

NEWPORT BEACH PUBLIC LIBRARY USE POLICY

The Newport Beach Public Library, consisting of the interior and exterior premises of the Central Library, Mariners Branch, Balboa Branch, and Corona Del Mar Branch (collectively, "NBPL" or individually, "Library"), is open to all members of the general public without restriction. Customers may remain in the library during posted business hours to use the services and resources provided they conduct themselves in a lawful, orderly and considerate manner. Customers who engage in any of the designated "**prohibited** activities" listed in this policy will be asked to stop such actions, may be asked to leave the Library and may be subject to a suspension of Library privileges (all access to Library including online services requiring card authentication).

A. Prohibited Activities

1. Smoking in NBPL buildings or within one hundred feet (100') of all entrances;
2. Sleeping;
3. Occupying furniture in a manner that suggests lounging, as evidenced by lying down on the furniture, or propping feet on chairs, sofas, or tables;
4. Occupying more than one space when other customers need accommodating;
5. Eating or drinking food or beverages in areas where eating and drinking are prohibited;
6. Entering Library without being clothed, including, but not limited to, shirt and shoes;
7. Wearing cleats, skates, rollerblades or other items that could damage Library property;
8. Using electronic devices or other personal equipment that is disruptive to others including devices (with or without headphones) set at a volume that is audible to others;
9. Interfering with other customers' use of the Library or staff's ability to perform their duties (e.g., making loud noises, blocking pathway, etc.);

10. Soliciting or collecting funds (except for staff's collection of overdue fines, fees, proceeds of book sales, rentals, and library donations);
11. Bringing animals into the Library, except service animals as specified and in compliance with the Americans with Disabilities Act;
12. Leaving a child unattended (see Children in the Library Policy);
13. Using restrooms for other than intended purposes;
14. Bringing any containers, packages, briefcases, parcels, wheeled backpacks, book carriers or bundles into the library which singly or collectively exceed 24"x18"x12". All items brought into the Library are subject to inspection;
15. Bringing shopping carts or wheeled conveyances into the Library, with the exception of wheelchairs and baby strollers/carriages used for the actual transport of a person;
16. Bringing sleeping bags, bed-rolls, or blankets into the Library (blankets for small children are acceptable);
17. Parking a bicycle or wheeled conveyance in any area other than at a designated bicycle rack;
18. Lack of personal hygiene or use of perfume or fragrance producing odors that interfere with other customers' use of library facilities or interfere with staff's ability to perform their duties;
19. Any illegal activity;
20. Any threatening or abusive language or gestures directed toward customers or staff;
21. Engaging in or soliciting any sexual act;
22. Damaging, destroying, or theft of Library property;
23. Failure to comply with any warning or request to change or stop conduct in violation of Library Policy; and

24. Using the NBPL in violation of a suspension assigned under this Policy.

B. Enforcement of Prohibited Activities

1. **1st Violation.** Staff may address the customer to correct behavior and may instruct the person to leave the Library for the day.
2. **2nd Violation.** Staff may address the customer to correct behavior and may instruct the person to leave the Library for the day. Staff may advise the customer that continued misconduct may result in suspension of Library privileges for thirty (30) calendar days. A second or subsequent violation need not be the same as prior violation.
3. **3rd Violation.** The Library Services Manager or his /her designee (collectively, "Library Services Manager"), may: (i) instruct the customer to leave the Library for the day; and (ii) issue a suspension of Library privileges (at all NBPL locations) for thirty (30) calendar days; (iii) advise the customer that continued misconduct may result in suspension of Library privileges for up to one (1) year.
4. **4th Violation.** The Library Services Manager may: (i) instruct the customer to leave the Library for the day; and (ii) issue a suspension of Library privileges (at all NBPL locations) for up to one (1) year.
5. Notwithstanding the progressive penalties in paragraphs B(1)-(4) above, the Library Services Manager may suspend a customer for up to one (1) year based upon the nature and severity any single violation.

C. Notice

All suspensions will be accompanied by written notice and a copy of this Policy, notifying the customer of his or her specific violations of this Policy and the suspension length.

D. Appeal Procedures for Privilege Suspension

1. **Filing an Appeal.** An appeal may be filed with the Library Director or his/her designee (collectively, "Library Director") within ten (10) calendar days following the date a suspension was issued. Appeal must include the

customer's mailing address or alternative contact information (*e.g.*, E-mail address, *etc.*).

2. **Scheduling Appeal.** The Library Director shall schedule a date within ten (10) calendar days, or such other time as is mutually agreeable to the parties to hear the appeal.
3. **Notice.** The Library Director shall provide written notice to the customer appealing the suspension of the time, place and date of the appeal meeting.
4. **Conduct.** The appeal meeting will provide the suspended customer an opportunity to speak with the Library Director and provide a written and/or verbal response as to why the suspension should not be enforced. On review, the Library Director may sustain, reverse, or modify the decision of the Library Services Manager. The Library Director shall decide the appeal within ten (10) calendar days of the close of the appeal meeting. The Library Director shall provide written notice of his/her decision to the customer.
5. **Appeal to Board of Library Trustees.** The customer may appeal the Library Director's decision to the Board of Library Trustees within ten (10) calendar days of the Library Director's decision. The Board of Library Trustees shall consider the appeal at a regular or special meeting. The Library Director shall provide the customer appealing a suspension with written notice of the time, place and date of the scheduled Board of Library Trustees' meeting at least ten (10) calendar days prior to the date of meeting. At the meeting the customer, staff and any other affected party may submit verbal and/or written testimony regarding why the suspension should or should not be enforced. On review, the Board of Library Trustees may sustain, reverse, or modify the decision of the Library Director. The Board of Library Trustees may decide the appeal at the conclusion of the meeting, or may take additional time if necessary. The Library Director shall provide written notice of the Board of Library Trustees' decision to the customer. The decision of the Board of Library Trustees is final.
6. **Effective Date of Privilege Suspension.** A suspension of NBPL privileges shall take effect immediately and shall remain in effect unless modified or reversed by the Library Director or the Board of Library Trustees, as applicable.

E. Suspension Violations

Any additional violation(s) of this policy by a customer currently serving a suspension of thirty (30) calendar days or more shall automatically result in an additional one (1) year suspension.

Adopted - January 24, 1994
Amended - February 24, 1997
Reassigned - April 8, 2003
Amended - August 17, 2004
Amended - May 17, 2005
Amended - August 16, 2005
Amended - October 18, 2005
Amended - October 10, 2006
Amended - July 10, 2012
Amended - May 12, 2015

Formerly I-15