Chapter 9.75 RULES OF LIBRARY CONDUCT

9.75.010 Purpose.

The freedom of access to ideas, information, and technology is one of the highest priorities for the Riverside Public Library. The Board of Library Trustees affirms its support of the *Library Bill of Rights* which protects the rights of individuals to use a library regardless of origin, age, background, or views. Additionally, the Board of Library Trustees acknowledges the library's responsibilities to safeguard the accessibility of information for those who cannot afford to do so.

The Riverside Public Library has established Rules of Library Conduct for the successful running of its facilities, to maintain an appropriate library environment, and to ensure customers enjoy their library visits. The following Rules of Library Conduct were approved by the Board of Library Trustees on March 25, 2013, and are to be used by library staff in maintaining a positive and appropriate library environment.

(Ord. 7546 , § 2, 2020)

9.75.020 Definitions.

For purposes of this article, the following words shall have the following meanings:

Library means the Riverside Public Library and each and all of its branch libraries.

Library building means any building, structure, or enclosure in which the library keeps, displays, and makes available for inspection or borrowing printed or audio-visual material or information, or information that is kept in other form, but for purposes of this article, does not include the exterior appurtenances to such building, structure, or enclosure, nor land on which building, structure, or enclosure is located.

Library facility means a library building, all exterior appurtenances to such building, and the real property upon which the library building and exterior appurtenances are located.

Library customer means a member of the public who uses library facilities, materials, and services.

Library staff means public employees who work for the city and are assigned to work at library facilities.

Library privileges means access to any printed, audio-visual, or digital resources in the library or accessed through library resources such as computers. It also includes the ability to physically enter and be present in any library building.

Rules of conduct means the activities identified in and prohibited by Section 9.75.030.

(Ord. 7546 , § 2, 2020)

9.75.030 Rules of conduct.

In order to protect the rights of library customers, staff and volunteers, the following activities, that a reasonable person would find disruptive to the normal functions being carried on at the library, are prohibited:

A. Engaging in activities prohibited by law, including but not limited to:

1. Cal. Penal Code, Section 415 (Disturbing the Peace; Fighting, Causing Loud Noise, or Using Offensive Words in a Public Place);
2. Cal. Penal Code, Section 484 (Theft);
3. Cal. Penal Code, Section 490.5 (Theft of Library Books and Materials);
4. Cal. Penal Code, Section 594 (Vandalism);
5. Cal. Penal Code, Section 602.1(b) (Intentionally Interfering with Lawful Business Carried on by Employees of A Public Agency Open to the Public);
6. Cal. Penal Code, Section 602(q) (Refusing or Failing to Leave a Public Building);
7. Cal. Penal Code, Section 647 (Lewd and Dissolute Conduct, Solicitation, Loitering, Public Intoxication);
8. Cal. Penal Code, Section 314.1 (Indecent Exposure);
9. Cal. Penal Code Sections 414 et seq. and 331 et seq. (Disseminating, downloading, viewing, or printing from public library computers illegal materials including, but not limited to, obscene or harmful matter);
10. Cal. Penal Code, Section 171(b) (Entering any library building with firearms or other dangerous weapons, with the exception of those individuals authorized to possess weapons in a local public building or open public meeting);
11. Cal. Education Code, Section 19910 (Maliciously Damaging Library Materials);
12. Cal. Penal Code, Section 490.5 (Unlawfully Taking Library Materials and Books);
13. Cal. Education Code, Section 19911 (Failing to Return Materials After Notice);
14. Cal. Gov't Code, Section 7597(a) (Smoking Any Tobacco Product Inside a Library Building or Within Twenty-five Feet of a Main Exit, Entrance, or Operable Window of a Library Building), including vaping and cannabis use;
15. Cal. Health and Safety Code, Section 11550 (Under the Influence of a Controlled Substance);
16. Cal. Health and Safety Code, Section 11364(a) (Possession of an Instrument Used for Smoking or Injecting a Controlled Substance);
17. Riverside Municipal Code, Section 9.05.020 (Possession of An Open Alcoholic Beverage Container); and
18. Riverside Municipal Code, Section 9.05.030 (Consumption of An Alcoholic Beverage in A Public Place).

B. Smoking inside library facilities or within 20 feet of any door or open window. The use of incendiary devices such as lighters, matches, and candles are also prohibited.

C. Failing to wear shoes and garments on the upper and lower torso of the body at all times within any library building.

D. Entering library facilities with symptoms of illness that are an immediate threat to library staff and customers, such as vomiting, open wounds, or lice.

E. Not using library space, stairways, aisles, furniture, or equipment for its intended purpose or otherwise monopolizing library space by using more than one seat or table space per person, stairways, aisles, doorways, equipment, electrical plugs, seating, or tables to the exclusion of other customers or staff.

F. Bringing an animal inside library facilities or within 20 feet of any door in a library building. Service animals, service animals in training, or animals for library programs are permitted. As defined, a "service animal" is trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The animal's work or tasks must directly relate to the

handler's disability. Service animals are expected to be under the control of the owner and leashed at all times.

G. Engaging in activity or behavior—oral, physical, or written—that is disruptive, disturbing, offensive, intimidating, threatening, unsafe, or annoying, and which unreasonably interferes with another person's use of any library facility, or with the ability of library staff or volunteers to perform their duties. These actions include, but are not limited to: loud or abusive language, physical threats, or running. Personal entertainment devices must be operated with headphones at a volume level that does not disturb others.

H. Leaving a child under the age of 12 unattended within any library building. This prohibition shall not apply to a child's unattended participation in library programs or services; children under the age of 12 must be accompanied at all times while on library grounds by a parent, guardian, or other responsible party over the age of 18. The library is not responsible for the supervision of a minor left unattended. Library staff may restrict adult use of children's areas in order to ensure the adequate protection of the library facilities and of persons and property.

I. Possessing personal property or animals that interferes with free passage within any library building, at the entrance or exit of any library building aisles, doorways, stairways, elevators, or ramps. Personal property must be within the sight of the owner, and storable under the user's chair. Personal items left unattended will be collected by library staff and placed in the library's lost and found for one month. After a month, the library will discard all uncollected items.

J. Riding bicycles, skateboards, inline skates, shoes with built-in wheels, collapsible scooters, hover boards, and other similar devices while on library property. These devices may be carried while on library property.

K. Sleeping, appearing to sleep, lying down, loitering, or otherwise blocking aisles, doorways, and the entrance to any library building.

L. Remaining at library facilities after closing. Persons who need assistance to return home will be referred to the Riverside Police Department in order to ensure their safety. The Riverside Police Department will be called to assist with unattended minors that remain at the library after ten minutes past closing time. Persons who refuse to vacate the library at closing time or during an emergency evacuation will be reported to the appropriate authorities.

M. Using public space to conduct commercial activity. In accordance with library policy, the use of library facilities for commercial functions, including tutor for pay, or for private social gatherings is restricted to community rooms.

N. Soliciting money, donations, or selling merchandise in the library facility.

O. Filming, photographing, or producing any other media, whether for professional or personal use, in the library without prior approval from the Library Director. Recording of governmental meetings open to the general public is permitted.

P. Distributing or posting printed materials in the library that have not been approved by a Library Supervisor.

Q. Using designated study tables and/or rooms for informal groups such that they disrupt quieter areas of the library. Volunteer tutors, such as those volunteering for the Literacy Program or after school homework help, have first-come, first-served use of this designated space.

R. Moving library furniture or equipment without permission from library staff.

S. Unreasonable use of restrooms, including laundering, bathing, shaving, or washing hair.

T. Failing to maintain personal hygiene so as to be a nuisance to others or cause allergic or asthmatic reactions. Hygiene that is objectionable includes, but it not limited to, offensive body odor and excessive use of scented products.

U. Eating in library facilities.

V. Transferring or assigning library cards.

(Ord. 7546 , § 2, 2020)

9.75.040 Enforcement of rules of library conduct.

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 rules within 90 days after he or she was given a verbal warning for a violation of the rules and a subsequent written warning notice of a violation of the rules. Serious violations of the rules may result in the issuance of a written warning notice without a verbal warning.

(Ord. 7546 , § 2, 2020)

9.75.050 Persons authorized to issue warning or exclusion notices.

Library employees, in consultation with their Branch Manager, are authorized to issue warning and exclusion notices.

(Ord. 7546 , § 2, 2020)

9.75.060 Issuance of warning or exclusion notices.

A. *Warning notice.* After the issuance of a verbal warning to a library customer for a violation of the rules or immediately upon the occurrence of a serious rules violation, a library employee may issue a written warning notice for a rules 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 occurs within 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 library staff may determine to be appropriate. The warning notice shall also contain information concerning the right to appeal to the Library Director.

B. *Exclusion notice.* If a library customer has received a warning notice and again violates a provision of the rules within 90 days of the date of issuance of the warning notice, a library 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 library staff 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 12 months. Individuals that enter a library building during a time period in which they have been excluded by an exclusion notice will be immediately reported to the Riverside Police Department for trespass.

   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 Library Director.

(Ord. 7546 , § 2, 2020)

9.75.070 Right to appeal.

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

A. *Appeal contents.* A notice of appeal of a warning notice or an exclusion notice must be filed, in writing, with the Library Director within five calendar days of the issuance of the warning or exclusion notice. The notice of appeal shall state the following:

1. The customer's name;
2. The customer's address and a telephone number where he or she can be reached;
3. A concise statement as to why the customer 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.

B. *Hearing.* A hearing on the appeal shall be held no more than 15 calendar days after the filing of the appeal, except the Library Director may postpone the hearing date at the request of the customer or the library staff for good cause. The customer shall be provided notice of the hearing date, time, and location at least five calendar days prior to the hearing date. The hearing shall afford a reasonable opportunity for the customer to be present and present evidence that the warning notice of exclusion notice is invalid or unjustified. The decision of the Library Director shall be final and in writing.

At the hearing, the 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.

Copies of all library staff documents to be used by the library staff at the hearing shall be made available to the customer at least five days prior to the hearing.

(Ord. 7546 , § 2, 2020)

9.75.080 Reasonable modification.

Library users who wish to request a reasonable modification of these rules of library conduct because of a disability or health problem may contact library staff or may call the Library's Administrative Services Manager at (951) 826-5373.

(Ord. 7546 , § 2, 2020)

9.75.090 Violation of warning or exclusion notice.

Any person who violates a provision of a warning notice or an exclusion notice to stay away from the library by physically entering a library building during the exclusion period shall be deemed a misdemeanor and punishable in accordance with the provisions of Section 1.01.110 of this Code.

(Ord. 7546 , § 2, 2020)