

**CITY OF CLEARWATER
LIBRARY SYSTEM**



CODE OF CONDUCT

The Clearwater Public Library System strives to provide the highest level of service to all library users. The following rules are set in place to protect the right of library patrons to enjoy a safe environment, conducive to the use and enjoyment of library materials and services. The United States Court of Appeals decision (Kreimer vs. Bureau of Police for the Town of Morristown, 1992) found that a library is a “limited public forum” created for the specific purpose of providing public access to materials. Further, the library may draft rules of behavior to assure that the library is used for the general purposes for which it is intended.

RULES:

1. The Clearwater Public Library System shall uphold all state laws and local ordinances in regard to public behavior. Suspected illegal activity will be reported to the police immediately.
2. Patrons shall be engaged in activities associated with the use of a public library while in the building.
3. The following list of activities not associated with the use of a public library are specifically prohibited:
 - Using or bringing in alcohol or illegal substances, smoking or using tobacco products
 - Sleeping
 - Eating except in designated areas or drinking except when using covered containers
 - Bringing animals inside the library (except service animals)
 - Bringing personal articles into the library that do not fit comfortably under a desk chair. Items needed for library research and necessary human conveyances such as wheelchairs and strollers are not prohibited.
 - Leaving bicycles in any area except designated rack
 - Skating and related activities, including scooters, inline skating, roller skating, etc.
 - Abusing or vandalizing library facilities or equipment
 - Disarranging library furnishings or materials
 - Damaging/mutilating/cutting pages from library materials or equipment
 - Using restrooms for washing clothes or bathing
 - Entering nonpublic areas such as staff work rooms, offices and storage areas
 - Petitioning, panhandling, or distributing materials within the library.
 - Obstructing or impeding the entrance of the Library
 - Using or attempting to use the library card of another person without written permission of the card holder.
 - Intoxication

4. All personal items must remain with the owner.
5. Patrons shall respect the rights of other patrons and staff and shall not engage in behavior so as to unreasonably disrupt another patron's or employee's use of the library by:
 - Noisy or boisterous activities
 - Playing audio equipment so that others can hear it
 - Singing or talking loudly to others or in monologues
 - Soliciting funds or offering any goods or services for sale (unless authorized by the Library Director)
 - Maintaining bodily hygiene that is so offensive as to constitute a nuisance to other persons in the library
 - Verbally or physically harassing other patrons, volunteers or staff, including stalking, staring or lurking.
 - Verbal intimidation of staff, volunteers or other patrons.
6. Patrons shall not interfere with another person's use of the library or with the library personnel's performance of their duties. **Disruptive behavior that compromises the use of the library will not be tolerated.**
7. Patrons shall wear appropriate attire, including shirt and shoes.
8. Children under the age of seven must be accompanied and visually monitored by a parent/guardian or responsible caregiver.
 - a. Responsibility for all children using the library rests with the parent / guardian or assigned chaperon and not with the library personnel.
 - b. The Youth Services area is intended for use by children and their parents or caregivers. Adults not requiring immediate access to children's materials shall be required to relocate to other areas of the library.
 - c. Children must not be allowed to abuse computers or other equipment.
9. Patrons shall promptly leave the building at closing time or in an emergency.
10. Any person violating any of these rules shall be required to leave the premises for the remainder of the business day. A repeat violator who commits multiple violations during the same calendar year may be trespassed for 30 days, 6 months, or 1 year pursuant to the procedures contained in the NOTICE OF SUSPENSION AND NOTICE OF TRESPASS attached to this Code of Conduct. A patron who refuses to leave under these circumstances or who returns to the library during the period that the patron has been trespassed from the library is trespassing; and staff will seek assistance from the police, if necessary.

**NOTICE OF SUSPENSION AND NOTICE OF TRESPASS FROM ALL CLEARWATER
PUBLIC LIBRARY SYSTEM FACILITIES ***

_____, you are hereby notified this ____ day of _____, 20__, that you are
in violation of the following library rule(s):

You are hereby notified that you are being suspended and trespassed from all Clearwater Public Library System facilities* as follows:

- For the remainder of today’s date because this is your first violation of a library rule within the current calendar year.
- For the remainder of today’s date because this is your second violation of a library rule within the current calendar year.
- For the remainder of today’s date and for an additional 30 days beginning on the ____ day of _____, 20__, unless you request a hearing as indicated below, because this is the third NOTICE OF SUSPENSION AND NOTICE OF TRESPASS that you have been issued within the same calendar year as two prior NOTICES.
- For the remainder of today’s date and for an additional 6 months beginning on the ____ day of _____, 20__, unless you request a hearing as indicated below, because you were previously suspended for 30 days and because the current violation occurred within the same calendar year as the prior violation.
- For the remainder of today’s date and for an additional 1 year beginning on the ____ day of _____, 20__, unless you request a hearing as indicated below, because you were previously suspended for 6 months and because the current violation occurred within the same calendar year as the prior violation.
- Because the current violation occurred either within 5 business days from the date that you were previously issued a 30 day, 6 month or 1 year NOTICE OF SUSPENSION AND NOTICE OF TRESPASS or before the date that the City Manager or City Manager’s designee filed a written decision with the City Clerk regarding your appeal of your previous suspension, the period of suspension for the current violation shall continue until either (1) the date that the prior suspension becomes effective, or (2) if you have requested a hearing to contest a prior suspension, then the date that the City Manager or City Manager’s designee files a written decision with the City Clerk regarding your prior suspension.

If you are being trespassed for 30 days, 6 months or 1 year, you have the right to an appeal before the City Manager or the City Manager’s designee by requesting a hearing within 5 business days** from today’s date. (SEE REVERSE SIDE.)

* “Clearwater Public Library System facilities” shall mean any of the buildings that are part of the Clearwater Public Library System, as well as the grounds and parking areas thereof, including but not limited to the walkways, landscaped areas, and patios. However, you may still utilize library services or resources available through the library’s website at www.myclearwater.com/cpl.

** “Business day” shall mean any day that the City of Clearwater Clerk’s office is open to the public for official business, excluding weekends and City holidays.

RIGHT OF APPEAL

To appeal your NOTICE OF SUSPENSION AND NOTICE OF TRESPASS, you must file a written request for a hearing in person at the City Clerk's Office at 112 South Osceola Avenue, 2nd floor, Clearwater, Florida within 5 business days** from today's date. Your written request should include your complete name, address, and telephone number. Upon your filing of a written request for a hearing, the City Clerk shall notify the City Manager or City Manager's designee, who shall conduct a hearing within 20 calendar days from the date you file your request. At least 10 calendar days prior to the hearing, the City Clerk shall send you notice of the date and place of the hearing by regular U.S. Mail to any address included on your written request for a hearing and shall also attempt to contact you at any telephone number included on your written request for a hearing to inform you of the date and place of the hearing. If you did not include an address or a telephone number on your written request for a hearing or if you want to know the status of your appeal, you can obtain information about the date and place of the hearing by contacting the City Clerk at (727) 562-4091 or in person at 112 South Osceola Avenue, 2nd floor, Clearwater, Florida. At the hearing, you shall have an opportunity to present evidence on your behalf, to cross-examine witnesses, and to be represented by counsel. The City shall have the burden of proof by clear and convincing evidence, and the decision of the City Manager or City Manager's designee shall be based solely on the evidence presented at the hearing. The City Manager or designee shall file a written decision with the City Clerk's Office within 5 calendar days from the date of the hearing. The written decision shall contain the findings of fact upon which the decision was based and the legal basis for the decision. The City Clerk shall send you a copy of the decision by regular U.S. Mail to any address included on your written request for a hearing and shall also attempt to contact you at any telephone number included on your written request for a hearing to inform you that the decision has been filed. If you did not include an address or telephone number on your written request for a hearing or if you want to know the status of your appeal, you can obtain information about whether a decision was filed, as well as a copy of the decision, by contacting the City Clerk at (727) 562-4091 or in person at 112 South Osceola Avenue, 2nd floor, Clearwater, Florida. If the NOTICE OF SUSPENSION AND NOTICE OF TRESPASS is affirmed, your period of being trespassed from all Clearwater Public Library System facilities* shall begin on the day that the decision is filed with the City Clerk. The filing of the decision by the City Manager or City Manager's designee shall be final and conclusive, subject to judicial review by common-law certiorari in the Circuit Court for Pinellas County.

This NOTICE OF SUSPENSION AND NOTICE OF TRESPASS was hand delivered to _____ this ____ day of _____, 20__, by _____.

Signature