AN ORDINANCE BY PRINCETON CONCERNING THE PRINCETON PUBLIC LIBRARY AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, *N.J.S.A.* 40:43-66.35 consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to *N.J.S.A.* 40:43-66.64, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, the Princeton Council's Code Subcommittee has reviewed and consolidated portions of Chapters 2 and 18 of the "Code of the Borough of Princeton, New Jersey, 1974" and portions of Chapter 2 of the "Code of the Township of Princeton, New Jersey, 1968" pertaining to the Princeton Public Library; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Chapter 18, consisting of Sections 18-1 through 18-8, of the "Code of the Borough of Princeton, New Jersey, 1974," and Article IX. of Chapter 2, consisting of Section 2-33, of the "Code of the Township of Princeton, New Jersey, 1968," regarding the Princeton Public Library, are hereby repealed.

Section 2. Section 2-70 of Chapter 2 of the "Code of the Borough of Princeton, New Jersey, 1974," and Section 2-97 of Chapter 2 of the "Code of the Township of Princeton, New

Jersey, 1968," also regarding the Princeton Public Library, are hereby repealed.

Section 3. A NEW Chapter 18 of the "Code of the Borough of Princeton, New Jersey, 1974," entitled "Libraries," as set forth on Exhibit A attached hereto and made a part hereof is hereby adopted to address the Princeton Public Library, composition of the Board of Trustees and rules concerning use of library material, and to replace the aforementioned provisions of the "Code of the Borough of Princeton, New Jersey, 1974" and the "Code of the Township of Princeton, New Jersey, 1968".

Section 4. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 6. This Ordinance shall take effect upon its final adoption and publication as provided for by law. The attached Chapter 18 shall be applicable within Princeton upon taking effect and shall become a part of the new Princeton Code once completed and adopted.

The foregoing ordinance was introduced at a meeting of the Mayor and Council of Princeton held on May 5, 2014 and will be further considered for final passage after a public hearing thereon at a meeting of said Mayor and Council to be held at the Princeton Municipal Complex, 400 Witherspoon Street on May 27, 2014 which begins at 7:00 p.m.

Kathleen K. Brzezynski

Kathleen K. Brzezynski
Deputy Clerk

EXHIBIT A

CHAPTER 18. LIBRARIES.

Article I. Princeton Public Library.

Sec. 18-1. Princeton Public Library.

There is hereby established and continued a Princeton Public Library for the benefit of the inhabitants of Princeton.

Sec. 18-2. Board of Trustees; terms of appointment; vacancies; removal.

a. There is hereby established and continued a board of trustees of the Princeton Public Library consisting of nine members, one of whom shall be the mayor and one of whom shall be the superintendent of schools. At least four of the regular members shall be residents of Princeton. Of the seven regular appointments initially made, one shall be appointed for one year, one for two years, one for three years, one for four years and three for five years. The mayor shall make such appointments upon the consent of the council. The mayor and the superintendent of schools may, respectively, appoint an alternate to act in their stead with authority to attend all meetings of the board and, in their absence, to vote on all questions before the board.

b. The trustees shall elect from its members a president, treasurer and secretary, who shall hold their offices for one year and until their successors are elected.

c. Upon the expiration of the term of office of any trustee, the mayor shall appoint a successor to serve for a term of five years in the same manner as the original appointment was made.

d. Vacancies occurring shall be filled for the unexpired term only, in the same manner as the original appointments are made.

e. The council shall be authorized to remove any trustee from office for cause, and only after a public hearing upon a written complaint setting forth the charge or charges against said trustee.

Sec. 18-3. Power and Authority of Board of Trustees.

The board of trustees shall have such powers and authority as established by law, N.J.S.A. 40:54-1 *et seq.*, and this Code.

Article II. Use and Return of Library Material.

Sec. 18-4. Failure to return property.

No person shall detain or fail to return any book, periodical, pamphlet, artistic reproduction, phonograph recording, audio-visual material or any other article borrowed from the Princeton Public Library after thirty days have elapsed from the date of posting by certified mail, return receipt requested of a notice demanding return thereof, addressed to said person at the last address furnished.

Sec. 18-5. Damage to property.

No person shall cut, tear, deface, disfigure, damage or destroy any book, periodical, pamphlet, artistic reproduction, phonograph recording, audio-visual material or other article, or any part thereof, which is borrowed from, owned by or is in the custody of the Princeton Public Library.

Sec. 18-6. Posting of notice.

The board of trustees shall adopt and post in a conspicuous place in the Princeton Public Library building, rules, regulations and procedures governing the borrowing of books, periodicals, pamphlets, or any other item or article which may be available for such borrowing to the public.

Sec. 18-7. Illegal use of library cards.

No person shall remove any book, periodical, pamphlet, artistic reproduction, phonograph recording, audio-visual material or any other item or article from the Princeton Public Library building without presenting first a valid library card and complying with all of the rules, regulations and procedures of the library for borrowing such items or articles.

Sec. 18-8. False identification.

No person shall register or furnish a false name or address, or use any card other than the one issued to said person for the purpose of borrowing any book or other article from the Princeton Public Library.

Sec. 18-9. Filing of complaint for overdue property.

If a person fails to return any book, periodical, pamphlet, artistic reproduction, phonograph recording, audio-visual material or any other article borrowed from the Princeton Public Library after notice is served upon said person pursuant to section 18-4 of this Code, and said property remains overdue for an additional thirty days, the director of the library or his designee shall forward to said person a second certified mail notification that said material is overdue and that unless said person returns said material within thirty days of receipt of this second notice, that person is subject to prosecution in the Princeton municipal court for having violated section 18-4 of the Code.

Sec. 18-10. Violations and penalties.

Any person who violates or refuses to comply with the regulations and provisions of this article shall, upon conviction thereof, be subject to the penalties as provided in section 1-6. Repeat offenders, as that term is defined in section 1-6, shall be subject to the penalties set forth in section 1-6.