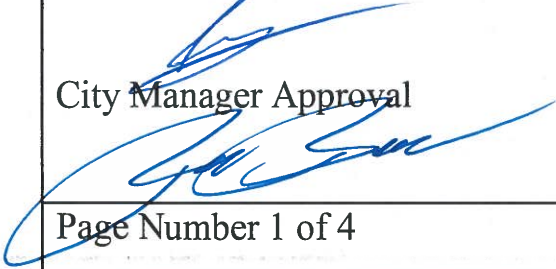


<b>Monterey Park Bruggemeyer Library Policy</b>	Policy Number: 96-05
	Issue Date: August 8, 1996
	Revised Date: September 17, 2002; August 21, 2006; January 21, 2008, January 19, 2010, September 21, 2010, April 17, 2018 , October 15, 2019
<b>Subject:</b> Conduct Policy	Library Board of Trustees' Review
	 City Manager Approval
	Page Number 1 of 4

**Purpose:**

The Monterey Park Bruggemeyer Library is a public facility open to all. The Library Board of Trustees has established the following Conduct Policy to protect the safety and well-being of Library users and to preserve the Library's facilities and materials for their intended use.

No individual may engage in inappropriate conduct on the premises of the Library, when using Library facilities, or when participating in Library programs. Inappropriate conduct includes any individual or group activity which is unreasonably disturbing to other individuals lawfully using Library facilities, materials and/or premises.

**Provisions:**

1. Talk in soft tones only. Talking is not allowed in the Quiet Room, which is near the Reference Desk on the first floor.
2. To avoid disturbing other Library patrons, silence all electronic devices.
3. No eating or drinking except water, except for babies and toddlers and except at approved meetings in the Friends Room.
4. Smoking or use of e-cigarettes is prohibited in the building (Monterey Park Municipal Code § 6.20.010) or within 20 feet of any entrance.
5. Bodily hygiene, scent or emanating odor so offensive as to constitute a nuisance to others is prohibited.
6. The care, safety and behavior of minor children visiting the Library are the responsibility of the parent or guardian. The Library does not act in *loco parentis*. Children younger than nine years of age cannot be left unattended in the Library. Any child younger than nine years of age left unattended in the Library will have the parent or guardian called to come pick up the child. If staff cannot contact such a person, the police will be contacted to take custody of the child. If at closing

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there is any child younger than thirteen years of age left unattended, staff will call the police to take custody of the child.

7. Damage, destruction or theft of Library property is prohibited. Education Code § 19910: "Any person who maliciously cuts, tears, defaces, breaks, or injures any book, map, chart, picture, engraving, statue, coin, model, apparatus, or other work of literature, art, mechanics, or objects of curiosity, deposited in any public Library, museum, collection, fair, or exhibition, is guilty of a misdemeanor. The parent or guardian of a minor . . . shall be liable for all damages so caused by the minor." Leaving the Library with materials that have not been properly checked out will be considered Library theft. People who trigger the Library's security system will be reasonably detained and required to open bags, purses, briefcases, backpacks, shopping bags or other property in their immediate possession for reasonable examination (Penal Code § 490.5).
8. No skateboarding or rollerblading (Monterey Park Municipal Code § 13.12.060).
9. Sufficient clothing (*e.g.* shoes, tops, bottoms) is required at all times while in the Library.
10. Using Library restrooms, facilities, spaces or grounds for bathing, shaving, grooming, washing or changing clothes is prohibited.
11. Taking Library materials into restrooms is prohibited.
12. Physical, sexual or verbal abuse or harassment; staring; following or otherwise invading the privacy of other patrons or staff is prohibited. Sexual abuse in any form is punishable by law and will not be tolerated.
13. Using offensive words that are inherently likely to disrupt, disturb or otherwise impede orderly preservation or conduct of Library services and usage is prohibited.
14. Loitering or camping in the Library facility and grounds or overnight parking is prohibited. Penal Code § 653g states that "Every person who loiters about any school or public place at or near which children attend or normally congregate . . . is a vagrant, and is punishable by a fine of not exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment."
15. Sleeping in the Library is prohibited for your own safety.
16. Animals may not be brought into the Library except for licensed guide or service animals or for Library programs. Service Animals must be leashed, harnessed or placed in a carrier while in the Library unless this interferes with the service the animal provides. If a Service Animal becomes disruptive while in the Library, the Service Animal and its owner will be asked to leave. Any damages caused by the service animal may incur a charge.
17. Disruptive behavior such as fighting, shoving, running or throwing objects or any conduct that interferes with the use of the Library by others or with the functioning of the Library staff is prohibited.

18. Panhandling, begging, distributing or selling merchandise, or soliciting is prohibited in the Library or on Library grounds. Gathering of signatures for petitions within the Library is prohibited.
19. Do not leave personal belongings unattended. The Library is not responsible for the security of personal belongings. Personal belongings may not obstruct free movement in aisles or use of the Library and its equipment. Any personal belongings left unattended will be taken to the Circulation Desk.
20. Usage of the Children's Areas, Teen Area and study rooms may be restricted by age in order to keep the Library welcoming and comfortable for minors.

### **Library Staff's Response to Violations:**

Violation of this Conduct Policy can result in expulsion from the Library and forfeiture of Library privileges. Lesser violations may first result in Library staff attempting to educate or warn individuals about the policies before enforcing such policies. If an individual continues to violate these policies, staff may order them to leave for the day. **However, any conduct that threatens the life or safety of any person or that is damaging to Library property, equipment or facilities may result in immediate expulsion from the Library premises. Library staff are authorized to contact the Monterey Park Police Department to respond to such situations.** Repeat misconduct or severe offenses (even if a single isolated event) may result in individuals being banned from the Library from a week to a year. Staff will follow the established procedures below. Staff will call the police for severe or illegal behavior or when an individual refuses to leave when told by staff to do so.

### **Banning Procedure:**

After staff determines that a person has engaged in severe or repeat misconduct and staff has determined that the individual involved should be banned:

1. Staff will issue, or cause to be issued, a written ban letter to the individual involved notifying the individual that they are banned from the Library. The letter must indicate the reasons for the ban and the time period of the ban (*see attachment*).
2. Staff will forward a copy of the ban letter to the City Librarian who will officially inform all staff involved about the reasons for the ban and the length of the ban. After consultation, if the City Librarian agrees with the reasons for the ban and the length of the ban, then the City Librarian will take no further action. If, after consultation with staff, the City Librarian deems it appropriate to rescind or modify the terms of the ban, the City Librarian must notify the banned individual, all staff and the Library Board President, in writing, about the decision to rescind or modify the ban and specify the reasons for the rescission or modification. The City Librarian may consult with the City Attorney's Office before issuing the response to the banned individual. Until such time as staff's banning letter has been reviewed and/or modified by the

City Librarian or reversed on appeal by the Library Board, the individual may not use the Library.

### **Appeal for Reinstatement:**

Banned individuals may file a written request to the City Librarian at 318 S. Ramona Avenue, Monterey Park, CA 91754, to reconsider a ban. The written request must set forth reasons for reconsideration. The length of the ban will remain unless the City Librarian issues a written determination altering the terms of the ban.

The City Librarian's written determination may be appealed to the Library Board, if the aggrieved individual files a written notice of appeal within 10 days after he/she receives the determination. Such notice must be filed with both the City Librarian and the Library Board President, 318 S. Ramona Avenue, Monterey Park, CA 91754.

The Library Board of Trustees must hold a hearing within 30 days after a timely and complete notice of appeal has been filed. Appellant must be notified of the hearing date at least 10 days before the hearing. Evidence submitted at the hearing may include, without limitation, witness testimony, documents, or other similar evidence. Formal rules of evidence do not apply. Within 30 days of the completion of the hearing, the Board must issue a written decision stating the reasons therefore. The Board has the power to affirm or reverse the written determination or to remand it to the City Librarian or designee with instructions for reconsideration. The decision, except for remand, will be a final determination for the purposes of judicial review.

### **Non-Compliance with Ban - Trespassing:**

If a banned individual enters the Library before the return date listed in the ban letter, the Monterey Park Police Department will be called and the individual may be arrested for trespassing (under Penal Code §§ 602-602.1).

TO:

On \_\_\_\_\_ at approximately \_\_\_\_\_ you were observed at the Monterey Park Bruggemeyer Library ("Library") engaging in inappropriate conduct including, without limitation:

Because of the behavior listed above, you are banned from the Library until the date listed below. **If you enter the Library before the return date listed below, police will be called and you will subject to being arrested for trespassing under California Penal Code §§ 602-602.1.**

DATE BANNED FROM LIBRARY \_\_\_\_\_

RETURN DATE \_\_\_\_\_

Staff Initials: \_\_\_\_\_

You may file a written request to the City Librarian at 318 S. Ramona Avenue, Monterey Park, CA 91754, to reconsider this ban. Your written request must set forth your reasons for reconsideration of the ban. The length of this ban will remain as stated in this document, unless the City Librarian issues a written determination altering the terms of this document.

The City Librarian's written determination may be appealed to the Library Board, if the individual aggrieved files a written notice of appeal within 10 days after he/she receives the determination. Such notice must be filed with both the City Librarian and the Library Board President at 318 S. Ramona Avenue, Monterey Park, CA 91754. The Board must hold a hearing within 30 days after a timely and complete notice of appeal has been filed. Appellant must be notified of the hearing date at least 10 days before the hearing. Evidence submitted at the hearing may include, without limitation, witness testimony, documents, or other similar evidence. Formal rules of evidence do not apply. Within 30 days of the completion of the hearing, the Board must issue a written decision stating the reasons therefore. The Board has the power to affirm or reverse the written determination or to remand it to the City Librarian or designee with instructions for reconsideration. The decision, except for remand, will be a final determination for the purposes of judicial review. (*See Library Conduct Policy No. 96-05, for more information.*)

