

ORDINANCE NO. O2M19-4754

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALHAMBRA,
CALIFORNIA, REPLACING SECTION 2.32.080 OF THE ALHAMBRA
MUNICIPAL CODE PERTAINING TO LIBRARY RULES OF CONDUCT**

THE CITY COUNCIL OF THE CITY OF ALHAMBRA DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings.

- A. Pursuant to Chapter 2.32 of the Alhambra Municipal Code (AMC), the City of Alhambra (City) has established the Alhambra Public Library and may appoint a Board of Library Trustees (Board) to manage the Library.
- B. The Board has established a Library Code of Conduct, which outlines a person's privilege to use Library services and resources in a manner that does not unreasonably interfere with the rights of other persons to use such services and resources, and further a peaceful, quiet, and orderly environment to learn.
- C. In 2018, there were numerous incidents involving violations of the Library Code of Conduct. The vast majority of these are handled by Library staff. However, some required the involvement of the Alhambra Police Department, including arrests for grand theft, annoyance of minors, and other disruptive behaviors. Other incidents of violations of the Library Code of Conduct necessitated police involvement, but police were limited in what they could do as many of these incidents did not rise to the level of a crime.
- D. To ensure that all persons may use the Library's services and resources without unreasonable interference or disruption, the Board and the City Council wish to incorporate the regulations outlined in the Library Code of Conduct into the Municipal Code so the City may more effectively enforce compliance with Library policies that further peaceful, quiet, and orderly environment to learn. It is anticipated that Library staff will continue to address the majority of Code of Conduct issues. However, where police assistance is necessary, codifying the policies will provide additional enforcement mechanisms for law enforcement.

SECTION 2. Environmental Findings. The City Council exercises its independent judgment and finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in Section 15378); 15061(b)(3), because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and 15321, because the ordinance addresses law enforcement activities. Because there is no possibility that this ordinance may have a significant adverse effect on the environment, the adoption of this ordinance is exempt from CEQA.

SECTION 3. Replacement of Section 2.32.080. Section 2.32.080 of the Alhambra Municipal Code is hereby replaced in its entirety to read as set forth in the attached EXHIBIT A.


SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance and each and

every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

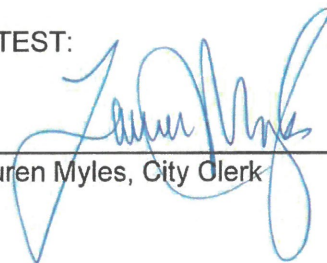
SECTION 5. Effective Date. This ordinance takes effect 40 days from the date of its adoption.

SECTION 6. Publication. The City Clerk is directed to certify this ordinance and cause it to be published in the manner required by law.

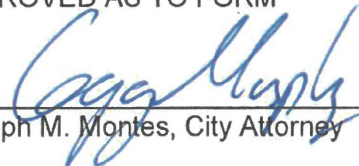
PASSED, APPROVED, AND ADOPTED THIS 9th DAY OF SEPTEMBER, 2019.


Mayor Adele Andrade-Stadler

ATTEST:


Lauren Myles, City Clerk

APPROVED AS TO FORM


Joseph M. Montes, City Attorney

I, Lauren Myles, City Clerk of the City of Alhambra, certify Ordinance No. O2M19-4754 was adopted by the City Council at a regular meeting held September 9, 2019, by the following vote to wit:

AYES: MAZA, MALONEY, MEJIA, ANDRADE-STADLER
NOES: NONE
ABSENT: LEE



Lauren Myles, City Clerk

EXHIBIT A

2.32.080 Library Code of Conduct.

A. *Purpose.* Section 2.32.080 establishes a code of conduct expected of persons using the Alhambra Civic Center Library and the processes to address violations of this code of conduct. The purposes for the code of conduct are to ensure that all persons have the ability to use Library services and resources, to ensure that Library staff may efficiently provide Library services and resources, to prevent disruption to such Library services and resources, and to further a peaceful, quiet, and orderly environment in which to learn.

B. *Definitions.*

"Children's area" means the area of the Library specifically designated as such by the Library to provide Library services and resources that meets the needs of young Library users.

"Code" means the Alhambra Municipal Code.

"Crime" has the same definition as Penal Code § 15. A violation of Section 2.32.080 is a misdemeanor crime under Government Code § 36900.

"Enforcement officer" means the city manager, or the city manager's designee. The city manager's designees include, without limitation: the Library services director and Library services manager, the police chief and police officers, and the city's code enforcement supervisor and code enforcement officers.

"Library" means the Alhambra Civic Center Library, including but not limited to its collection areas, meeting rooms, and stores.

"Library premises" means the Library, and Library grounds and parking facilities to the extent that the grounds or parking facilities are owned, controlled, or maintained by the City.

"Library privileges" means the privilege of entering onto Library premises and utilizing any services or resources of the Alhambra Civic Center Library.

"Service animal" means a dog that has been individually trained to do work or perform tasks for an individual with a disability, as defined under the Americans with Disabilities Act.

"Shoe" means an item worn on the human foot with a sole.

"Smoke" or "smoking" has the same definition contained in Section 9.18.020 of this Code, and includes vaping.

"Wheeled conveyances" means any wheeled device used for conveyance or transportation, including bicycles, skates, skateboards, collapsible scooters, wheelies, and hover boards. This does not include medically required equipment, or wheelchairs or strollers carrying people who cannot use the Library facilities without the assistance of such devices.

C. *Criminal Conduct.* A person may not commit or attempt to commit any crime punishable under state or federal law or this Code on Library premises, including, but not limited to:

1. Assault or battery, as defined in Penal Code §§ 240 and 242.
2. Theft, as defined in Penal Code § 484.
3. Obstructing or intimidating business operators, public agencies or customers, as defined in Penal Code § 602.1.
4. Vandalism, as defined in Penal Code § 594.
5. Indecent exposure or lewd or obscene conduct, as defined in Penal Code § 314.
6. Possession of designated controlled substances, as defined in Health and Safety Code §§ 11350 and 11351.
7. Disorderly conduct, as defined in Penal Code § 647.
8. Trespass, as defined in Penal Code §§ 602 and 634.
9. Smoking, vaping or using tobacco products, as defined in Section 9.18.020 of this Code.
10. Curfew violations, as defined in Chapter 9.12 of this Code.
11. Consumption of alcohol in a public place, as defined in Chapter 9.16 of this Code.
12. Aggressive solicitation, as defined in Chapter 5.32 of this Code.

D. *Rules Of Conduct.* The following behaviors are disruptive and do not further a peaceful, quiet, and orderly environment to learn. In addition to the criminal conduct listed in 2.32.080(C), no person may engage in any of the following activities or behaviors while on Library premises:

1. Loud or disruptive behavior, including yelling, talking loudly, running, throwing objects, abusive or threatening language, or other behavior which disturbs the quiet environment of the Library.
2. Use of profane, obscene, imminently threatening, or violent language toward Library staff or other persons.
3. Harassment of or the making of unwanted verbal or physical advances toward Library staff or persons on Library premises.
4. Possession of any unlawful or illegal substance on Library premises.

5. Use of personal equipment in the Library (such as cellular phones and audio players) in a manner that is disruptive, noisy, or unsafe. Personal equipment or electronic devices must be muted and made inaudible to other persons while in the Library. Cell phones must be set to mute or vibrate.
6. Possession of any beverage in the Library without a spill-proof lid.
7. Consumption of any food or beverages in a non-designated location within the Library.
8. Bringing, possessing, or maintaining on the Library premises any garbage or item that emits a foul odor that disturbs other Library users or staff.
9. Bringing or using any shopping carts or other wheeled conveyances within the Library, on entryways or walkways, in a manner that blocks any passageway on Library premises.
10. Smoking, vaping or use of any tobacco products in the Library or within 20 feet of entrances to the Library.
11. Consumption or possession of alcoholic beverages on Library premises, unless otherwise approved by the City as part of a special event.
12. Leaving backpacks, suitcases, or other large items unattended in the Library (other than leaving them at a study carrel while researching the collection for materials), or keeping those items with one in a manner that obstructs entrances, exits, aisles or passageways, or otherwise impedes access to Library resources and services.
13. Bringing animals, other than Service animals there solely to assist a person with disabilities with tasks directly related to that person's disability, into the Library, including but not limited to collection areas, meeting rooms, and stores.
14. Use of Library facilities for the purpose of sleeping, bathing, shaving, washing clothes or other similar activities.
15. Entering the Library or remaining in the Library, including, but not limited to, collection areas, meeting rooms, and stores, without wearing shoes, clothes that cover the upper torso area, or clothes that cover the lower torso area.
16. Soliciting, panhandling, selling products without written authorization from Library staff, or otherwise conducting business (including tutoring for a fee) within the Library.
17. By a person 18 years of age or older, and in the absence of accompanying children or the permission of Library staff, use or occupancy of the children's areas of the Library; these areas are specifically designed to meet the needs of young Library users and must remain open to those users and the adults accompanying them.

18. Moving Library equipment or furniture without Library staff knowledge or permission.
19. Tampering with Library equipment such as computers, rental equipment, photocopy machines, elevators.
20. Carrying or possessing on Library premises weapons such as guns, chains, clubs, and knives.
21. Making unauthorized entry into any "staff only" area in the Library premises.
22. Refusing to relinquish computer equipment or other Library resources after scheduled time period for use has expired.
23. Causing overcrowding in Library seating areas by sitting more than four persons to a table, two persons to a computer workstation, or one person to a carrel or chair.
24. Failure to leave the Library at closing time.
25. Destroy, deface or illegally remove Library materials or property, including, but not limited to writing in, highlighting or annotating Library materials; cutting, tearing or removing pages and parts of pages from Library materials.
26. Use of Library internet and computers in violation of any posted restrictions or on-screen notices; including, but not limited to misusing, altering or tampering with computer hardware or software; use of other patrons' Library cards/accounts for internet access, disabling firewall or accessing blocked sites.
27. Bring an excessive amount of personal items or baggage into the Library or place it in a manner where it restricts the usage of the Library by other patrons and constitutes a nuisance. Personal items may not take up such a large amount of table or floor space that they prevent other Library users from using furniture or block exits, aisles and passageways.

E. *Supervision of Minors.*

1. No person under the age of 9 years of age may enter, use, or remain on Library premises without being accompanied by a person 18 years of age or older.
2. Any person 18 years of age or older, who brings a child under the age of 9 years of age into the Library, must supervise and accompany that child at all times.

F. *Enforcement.*

1. Any enforcement officer may enforce against any violation of the rules of conduct contained in Section 2.32.080.

2. A violation of Section 2.32.080 is punishable as a misdemeanor.
3. In the alternative, an enforcement officer may enforce against any violation of Section 2.32.080 by issuing notices of violation or administrative citations. The enforcement officer may issue a notice of violation or an administrative citation to a person in violation of the rules of conduct in accordance with Chapter 1.13 of this Code. The enforcement officer may order the removal of any person from the Library for any violation of the rules of conduct concurrently with the issuance of an administrative citation. Any person removed pursuant to such an order may not re-enter onto Library premises for the remainder of the business day. Any person who re-enters the Library premises after such removal will be considered a trespasser.

G. *Suspension Of Library Privileges.* In addition to any other punishment provided for at law, any person who commits or attempts to commit a crime or violates one or more of the rules of conduct set forth in this Section 2.32.080 while on Library premises may have their Library privileges suspended. A person whose Library privileges have been suspended may not enter onto Library premises or use the services of the Alhambra Civic Center Library during the term of their suspension. A written notice of suspension of Library privileges will be issued to the person. The following schedule governs the length of a suspension of Library privileges:

1. For a person's first violation, Library privileges will be suspended for one week.
2. For a person's second violation within a 12-month period, Library privileges will be suspended for four weeks.
3. For a person's third violation within a 12-month period, Library privileges will be suspended for 16 weeks.
4. If a person commits four or more violations within a 12-month period, Library privileges will be suspended for 12 months.

H. *Fines.* The city council may set by resolution the fines to be assessed for violations of the rules of conduct. If no amount is specified by resolution of the city council, the fines set forth in Section 1.13.060 of this Code may apply.

I. *Appeals.* A person may appeal an administrative citation or suspension of Library privilege in accordance with the administrative hearing procedures outlined in Chapter 1.13 of this Code.

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