commission may annually adjust the established impact fee rates to reflect changes in the costs of relevant capital facilities and equipment. All changes or adjustment in to the established impact fee rates shall be made by ordinance or resolution after advertising and public hearings and shall apply to construction for which building permits are issued after the effective date of such ordinance.

(Ord. No. 91-70, art. 1, § 3, 12-5-1991; Ord. No. 04-46, art. 1, § 3, 9-9-2004)

## **Sec. 58-55. Rates.**

- (a) *Rates.* The library impact fee rates to be applied to each new development building permit are contained in Exhibit "A," City of Eustis Library Impact Fee Schedule.
- (b) *Mixed uses.* If a building permit is requested for mixed uses, then the library impact fee shall be determined by using the impact fee schedule contained in Exhibit "A" to calculate the impact fee due for each use specified on the building permit.
- (c) *Unspecified use.* It is the intent that all development requiring building permit(s) shall pay an appropriate library impact fee. If the type of development activity requiring a building permit is not specified in the impact fee schedule contained in Exhibit "A," the city manager, or his designate, shall assign the fee applicable to the most nearly comparable use or uses on in the fee schedule contained in Exhibit "A."
- (d) *Change of use or density.* In the case of a change of use or density which requires a building permit, the library impact fee shall be based on the net increase of the fee, if any, for the new land use as compared with the previous land use.

(Ord. No. 91-70, art. 1, § 4, 12-5-1991; Ord. No. 04-46, art. 1, § 4, 9-9-2004)

Editor's note(s)—Exhibit "A," referred to in this section, is not set out in this Code but is on file and available for inspection in the offices of the city.

## **Sec. 58-56. City of Eustis Library Capital Expansion Trust Fund.**

- (a) *Created.* The City of Eustis Library Capital Expansion Trust Fund is hereby created.
- (b) *Deposit of fees.* All library impact fees collected by the city shall be separately accounted for and shall be deposited only in the City of Eustis Library Capital Expansion Impact Fee Trust Fund.
- (c) *Use of funds.* Amounts in the City of Eustis Library Capital Expansion Trust Fund shall be used only for the purpose of such fund and for no other purpose. Expenditures may not be used for operations or maintenance. Expenditures from the fund shall be specifically approved by the city commission and shall be limited to the expansion or acquisition of capital facilities or equipment made necessary by the new development construction from which the fees were collected or for principal payments (including sinking fund payments) on bonds to expand or acquire such facilities or equipment. Before authorizing an expenditure from this trust fund, the city commission shall determine that:
  - (1) Such expenditure is for capital facilities or equipment to be used for the purpose of the trust fund;
  - (2) Such expenditure is made necessary by the new residential development construction from which such funds were collected; and

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- (3) Such expenditure will result in a substantial benefit to the new residential development construction from which said funds were collected.

(Ord. No. 91-70, art. 1, § 5, 12-5-1991; Ord. No. 04-46, art. 1, § 5, 9-9-2004)

#### **Sec. 58-57. Capital expansion plans.**

The city commission shall prepare and maintain a capital expansion plan for the City of Eustis Library Capital Expansion Trust Fund. These plans shall be reviewed at least annually during the budget review process.

(Ord. No. 91-70, art. 1, § 6, 12-5-1991; Ord. No. 04-46, art. 1, § 6, 9-9-2004)

#### **Sec. 58-58. Time of payment; remedies for nonpayment.**

Library impact fees shall be due and payable at the time of issuance by the city building department of a building permit or mobile home tie-down permit. No building permit or mobile home tie-down permit shall be issued until all applicable parks and recreation impact fees have been received by the city.

(Ord. No. 91-70, art. 1, § 7, 12-5-1991; Ord. No. 04-46, art. 1, § 7, 9-9-2004)

#### **Sec. 58-59. Refund of fees paid.**

- (a) If a building permit or mobile home tie-down permit expires prior to the completion of the new development project, then the fee payer, or his heirs, successors or assigns, may request a refund, less an administrative fee equal to five percent of the total fee. Such refund must be requested within 60 days after expiration of the building permit or mobile home permit.
- (b) If the library impact fees have not been spent or encumbered by the end of the calendar quarter encompassing the six-year anniversary of the date the library impact fees were paid to the city, then upon receipt of a written request for a refund from the current landowner, the city will issue a refund, including interest at the city's average pooled cash investment interest rate, to the current landowner.

(Ord. No. 04-46, art. 1, § 8, 9-9-2004)