

## **CHAPTER 8-17 RULES OF CONDUCT AND EXCLUSION PROCESS AT THE CITY OF SANTA MARIA PUBLIC LIBRARY**

### **Section 8-17.01. Loud Electronic Devices Prohibited.**

Loud or unreasonable noises or other disturbances are prohibited, including but not limited to, noises caused by loud or disruptive voices or behavior, electronic devices, or phones. Cell phones are to be used in designated areas only. (Ord. 2008-30, eff. 1/15/09; Ord. 2009-18, eff. 10/1/09)

### **Section 8-17.02. No Harassment of Library Users or Staff.**

Harassing of library users or staff is prohibited. "Harassing" includes, but is not limited to, verbal and nonverbal expression such as staring at, or following library users or staff. (Ord. 2008-30, eff. 1/15/09; Ord. 2009-18, eff. 10/1/09)

### **Section 8-17.03. Proper Hygiene Required.**

Users of the library must observe proper hygiene by not offending others with unreasonable odor, including bodily or personal property. Library users must also wear shoes and shirts while in the library. (Ord. 2008-30, eff. 1/15/09; Ord. 2009-18, eff. 10/1/09)

### **Section 8-17.04. Proper Supervision of Children Required.**

Children should be supervised in the library by parents or guardians. Proper supervision of children in the library by parents or guardians includes not leaving a minor unattended for an unreasonable period of time. (Ord. 2008-30, eff. 1/15/09; Ord. 2009-18, eff. 10/1/09)

### **Section 8-17.05. Adherence to Safety Standards Required.**

Library users must adhere to all safety standards in the library, for example not impeding movement by others in the library or creating a safety hazard by the inappropriate placement of personal belongings. (Ord. 2008-30, eff. 1/15/09; Ord. 2009-18, eff. 10/1/09)

### **Section 8-17.06. No Photography or Videotaping Without Express Consent.**

Taking photographs of any type or videotaping in the library is prohibited except with the express consent of the City Librarian or his/her deputies. (Ord. 2008-30, eff. 1/15/09; Ord. 2009-18, eff. 10/1/09)

### **Section 8-17.07. Persons Engaged in Constitutionally Protected Speech – Restrictions.**

Persons engaged in constitutionally protected speech, such as requesting signatures for petitions and other expressive activities, are not permitted to harass library patrons or block access to the library. (Ord. 2008-30, eff. 1/15/09; Ord. 2009-18, eff. 10/1/09)

### **Section 8-17.08. No Soliciting or Selling of Items Allowed.**

Unless otherwise authorized by the City Librarian, soliciting or selling items inside the library or in the area immediately outside and around the library is prohibited. (Ord. 2008-30, eff. 1/15/09; Ord. 2009-18, eff. 10/1/09)

### **Section 8-17.09. Food and Drink in Library Prohibited.**

No eating or drinking is allowed in the library, except in designated areas. (Ord. 2008-30, eff. 1/15/09; Ord. 2009-18, eff. 10/1/09)

### **Section 8-17.10. Restrictions on Use of Restrooms.**

Unreasonable use of restrooms, including laundering and bathing, is prohibited. (Ord. 2008-30, eff. 1/15/09; Ord. 2009-18, eff. 10/1/09)

**Section 8-17.11. Sleeping or Loitering Prohibited.**

Sleeping or loitering in the library, including lying on the floor or furniture is prohibited. (Ord. 2008-30, eff. 1/15/09; Ord. 2009-18, eff. 10/1/09)

**Section 8-17.12. Animals Prohibited in Library – Exception for Disabled Persons.**

No person shall bring an animal into the library, except a disabled person is permitted to bring an animal trained to assist the disabled person into the library. (Ord. 2008-30, eff. 1/15/09; Ord. 2009-18, eff. 10/1/09)

**Section 8-17.13. Adherence to Library Policy Regarding Use of Public Computers Required.**

All library users who use public computers shall adhere to the Library Policy for Patron Use of Public Computers. This policy is posted in the library and is available from library staff upon request. (Ord. 2008-30, eff. 1/15/09; Ord. 2009-18, eff. 10/1/09)

**Section 8-17.14. Penalty for Violation of Rules of Conduct.**

Any person violating any provision of this Chapter, except for Section 8-17.17, is guilty of an infraction and upon conviction thereof is punishable in accordance with Chapter 1-6. (Ord. 2008-30, eff. 1/15/09; Ord. 2009-18, eff. 10/1/09)

**Section 8-17.15. Exclusion Process.**

In addition or as an alternative to a criminal or administrative citation for a violation of this Chapter, a library user is subject to the Exclusion Process.

(a) General Provision. A library customer is subject to exclusion from the library or may otherwise have his or her library privileges restricted or suspended if he or she (or a person under his or her control or direction) violates any of the provisions of this Chapter within ninety (90) days after he or she was given a verbal warning for a violation of the rules of conduct and a subsequent written warning notice of a violation of the rules of conduct. Serious violations of the rules of conduct may result in the issuance of a written warning notice without a verbal warning.

(b) Persons Authorized to Issue Warning or Exclusion Notices. The City Library shall designate those library staff employees who are authorized to issue warning and exclusion notices.

(c) Issuance of Warning or Exclusion Notices.

(1) Warning Notice. After the issuance of a verbal warning to a library user for a violation of the rules of conduct set forth in this Chapter or immediately upon the occurrence of a serious violation, a City Librarian designated employee may issue a written warning notice for a violation. The warning notice shall specify that the recipient must leave the library for the remainder of the day, and that in the event a second violation of the rules of conduct occurs within ninety (90) days of issuance of the warning notice, that person shall be subject to exclusion from the library or the loss of some or all of his or her library privileges as the City Librarian designated employee may determine to be appropriate. The warning or exclusion notice shall also contain information concerning the right to appeal to the City Librarian. The person to whom the warning notice is issued shall sign a written acknowledgment of its receipt. If the recipient refuses to sign, the person issuing the warning notice shall make a written record of the refusal.

(2) Exclusion Notice. If a library user has received a warning notice and again violates a rule of conduct within ninety (90) days of the date of issuance of the warning notice, a City Librarian designated employee may issue a written exclusion notice excluding the

person from the library or losing some or all of his or her library privileges as the City Librarian designated employee may determine to be appropriate. If the person is excluded from the library, the exclusion shall be for a period of no less than one month and no more than twelve months. The exclusion notice shall specify the person that is to be excluded from the library, the period of the exclusion, the time the exclusion is to commence, any library privileges being lost and the specified period of loss, and information concerning the right to appeal the exclusion notice to the City Librarian. The person to whom the exclusion notice is issued shall sign a written acknowledgment of its receipt and allow his or her photograph to be taken. If the recipient refuses to sign, or allow his or her photograph to be taken, the person issuing the exclusion notice shall make a written record of the refusal. (Ord. 2008-30, eff. 1/15/09; Ord. 2009-18, eff. 10/1/09)

**Section 8-17.16. Right of Appeal of Warning or Exclusion Notice.**

(a) The individual to whom a warning or exclusion notice is issued shall have the right to an appeal from the issuance of the notice.

(b) A notice of appeal of a warning notice or an exclusion notice must be filed, in writing, with the City Librarian within five (5) calendar days of the issuance of the warning or exclusion notice. The notice of appeal shall state the following:

(1) The appellant's name;

(2) The appellant's address and a telephone number where he or she can be reached;

(3) A concise statement as to why the appellant believes that the issuance of the warning notice or the exclusion notice was invalid or unjustified; and

(4) A copy of the warning notice or exclusion notice shall be attached.

(c) A hearing on the appeal shall be held no more than fifteen (15) calendar days after the filing of the appeal, except the City Librarian may postpone the hearing date at the request of the appellant or library staff for good cause. The appellant shall be provided notice of the hearing date, time, and location at least five (5) calendar days prior to the hearing date. The hearing shall afford a reasonable opportunity for the appellant to be present and present evidence that the warning notice or exclusion notice is invalid or unjustified. The appellant shall have the right to cross-examine library staff witness(es). The decision of the City Librarian shall be final and in writing.

(d) At the hearing, library staff shall have the burden to show by a preponderance of evidence that the warning notice or exclusion notice was based on and justified by a violation of the rules of conduct described in this Chapter.

(e) Copies of all library staff documents to be used by the library staff at the hearing shall be made available to the appellant at least five (5) calendar days prior to the hearing. (Ord. 2008-30, eff. 1/15/09; Ord. 2009-18, eff. 10/1/09)

**Section 8-17.17. Punishment for Violation of an Exclusion Notice.**

Any person who violates a provision of an exclusion notice to stay away from the library by physically entering the City Library during the exclusion period is guilty of a misdemeanor. (Ord. 2008-30, eff. 1/15/09; Ord. 2009-18, eff. 10/1/09)