

ORDINANCE NO. 7546

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA,
AMENDING TITLE 9 OF THE RIVERSIDE MUNICIPAL CODE BY
ADDING CHAPTER 9.75 ESTABLISHING THE RULES OF LIBRARY
CONDUCT.

The City Council of the City of Riverside does ordain as follows:

Section 1: The Table of Contents for Title 9, Peace, Safety and Morals, is amended to
add Chapter 9.75:

“Title 9 – Peace, Safety and Morals

Chapter 9.04	Offenses.
Chapter 9.06	Possession of Alcoholic Beverages on Posted Premises and Consumption of Alcoholic Beverages in Public Places.
...	
Chapter 9.65	Mobile Marijuana Dispensaries.
Chapter 9.70	Ecoatm Machines and Other Similar Devices or Machines.
Chapter 9.75	Rules of Library Conduct.”

Section 2: Chapter 9.75 of the Riverside Municipal Code entitled “Rules of Library
Conduct” is added as follows:

“Chapter 9.75

RULES OF LIBRARY CONDUCT

Sections:	
9.75.010	Purpose.
9.75.020	Definitions.
9.75.030	Rules of Conduct.
9.75.040	Enforcement of Rules of Library Conduct.
9.75.050	Persons Authorized to Issue Warning or Exclusion Notices.
9.75.060	Issuance of Warning or Exclusion Notices.
9.75.070	Right to Appeal.
9.75.080	Reasonable Modification.
9.75.090	Violation of Warning or Exclusion Notice.

Section 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,

1 background, or views. Additionally, the Board of Library Trustees acknowledges the library's
2 responsibilities to safeguard the accessibility of information for those who cannot afford to do so.

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

8 Section 9.75.020 Definitions.

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

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

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

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

18 *Library Customer* means a member of the public who uses library facilities, materials, and
19 services.

20 *Library Staff* means Public employees who work for the city and are assigned to work at
21 library facilities.

22 *Library Privileges* means Access to any printed, audio-visual, or digital resources in the
23 library or accessed through library resources such as computers. It also includes the ability to
24 physically enter and be present in any library building.

25 *Rules of Conduct* means the activities identified in and prohibited by section 9.75.020.
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2 Section 9.75.030 Rules of Conduct.

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

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

7 1. Cal. Penal Code, Section 415 (Disturbing the Peace; Fighting, Causing Loud
8 Noise, or Using Offensive Words in a Public Place);

9 2. Cal. Penal Code, Section 484 (Theft);

10 3. Cal. Penal Code, Section 490.5 (Theft of Library Books and Materials);

11 4. Cal. Penal Code, Section 594 (Vandalism);

12 5. Cal. Penal Code, Section 602.1(b) (Intentionally Interfering with Lawful
13 Business Carried on by Employees of A Public Agency Open to the Public);

14 6. Cal. Penal Code, Section 602(q) (Refusing or Failing to Leave a Public
15 Building);

16 7. Cal. Penal Code, Section 647 (Lewd and Dissolute Conduct, Solicitation,
17 Loitering, Public Intoxication);

18 8. Cal. Penal Code, Section 314.1 (Indecent Exposure);

19 9. Cal. Penal Code Sections 414 et seq. and 331 et seq. (Disseminating,
20 downloading, viewing, or printing from public library computers illegal materials including but not
21 limited to obscene or harmful matter);

22 10. Cal. Penal Code, Section 171(b) (Entering any library building with firearms or
23 other dangerous weapons, with the exception of those individuals authorized to possess weapons in a
24 local public building or open public meeting);

25 11. Cal. Education Code, Section 19910 (Maliciously Damaging Library Materials);

26 12. Cal. Penal Code, Section 490.5 (Unlawfully Taking Library Materials and
27 Books);

28 13. Cal. Education Code, Section 19911 (Failing to Return Materials After Notice);

1. 14. Cal. Gov't Code, Section 7597(a) (Smoking Any Tobacco Product Inside a
2 Library Building or Within Twenty-five Feet of a Main Exit, Entrance, or Operable Window of a
3 Library Building), including vaping and cannabis use;

4 15. Cal. Health and Safety Code, Section 11550 (Under the Influence of a
5 Controlled Substance);

6 16. Cal. Health and Safety Code, Section 11364(a) (Possession of an Instrument
7 Used for Smoking or Injecting a Controlled Substance);

8 17. Riverside Municipal Code, Section 9.05.020 (Possession of An Open Alcoholic
9 Beverage Container); and

10 18. Riverside Municipal Code, Section 9.05.030 (Consumption of An Alcoholic
11 Beverage in A Public Place).

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

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

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

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

22 F. Bringing an animal inside library facilities or within 20 feet of any door in a library
23 building. Service animals, service animals in training, or animals for library programs are permitted.
24 As defined, a "service animal" is trained to do work or perform tasks for an individual with a
25 disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The
26 animal's work or tasks must directly relate to the handler's disability. Service animals are expected to
27 be under the control of the owner and leashed at all times.
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1 G. Engaging in activity or behavior—oral, physical, or written-- that is disruptive,
2 disturbing, offensive, intimidating, threatening, unsafe, or annoying, and which unreasonably
3 interferes with another person's use of any library facility, or with the ability of library staff or
4 volunteers to perform their duties. These actions include, but are not limited to: loud or abusive
5 language, physical threats, or running. Personal entertainment devices must be operated with
6 headphones at a volume level that does not disturb others.

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

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

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

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

23 L. Remaining at library facilities after closing. Persons who need assistance to return
24 home will be referred to the Riverside Police Department in order to ensure their safety. The
25 Riverside Police Department will be called to assist with unattended minors that remain at the library
26 after 10 minutes past closing time. Persons who refuse to vacate the library at closing time or during
27 an emergency evacuation will be reported to the appropriate authorities.

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

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

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

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

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

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

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

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

19 U. Eating in library facilities.

20 V. Transferring or assigning library cards.

21 Section 9.75.040 Enforcement of Rules of Library Conduct.

22 A library customer is subject to exclusion from the Library or may otherwise have his or her
23 library privileges restricted or suspended if he or she (or a person under his or her control or
24 direction) violates any of the Rules within ninety (90) days after he or she was given a verbal
25 warning for a violation of the Rules and a subsequent written Warning Notice of a violation of the
26 Rules. Serious violations of the Rules may result in the issuance of a written Warning Notice
27 without a verbal warning.

1 Section 9.75.050 Persons Authorized to Issue Warning or Exclusion Notices.

2 Library employees, in consultation with their Branch Manager, are authorized to issue
3 Warning and Exclusion Notices.

4 Section 9.75.060 Issuance of Warning or Exclusion Notices.

5 A. Warning Notice. After the issuance of a verbal warning to a Library customer for a
6 violation of the Rules or immediately upon the occurrence of a serious Rules violation, a Library
7 employee may issue a written Warning Notice for a Rules violation. The Warning Notice shall
8 specify that the recipient must leave the Library for the remainder of the day, and that in the event a
9 second violation of the Rules occurs within ninety (90) days of issuance of the Warning Notice, that
10 person shall be subject to exclusion from the Library or the loss of some or all of his or her library
11 privileges as the Library staff may determine to be appropriate. The Warning Notice shall also
12 contain information concerning the right to appeal to the Library Director.

13 B. Exclusion Notice. If a Library customer has received a Warning Notice and again
14 violates a provision of the Rules within ninety (90) days of the date of issuance of the Warning
15 Notice, a Library employee may issue a written Exclusion Notice excluding the person from the
16 Library or losing some or all of his or her library privileges as the Library staff may determine to be
17 appropriate. If the person is excluded from the Library, the exclusion shall be for a period of no less
18 than one (1) month and no more than twelve (12) months. Individuals that enter a Library building
19 during a time period in which they have been excluded by an Exclusion Notice will be immediately
20 reported to the Riverside Police Department for trespass.

21 The Exclusion Notice shall specify the person that is to be excluded from the Library, the
22 period of the exclusion, the time the exclusion is to commence, any library privileges being lost and
23 the specified period of loss, and information concerning the right to appeal the Exclusion Notice to
24 the Library Director.

25 Section 9.75.070 Right to Appeal.

26 The individual to whom a Warning or Exclusion Notice is issued shall have the right to an
27 appeal from the issuance of the Notice.
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1 A. Appeal Contents. A Notice of Appeal of a Warning Notice or an Exclusion Notice
2 must be filed, in writing, with the Library Director within five (5) calendar days of the issuance of
3 the Warning or Exclusion Notice. The Notice of Appeal shall state the following:

- 4 1. The customer's name;
- 5 2. The customer's address and a telephone number where he or she can be reached;
- 6 3. A concise statement as to why the customer believes that the issuance of the
7 Warning Notice or the Exclusion Notice was invalid or unjustified; and
- 8 4. A copy of the Warning Notice or Exclusion Notice shall be attached.

9 B. Hearing. A hearing on the appeal shall be held no more than fifteen (15) calendar
10 days after the filing of the appeal, except the Library Director may postpone the hearing date at the
11 request of the customer or the Library staff for good cause. The customer shall be provided notice of
12 the hearing date, time, and location at least five (5) calendar days prior to the hearing date. The
13 hearing shall afford a reasonable opportunity for the customer to be present and present evidence
14 that the Warning Notice of Exclusion Notice is invalid or unjustified. The decision of the Library
15 Director shall be final and in writing.

16 At the hearing, the Library staff shall have the burden to show by a preponderance of
17 evidence that the Warning Notice or Exclusion Notice was based on and justified by a violation of
18 the Rules.

19 Copies of all Library staff documents to be used by the Library staff at the hearing shall be
20 made available to the customer at least five (5) days prior to the hearing.

21 Section 9.75.080 Reasonable Modification.

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

25 Section 9.75.090 Violation of Warning or Exclusion Notice.

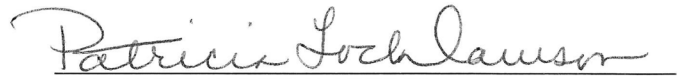
26 Any person who violates a provision of a Warning Notice or an Exclusion Notice to stay
27 away from the Library by physically entering a Library building during the exclusion period shall be
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1 deemed a misdemeanor and punishable in accordance with the provisions of Section 1.01.110 of this
2 Code.”


3 Section 3: The City Council has reviewed the matter and, based upon the facts and
4 information contained in the staff reports, administrative record, and written and oral testimony,
5 hereby finds that this ordinance is not subject to the California Environmental Quality Act
6 (“CEQA”) pursuant to Sections 15060(c)(2) of the State CEQA Guidelines, California Code of
7 Regulations, Title 14, Division 6, Chapter 3, in that it will not result in a direct or reasonably
8 foreseeable indirect physical change in the environment; or, 15060(c)(3) in that it is not a “project”.

9 Section 4: The City Clerk shall certify to the adoption of this ordinance and cause
10 publication once in a newspaper of general circulation in accordance with Section 414 of the Charter
11 of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its
12 adoption.

13 ADOPTED by the City Council this 15th day of December, 2020.

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16 PATRICIA LOCK DAWSON
Mayor of the City of Riverside

17 Attest:

18 
19 COLLEEN J. NICOL
20 City Clerk of the City of Riverside
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1 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
2 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the 1st
3 day of December, 2020, and that hereafter the said ordinance was duly and regularly adopted at a
4 meeting of the City Council on the 15th day of December, 2020, by the following vote, to wit:


5 Ayes: Councilmembers Edwards, Melendrez, Fierro, Conder, Perry, and Hemenway
6 and Councilwoman Plascencia
7

8 Noes: None

9 Absent: None

10 Disqualified: None

11 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
12 City of Riverside, California, this 16th day of December, 2020.
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15 COLLEEN J. NICOL
16 City Clerk of the City of Riverside
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28 CA 18-9000.41/mjh/11/06/20

THE PRESS-ENTERPRISE

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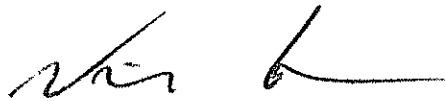
Ad Desc.: ORDINANCE NO. 7546 /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

12/22/2020

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: December 22, 2020
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

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ORDINANCE NO. 7546

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING TITLE 9 OF THE RIVERSIDE MUNICIPAL CODE BY ADDING CHAPTER 9.75 ESTABLISHING THE RULES OF LIBRARY CONDUCT

Ayes: Councilmembers Edwards, Melendrez, Fierro, Conder, Perry, and Hemenway and Councilwoman Plascencia

A full copy of this ordinance adopted by the City Council on December 15, 2020, is available at www.riversideca.gov and in the Office of the City Clerk, City Hall, 3900 Main Street, Riverside, California.

COLLEEN J. NICOL, MMC
City Clerk

Press-Enterprise: 12/22

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DEC 22 2020

City of Riverside
City Clerk's Office