

ORDINANCE NO. ORD-24-0008

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING CHAPTER 9.33, RELATING
TO THE CITY LIBRARY RULES

WHEREAS, the Long Beach Public Library is responsible for maintaining a safe and welcoming environment for all library patrons; and

WHEREAS, the Long Beach Public Library, like other public libraries throughout the country, uses Rules of Conduct to define acceptable patron behaviors at any library building, and address the consequences for rule violations; and

WHEREAS, the Rules of Conduct are posted in all Long Beach Public Library facilities and are available on the Long Beach Public Library website; and

WHEREAS, primary responsibility for the enforcement of the Rules of Conduct falls on library staff; and

WHEREAS, Library staff can enlist the support of security and the Police Department when faced with egregious patron noncompliance with the Rules of Conduct; and

WHEREAS, the Rules of Conduct were revised in 2019 to define consequences for rule violations; and

WHEREAS, consequences for rule violations vary commensurate to the severity of the situation, and usually involve a temporary suspension of library privileges for a minimum of one day for minor infractions, up to one year for severe violations; and

WHEREAS, it has been determined that amending the Long Beach Municipal Code to clarify the authority of the City of Long Beach to enforce the Rules of Conduct will affirm that any person violating a Rule of Conduct promulgated by the City Manager may subject that person to a suspension of their borrowing or library visitation privileges for a

1 period not to exceed one year, as provided in the Library Rules;

2 WHEREAS, said amendment to the Long Beach Municipal Code will
3 mandate that persons subject to the suspension of their library visitation privileges may
4 appeal the suspension to the City Manager or his or her designee, and subsequently
5 persons aggrieved by an administrative decision of the City Manager or his or her designee
6 may file an appeal with the City Council.

7 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
8 follows:

9 Section 1. Chapter 9.33 is hereby added to Title 9 of the Long Beach
10 Municipal Code to read as follows:

11 CHAPTER 9.33

12 CITY LIBRARY RULES

13 9.33.010 Applicability of Chapter.

14 The rules set forth in this Chapter shall apply to all libraries located in
15 the City of Long Beach.

16 9.33.020 City Library rules.

17 A. The City Manager will promulgate rules for the use of City
18 libraries.

19 B. Such rules shall be formulated to ensure that the libraries and
20 meeting facilities serve their primary purposes. In the case of libraries, these
21 purposes include the provision of an orderly environment in which people
22 may read, study, use library materials and equipment and participate in
23 library or community programs. The rules may regulate disruptive behavior,
24 noise, offensive odors, health and sanitation hazards, and bringing
25 possessions, materials or objects into the library or facility which are likely to
26 interfere with its use by others. The rules may not unreasonably or unfairly
27 restrict access to libraries or facilities by any person or group.

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1 C. Any person who has violated any rule or regulation duly
2 adopted by the City Manager may be subject to the suspension of his or her
3 borrowing or library visitation privileges for a period not to exceed one (1)
4 year, as provided by the library rules.

5 D. Notwithstanding Subsection (C) above, any person who has
6 unresolved fees for lost or damaged library materials on their library account
7 shall be subject to suspension of his or her borrowing privileges, until such
8 time that fees are brought to Twenty Dollars (\$20) or below. Any person
9 subject to suspension of his or her borrowing privileges, as authorized by
10 subsection (D), may appeal the suspension in the manner prescribed by the
11 City's Director of Library Services. The determination of the Director of
12 Library Services on the appeal shall be final.

13 E. Any person subject to suspension of his or her library visitation
14 privileges, as authorized by Subsection (C) above, may appeal the
15 suspension pursuant to Section 9.33.030. Unless otherwise ordered by the
16 hearing officer, suspensions remain in effect during the pendency of any
17 appeal.

18 F. Rules for the use of City libraries and meeting facilities shall be
19 conspicuously posted on the premises. Any person who violates the rules
20 shall be personally advised of the violation and the rules' requirements. Any
21 person who fails or refuses to comply with any rule after receiving a personal
22 advisement shall be warned that continued failure to comply may result in the
23 person being required to leave the premises.

24 G. Any person who fails or refuses to leave the facility or who
25 returns to the facility during the time that their visitation privileges have been
26 suspended after being given personal advisement, warning and direction to
27 leave, shall be guilty of a misdemeanor which shall be punishable by a fine
28 not exceeding One Thousand Dollars (\$1,000) per violation, or by

1 imprisonment in the County Jail for a period not exceeding six (6) months, or
2 by both such fine and imprisonment.

3 9.33.030 City Library privileges suspension appeals.

4 A. Any person subject to suspension of his or her library visitation
5 privileges, pursuant to Section 9.33.020(C) of this Code, may appeal the
6 suspension by completing an appeal form, stating the basis of the appeal,
7 and returning it to the City Clerk’s office within seven (7) days of the start of
8 the suspension.

9 B. The City Manager or the designee shall serve as the hearing
10 officer for any appeal. The City Manager or the designee may initiate such
11 proceedings and shall cause a notice of such hearing to be given to the
12 person subject to suspension at the address set forth in the library card
13 application or served personally if no such address is available of the time
14 and date of the suspension hearing. Notice of the hearing date will be served
15 on the person subject to suspension at least five (5) business days before
16 the hearing. At the time set for the hearing or at the date to which the hearing
17 may be continued by the City Manager or the designee, the person whose
18 privileges are subject to suspension may be heard and may present any facts
19 to show why such privileges should or should not be suspended. At the close
20 of the hearing, or at any time within thirty (30) days thereafter, the City
21 Manager or the designee shall determine from the facts produced at the
22 hearing, and from any other facts in his or her possession whether or not the
23 privileges in question should be revoked. The City Manager or the designee
24 shall make his or her order accordingly and may make such order conditional
25 upon the doing or not doing of any act by the person whose privileges are
26 subject to suspension, which the City Manager or the designee deems for the
27 public good. Notice of such suspension shall be given to the person by the
28 hearing officer.

OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802

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C. Any person directly aggrieved by an administrative decision of the hearing officer may within ten (10) business days, file an appeal with the City Council. Privileges shall remain subject to the conditions of the hearing decision during any period of appeal.

Section 2. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.


I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of April 2, 2024, by the following vote:

Ayes: Councilmembers: Zendejas, Allen, Duggan, Supernaw,
Kerr, Saro, Uranga, Austin.

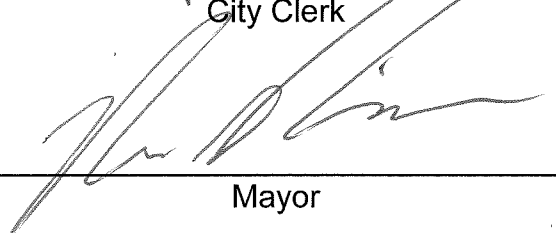
Noes: Councilmembers: None.

Absent: Councilmembers: Ricks-Oddie.

Recusal(s): Councilmembers: None.


for Monique DeLaGarcia
City Clerk

Approved: 4/10/24
(Date)


Mayor

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA) ss
COUNTY OF LOS ANGELES)
CITY OF LONG BEACH)

Alyssa Campos being duly sworn says: That I am employed in the Department of the City Clerk of the City of Long Beach; that on the 4th day of April 2024, I posted three true and correct copies of Ordinance No. ORD-24-0008 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of City Hall in front of the Civic Chambers; one of said copies in the Billie Jean King Main Library; and one of said copies on the front counter of the City Clerk Department.



Subscribed and sworn to before me
This 4th day of April 2024.



CITY CLERK