

**Articles of Association of the City of Chemnitz
for the use of Chemnitz Municipal Library
in the municipal undertaking "Das TIETZ"**

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, 159) last amended by Art. 10 of the law regarding the rearrangement of the Saxon administration of 29 January 2008 (SächsGVBl. p. 138, 158), at its session on 16-12-2009 with resolution no. B-372/2009 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. It is a communal service provider guaranteeing the basic right of free access to information for all citizens in a particular way. For fulfilment of this task, it offers a wide range of present media, establishes open access to information, advises its customers professionally with high quality and ensures the basis for life-long individual education. It is cooperation partner of educational institutions, promotes reading and proficient handling including all kinds of media. As a centre of communication and venue, it serves the purpose of encounter, self-study and recreational activities for citizens.
- (2) It consists of the central library including its departments and the district libraries.
- (3) Chemnitz Municipal Library purchases and makes available the latest media and guarantees access to the Internet. It is obligated to the current demands regarding reading and information in its offer of range, but also considers the core range of education in literature, culture, society, science and technology. In addition to that, it collects and stores media concerning the history of Chemnitz, local events and significant personalities of the city. It makes media and information available for public use in its institutions and advises customers with their selection and research.
- (4) The majority of its stock can be borrowed or is available online. Reference material consists of inventory containing very valuable information as well as historical collections which need special care.
- (5) 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.
- (6) Media not in stock of Chemnitz's municipal library can be acquired for academic purposes by means of inter-library loans.
- (7) 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, photo, date of birth and address. 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 25 August 2003 (SächsGVBl. p. 330) 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 access 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 persons 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. User cards are not transferable and members' library cards remain the property of the City of Chemnitz. 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

Utilisation 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 and liable for the return of the media.
- (2) In the web catalogue, every customer can access all saved personal data, loaned media, loan periods etc. under "account". For safety, access is only possible with the customer number and personal identification number (PIN). The PIN is handed over when registering and may be changed by the customer. In case the PIN is abused by the customer, he/she gets liable.
- (3) Items borrowed from Chemnitz Municipal Library may not be lent to third parties.
- (4) Reference material will not be loaned outside the library. Study areas and photocopiers are available for the use of such material.

- (5) 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.
- (6) Animals may not be taken into the library.
- (7) 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 the library personnel.
- (8) Users are obliged to book all media before leaving the library without being solicited to do so, to check the condition and completeness of the media handed over, and to call attention to any existing damage or missing media parts. If no complaint is made, the media handed out are regarded as being in perfect condition. From this moment on, the user is responsible for the return of the media loaned out.
- (9) For each loan, the customer receives a receipt listing the loan media and the respective return date. Users are obliged to immediately check loan receipts for accuracy and completeness of the details given. Complaints raised later will not be acknowledged.
- (10) Media out on loan can be reserved in advance by other library users for a fee.
- (11) The customer is obliged to check media for completeness before returning them. For incompletely returned media, a fee is charged. The customer is charged this fee for the respective medium until complete return.
- (12) The receipt created after return of the media is handed over under reserve regarding completeness and damage of the media. The receipt has to be checked for accuracy of statement. Any objections have to be claimed to the service personnel without delay. In case media is returned outside opening hours, claims need to be asserted the next opening day at the latest.
- (13) Media not being present in the stock of the municipal library and which are required for academic purposes, can be furnished by means of the "German inter-library loan system" on customer's request. The additional conditions of the library sending the media apply. Such service is subject to a charge.

§ 4

Lending Period and Extension of Period

- (1) The loan period is four weeks for books, board games and data stores having belletristic, scientific or popular scientific content. Newspapers and data stores containing music, games and films may be loaned 2 weeks. For online loans of digital media, particular loan periods apply per exemplar. 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) Before expiration of the loan period, it may be extended three times as a maximum in personal, over the telephone or by means of the online catalogue depending on the kind of media. For extension of time, the customer card must be presented or its number must be provided for extension by telephone. For certain kinds of media, the Chemnitz Municipal Library may exclude or restrict the extension of time. The extension of time only takes place if the media has not been reserved by another customer and provided the customer card still is valid. It does not take place in case the loan period has been exceeded and the customer account has been charged with fees. On request, loaned media have to be submitted.

- (3) For each request for extension of time, the new return date is provided. In case the customer's account provides different loan periods, only the earliest return date is named for extension by telephone.
For online extensions, the customer is responsible for exact execution of the extension of time. He is obliged to check the extension of time in the customer display himself. For requests in writing, the extension of time is only guaranteed under reserve. The customer bears the risk of refusal. Requests in writing for extension of time are not responded to by the Municipal Library.

§ 5 Restrictions of Use

- (1) The Director of Chemnitz Municipal Library determines the restrictions of use for certain stocks.
- (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 carefully 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.
- (5) When using the Internet, the conditions governing the Copyright, Penal Law and Youth Protection 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.
Chemnitz Municipal Library does not accept obligatory supervision for minors as per Civil Code § 832 Para. 2. It only is liable within the frame of legal regulations.
- (2) Users are obliged to comply with copyright or other third party rights with regard to the PCs, media they have loaned out or been given access to or have been provided with. Users hereby exempt the City of Chemnitz from all liability with regard to this.
- (3) The City of Chemnitz is not liable for damage
 - 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) 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 virusfree 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 historical or regional stocks 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) Customers are obliged to 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".

**§ 10
Commencement**

These Articles of Association come into force on 01-01-2010 and are valid for an indefinite time. At the same time, the "Articles of Association of Chemnitz Municipal Library", concluded on 22-09-2004 having resolution no. B-155/2004, are no longer effective.

Chemnitz, 22 December 2009

signed p.p. Lüth

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Barbara Ludwig
Mayor

(Official seal)