

ORDINANCE NO. 2329

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA AMENDING SECTION 4280 OF PART 8 OF CHAPTER 2 OF ARTICLE IV OF THE ARCADIA MUNICIPAL CODE REGARDING LIBRARY RULES AND ENFORCEMENT

WHEREAS, the Arcadia Public Library has experienced problems with patrons disrupting Library staff and other patrons endeavoring to enjoy the privileges of the Library; and

WHEREAS, the disruptions at the Arcadia Public Library have led to a need to suspend the privileges of the Library for said disruptive individuals; and

WHEREAS, existing Arcadia Municipal Code section 4280 ("AMC 4280") authorizes the librarian or other designated person to withdraw consent for any such subject individual to attend the library for a finite period of time, not to exceed fourteen (14) days; and

WHEREAS, Library staff has found that a withdrawal of consent for a subject individual prohibiting him or her from attending the library for a finite period of time, not to exceed fourteen (14) days, may not be sufficiently effective to deter the disruptive conduct of all disruptive individuals; and

WHEREAS, the courts in the United States have found libraries to be limited public forums in that certain expressive activity may be legitimately prohibited on library premises and library restrictions need only be reasonable and not an effort to suppress expression merely because public officials oppose the speaker's view; and

WHEREAS, pursuant to California Education Code section 18919, the board of library trustees of a municipal library may make and enforce all rules, regulations, and

bylaws necessary for the administration, government, and protection of the libraries under its management, and all property belonging thereto; and

WHEREAS, California Education Code section 18960 provides that every municipal library established pursuant to the Code shall be forever free to the inhabitants and nonresident taxpayers of the municipality, subject always to such rules, regulations, and bylaws as may be made by boards of library trustees. The section further states that any person who violates any library rule, regulations, or bylaw may be fined or excluded from the privileges of the library; and

WHEREAS, the City Council wishes to further restrict Library access for disruptive individuals by way of a suspension policy in excess of the fourteen (14) days currently provided for by AMC 4280 by setting forth a policy for expulsion from the Library for sufficiently disruptive conduct and by establishing an appeals procedure for such expulsions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 4280 of Part 8 of Chapter 2 of Article IV of the Arcadia Municipal Code is hereby amended to read in its entirety as follows:

“4280. LIBRARY RULES. WITHDRAWAL OF CONSENT. EXPULSION FROM LIBRARY. MISDEMEANOR. APPEALS PROCEDURE.

Every person who willfully disrupts the orderly operation of the Library of the City of Arcadia or violates any rule adopted by resolution of the City Council or the Library Board of Trustees to protect the orderly operation of the Library and posted in a conspicuous place at the entrance to the Library building is guilty of a misdemeanor.

The Library Director or a person designated in writing by the Library Director to maintain order and to secure compliance with the Library rules may notify a person that consent to remain in the Library building and on the Library grounds has been withdrawn and then may order such person to leave the Library building and grounds whenever there is reasonable cause to believe that such person has willfully violated such Library rules. Consent shall automatically be reinstated at the end of twenty-four (24) hours unless within that time such person is notified by the Library Director or said designated person that consent shall not be reinstated for a specified period, not exceeding fourteen (14) days. In addition, expulsions from the Library building or the Library grounds and suspension of all privileges of the Library may be imposed against a person whose conduct is sufficiently disruptive to merit expulsion or suspension of privileges for a period of fifteen (15) days or more.

Expulsion and suspension of privileges up to thirty (30) days may be imposed whenever there is reasonable cause to believe that a person has done any of the following:

- Engaged in loud or disruptive conversations, talking, singing, or other disruptive, noisy, or boisterous behavior; or
- Behaved in a manner which reasonably can be expected to disturb other patrons, volunteers, or Library staff; or
- Violated the Standards of Behavior adopted by the Library Board of Trustees or the City Council from time to time as posted in a conspicuous location in the Library such as near the front door and public service desks.

Expulsion and suspension of privileges of up to one hundred eighty (180) days may be imposed whenever there is reasonable cause to believe that a person has done any of the following:

- Been expelled for a period of thirty (30) days each on two (2) or more occasions within the prior twelve (12) months; or
- Engaged in any behavior, conduct, or activity which may damage Library property or pose a written, oral or physical threat to other patrons, volunteers, or Library staff, as reasonably determined by the Library Director, or designee, and refused to cease such behavior, conduct, or activity when requested by Library staff.

Expulsion and suspension of privileges of up to one (1) year may be imposed whenever there is reasonable cause to believe that a person has done any of the following:

- Seriously threatened verbally or physically, seriously harassed verbally or physically, or aggressively or annoyingly stared at or followed, other patrons, volunteers, or Library staff about the Library building or grounds, as reasonably determined by the Library Director, or designee; or
- Destroyed, defaced, or illegally removed Library materials or property in violation of California Education Code section 19910; or
- Behaved in any manner prohibited by federal, state, or local law.

Only the Library Director or a person designated in writing by the Library Director to maintain order and to secure compliance with the Library rules may expel a person from the Library building or the library grounds, and suspend all

privileges of the Library, for the foregoing periods, as befitting the person's conduct.

Any person expelled from the Library for a period of thirty (30) days or less may appeal the expulsion to the Library Director, whose decision regarding the appeal shall be final and conclusive.

Any person expelled from the Library for a period of more than thirty (30) days may appeal the expulsion to the Library Board of Trustees, as established pursuant to Section 809 of the Arcadia City Charter. Such appeal must be submitted in writing to the Library Board of Trustees no later than thirty (30) calendar days following the issuance of the notice of expulsion to the appellant. The Library Board of Trustees shall render its decision in writing to the appellant to uphold or overturn the expulsion, with a copy to the Library Director no later than forty-five (45) calendar days following completion of the Board's hearing on the appeal. The decision of the Library Board of Trustees shall be final and conclusive.

Notwithstanding any provision herein to the contrary, a notice of expulsion or suspension of privileges shall remain in effect during the period of any appeal thereof.

Any person who willfully violates any rule adopted and posted in accordance with this Section or who willfully enters or remains in the Library or on the Library grounds during the period for which consent has been withdrawn or the individual has been expelled is guilty of a misdemeanor.”

SECTION 2. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council of the City of Arcadia hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrases be declared unconstitutional.

SECTION 3. The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of same to be published at least once in the official newspaper of said City within fifteen (15) days after its adoption. This Ordinance shall take effect on the thirty-first (31st) day after its adoption.

Passed, approved and adopted this 17th day of November, 2015.

/s/ Gary A. Kovacic
Mayor of the City of Arcadia

ATTEST:

/s/ Gene Glasco
City Clerk

APPROVED AS TO FORM:

/s/ Stephen P. Deitsch
Stephen P. Deitsch
City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF ARCADIA)

I, GENE GLASCO, City Clerk of the City of Arcadia, hereby certifies that the foregoing Ordinance No. 2329 was passed and adopted by the City Council of the City of Arcadia, signed by the Mayor and attested to by the City Clerk at a regular meeting of said Council held on the 17th day of November, 2015 and that said Ordinance was adopted by the following vote, to wit:

AYES: Council Member Beck, Chandler, Segal, Tay, Kovacic

NOES: None

ABSENT: None

/s/Gene Glasco
City Clerk