

# Library Use Rules

**1. Purpose.** The Austin Public Library is supported by the taxes of the people of Austin who expect each of our facilities to be clean, comfortable, and safe. The library is intended to be a place for reading, studying, writing, and listening to written or electronically transmitted materials, and attending library or community-sponsored programs and meetings. The limited public forum areas on the outside grounds of some library facilities are provided as a forum for people to share information and ideas about public causes and concerns. The library has established these rules to protect the rights and safety of library customers, staff, and volunteers, and to help preserve the library's purpose and to protect the library's materials, equipment, facilities, and grounds.

## 2. Definitions.

(A) Except as provided, words and phrases in these rules mean what the words and phrases mean in the City Code, and otherwise should be interpreted by their plain meaning.

(B) In these rules:

(1) "customer" means a person, other than an on-duty member of the library staff, who is present in the library, using the library, or borrowing library materials;

(2) "director" means the director of the Library Department or the director's designee;

(3) "library" means any real property or facility of the Austin Public Library, including buildings, parking areas and the outside grounds of a building or facility, including entrance ways, plazas, pathways lawns, and landscaping.

(4) "staff member" means a City employee, contractor, or volunteer working in the library, and includes security personnel;

(5) "user" means a customer using a public computer; and

(6) "Public computer" means a public-access computer and the adjacent space.

**3. Not a Public Forum.** Except for public sidewalks or public right of ways located near Austin Public Library property; leased areas, meeting rooms, or areas on library facility grounds that are designated as limited public forums; or for the limited purpose of accessing information, the property of the Austin Public Library is not a public forum.

(A) Library facilities must make available to customers (by website and at least three onsite copies) maps, drawings, diagrams, photographs, or other visual aids that reasonably identify

the location of public sidewalks, public right of ways, and any limited public forum areas located on or near library facility grounds.

(B) Library facilities must make available to customers (by website or other means) information related to the method of reserving meeting spaces and for leasing spaces or other areas for lease at library facilities.

(C) In the event areas designated as limited public forums become unreasonably crowded, a library facility may institute additional time, place, and manner restrictions on use of the area by a method that reasonably limits the amount of time and number of persons who may solicit signatures on a petition or distribute literature in a limited public forum area.

#### **4. General Expectations.**

(A) A staff member may not modify or waive the policies stated in these rules.

(B) A customer or person on library property must abide by the standards of behavior set forth in these rules. These rules identify prohibited behavior for library customers and other persons on library property, with consideration of the situation and age-appropriateness.

(C) A staff member must report criminal activity that occurs in the library to an appropriate law enforcement officer.

**[Sections 5 to 12 in the current “Library Use Rules”, which relate to children, animals, food and beverages, attire and hygiene, sleeping, smoking and tobacco use, burning materials, restrooms, and personal belongings are omitted from this draft due to lack of relevance to the subject matter under discussion, but will remain in the rules.]**

#### **13. Personal Behavior.**

(A) The following prohibitions apply to a customer or person on Austin Public Library property:

(1) A person may not unreasonably disrupt the normal use of library services or property by the library staff or other customers.

(2) A person may not enter an area that is not open to the public.

(3) A person may not block access to (or through) an entrance, passageway, sidewalk, or resource.

(4) A person outside a library facility may not intentionally make noise that can be heard within a library building and which is disruptive of normal use of library services or property by library customers or staff. Obscene or abusive language or gestures toward another person are

prohibited. Rallies, protests, and other loud gatherings are not permitted on Austin Public Library property.

(5) With the exception of use of areas designated as limited public forums, a person may not distribute literature or solicit signatures for a petition in a parking area, in a building, or on the grounds of a facility.

- a) No leafleting, distribution of literature, or solicitation is permitted for the purposes of selling items, merchandise, tickets, or other for-profit activities.
- b) Unless permitted by a library facility as the best means of using a designated area as a limited public forum for the purpose of avoiding disruption of pedestrian traffic, persons circulating petitions or distributing literature may not place or erect tables, chairs, or other objects on Austin Public Library property.

(6) With the exception of using designated, limited public forums as described in section 13(A)(5) to request or share signature, address information, or other information for a petition or to distribute literature, a person may not solicit commercial transactions or campaign contributions, or otherwise solicit an immediate donation or transfer of money or another thing of value from another person, regardless of the solicitor's purpose or intended use of the money or currency, and regardless of whether consideration is offered.

(7) If a person is not involved in law enforcement or providing or receiving library services and the person is soliciting another person to take an action or is approaching another person to share information:

- a) The person who is attempting to solicit another or to share information with another person may not approach within five feet of the other person if the person being approached has indicated by gesture or words that the person is not interested in receiving literature or other information from or being solicited by the other person.
- b) A person may not persist in a solicitation, sharing of information, or distribution of literature after the person being solicited or approached has given a negative response to the solicitation or approach by use of words or gestures such as by attempting to move away from the person attempting the solicitation or approach.

(8) Littering and Damage to Library Property Prohibited.

- a) Persons or groups who use areas designated as limited public forums or nearby public sidewalks or right of ways to circulate petitions, solicit signatures on petitions, or distribute literature or other information may not litter or otherwise cause damage to Library property and must reimburse the City for any reasonable cleanup costs or damage caused to Library property, including damage to landscaping.
- b) Persons or groups who fail to reimburse the City for reasonable cleanup costs or damage caused to Library property may be banned from any Library facility, including a ban from use of an area designated as a limited public forum until reasonable

cleanup costs or damages are paid or until agreed upon financial arrangements or other remedy is made for damages caused by the person or group.

(B) Sections 13(A)(5) and (6) do not apply to: (a) use of any public sidewalk or public right of way, including public sidewalks or right of ways located on the perimeter of a block on which a Library facility is located. See Chapter 9-4 of the City Code for additional restrictions that may apply to public sidewalks, public right of ways, and other public areas.

(C) A customer or person may not:

- (1) enter or remain in the library in possession of any illegal drug or alcoholic beverage;
- (2) enter or remain in the library if the person is intoxicated by a drug or alcohol;
- (3) use abusive, indecent, profane, or vulgar language;
- (4) make an offensive gesture or display; or
- (5) access sexually explicit material on a library computer or on a personal electronic device.

(D) A customer or person may not:

- (1) use obscene or abusive language, or otherwise harass, sexually harass, abuse, threaten, or fight with a person;
- (2) threaten library property;
- (3) incite a breach of the peace;
- (4) except as expressly permitted by state or federal law, carry or display a weapon;
- (5) perform a criminal act;
- (6) vandalize, steal, or recklessly or intentionally damage library property or the property of another person.

**14. Violations.**

(A) If a customer violates these rules, a staff member shall orally warn the customer to stop the behavior. If the customer fails to stop the unacceptable behavior, the staff member must ask the customer to leave the library.

(B) If a staff member determines that a violation of this policy is so serious that the customer remaining in the library creates a danger to library property, the library staff, or to other customers, or interferes with the use and enjoyment of the library by other customers, the staff member may ask the customer to leave without an initial oral warning.

(C) If a customer refuses a request to leave the library, the staff member should seek the assistance of library security or law enforcement personnel.

**15. Denial of Physical Access to the Library.**

(A) This rule is cumulative of the “Rules for Public Use of City Properties” adopted by the City Manager.

(B) The director or designee shall deny a customer or person physical access to the library as provided in this section if the customer or person is asked to leave the library for:

(1) a violation of any combination of these rules including petitioning and electioneering in any combination of library properties, for which the person was asked to leave the library three times in a six month period;

(2) any single violation of Section 13(C) that involves physical injury to a person, theft of or damage to City property or to the personal property of another person, or a breach of the peace; or

(3) any single violation of Section 13(D).

(C) The director or designee must give a customer who is denied physical access to the library written notice and an opportunity for a hearing as provided in the “Rules for Public Use of City Properties” adopted by the City Manager.

(D) The period for which a customer is denied physical access to the library under this section is:

(1) one year, beginning on the effective date of the denial; or

(2) in the case of a customer who has had a previous denial of physical access under this rule that was not rescinded, the denial of physical access is permanent.

(3) A customer who is denied physical access to the library may continue to access library information and programs in ways that do not require physical access, so long as the customer meets other requirements for access to the information and programs. If a disability is involved, the director shall provide a reasonable accommodation under applicable law.

(E) Denial of physical access may be enforced through a criminal trespass notice.

**[Sections 16 to 17 of the current “Library Use Rules” are omitted from this draft but will be addressed in a subsequent draft if changes are considered necessary. Sections 16 (Internet Policy) and 17 (Meeting Room Policy) will remain as part of the Library Use Rules.]**

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