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Policy on Service to Non-Residents for 2021–2022

The mission of the Batavia Public Library is to provide and ensure access to materials and services to meet the lifelong learning needs of residents and organizations, as well as to create a welcoming place to gather, exchange ideas, and participate in cultural events.

Authority: This policy is adopted pursuant to Section 3050.20, “Public Library Responsibilities,” of Part 3050 of the Illinois Administrative Code, “Public Library Non-Resident Services” [23 Ill. Adm. Code 3050].

The use of libraries by non-residents is authorized by Section 4–7 of the Illinois Local Library Act [75 ILCS 5 / 4–7] and Section 30–55.60 of the Public Library District Act of 1991 [75 ILCS 16 / 30–55.60] and Section 8.25 of the State Mandates Act [30 ILCS 805 / 8.25] and further regulated by 23 Ill. Adm. Code 3050.

Policy on Borrowing Privileges

- The actual use of a Library Card to borrow books and other materials from the Library is governed by the “Policy on Borrowing Privileges,” q.v., the current version of which is incorporated herein by reference.
- This “Policy on Service to Non-Residents” is an interpretation of and a supplement to the “Policy on Borrowing Privileges.”

Policy on Service to Non-Residents

- (1) The Library shall provide service to individuals who walk in, telephone, or write. (In general, all persons, regardless of residency, are currently allowed to walk in, telephone, or write in order to use—or access—the collections and services of the Library.)
- (2) The Library shall honor valid borrower’s cards from public libraries throughout the State of Illinois.
- (3) A “non-resident” is defined in Section 3050.10 of the Illinois Administrative Code as “an individual residing in Illinois who does not have his or her principal residence within [a] public library service area” [23 Ill. Adm. Code 3050.10].
- (4) The Library shall charge a fee (except as noted) to issue a borrower’s card to non-residents who reside outside the corporate limits of the Batavia Public Library District and within the appropriate non-resident service area for Batavia (hereinafter “eligible non-residents”). The appropriate non-resident service area is defined as “the closest public library” in Section 3050.25 of the Illinois Administrative Code [23 Ill. Adm. Code 3050.25], q.v. The Board of Library Trustees shall review the schedule of fees in May, each year.
- (5) Employees of the Batavia Public Library who reside outside the corporate limits of the Batavia Public Library District (“non-resident employees”) are considered “eligible non-residents.” Cards issued to non-resident employees are issued with no restrictions on use. [Authority: Illinois State Library: Interpretation of the Administrative Code Rules for Non-Resident Service, Memorandum of 11 June 2002, Questions 1 and 7; http://www.cyberdriveillinois.com/departments/library/who_we_are/pdfs/june11.pdf; on file]

(6) By mutual understanding, the commonality of community interests, and in consideration of the historic relationship between Fermi National Accelerator Laboratory (Fermilab) and the City of Batavia / Batavia Public Library District, the residents (also known as users or visitors) of that portion of Fermilab that lies within DuPage County are considered “eligible non-residents.”¹

(7) The regulatory authority for this section is pending approval by the Joint Committee on Administrative Rules; there is no statutory authority. In other words, the provisions of this section are contingent upon the approval of changes to the Illinois Administrative Code. As a result, the provisions are not yet in effect.

The Library does not offer non-residents access to E-Resources, free of charge, as set forth in Section 3050.45 of the Illinois Administrative Code [23 Ill. Adm. Code 3050.45], q.v. Such access to E-Resources is provided with a borrower’s card issued to eligible non-residents, as described herein.

(8) The regulatory authority for this section is pending approval by the Joint Committee on Administrative Rules; there is no statutory authority. In other words, the provisions of this section are contingent upon the approval of changes to the Illinois Administrative Code. As a result, the provisions are not yet in effect.

Veterans who do not have their principal residence within a public library service area with a service-connected disability of at least 70% and who are exempt from paying property taxes on their primary residence in compliance with the Disabled Veterans’ Standard Homestead Exemption [35 ILCS 200 / 15–169], as set forth in Section 3050.60 (d) of the Illinois Administrative Code [23 Ill. Adm. Code 3050.60 (d)], q.v., are considered “qualifying non-resident veterans.”

A “veteran” is defined in Section 3050.10 of the Illinois Administrative Code as “an Illinois resident who has served as a member of the United States Armed Forces on active duty or State active duty, a member of the Illinois National Guard, or a member of the United States Reserve Forces who has received an honorable discharge” [23 Ill. Adm. Code 3050.10].

In addition to the requirements set forth in Section 10 (below), when applying for a non-resident borrower’s card, qualifying non-resident veterans must present documentation from the county where they reside that indicates that their residence is exempt from paying property taxes.

Only qualifying non-resident veterans as individuals (as opposed to households) are eligible to receive a non-resident borrower’s card.

(9) The statutory authority for this section is 75 ILCS 16 / 55.60 (4). While the regulatory authority for this section is pending approval by the Joint Committee on Administrative Rules, the provisions of this section are in effect based solely on the statutory authority.

Students who do not have their principal residence within a public library service area and who either (a) are eligible to receive free or reduced price lunches under the National School Lunch Program, as determined by Income Eligibility Guidelines established by the U.S. Department of Agriculture (USDA), or (b) attend a school or school district that operates under the Community Eligible Provision of the USDA National School Lunch Program, as set forth in Section 3050.75 of the Illinois Administrative Code [23 Ill. Adm. Code 3050.75], q.v., are considered “qualifying non-resident students.”²

A “student,” for purposes of this policy, is defined in Section 3050.10 of the Illinois Administrative Code as “an individual currently enrolled in a public or [not-for-profit] private school (K–12) who does not have his or her principal residence within a public library service area” [23 Ill. Adm. Code 3050.10].

In addition to the requirements set forth in Section (10), below, when applying for a non-resident borrower’s card, qualifying non-resident students must present documentation from the school or school district that indicates their eligibility for free or reduced-price lunches.

¹That portion of Fermilab that lies within Kane County is within the territory of the Batavia Public Library District.

²This initiative, established by Public Act 101–632 (2020), is informally known as “Cards for Kids.”

Only qualifying non-resident students as individuals (as opposed to households) are eligible to receive a non-resident borrower's card.

(10) Eligible non-residents shall be required to present, in addition to proof of identity and proof of address (as governed by the "Policy on Library Cards," q.v., the current version of which is incorporated herein by reference), one of the following documents: a recent property tax bill, an active residential lease, a rent receipt, an active commercial lease, or any other document certified by the Library Director for purposes of identification in this regard. A worksheet shall be used to calculate each non-resident fee, a copy of which shall be retained by the Library for statistical and other administrative purposes.

(11) The schedule of fees for 2021–2022, effective 1 July 2021, shall be as follows:—

(a) **Non-Resident Employees:** For non-resident employees, the non-resident fee is waived as a benefit of employment. The value of this benefit as compensation is equal to the non-resident fee based on the Illinois State Library "General Mathematical Formula" (described below).

(b) **Non-Resident Property Owners and Lessees:** For eligible non-residents who own (for any purpose) or lease (for a non-residential, commercial purpose) taxable property within the Batavia Public Library District: The non-resident fee shall not apply. The Library shall follow the requirements set forth in Section 30–55.60 (3) of the Public Library District Act of 1991 [75 ILCS 16 / 30–55.60 (3)] and Section 3050.70 of the Illinois Administrative Code [23 Ill. Adm. Code 3050.70], q.v.

(c) **Non-Resident Taxpayers:** For eligible non-residents who own taxable property outside the Batavia Public Library District: From the most recent property tax bill, use the library tax rate or equivalent, including all special levies. Use the taxable value of the property; that is, the assessed valuation of the non-resident property owner's principal residence on an individual, case-by-case basis. Calculate the fee by multiplying the taxable value of the property by the tax rate stipulated by the Board of Library Trustees (below). In this manner, "The property owner will pay the same amount as would be paid if the property were in the library service area." [23 Ill. Adm. Code 3050.60]

Exception: In situations in which an owner does not yet have an up-to-date property tax bill (e.g., an owner's house was just built or purchased), the non-resident fee shall be based on the Illinois State Library "General Mathematical Formula" (described below).

For 2021–2022 ("Limited Rate" for Tax Year 2020), the tax rate shall be **0.436100%** (0.00436100), as certified by the Clerk of Kane County.

This fee, which is calculated on an individual, case-by-case basis, is not subject to the concept of a *minimum fee level*, such as that stipulated by the use of the Illinois State Library "General Mathematical Formula."

(d) **Non-Resident Renters:** For eligible non-residents who lease or rent their primary residence outside the Batavia Public Library District: The Library shall follow the requirements set forth in Section 3050.60 of the Illinois Administrative Code [23 IL ADC 3050.60], which states: "The library shall ... charge a minimum of 15 percent of the monthly rent as the annual non-resident fee...." This factor (15%) is incorporated into the following formula:—

- $(\text{Monthly Rent}) \times 0.15 = \text{Fee}$
- Example: If a person's rent is \$627.50 per month, then ...

$$\$627.50 \times 0.15 = \$94.125 = \$94.13 \text{ (rounded)}$$

Residents (also known as users or visitors) of Fermi National Accelerator Laboratory (Fermilab) are subject to this fee.

(e) **Non-Resident Veterans:** SEE Section (8), above, vis-à-vis the authority for this section, the provisions of which are not yet in effect. The non-resident fee shall not apply to qualifying non-resident veterans.

(f) **Non-Resident Students:** The non-resident fee shall not apply to qualifying non-resident students.

(g) **Special Circumstances:** For special circumstances regarding eligible non-residents, including, but not limited to, situations in which an owner does not yet have an up-to-date property tax bill (e.g., an owner’s house was just built or purchased): The non-resident fee shall be based on the Illinois State Library “General Mathematical Formula” [23 IL ADC 3050.60]. This formula divides the Library’s income from local property tax sources by its service population, and then multiplies the result by the average number of persons per household in its service area:—

- $(\text{Income from Local Property Tax Sources}) \div 26,562 \text{ Persons in Library District (2010 Census)}$
 $= (\text{Fee Per Person}) \times 2.71 \text{ Persons per Household} = (\text{Fee per Household})$

The Library’s service population (26,562) is that for the Batavia Public Library District as a whole. The average number of persons per household (2.71) is that for the City of Batavia (2010 Census).

For 2021–2022 (Tax Year 2020), the Library’s estimated property tax revenue (“Kane County Total Extension”³) will be as follows:—

\$ 4,473,144.00 Total Income from Local Property Tax Sources

The formula results in the following fee per household:—

- ⇒ $\$ 4,473,144.00 \div 26,562 = \$168.40 \times 2.71 = \$456.37$ or **\$457.00** (rounded up to the next whole dollar)

(h) **Partial-Year Non-Resident Cards** may be sold on a quarterly basis and shall be assessed an additional \$1.00 surcharge per quarter, regardless of the number of quarters sold at one time. (For example, a six-month non-resident card is equivalent to two quarters, so the surcharge would be \$2.00, or \$1.00 per quarter.)

Approval History:

- Adopted by the Board of Library Trustees Tuesday, 17 May 2005 (Ordinance 2005–001)
- Revised and Adopted in May 2006–2018
- Revised for 2019–2020 and Adopted by the Board of Library Trustees on Tuesday, 21 May 2019 (Ordinance 2019–003)
- Revised for 2020–2021 and Adopted by the Board of Library Trustees on Tuesday, 19 May 2020 (Ordinance 2020–001)
- Revised for 2021–2022 and Adopted by the Board of Library Trustees on Tuesday, 18 May 2021 (Ordinance 2021–002)

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³Source: Kane County. “Tax Computation Report” (Tax Year 2020)