



## **Irwindale Public Library**

### **Policy: Library Code of Conduct**

The City of Irwindale welcomes you to the Irwindale Public Library. The purpose of this policy is to protect the rights and safety of library users, volunteers and staff alike, ensuring a comfortable and safe environment to access ideas, information, and technology. Respectful use of the Library and its property is to be exercised at all times.

**Practice:** With public service being its highest priority, the Library has established certain rules and regulations governing its use, such that all persons may enjoy the benefits of the Library. All Library staff are authorized and expected to enforce these rules and regulations and may intervene to stop prohibited activities or behaviors. Individuals visiting the Library or using its facilities or services must comply with this Code of Conduct.

Individuals who interfere with Library staff in the performance of their duties or who fail to follow any instructions by a staff member to correct prohibited behavior will be subject to exclusion from Library property. Individuals refusing to leave after receiving a notice of exclusion will be subject to arrest and prosecution under California Penal Code Section 602.1(b).

This Code of Conduct incorporates exclusion periods and other consequences that may be imposed by the Library but does not preclude or supersede other consequences or penalties that may be imposed by Federal, State or local law. Illegal activity, as well as willful or repeated violations of this Code of Conduct or other posted Library regulations may result in removal from the facility and/or suspension of Library privileges. In addition, where authorized by Federal, State or local law, violations of this Code of Conduct may also result in arrest. Repeated violations will result in longer periods of exclusion. Library users who wish to request a reasonable modification of this Code of Conduct due to a disability or health problem may contact Library staff or City Administration at 626-430-2200.

**TO ENSURE ACCESS TO LIBRARY SERVICES AND FOR THE SAFETY OF ALL USERS, THE FOLLOWING BEHAVIORS ARE PROHIBITED ON LIBRARY PROPERTY.**

Level One Minor Violations		Consequences (Exclusion Period)		
		1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
1	Entering the Library without clothing covering the upper and lower body or without shoes or other footwear.	<b>Verbal warning only—Library user may correct or leave</b>	<b>1 Day</b>	<b>7 Days</b>
2	Making any loud or disruptive noise, including the disruptive use of personal electronic devices.			
3	Eating or drinking in the Library, with the exception of non-alcoholic beverages in a bottle with secure top.			
4	Monopolizing Library space, seating, tables, or equipment to the exclusion of other patrons or staff. Occupying more than one space during peak times of Library use.			
5	Exiting the building with Library materials or taking Library materials into a restroom prior to check out.			
6	Using tobacco, tobacco products, or vaping devices in any form in the Library or within 20 feet of any entryway into the Library.			
7	Soliciting, petitioning, distributing written materials or canvassing for any purpose within the Library building.			
8	Blocking Library entrance areas, aisles or interfering with the free flow of pedestrian traffic in such areas. Large objects such as carts or luggage may not be brought into the Library.			
9	Leaving packages, backpacks, or any other personal items unattended for more than 15 minutes. Materials left longer than time limit may be removed by staff. The Library is not responsible for the loss of any personal possessions.			
10	Panhandling, selling or soliciting anything within the Library or using the Library facility to conduct a business or provide client services without prior permission from the City Librarian.			
11	Using Library facilities for bathing, shaving, washing hair, changing or laundering clothing.			
12	Emitting pervasive odors including, but not limited to, odors caused by food, drink, hygiene, perfume or cologne, that disturb others or damage Library property.			
13	Fraudulently using another Library patron's library card and/or account number for any purpose, including to reserve computers.			
14	Failing to comply with a staff request to cease a behavior that interferes with the effective operation of the Library.			

15	<p>The Library's <i>Public Computer Use and Internet Policy</i> must be agreed to electronically prior to the commencement of use. In addition to this policy, Library users agree to abide by the following rules for any device, personal or otherwise, while in the Library:</p> <ul style="list-style-type: none"> <li>• Stop viewing an internet site if staff determines that the site may create a hostile environment for staff or patrons.</li> <li>• Not access sites that are inappropriate for minors if the user's device may be visible to minors.</li> <li>• Not view, print, upload, download or otherwise access material unlawfully.</li> <li>• Not intercept or receive data not specifically intended for you.</li> </ul>	<p><b>Verbal warning only—Library user may correct or leave</b></p>	<p><b>1 Day</b></p>	<p><b>7 Days</b></p>
16	Refusing to leave building during an emergency evacuation or drill.			
17	Manipulating or interfering with Irwindale Public Library computers, catalogs, internet reservation system or print management system.			
18	Lying down or sleeping in the Library.			
19	Verbal communication or non-verbal attention that is willful, malicious, or repeated harassment.			
20	Roller skates, scooters, skateboards or other similar devices must not be used on Library property. Bicycles may not be brought into the Library.			
21	<p>Leaving a child under 9 years of age unattended. Minor children visiting the Library are the responsibility of their parents or guardians. The Library is not responsible for the safety and supervision of minor children.</p> <p>See the Library's <i>Unattended Children Policy</i></p>	<p><b>Notify Supervisor and follow <i>Unattended Children Policy</i></b></p>		
22	<p>Bringing animals other than service animals into the Library. Only service animals (and service animals in training) or animals which are part of a Library program are permitted in the Library.</p>	<p><b>Leave building; may return without pet.</b></p>		

Level Two Moderate Violations		Consequences (Exclusion Period)		
		1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
23	Unauthorized presence in designated staff-only areas; entering or remaining inside the Library before or after posted hours of operation.	<b>30 Days</b>	<b>90 Days</b>	<b>1 Year</b>
24	Intentionally clogging plumbing, or looking into an area designed to provide privacy to a person using the area.			
25	Exhibiting signs of or being under the influence of alcohol or any controlled substance.			
26	Using obscene or threatening language or words otherwise likely to provoke an immediate violent reaction.			
27	Possessing, consuming, distributing, or selling, any alcoholic beverage or controlled substance.			
Level Three Severe Violations		Consequences (Exclusion Period)		
		1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
28	Depositing bodily fluids or excrement on any Library property, including, but not limited to, Library collections, equipment, furnishings, walls and flooring.	<b>Minimum 1 Year</b>	<b>Minimum 2 Years</b>	<b>Minimum 3 Years</b>
29	Engaging in any physical altercation.			
30	Threatening or harassing Library users and/or staff by exhibiting abusive or threatening behavior, including the use of profanity or gestures.			
31	Carrying weapons of any kind, including firearms, blades or impact weapons in the Library, or at Library programs or events. Exemptions— recognized Law Enforcement Officers and individuals licensed to carry handguns in accordance with state law.			
32	Engaging in acts of sexual misconduct, including, but not limited to, indecent exposure, sexual contact and sexual intercourse and/or exhibiting lewd and lascivious acts, touching, annoying, harassing, or offending another person, or touching which constitutes assault, battery, or sexual battery, viewing or printing illegal materials.			
33	Committing theft of or vandalism to Library property, or personal property of another.			
34	Returning to the Library prior to expiration of the exclusion period, except when submitting a written appeal of the notice of exclusion.	<b>Double existing exclusion period.</b>	<b>Double existing exclusion period.</b>	<b>Double existing exclusion period.</b>

## **UNATTENDED CHILDREN POLICY**

- The safety and security of children are the sole responsibility of the parent or adult caregiver. Library staff will not assume responsibility for children left unattended.
- Parents or caregivers should monitor all activities and behavior of their children while they are in the Library. For the safety and wellbeing of others, Library Staff may request that a child and their parent or caregiver leave the premises if the Library Rules are not followed.
- Children age 9 and under may not be left unattended in the library and must be accompanied by the person who assumes responsibility for him or her at all times.
- If a child wishes to leave the Library, the Library Staff cannot legally detain him or her.
- If a minor - anyone under the age of 18 - is left at the Library at closing time or in the event of an emergency staff will notify the police.

### **Written Notice of Rule Violation AND Exclusion from Library Premises**

Library Staff shall provide all persons who have been excluded from Library premises with a written notice informing the person of the specific nature of the code violation and of the appeal procedure available to people whose future access to the Library premises has been restricted. Library Staff will provide such notice in-person at the time a person is excluded from the premises or, by mail or email, within a reasonable time thereafter. The Notice of Exclusion shall be effective immediately upon issuance and failure or refusal of the excluded person to sign the notice shall not effect its validity.

### **Appeal Procedure**

Patrons who have been issued a Notice of Exclusion may appeal this action by filing a written request with the City Manager at the City Manager's Office, (5050 N. Irwindale Ave., Irwindale, CA 91706) within fifteen (15) business days after receipt of Notice, setting forth the name and address of the appellant and the reasons why the Notice of Exclusion should be rescinded. Failure to file an appeal within such fifteen (15) business day period shall be a waiver of all rights to review the action, and any appeal filed after this time shall be dismissed by the City Manager or the City Manager's designee. The name and address set forth in the written request for appeal shall be deemed correct, and mailing to the person at such address, by first class mail, shall be deemed delivered three (3) days after the date of mailing. Failure of the person to actually receive notice of the appeal hearing or the City Manager or designee's decision if mailed to the address set forth in the written request shall not invalidate or otherwise affect the validity of any action or decision. If a request for an appeal is filed, the exclusion notice shall remain in effect until such time as the City Manager or designee has issued a final decision upholding or rescinding the exclusion.

Unless the appellant and the City agree to a longer period, an appeal shall be heard by the City Manager or designee within fifteen (15) business days of the filing of the request. At least five (5) business days prior to the hearing, the City shall mail notice of the time and location of the hearing to the appellant at the address set forth on the request.

The appellant must personally appear at any hearing regarding the appeal. Failure to appear at the hearing, absent good cause shown, shall result in the dismissal of the appeal.

The City Manager or his or her designee shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Librarian or designee deems appropriate. The appellant has a right to be represented by counsel at appellant's sole expense. The hearing shall be informal in nature, and formal rules of evidence and discovery do not apply. Nothing herein shall preclude the use of telephonic or other electronic means of communication if deemed appropriate by the City Manager or designee. The City has the burden of proof to demonstrate, by a preponderance of the evidence, that the issuance of the exclusion notice was based upon the requisite prohibited conduct by the appellant.

The City Manager or his or her designee shall issue a written decision within ten (10) business days of the hearing date and such decision shall be final. A copy of the decision shall be mailed to the person's address as set forth on the request and shall be deemed effective upon actual receipt, or three (3) days after mailing, whichever is sooner. If issuance of the exclusion notice is upheld, a period of exclusion shall commence immediately upon the effective date of the decision.

***This policy has been reviewed and approved by the Irwindale City Council. November 10, 2021***