



Fines, Fees and Overdue Materials

I. Fine Free Library

- a. To better serve our community and remove barriers of access, the Cadott Library will not impose fines on any library-owned, circulating materials.
- b. Items that are not returned within 28 days of the due date, will go into a Billed status. Return of the material(s) will clear the status, and keep the patron in good standing; no monies owed.
- c. Items that are returned with irreparable damage, are lost, or remain unreturned will be billed at the full replacement cost of the item.

II. Suspension of Library Card Privileges

- a. Library card privileges will be suspended until the resolution of any of the following conditions.
 - i. The Patron has unpaid fines or fees of \$10.00 or more, owed to any MORE consortium library.
 - ii. If a check payment has been returned for Non-Sufficient Funds (NSF). The account will be suspended until a cash payment or money order is received, including a \$15.00 service charge.
 - iii. Court action has been initiated against the Patron by any Indianhead Federated Library System member library.
 - iv. The Patron has out of date information on their computer record.
 - v. The Patron has one or more overdue Interlibrary Loan (ILL) materials.

III. Overdue Notice Schedule

- a. Overdue notices are generated and sent daily by library staff.
- b. Notices of late materials will be sent out according to the following schedule.
 - i. First notice will be sent to Patrons via their preferred method of contact after 7 days.
 - ii. Second notice will be mailed to the Patron after 14 days.
 - iii. Replacement bills will be assessed and mailed to the Patron after 28 days.

IV. Lost or Damaged Materials

- a. Replacement Costs
 - i. Full replacement cost will be charged for any cataloged library materials that are lost or damaged beyond repair (per the Library Director).
 - ii. Periodicals carry a replacement fee consistent with their purchase price.
 - iii. For other MORE Library materials the replacement costs will be determined by the owning Library.

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- iv. For Interlibrary Loan (ILL) materials the replacement costs will be determined by the owning library.
- b. Lost Materials if Found
 - i. Before Payment
 - 1. The replacement cost will be removed from the Patron account when the lost material is returned.
 - 2. The patron may accrue a fine, if originally checked out from a fine charging library, in accordance with Local Lending Rules.
 - ii. After Payment
 - 1. If a lost item is found and returned to the Library within 30 days after payment, the Patron will get a refund through the Village Treasurer.
 - iii. No refunds will be given for payment of lost equipment, kit contents, or for the payment of an ILL material.
- c. Damaged Materials
 - i. If a material returns to the Library damaged and unable to immediately be returned to circulation, it is up to the discretion of the Library Director whether the Patron will be charged on a case-by-case basis.
 - 1. There is a \$5.00 charge for broken or damaged locking A/V cases.
 - ii. If a material is damaged beyond repair and the full replacement cost paid, the Patron may keep the material upon request.

V. Appeal of Library Charges

- a. If a Patron feels as though they have been charged in error or have proof of extenuating circumstances, they may appeal their charges with the Library Director. Charges may be upheld, reduced, or cancelled at the discretion of the Director.
- b. Appeal of charges incurred from other MORE consortium libraries need to be directed to the owning library.

VI. Continual Delinquency

- a. Level One: 3 Billed Notices in 6 Months
 - i. The Library Director may limit the materials checked out to a habitually delinquent patron, on a case-by-case basis. These limits may be temporary or permanent.
- b. Level Two: 6 Billed Notices in 6 Months
 - i. The Library Director may present a case for a temporary ban to the patron's borrowing of library materials.
- c. Level Three: >6 Billed Notices in 6 Months
 - i. Patrons failing to return materials and/or pay for damaged materials may be subject to prosecution under section 943.61 Wisconsin State Statutes or may be referred to the Village Attorney's Office for Court action.
 - ii. Library Director will present a case for a permanent ban to the patron's borrowing of library materials.

VII. Bankruptcy

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- a. The United States Bankruptcy Code generally permits individuals (debtors) to discharge much of their personal debt. Exceptions to the rule (or exemptions) include “fines” or penalties payable to a governmental unit which are not compensatory in nature or for actual loss. 11 U.S.C. Sec. 523(a)(7). Cadott Community Library is considered a governmental unit. Whether a penalty is exempt from discharge depends on whether the “fine” imposed is for compensatory reasons (e.g. replacement) or as a penalty. Under bankruptcy law, “fines” imposed for pecuniary loss are dischargeable but “fines” imposed as a penalty or a punishment are not.

Cadott Community Library will, upon receiving a bankruptcy discharge of debt notice from the US Bankruptcy Court, dismiss all charges on the account of the debtor that have been assessed for lost or damaged items and/or collection agency fees. Charges for non-sufficient funds (NSF) will be discharged only if the original check was in payment for monies owed due to lost/non-returned or damaged materials. All other NSF check fees will not be discharged and will remain on the account of the debtor. The statute of limitations for non-dischargeable debt is two years. Sec. 893.93(2)(b), Wis. Stat.

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