

Library Policies of the Mercer Public Library

IX. Circulation Policy

A. *Registration:*

Residents, property owners, and visitors to the Mercer area are eligible to apply for a library card. The Mercer Library shall provide the same services to all residents and property owners of the Northern Waters Library Service area as to residents and property owners of Mercer. Service is also available free of charge to those holding a library card from other library system with which NWLS has an intersystem agreement.

Patrons must be registered and have a valid Northern Waters Library Network (NWLN) card to borrow library materials. Individuals are limited to one card in the NWLN system, regardless of the place of issue.

To obtain a card, patrons must fill out an application form and provide proof of identity and residence for a full-service patron account. A drivers' license, state identification card, or student ID may be used, or library staff may verify residence using the guidelines from the [Wisconsin Proof of Residence for Voter Registration](#).

Wisconsin residents may register for a NWLN eCard online. An eCard gives patrons immediate access to online resources and the ability to place holds in the NWLN catalog. An eCard must be upgraded to a full-service patron account before the patron will be allowed to check out physical library materials.

Applicants under 14 years of age or adults with a legal guardian or caregiver must have a parent, guardian, or other adult serve as the responsible party for the card. The responsible party is ultimately responsible for any late fees or lost materials on the card and must provide contact information and sign the card application form.

Materials cannot be checked out until a library card is issued. On the day a new library card is issued, the new cardholder may check out up to five (5) items and may not check out any equipment items. Once the cardholder returns the initial items s/he borrowed, the card will have the same limits as all other library cards.

All library cards expire after one year. To renew a library card, patrons must produce identification, update any changed contact information, and clear any outstanding fines and bills.

B. *Lost or forgotten cards:*

If a patron loses his/her library card, he/she should notify the library as soon as possible and request a replacement. The cost for a replacement card will be \$2.00. All patrons must bring their library cards with them if they intend to check out items or use the computers.

Patrons should safeguard their library cards if they are concerned about access or privacy. Unless a card has been reported lost or stolen, library staff will assume that possession of a library card by a spouse, parent, or even an unrelated individual implies that the cardholder authorizes that individual access to his/her library records and borrow materials on the card.

C. *Loan periods:*

1. Books and books on CD are loaned for three (3) weeks. Books on the "new books" shelf are loaned for two (2) weeks with no renewals.

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2. The library may maintain a “Lucky Day” collection of popular movies and books. These items cannot be reserved. Lucky Day movies are loaned for three (3) days and book and audiobook materials are loaned for seven (7) days.
3. Current issues of periodicals do not circulate. Back issues are loaned for three (3) weeks.
4. DVDs and videotapes are loaned for one (1) week. DVD sets are loaned for two (2) weeks.
5. Materials in the “Library of Things” are loaned for one (1) week.
6. Items may be renewed up to twice if there are no holds on the title, except that Lucky Day items may not be renewed.
7. Interlibrary loans are due on the date indicated by the lending library.
8. Generally, reference books and local history materials do not circulate. Some reference materials may be checked out overnight upon approval of the library staff.

Library staff may extend loan periods for individual items when there are extenuating circumstances. The Director may establish the loan period for special collections, materials which are temporarily in great demand, or materials added to the collection that are in a new format. When items are in high demand for a local school assignment, each patron shall be limited to two (2) items on that subject.

A patron with a library card in good standing may borrow a maximum of twenty five (25) items at one time, including no more than seven (7) videotapes/DVDs.

D. Reserves:

Reserves may be placed by patrons either in person, through the library’s online catalog, or over the phone. Patrons will be notified by telephone or email when the materials become available. Reserved materials must be picked up within seven (7) days of notification or the item will be offered to the next name on the reserve list.

E. Fines and charges:

The Mercer Public Library’s mission is to provide access to materials and services to the entire community. We believe that overdue fines are a barrier to library access. Therefore, the Mercer Library will not charge overdue fines for late materials to any patron who returns their library materials in undamaged condition. Patrons will still be charged for lost or damaged items.

In order to make library materials available to the community as efficiently as possible, library patrons should respect the due dates on all items and are encouraged to renew items that they wish to keep past their due dates. To assist patrons, the library shall generate courtesy notices and overdue notices. Overdue notices are sent as a courtesy reminder, and the library will not be responsible for notices that are misdirected. Patrons may choose to have reminders and notices sent by email, SMS, or automated phone call. In order to limit the time and expense of sending notices, first- and second-level overdue notices will not be sent via letter.

- A first-level overdue notice is generated when the material is one week overdue. First-level notices will only be sent by email or SMS.
- A second-level overdue notice is generated when the material is two weeks overdue. Patrons will be sent the second-level notice by email or SMS.

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- Any materials more than four (4) weeks past due will be considered lost and will be billed to the patron at the current replacement cost plus a \$5.00 processing fee. A replacement fee notice will be sent by email or by letter. If the value of the item is unknown or if the item is irreplaceable, the processing fee plus a charge equal to the value of the lost item or the cost of an equivalent item, whichever is higher, will be assessed. If the patron returns the item in good condition, all replacement and processing fees will be waived.
- A patron with \$5 or more in charges on their library card due to lost or damaged items shall not be permitted to check out any additional items.

F. Lost or Damaged materials:

If materials are lost or are damaged so as to be judged by the library as being unsuitable for the collection, the patron must pay the replacement cost. Notice of these charges will be sent to the borrower by letter. If the value of the item is unknown or if the item is irreplaceable, the processing fee plus a charge equal to the value of the lost item or the cost of an equivalent item, whichever is higher, will be assessed.

G. Confidentiality:

As specified in *Wisconsin Statutes 43.30*, “records of any library which is in whole or in part supported by public funds, including the records of a public library system, indicating the identity of any individual who borrows or uses the library's documents or other materials, resources, or services may not be disclosed except by court order or to persons acting within the scope of their duties in the administration of the library or library system, to persons authorized by the individual to inspect such records, to custodial parents or guardians of children under the age of 16 under sub. (4), to libraries under subs. (2) and (3), or to law enforcement officers under sub. (5).”

The Mercer Public Library adheres to all sections of this Statute regarding the protection of the confidentiality of users. The library recognizes that the library's circulation records and other records identifying the names of library users are confidential in nature. Such records shall not be made available to any agency of government or law enforcement except under the authority of a search warrant or subpoena. The Mercer Public Library will resist the enforcement of any such process, order, or subpoena until such time as a proper showing of good cause has been made in a court and has been reviewed by the library's legal counsel.

Handling of court orders

If a law enforcement officer (or anyone else) brings a **subpoena** directing library staff to produce library records:

- (1) Notify the Library Director, or if the Director is not available, notify the Library Board president. **Other library staff or volunteers shall not accept any legal documents on behalf of the library.**
- (2) The Library Director or board president person should ask the municipal attorney (or library counsel) to review the subpoena.
- (3) Follow legal counsel's advice for compliance with the subpoena.

If law enforcement officers bring a court order in the form of a **search warrant**:

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- (1) A search warrant is executable immediately, unlike a subpoena. The law enforcement officers may begin a search of library records as soon as they enter the library.
- (2) Notify the Library Director, or if the Director is not available, notify the Library Board president. **Other library staff or volunteers shall not accept any legal documents on behalf of the library.**
- (3) Request that the law enforcement officers wait until the municipal attorney (or library counsel) is present before the search begins in order to allow counsel an opportunity to examine the search warrant and to assure that the search conforms to the terms of the search warrant. (The law enforcement officials are *not* required to accede to your request to delay the search.)
- (4) Cooperate with the search to ensure that only the records identified in the warrant are produced and that no other users' records are disclosed.

If FBI agents bring a court order in the form of a **search warrant issued under the Foreign Intelligence Surveillance Act (FISA)**:

- (1) A search warrant is executable immediately.
- (2) Notify the Library Director, or if the Director is not available, notify the Library Board president. **Other library staff or volunteers shall not accept any legal documents on behalf of the library.**
- (3) Request that the law enforcement officers wait until the municipal attorney (or library counsel) is present before the search begins in order to allow counsel an opportunity to examine the search warrant and to assure that the search conforms to the terms of the search warrant. (The law enforcement officials are *not* required to accede to your request.)
- (4) Cooperate with the search to ensure that only the records identified in the warrant are produced and that no other users' records are disclosed.
- (5) **It is illegal to disclose** to any other person (other than those persons necessary to produce the tangible things sought in the warrant) that the Federal Bureau of Investigation has sought or obtained records or other items under the Foreign Intelligence Surveillance Act (FISA).

Handling of parental requests to view records

Wisconsin Statutes Section 43.30 also requires that a library that is in whole or part supported by public funds must disclose to a custodial parent or guardian of a child under the age of 16 any records relating to that child's use of the library's documents, or other materials, resources, or services. For the purposes of complying with this law, the library will use the following procedure to determine an individual's right to access a child's library record:

- (1) The library will request identification from a person requesting the records of their custodial child (such as a driver's license or other photo ID).
- (2) Proof that the person resides at the same address as the child will be considered reasonable proof of custody.
- (3) A custodial parent who does not have the same address as the child may provide other documents that might reasonably prove that the requester is a custodial parent. Such documents may include, but not be limited to, possession of a birth certificate of the child or a copy of court documents stating that the requester has physical custody of a child.

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- (4) The library will remove identifying information such as address, phone number, age, etc., of the child in question before complying with a request for information, as a custodial parent should already have this information.
- (5) Library staff will respond to requests for information from custodial parents as soon as practical and without delay.
- (6) A person who has been denied access to records of a minor child may appeal this decision to the Library Director and/or the Library Board.

Circulation Policy reviewed and revised by the Library Board, July 10, 2023

H. Equipment Lending

The Mercer Library maintains a Library of Things containing non-traditional library items that may be checked out of the Mercer Public Library. The Library of Things may include audio-visual equipment, games and recreation equipment, wireless hotspots, household items such as canning equipment, and other items of interest to the community.

All items in the Library of Things are available on a first-come, first-served basis. No holds are allowed, and Library of Things items shall not be delivered to other libraries in the NWLN network. All items must be returned inside the Mercer Library to staff at the front desk, and not in any book drop or to any other NWLN consortium library.

Library staff may hold items needed for use at library programs or other library business. Any need for in-house use of equipment will take precedence over a request to borrow items for off-site use.

Patrons must be over the age of 18 and have a library card in good standing with no overdue items or fines in order to check out items from the Library of Things. The patron assumes full responsibility for the cost of repair or replacement in the event that borrowed equipment is lost, stolen, or damaged.

I. Interlibrary Loan:

Because of limited budget and space, the library cannot provide all materials that are requested. Interlibrary Loan (ILL) is used to obtain materials that are beyond the scope of this library's collection and are not available through the NWLN library consortium. In return for utilizing ILL to satisfy the needs of our patrons, the Mercer Public Library agrees to lend its materials to other libraries through the same ILL network.

In order to maintain the Mercer Public Library's ability to borrow ILL materials, patron requests must adhere to the following guidelines:

- Borrowers requesting ILL services must have a NWLN library card in good standing and must be a resident or property owner in the Northern Waters Library Service area, encompassing Ashland, Bayfield, Burnett, Douglas, Iron, Sawyer, Vilas, and Washburn counties in Wisconsin.
- MPL will provide ILL services to all eligible patrons without charge whenever possible.

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- Patrons may have up to five active ILL requests at any time.
- Patrons shall pick up requested items in a timely manner and shall return all ILL items to MPL with their original paperwork or packaging.
- MPL will not lend or request items that are rare, valuable, fragile, unique and difficult to replace, in high demand in the local NWLN consortium, or in prepublication. Items that have been published within the last 90 days are not eligible for ILL requests outside of the NWLN system.
- If items cannot be obtained through ILL, MPL will attempt to obtain the needed information through document delivery services if appropriate.
- Patrons must agree to adhere to the due dates set by the lending library. Up to two renewals may be requested in advance of the due date. If a renewal has been denied, patrons must return materials promptly to the borrowing library and MPL will not request further renewals. All ILL material on loan is subject to immediate recall at the request of the lending library.
- Failure to follow these guidelines may jeopardize MPL's ability to obtain ILL items for all patrons. Therefore, a patron's ILL privileges may be suspended or revoked if:
 - the patron refuses to return ILL materials on time or when recalled, or to follow other library instructions;
 - the patron damages ILL items; or
 - the patron refuses to pay overdue or replacement charges associated with ILL items.