

Library Use Rules

Effective [~~February 1, 2017~~]_____

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. ~~[To this end, t]~~ 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 ~~and~~ 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 building or facility of the Austin Public Library, including buildings, parking areas and the outside grounds of a building or facility, including the entrance ways, plazas, pathways, lawns, and [adjacent lawns,] landscaping[, and parking areas].

(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 ~~workstation~~ public computer; and

(6) "~~[workstation]~~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.

5. Children.

(A) A child under the age of 10 may not remain in the library unless accompanied by a responsible person who is at least 17 years of age. A person accompanying a child is responsible for the child and the child's behavior. Unless so accompanied, a child under the age of ten may not enter, remain in, or be left unsupervised in the library.

(B) If a library staff member determines that a child may not be safely turned away from the library or that the child is stranded, the staff member shall refer the child to the Austin Police Department.

6. Animals.

(A) A customer may not bring an animal in the library unless it is the customer's service animal.

(B) This does not apply to an animal used by the library for a special event.

7. Food and beverages.

(A) A customer may not consume food or a beverage in the library.

(B) This does not apply to food and beverages that have been purchased in the library and that are consumed in a designated area.

(1) If, due to a disability, a customer must consume special food, the library will provide a reasonable accommodation for that customer to consume that food in the designated area.

(C) This does not apply to water in a clear, capped bottle that is consumed away from a workstation.

(D) This does not apply to food brought by an adult supervising a child younger than seven years of age, and consumed by the child in a designated area.

(E) This does not apply to breast feeding or bottle-feeding an infant.

8. Attire and Hygiene.

(A) A customer may not enter or remain in the library in a bathing suit, or in clothing that does not cover both upper and lower torso, or without shoes.

(B) A customer may not enter or remain in the library if, because of lack of hygiene or excessive use of perfume or cologne, the person has a strong odor that would be offensive to a person of ordinary sensibilities.

9. Sleeping.

(A) A customer more than ten years of age may not sleep in the library.

(B) If a disability is involved with a customer sleeping, the library will provide a reasonable accommodation.

10. Smoking and tobacco use; burning materials.

(A) A person may not smoke or use a tobacco product in the library.

(B) A person may not ignite a flame, burn incense or any other material, or light a candle.

11. Restrooms.

(A) A customer may not bathe, shave, wash clothes, or dry clothes in a library restroom.

(B) A customer may use a restroom lavatory only for washing the person's hands or face. This does not apply to a customer attending an infant.

12. Personal belongings.

(A) A customer may not bring a bedroll, blanket or sleeping bag in the library.

(B) A customer may not enter the library with a cart or other wheeled device for carrying baggage. This does not apply to a wheelchair or other similar device for a person whose mobility is impaired.

(C) A customer may not leave a personal belonging unattended in the library.

(D) The library is not responsible for a lost, stolen, or misplaced personal item, whether the item was attended or unattended by the owner.

(E) A customer who brings a personal item in the library assumes the risk of loss or theft of the item.

13. Personal Behavior.

(A) ~~[A customer may not:]~~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.~~[solicit money or a 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 other thing of value, and regardless of whether consideration is offered; or]~~

(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.

~~[(B)]~~ (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.

(C) 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(~~B~~ 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(~~C~~ 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.

16. Internet Policy.

(A) A user may not:

(1) circumvent filtering software;

(2) have more than one active logon ID registered in the user database;

(3) share a logon ID with another person;

(4) use another user's logon ID;

(5) use a workstation if the user owes the City for charges associated with the user's use of a workstation or for damage caused by the user to a workstation.

(B) In consideration for the use of a workstation, a user must agree, and affirmatively state that:

(1) the user has read, and agrees to comply with, all library policies and procedures;

(2) the user understands and agrees that the Internet contains information, both written and pictorial, which may be offensive or harmful to the user or to others;

- (3) the user releases and indemnifies the City of Austin from any liability for damages associated with the user's viewing of, use of, or exposure to any information, machine-readable file, picture, graphical representation, or illustration encountered while using a workstation, whether or not the information appears or is delivered through the station the user operates;
 - (4) the user will not violate any state or federal laws including, but not limited to, those related to child pornography or the display of harmful materials to minors; the user will not access sexually explicit sites on any workstation or any personal electronic device used on library property;
 - (5) the user creates, stores, and uses personal files at the user's own risk. The library is not responsible for the loss of the user's personal electronic documents, storage devices, or files;
 - (6) the user is financially responsible for damage the user causes to the library's computers whether physically, or by the use of damaged or virus-infected software, or by any other means, and the user must promptly pay the City for cost of repair or replacement of equipment resulting from the damage; and
 - (7) the user shall promptly pay for all pages the user prints.
- (C) A user of a workstation that does not have filtering software:
- (1) must be at least 18 years of age;
 - (2) must provide photo identification that includes the user's date of birth to the library staff before using an unfiltered workstation; and
 - (3) may not permit another person to use or view the workstation during the user's session unless the other person has also provided library staff with photo identification proving that the other person is at least 18 years of age.

17. Meeting Room Policy.

- (A) This rule applies to the use of a Library meeting room by members of the public. It does not apply to use of a Library meeting room by the Library or by another department of the City of Austin. This rule is cumulative of other Library use rules. This rule supersedes another Library rule to the extent of a conflict. This rule may be referred to as the Meeting Room Policy.
- (B) Terms of Use.
- (1) The use of a Library meeting room by a group or a customer signifies the group's or customer's acceptance of the terms of the Meeting Room Policy.
 - (2) There is no charge for meeting room use.

(3) The use of, and the scheduling of the use of, a meeting room is subject to the needs of the Library, and may not interfere with the Library's operations or the use of the Library by customers. City or Library needs preempt any other scheduled event in a meeting room.

(4) The use of a meeting room does not constitute Library or City of Austin endorsement of a viewpoint expressed by a group or by a participant in a meeting or activity.

(a) A group using a room may not advertise or announce an event to be held in a meeting room if the advertisement or announcement states or implies the endorsement of the Library or the City of Austin.

(b) An announcement or notice to publicize an activity may not be posted or distributed on Library premises without advance approval from the librarian in charge.

(C) Who May Use a Meeting Room?

(1) A Library meeting room may be reserved by a not-for-profit, non-commercial group of at least three individuals engaged in an educational, cultural, intellectual, or civic activity. If a meeting room is equipped with videoconferencing equipment installed by the Library it may be reserved by a group or by a single individual.

(2) A use of a meeting room must be open to the public and may not be restricted to the membership of the group. A member of the public that sees a meeting taking place may enter and participate in the meeting.

(3) A customer may not reserve a meeting room for individual use.

(a) A Library customer may, upon request, use a meeting room which is not in use until the next group's reservation time.

(b) A customer must sign in at the service desk for individual use of a meeting room.

(c) Other customers may use the room at the same time, in the same manner.

(4) A child under the age of 10 may not be in a meeting room unless accompanied by a person who is at least 17 years of age, and who is responsible for the child's behavior.

(5) A meeting room may not be used for commercial purposes. A group or customer using a meeting room may not solicit money or another thing of value, charge admission, or sell, or advertise for sale, goods or services.

(6) A meeting room may not be used for a social gathering such as a wedding shower, a baby shower, a birthday party, a dance, or a similar activity.

(7) A meeting room may not be used for a political rally or a campaign for or against a specific ballot issue or candidate. However, a meeting room may be used for a forum or study group on a political issue.

(8) A meeting room may not be used to provide a direct healthcare service, including an examination, a hands-on demonstration, or a treatment. However, a meeting room may be used for a forum on or the sharing of information about healthcare services.

(9) Permission to use Library meeting rooms will be withheld from a group that has failed to comply with the Meeting Room Policy or from a group that damages a meeting room, the carpet, equipment, or furniture, or causes a disturbance.

(D) Reserving a Meeting Room.

(1) A group may request the use of a meeting room online, in person, or in writing. The Library will consider requests on a first-come, first-served basis.

(2) To provide an opportunity for other groups to use the meeting rooms, a group may use a meeting room at a particular branch only once each month, and may reserve only one meeting room for use at the same time.

(3) A group that is cancelling a meeting must provide notice of the cancellation to the Library's Meeting Room Coordinator as soon as possible. A group forfeits its reservation if the group fails to appear within 30 minutes after the scheduled time.

(4) If a group fails to appear for two consecutive meetings without making a cancellation, all future reservations of the group are cancelled until the group reschedules.

(5) Meetings may not be scheduled before or after library hours. Group representatives may not enter library buildings, nor will deliveries be accepted, before the regular opening time.

(6) A group may not assign or transfer its reservation to another group.

(E) Care and Use of a Meeting Room.

(1) A group or customer using a meeting room may not make noise that disturbs another Library customer or the Library staff.

(2) A group or customer using a meeting room must completely vacate the room at least 15 minutes before the Library's closing time.

(3) A group or customer must leave a meeting room in the condition in which the room was found.

(4) The Library does not set up or arrange furniture or equipment in a meeting room.

- (a) If a group or customer rearranges the furniture, the group or customer must return the furniture to the original arrangement before leaving the room.
- (b) A group or customer may not bring furniture or equipment from the main area of the library into a meeting room.
- (c) A group may bring its own furniture or equipment into a meeting room with advance approval by the Meeting Room Coordinator.
- (i) Arrangements for the use of such furniture or equipment must be made at the time the room is reserved.
- (ii) A group or customer must notify Library Security or the Branch Librarian when furniture or equipment is brought into the Library, and must promptly remove the furniture or equipment at the end of the meeting.
- (d) A group or customer may not store equipment, furniture, supplies, or personal effects in a meeting room before or after use.
- (5) A group or customer may not leave trash in a meeting room. A group that has produced trash during a meeting must remove that trash from the library at the end of the meeting.
- (6) A group or customer may not affix, tape, or fix with an adhesive any item to any part of a meeting room, including a wall, door, window treatment, or woodwork.
- (7) The library does not provide audio, video or other equipment other than that which is already installed in the room. Written instructions for the use of the equipment within the meeting room are posted in the room. The Library does not assist with the equipment.
- (8) A group or customer must keep all doors unlocked at all times. Open aisles must be maintained within the seating arrangement to provide clear access to exits.
- (9) A group or customer must use a public entrance for all access to and from the building, including all deliveries.
- (10) Attendance at a meeting is limited to the capacity of the individual meeting room. Seating or furniture may not be placed in a corridor outside the meeting room.
- (11) Food and Drink in a Meeting Room:
 - (a) Food and drink may be consumed in a meeting room if the food or drink is individually packaged and does not have to be maintained at a certain temperature, for example: packaged snacks, individual containers of soda, whole pieces of fruit, and cookie trays.

(b) Food items that are not individually packaged or that must be maintained at a certain temperature require a temporary food permit issued by the Austin/Travis County Health & Human Services Department.

(c) Kitchen facilities or equipment are not provided by the library, except for minimal kitchen facilities at the Carver Branch and the Austin History Center which may be used with permission from the librarian in charge.

(d) Protective mats or tablecloths must be used on tables when refreshments are being served.

(12) The individual making the reservation, as well as the group as a whole, is responsible for damages that result from the group's use of the meeting room.

(F) The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable accommodations will be provided on request.