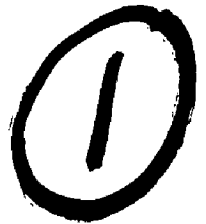


Sacramento Public Library

828 I Street
Sacramento, CA 95814-2589
916-440-5926
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September 22, 1992



Law and Legislation Committee
Sacramento, California

**SUBJECT: AN ORDINANCE ADDING SECTION 26.79 TO THE
SACRAMENTO CITY CODE, RELATING TO LIBRARY USE
REGULATIONS**

Honorable Members in Session:

DISTRICT: Citywide

SUMMARY

This report presents for Committee review an ordinance setting forth library use regulations. The ordinance supplements library rules which have been adopted administratively by the Library and will enable the Police Department to assist Library staff to enforce the rules when it becomes necessary.

RECOMMENDATION

Staff recommends that the Law and Legislation Committee review the ordinance setting forth Library use regulations and endorse the ordinance for Council enactment.

BACKGROUND

The Sacramento Public Library has had administratively-adopted rules pertaining to library usage for many years. These rules have been updated to take account of current conditions and the opening of the new Central Library. A copy of the current rules is attached hereto as Exhibit 1.

The Sacramento Police Department has recommended, and the City Attorney's Office agrees, that the rules be incorporated into a City ordinance. This will permit the Police Department, when called to assist library staff, to cite rule violators for a code violation and, when necessary, to remove the offending party from library premises.

The rules and proposed ordinance attempt to balance the tradition of the library as a place for all to learn and study with the need to limit the use of library facilities to library purposes for the benefit of all patrons. The ordinance makes it unlawful to:

- a. Remain in a library when not engaged in reading, studying or using library materials for library purposes.

- b. Disturb patrons or staff with noise or other annoying behavior.
- c. Use a library for sleeping, bathing or laundry purposes.
- d. Smoke, eat or drink in a library, except as food and drink may be permitted at library-sponsored programs or in meeting rooms.
- e. Bring into a library alcoholic beverages, illicit drugs, weapons, animals (with exceptions for service animals and library-sponsored programs), bicycles, skateboards, carts, large packs, bedrolls and other personal belongings which occupy seating or work space or create a tripping or other safety hazard.
- f. Remain in a library if bodily hygiene is offensive so as to constitute a nuisance to other persons.
- g. Enter a library without shoes or, if over ten years of age, a shirt.

Certain of the violations are defined as misdemeanors, and others are infractions. One of the distinctions between misdemeanors and infractions is that a person cited with an infraction must be cited and released, while a person cited with a misdemeanor may be arrested and booked or released without arrest and booking, at the police officer's direction. Where removal of an offender from a library is important to end the disruption caused by his or her behavior, the availability of a misdemeanor citation is an important law enforcement tool.

FINANCIAL DATA

This ordinance has no financial impact.

POLICY CONSIDERATIONS

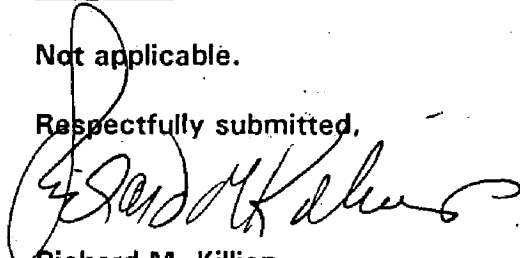
Generally, library patrons do not violate library rules, and those who do are responsive to a staff request to comply. Staff anticipates that actual citations under the proposed ordinance will be infrequent. The emphasis that the ordinance places upon use of libraries for library purposes, to the exclusion of other uses, embodies a policy decision about the purpose and functions of a library. This ordinance has been reviewed and approved by the Police Chief and the Library Director.

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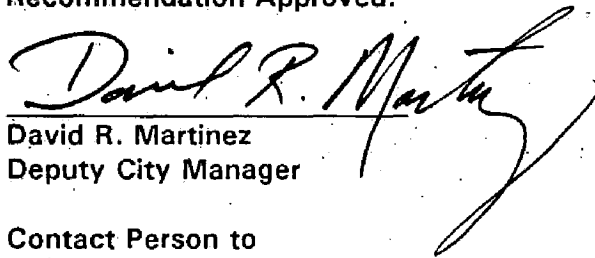
Not applicable.

Respectfully submitted,



Richard M. Killian
Library Director

Recommendation Approved:



David R. Martinez
Deputy City Manager

Contact Person to
Answer Questions:

Susan Hildreth
Deputy Library Director
Management Services
440-5926

Law and Legislation
September 29, 1992
All Districts

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE ADDING SECTION 26.79 TO THE SACRAMENTO CITY CODE, RELATING TO LIBRARY USE REGULATIONS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 26.79 is hereby added to the Sacramento City Code, to read as follows:

- (a) No person shall:
- (1) Remain in a public library unless engaged in reading, studying or using library materials for library purposes, or participating in a library-sponsored program.
 - (2) Disturb any public library patron or staff member through noisy or boisterous activities, by playing audio equipment so that others can hear it, by singing or talking loudly to others or in monologues, by using personal equipment that disturbs others or interferes with library service, or by making other noise which reasonably can be expected to disturb patrons or staff.
 - (3) Harass or annoy any public library patron or staff member by staring at another person with the intent to annoy that person, by following another person about the building with the intent to annoy that person, or by engaging in any other behavior which reasonably can be expected to disturb patrons or staff.
 - (4) Use a public library or library bathroom for sleeping, bathing, or laundry purposes.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

- (5) Smoke in a public library.
 - (6) Eat or drink in a public library, except at library-sponsored programs or as permitted in meeting rooms.
 - (7) Bring any alcoholic beverage or illicit drug into a public library.
 - (8) Bring any animal into a public library, except service animals and animals which are part of a library-sponsored program.
 - (9) Bring into a public library bicycles, skateboards, carts, packs or bedrolls exceeding 24 inches by 18 inches by 6 inches, or other personal belongings which occupy seating or work space or create a tripping or other safety hazard.
 - (10) Bring any rifle, shotgun, or dangerous or deadly weapon described in Section 48.1 of the City Code into a public library.
 - (11) Remain in a public library if his or her bodily hygiene is offensive so as to constitute a nuisance to other persons.
 - (12) Enter a public library without shoes or other footwear.
 - (13) If over the age of ten years, enter a public library without a shirt or other covering of the upper body.
- (b) Violation of subdivisions (1), (2), (3), (4), (10) and (11) of subsection (a) is a misdemeanor. Any other violation of subsection (a) is an infraction.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

ATTEST:

CITY CLERK

MAYOR

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

SACRAMENTO PUBLIC LIBRARY RULES OF CONDUCT

Sacramento Public Library provides free and open access to library services. All patrons have the right to expect the Library to maintain a safe setting conducive to reading and study. Patrons are expected to comply with Library rules and to follow staff directions.

1. Patrons shall be engaged in activities associated with the use of a public library while in the building. Patrons not reading, studying, using library materials, or otherwise engaged in library activities, shall be required to leave the building. No loitering, sleeping or use of restroom for bathing or laundry purposes.
2. Patrons shall respect the rights of other patrons and staff and shall not harass or annoy others through noisy or boisterous activities, by staring at another person with the intent to annoy that person, by following another person about the building with the intent to annoy that person, by playing audio equipment so that others can hear it, by singing or talking loudly to others or in monologues, or by behaving in a manner which reasonably can be expected to disturb other patrons or staff. Patrons whose bodily hygiene is offensive so as to constitute a nuisance to other persons shall be required to leave the building.
3. NO noise which reasonably can be expected to disturb others.
4. NO personal equipment that disturbs others or interferes with library service.
5. NO animals other than service animals unless they are a part of a library program.
6. NO smoking.
7. NO vandalizing or abusing library equipment, materials or facility.
8. NO eating or drinking except at sponsored programs or as permitted in meeting rooms.
9. NO packs or bedrolls (exceeding 24" x 18" x 6"), carts, bicycles, skateboards or other items taking up seating space or creating a safety hazard.
10. NO alcohol or drugs. Persons under the influence of alcohol or drugs are prohibited from the library.
11. NO guns, knives or other articles that can be construed as a weapon.
12. Patrons may not enter the library without shoes or other footwear. Patrons over the age of ten may not enter the library without a shirt or other covering of the upper body.
13. The Library reserves the right to inspect briefcases, packs, packages, etc. for library materials.
14. The Library is not responsible for personal property lost, stolen or damaged on library property.
15. The Library is not responsible for the safety of children left unattended in the Library.

Any patron not abiding by these or other rules and regulations of the Library will be asked to leave the Library premises. Library employees will contact the appropriate law enforcement agency if necessary.