

# **ARTICLES OF ASSOCIATION of the City of Chemnitz for the use of Chemnitz Municipal Library in the municipal undertaking “Das TIETZ”**

Dated 7 October 2004

Chemnitz City Council resolves, on the basis of § 4 of the Local Government Code of the Free State of Saxony (SächsGemO) of 21 April 1993 (SächsGVBl. page 301, and SächsGVBl. p. 445) in the version of the declaration of 18 March 2003 (SächsGVBl. p. 55) last amended by the Act of 4 March 2003 (SächsGVBl. p. 49) at its session on 22 September 2004 with its resolution No. B-155/2004, the following Articles of Association:

## **§ 1**

### **General Provisions and Duties**

- (1) Chemnitz Municipal Library is, as part of the municipal undertaking “Das TIETZ”, a public institution of the City of Chemnitz. With its range of media and advisory services, it ensures free access to information and personalised education for all citizens. As a communications centre and place of learning, it serves as a meeting point, a place for promoting life-long self-study and literacy, media education and leisure time activities.
- (2) It is divided into
  - the central library with all its departments
  - the district and branch libraries.
- (3) Chemnitz Municipal Library purchases and makes available the latest media. In doing so it is guided by the needs of its customers and social requirements. It makes media and information available for public use in its institutions and advises customers with their selection and research.
- (4) The overwhelming majority of the stock can be borrowed. Reference material consists of inventory containing very valuable information as well as historical collections which need special care.
- (5) It allows customer access to the internet.
- (6) It enables customers to make copies of its own stocks, as long as the legally valid conditions pertaining to copyright protection are adhered to and such stocks are not subject to any special protection.
- (7) Media not in stock of Chemnitz’s municipal library can be acquired for academic purposes by means of inter-library loans.

- (8) It maintains its historical stocks and collects media with regionally significant contents.
- (9) Chemnitz Municipal Library carries out public relations work in line with its objectives and those of the municipal undertaking called "Das TIETZ".

## **§ 2**

### **User Rights and Registration**

- (1) Every citizen is entitled to use Chemnitz Municipal Library within the framework of these Articles of Association on the basic principle governed by public law.
- (2) The opening hours are posted in the relevant institutions.
- (3) Citizens must register themselves in person at Chemnitz Municipal Library, presenting an identity card or another valid document showing their name, date of birth, address and a photo. Citizens will have to provide their required personal details on the registration form and acknowledge, by signature, the Articles of Association and the fees levied by Chemnitz Municipal Library for using Chemnitz Municipal Library in the municipal undertaking "Das TIETZ". Their signature also authorises the electronic storage of their personal details. Chemnitz Municipal Library will use the personal data for the purpose of booking items loaned, in compliance with the law protecting informal self-determination in the Free State of Saxony (Saxon Data Protection Act – SächsDSG) of 11 December 1991 (Sächs. GVBl. P. 401) in the relevant version in force.
- (4) Children and young people up to the age of 18 require the signature of their legal representative, who thus, at the same time, becomes liable for any damage or loss and the payment of any fees incurred. By signing, the legal representative agrees to the relationship of utilisation. At the same time, the representative gives permission for the minor to use the internet. The legal representative's identity card must be presented on registration. Children under the age of seven will not receive their own library card.
- (5) A joint family library card can be issued for married couples and children living in the same household if at least one adult family member agrees to be liable for all family users in events of loss or damage and to pay any fees incurred.

- (6) Authorities, legal bodies, institutes and companies must register by means of written application of the person authorised to represent them and must provide up to three signatures of people authorised to use the library on behalf of the applicant.
- (7) Users will receive a library card made out in their name, valid in all facilities of Chemnitz Municipal Library for a 12-month period. Users' cards are not transferable. Members' library cards remain the property of the City of Chemnitz and any loss must be reported to the library immediately. The issue of a new library card is subject to charges.
- (8) Users can apply to extend the validity of their library card by a further year upon expiry. The library must be informed immediately of any changes in name and address. A fee will be levied for ascertaining an address. Users will be liable for costs which accrue to the library due to non-compliance with this regulation.
- (9) If a member is debarred from using the library in line with § 5 Sect. 3 of these Articles, the library card will be frozen. Fees already paid by the member cannot be refunded.

### **§ 3**

#### **Utilization and Loans outside the Library**

- (1) Items can also be taken outside the library on loan or used in the reading room upon presentation of a personal library membership card. All media loaned out are regarded as loaned out in the name of the bearer of the library membership card, who is responsible for the return of the media.
- (2) Items borrowed from Chemnitz Municipal Library may not be lent to third parties.
- (3) Reference material will not be loaned outside the library. Study areas and photocopiers are available for the use of such material.
- (4) The library staff is entitled to check if users are taking objects or media belonging to the library out with them without permission. Bags must be stored in the lockers provided.
- (5) Animals may not be taken into the library.
- (6) Food and drink may not be taken into the lending areas and into the reading room. Users must show respect for each other and not do anything which could interrupt the smooth running of the library. They must comply with the instructions of library personnel.

- (7) Users are obliged to book all media before leaving the library without being solicited to do so, to check the condition of the media handed over, and to call attention to any existing damage. If no complaint is made, the media handed out are regarded as being in perfect condition. The user is responsible from this moment on for the return of the media loaned out.
- (8) Users are obliged to check loan receipts immediately for accuracy and completeness of the details given. Complaints raised later will not be acknowledged.
- (9) Media out on loan can be reserved in advance by other library users for a fee.
- (10) Upon payment of a fee, users can obtain media they require for academic purposes not present in the municipal library's stock via the "German inter-library loan system". The additional conditions of the library sending the media apply.

#### **§ 4**

#### **Lending Period and Extension of Period**

- (1) The lending period for books, CD-ROMs and DVD-ROMs, audio books, records, audio cassettes, games and combined media of course-like character is normally four weeks, for periodicals, music CDs and DVDs, DVD films and video films it is two weeks. In justifiable instances, the library can shorten the lending period. The municipal library is not obliged to point out the expiry date of the lending period. If the lending period is exceeded, a fine will be charged.
- (2) The lending period can be extended up to three times before the lending period expires – in person, by telephone or via the online catalogue. When renewing media, the library membership card must be presented or its number quoted over the telephone. For certain types of media, Chemnitz Municipal Library can refuse to renew the loan or curtail the renewal period. The lending period can only be extended if the media have not been reserved by other users and the library card is still valid. Media loaned out must be presented on demand.
- (3) Every time the user applies to extend the lending period, he or she will be informed of the new date by which the media must be returned. If the user's account shows different return dates, the user will be informed of the earliest return date when renewing media over the telephone.  
Written requests to extend the lending period will only be processed with reservations. The municipal library will not reply to such requests. Users bear any risks incurred should such requests not be granted.

## **§ 5 Restrictions of Use**

- (1) The Director of the municipal library determines the restrictions of use for certain stocks/collections.
- (2) The Director is entitled to restrict the number of media borrowed by any user. In justifiable cases, the director can shorten the lending period.
- (3) Users who infringe on these Articles of Association may be temporarily or permanently barred from using the library.
- (4) Until all debts to the municipal library have been paid, the user may be debarred from borrowing media or limited to using media within the library only.

## **§ 6 Treatment of Media, Machines and Facilities**

- (1) The user is obliged to treat all media, machines and facilities of the municipal library and to protect them against alterations, defilement and damage. Any damage or loss must be reported to the library immediately.
- (2) When undertaking any sort of reproduction, the user must ensure compliance with the appropriate copyright in force.
- (3) It is forbidden to alter workstation configurations or network configurations of the workstation screens. Technical faults must be reported to staff immediately.
- (4) Data, sound and image carriers on loan may only be used for private use on the usual machines and on condition that the manufacturer's technical requirements are complied with. Public performances of borrowed audio-visual material and the production of complete copies are not permitted.  
Video films must be rewound before being given back. If cassettes have not been rewound before being returned, users must pay a fee in line with the municipal library's list of charges.
- (5) When using the Internet, the conditions governing the Penal Law Code and the law governing the protection of children and young people must be observed. Unlawful information may neither be used nor disseminated.

## **§ 7**

### **Liability**

- (1) The user is not liable for any damage or loss which occurs on the library's premises and which is not the fault of the user.
- (2) Users are obliged to comply with copyright or other third party rights with regard to the media they have loaned out or been given access to. Users hereby exempt the City of Chemnitz from all liability with regard to this.
- (3) The City of Chemnitz is not liable for damage or loss
  - suffered by users due to incorrect contents of the media used by them, including the data carriers and Internet workstations;
  - caused by borrowed media to users' machines, data files and data carriers;
  - which may arise due to improper, incomplete, omitted or delayed library services;
  - caused by infringements of the contractual obligations between members and Internet service providers.
- (4) The loss of the library membership card must be reported immediately. Legitimate users of the library card are liable for any damage or loss arising from misuse of the library card if the loss of the card is not reported immediately.
- (5) The City of Chemnitz is not responsible for the quality, proper functioning and virus-free state of the data accessed on the Internet. No responsibility is taken for the proper functioning of the lines and computers.
- (6) Users or their legal representatives are responsible for media lost, despoiled or damaged during the lending period. Chemnitz Municipal Library will decide whether users should provide a replacement copy or another work of equal value or whether users should pay a fine to cover the replacement value. The City of Chemnitz will levy a charge for any damage or loss.
- (7) Users are liable for acts of deliberate or gross negligence, insofar as these Articles do not stipulate anything else.
- (8) Chemnitz Municipal Library accepts no liability for personal effects lost or damaged on the premises.
- (9) Chemnitz Municipal Library provides lockers for the storage of bags. The City of Chemnitz is not liable for the personal effects users bring with them, including money, objects similar to money, personal documents, keys to the user's residence or car, etc.

## **§ 8**

### **Exhibitions and Publications of Special Stocks**

- (1) Media from special stocks/collections may only be borrowed for exhibitions with the express permission of the Director of Chemnitz Municipal Library. Special conditions apply with regard to the conservation and security of the stocks.
- (2) In special cases, copies of original items from the special stocks may be applied for and be undertaken by the staff for a fee. Publications require permission from Chemnitz Municipal Library.
- (3) With every exhibition of originals or with the publication of copies from special stocks, Chemnitz Municipal Library must be specified as the owner, and the shelf mark of the work given.
- (4) Members must provide a sample copy of every publication for which the work in the special stocks was used.

## **§ 9**

### **Fees and Charges**

Fees are charged according to the Regulations on Fees and Charges issued by the City of Chemnitz for use of Chemnitz Municipal Library in the municipal undertaking "Das TIETZ".

## **Commencement**

These Articles of Association come into force on 23 October 2004 and are valid until 31 December 2008. At the same time, the "Articles of Association of Chemnitz Municipal Library", concluded on 13 September 2000, are no longer effective.

Chemnitz, 7 October, 2004

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Dr. Seifert  
Lord Mayor

(Official seal)

# **Regulations on Fees and Charges issued by the City of Chemnitz for the use of Chemnitz Municipal Library in the municipal undertaking “Das TIETZ”**

Dated 7 October 2004

The City Council of the City of Chemnitz resolves on the basis of § 4 of the Municipal Code of the Free State of Saxony (SächsGemO) of 21 April 1993 (SächsGVBl. page 301, and SächsGVBl. p. 445) in the version of the declaration of 18 March 2003 (SächsGVBl. p. 55), last amended by the act of 4 March 2003 (SächsGVBl. S. 49) and §§ 2 and 9 of the Saxon Local Rates Code of 16 June 1993 (SächsGVBl. p. 502), amended by Art. 31 of the law governing alterations of the Saxon State Law of 19 October 1998 due to the introduction of the Euro (SächsGVBl. p. 505), amended on 28 June 2001 (SächsGVBl. No. 8 of 27 July 2001), last amended by Article 38 of the act governing the modernisation of the Saxon Administration of 5 May 2004 (SächsGVBl. p. 160) and the Articles of Association of the City of Chemnitz for use of the Chemnitz Municipal Library in the municipal undertaking “Das TIETZ” in its session held on 22 September 2004 with its resolution No. B-156/2004 the following Regulations on Fees and Charges:

## **§ 1**

### **Levy of Fees and Charges**

The City of Chemnitz, represented by the municipal undertaking “Das TIETZ”, levies fees and charges in line with the scale of fees and charges, which is part of these Regulations, collected in order to make use of the services of Chemnitz Municipal Library.

## **§ 2**

### **Debtors**

Debtors are library members, or the legal representatives of minors. Several debtors are joint and severally liable debtors.

## **§ 3**

### **Scale of Fees**

- (1) Chemnitz Municipal Library will charge members an annual or daily fee to use the services of the library. For one-off loans without payment of the annual fee, a payment per item loaned will be charged.
- (2) For the loan of selected bestsellers, an additional fee per loan or renewal period and item will be charged.
- (3) Internet use will be charged per minute. The first 20 minutes of Internet use are free to members with valid library membership cards. These free minutes will be granted once a day at the most.

- (4) Fees for time-consuming information services will be charged according to the amount of time spent to obtain the information.  
If third party services are used on behalf of the member, he or she must pay a fee on top of the amount invoiced by the agent. A flat rate will be charged for sending copies.
- (5) For reservations, as well as orders within the scope of German and international library loans, a fee will be charged for each item ordered. With requests to the International Loan System, the charges levied by each country must also be paid.
- (6) Library tours are free of charge. Special entrance fees will be charged for events and readings.
- (7) If the lending period is exceeded by more than one day, a fine must be paid up to and including the day on which the user returns the loaned media, asks for an extension of the lending period and has it confirmed, or declares that the medium can no longer be returned.  
Chemnitz Municipal Library normally sends a written reminder to the user concerned four days after the lending period has expired. This reminder is subject to charges. This charge is also due when the user does not receive a written reminder from the library.  
If the borrowed media are not returned despite the reminder, Chemnitz Municipal Library can demand, in place of the return of the loaned media, that the user replaces it or pays a fine amounting to the replacement value. In addition, a fee will be levied for the notification of the loss. If it can be proved that the deadline was exceeded through no fault of the user, then the Director of the Municipal Library is entitled to waive any fees incurred upon written application by the user.
- (8) In addition to fees and fines, the user must pay the postal charges for each reminder. If the client wishes, reminders can be sent by e-mail free of charge.
- (9) Fees and fines will be charged in line with the scale of fees according to the attachment, which is part of these Articles of Association.

#### **§ 4**

#### **Accrual and due Date of Fees**

The annual fee becomes due immediately upon registering with Chemnitz Municipal Library. It must be paid again after one year and is due upon the next visit to the library.

Other charges arise whenever a service is used and are due when the media is loaned out or the service has been performed.

## Commencement

These Regulations on Fees and Charges come into force on 23 October 2004 and are valid until 31 December 2008. At the same time, the "Regulations on Fees and Charges of Chemnitz Municipal Library", concluded on 13 September 2000, are no longer effective.

Chemnitz, 7 October 2004

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Dr. Seifert  
Lord Mayor

(Official seal)

**Annex** to the Regulations on Fees and Charges issued by the City of Chemnitz for the use of the municipal library in the municipal undertaking “Das TIETZ“

## Scale of Fees and Charges of Chemnitz Municipal Library

### 1 Annual fee and user fees

<b>Annual fee</b>	15.00 €
School-attending children up to the age of 14 and members of the association “Supporters of the Chemnitz Municipal Library e.V.“ are exempt from the payment of the annual fee	
School-attending children aged 14 years and over. Trainees and apprentices. Full time students. Persons serving basic military service or alternative civilian or social service. Holders of Chemnitz Card	7.00 €
Families	22.00 €
Families owning the Chemnitz Card	13.00 €
<b>Daily fee</b>	2.00 €
For use of inventory from the stack within the reading room	
<b>Fee for single borrowing</b>	2.50 €
Per item without payment of the annual fee	

### 2 Additional borrowing fees

<b>Bestseller service</b>	2.00 €
Per borrowing of an item of the special service	
<b>Fees for materials kept beyond due-date</b>	0.30 €
Per item and opening day after due-date	
School-attending children up to the age of 14 per item and opening day after due-date	0.10 €
<b>Reservation per item</b>	0.50 €
<b>Rewinding of a video</b>	0.50 €

### **3 Fees for return after due-date and payment demands**

<b>Issuing of a reminding letter past due-date</b>	0.50 €
<b>Issuing of a letter demanding payment</b>	5.00 €
<b>Initiation of a payment order</b>	10.00 €
<b>Ascertainment of an address</b>	10.00 €

### **4 Use of the internets and reservation of a carrel**

<b>Use of the internet</b>	0.03 €
With valid library card after 20 minutes per minute	
<b>Use of the internet</b>	0.05 €
Without valid library card per minute	
<b>Fee for the reservation of a carrel</b>	2.00 €
<b>Deposit for the key</b>	10.00 €

### **5 Participation in the German interlibrary loan**

Placing of an <b>order via the interlibrary loan</b> per item	2.50 €
School-attending children. Students. Trainees and apprentices. Holders of a family card per item	1.50 €
<b>Document delivery service per order</b> in addition to the fee charged by the delivery service	2.00 €

### **6 Copying/Computer print-out**

<b>Copies – Self service</b>	0.10 €
Photocopies of current print media. Computer print-outs. Copies using the reader-printer per page (DIN A 4)	
Colour prints per page (DIN A4)	0.70 €
<b>Copies upon customer request as well as copies of historical inventory</b>	0.50 €
Per page (DIN A 4)	
<b>Colour copies</b>	1.00 €
Per page (DIN A 4)	
<b>Data copies</b>	5.00 €
In addition to reimbursement of time needed for inquiry	
<b>Production of a microfilm</b>	5.00 €
In addition to the costs charged by the manufacturer	

## 7 Information services

<b>Commencing every half hour</b>	12.00 €
After written order submission of the customer plus costs charged by the information service provider when searching databases liable to costs and plus fees for copying and printing services in accordance with Point 5.	
<b>Flat rate for shipping - postal delivery</b>	5.00 €
<b>Notification by mail</b>	0.55 €
<b>Notification via e-mail</b>	free

## 8 Loss, damage

<b>Replacement of the library card</b>	5.00 €
Children up to the age of 14	2.50 €
<b>Indication of loss or considerable damage of an item</b>	4.00 €
In addition to the replacement value	
<b>Minor damages</b>	2.00 €
<b>Loss of key for a locker or carrel</b>	26.00 €

## 9 Entrance fees

<b>Events and author's readings</b>	3.00 – 20.00 €
Entitled discount amounts to 40 % of the entrance fee	