



LIBRARY DEPARTMENT
585 Franklin Street
Mountain View, CA 94041-1998
650-903-6887 | MountainView.gov

CITY OF MOUNTAIN VIEW LIBRARY BEHAVIOR POLICY

PURPOSE:

The City of Mountain View Public Library ("Library") welcomes all residents and visitors of the City of Mountain View ("City") and is dedicated to free and equal access to information, knowledge, independent learning and the joys of reading for our diverse community.

The Library seeks to provide its customers with a comfortable and safe environment where customers can read, study, and work; use Library equipment, resources, and services; and where Library staff can perform their duties effectively without interference. Since the Library is used for various purposes, quiet areas have been designated for customers who prefer a quieter environment. Loud, disruptive, disrespectful, threatening, disturbing, profane, abusive, or other behavior not reasonably expected in a public library will not be tolerated throughout the building, and customers acting in such a manner will be asked to leave.

With public service as the highest priority, the following rules and regulations governing the use of the Library shall apply so that all customers may enjoy the benefits of the Library. Individuals visiting or using the Library's facilities or services must comply with the following:

To ensure access to Library services and for the safety of all customers the following behaviors are prohibited on Library property:

Level One – Severe Violations	Suspension Durationⁱ		
	1st Offense	2nd Offense	3rd Offense
1. Engaging in physical altercations including assaults and fighting. Cal. Penal Code (“CPC”) § 415; CPC § 242; CPC § 245	1 year suspension	2 years suspension	3 years suspension
2. Displaying or possessing firearms or other deadly weapons on Library property in a rude, angry, or threatening manner. Exemptions from this prohibition are recognized in accordance with state law and the City Code. CPC § 417; City Code § 38.302.			
3. Engaging in acts of sexual misconduct, including indecent exposure, sexual contact and sexual intercourse and/or exhibiting lewd and lascivious acts. CPC § 314; CPC § 370.			
4. Viewing or exhibiting harmful matter, as defined in CPC § 313, to minors. CPC § 313; CPC § 313.1.			

ⁱ This Behavior Policy refers to suspension duration periods and other consequences or actions imposed by the Library but does not preclude or supersede other consequences or penalties that may be imposed by federal, state, or local law.

Level Two – Moderate Violations	Suspension Duration		
	1st Offense	2nd Offense	3rd Offense
<p>5. Possession and/or use of illegal drugs.</p> <p>Cal. Health & Safety Code (“CHSC”) § 11350; CHSC § 11357; CHSC § 11375; CHSC § 11377.</p>	3 months suspension	6 months suspension	1 year suspension
<p>6. Theft of or vandalism to Library property, or the personal property of library customers or staff.</p> <p>CPC § 484; CPC § 490.5; CPC § 594.</p>			
<p>7. Using obscene or threatening language or words otherwise likely to provoke an immediate violent reaction. This may include hate speech if it includes a credible threat of violence.</p> <p>CPC § 415; CPC § 422.</p>			
<p>8. Unreasonable use of restrooms, including smoking, soliciting, clogging plumbing or looking into an area designed to provide privacy to a person using the area.</p> <p>CPC § 647(a)-(b); CPC § 594; CPC § 647(j)(1); CPC § 370.</p>			
<p>9. Depositing bodily fluids on Library property, including library collections, equipment, and furnishings.</p> <p>CPC § 370.</p>			

10. Unauthorized presence in staff-designated areas and/or entering or remaining inside library facilities before or after posted hours of operation. CPC § 602(q); CPC § 602.1(b).			
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Level Three – Minor Violations	Suspension Duration		
	1st Offense	2nd Offense	3rd Offense
<p>11. Exhibiting signs of being under the influence of alcohol or illegal drugs.</p> <p>CPC § 647(f).</p>	1 day suspension	1 day suspension	1 day suspension
<p>12. Leaving a child under 8 years of age unattended by a responsible person. Minor children visiting the Mountain View Public Library are the responsibility of their parents or guardians. The Library does not serve in loco parentis. The Library cannot accept responsibility for the safety and supervision of minor children.</p> <p>See CPC § 273a.</p>	<p>Notify Security; follow procedures for contacting MVPD.</p>		
<p>13. Verbal communication or non-verbal attention that is willful, malicious, or repeated harassment.</p> <p>See CPC § 415(2).</p>	Warning Customer may correct or leave	1 day suspension	7 days suspension
<p>14. Smoking tobacco products or using e-cigarettes inside library facilities or within 20 feet of any entryway (including main entrances and staff-only entrance), or any operable window(s).</p> <p>Cal. Gov't Code § 7597.</p>			

<p>15. Fraudulent use of another customer's library card and/or account number for any purpose, including to reserve computers.</p> <p>See CPC § 529</p>			
<p>16. Making any loud or unreasonable noise or other disturbance, including disruptive use of personal communications or entertainment devices.</p> <p>CPC § 415(2)</p>	<p>Warning Customer may correct or leave</p>	<p>1 day suspension</p>	<p>7 days suspension</p>
<p>17. People, animals or property must not block aisles, doorways, stairways, elevators or ramps. Large objects such as carts, bicycles and luggage may not be brought into library facilities. Library customers must keep personal belongings with them at all times.</p> <p>CPC § 370; CPC § 602.1(b); CPC § 647c.</p>			
<p>18. Roller skates, scooters, skateboards, bicycles, or other similar devices must not be used on Library property.</p> <p>CPC § 602.1(b).</p>			
<p>19. Library entrance areas shall be used exclusively for entering and exiting the library and as temporary waiting areas for library customers.</p> <p>CPC § 647c.</p>			

<p>20. Blocking library entrance areas or interfering with the free flow of pedestrian traffic in such areas.</p> <p>CPC § 370; CPC § 647c.</p>			
<p>21. Eating food and consuming beverages from an open container is prohibited. Alcoholic beverages are prohibited.</p> <p>Cal. Bus. & Prof. Code § 25620(a).</p>	<p>Warning Customer may correct or leave</p>	<p>1 day suspension</p>	<p>7 days suspension</p>
<p>22. Emitting strong, pervasive odors, including odors caused by perfume or cologne that unreasonably interfere with library user or staff comfort, safety, use, or peaceful enjoyment of the library.</p> <p>CPC § 370.</p>			
<p>23. Clothing covering the upper and lower body is required in addition to shoes or other footwear.</p> <p>See CPC § 370.</p>			
<p>24. Refusing to leave building and/or library computer during emergency evacuation.</p> <p>CPC § 602.1(b).</p>			

25. Using library facilities for other than their intended purpose, including: loitering, bathing (except washing hands), shampooing, shaving, personal grooming, changing clothes, washing clothes or utensils. See CPC § 370.			
26. Manipulation of/interfering with library computers, Internet reservation and/or print management systems. CPC § 594; see CPC § 602.1(b).	Warning Customer may correct or leave	1 day suspension	7 days suspension
27. Soliciting, panhandling, or attempting to sell items for fundraising or other commercial purposes not part of an approved Library program.			
28. Viewing or exhibiting harmful matter, as defined in CPC § 313, without minors present.			
29. Sleeping or lying on the floor or furniture. See CPC § 647(e).	Warning Customer may correct or leave.		
30. Failure to check out library materials before exiting the library. See CPC § 484.			
31. Animals, other than disability service animals, are not permitted inside library facilities. See, e.g., Cal. Civ. Code §§ 54.1-54.2; CPC § 365.5(b).	Leave building; may return without animal/pet.		

TRESPASSING:

Individuals who interfere with Library employees in the performance of their duties and/or who fail to follow any reasonable instruction by a staff member to correct inappropriate behavior will be subject to a suspension of Library service and/or exclusion from Library property. Individuals refusing to leave after such request will be subject to arrest for trespassing and prosecution under California Penal Code Section 602.1(b).

Illegal activity, as well as any willful or repeated violations of this Behavior Policy or other posted Library regulations or policies (e.g. Computer and Network Use Policy, Group Study Room and Program Room Use Policy), may result in removal from the facility and/or suspension of Library privileges. In addition, where authorized by Federal, State or local law, violations of this Behavior Policy may also result in arrest.

For repeated violations, the length of suspension of Library service and/or exclusion from Library property will be determined by Library Administration. Library Administration reserves the right to modify the length of a term for suspension of Library privileges based on administrative review and/or the outcome of the formal appeal process. Library customers who wish to request a reasonable modification of this Behavior Policy because of a disability or health problem may contact Library staff or may call 650-903-6887.

THEFT:

State law permits Library staff to search purses, bags, parcels, briefcases, and other packages. In order to prevent the theft of books and Library materials, state law authorizes the detention for a reasonable period of any person using these facilities suspected of committing "library theft." (California Penal Code Section 490.5)

HEALTH AND CLEANLINESS:

It is the Library's responsibility to maintain a comfortable and safe environment for all customers and to protect the Library's collections, equipment, and property. To this end, the Library may restrict a customer's ability to borrow physical materials and/or visit the Library when such activity may jeopardize the health and cleanliness of the Library, the Library collections, and Library customers.

A customer may be asked to leave the Library and/or have future access to the Library suspended if a customer or customer's possessions are present with fleas, lice, roaches, bed bugs, or other insects or pests. If Library materials have come into contact with fleas, lice, roaches, bed bugs, or other insects or pests while in a customer's possession, the customer should not return the materials and should contact the Library. Materials that must be discarded may be charged to

the customer at full replacement value. Library privileges may be suspended when evidence that items checked out on a customer's Library card were returned with insects known to be damaging or could result in pest infestation to Library materials (e.g., fleas, lice, roaches, bed bugs, or other insects or pests).

Should it become necessary to suspend Library privileges in order to protect Library collections, facilities, or other individuals, direct notification of the suspension will be made by Library staff at the time of the occurrence. Suspension of access to the Library and borrowing privileges will be considered temporary and will be restored when the suspended customer demonstrates that the originating situation has been remediated. This may include proof of qualified extermination procedures conducted at the customer's primary residence. Confirming information may include copies of receipts for treatment, a letter from a licensed pest control company, or a written statement from the owner or property manager of a multi-family rental residence. In some circumstances, proof of a change of residential address may also be accepted.

SUSPENSION OF LIBRARY PRIVILEGES FOR VIOLATION OF THE BEHAVIOR POLICY:

Anyone violating this Policy may be asked to leave the Library and/or have privileges suspended for the durations set forth in this Policy. Enforcement will be by Library staff, Library Security staff, or, if necessary, by the Mountain View Police Department, as appropriate.

In the case of a minor (under the age of 18), the Library will attempt to notify a parent or guardian and provide the parent or guardian with a copy of the suspension letter.

REQUEST FOR SUSPENSION APPEAL/HEARING PANEL PROCEDURE AND FORM:

Suspension Appeal Procedure

Any customer suspended has a right to appeal the suspension from the Library.

To appeal a suspension:

1. Complete the Request for Suspension Appeal/Hearing Panel Form.
2. Return the completed form to the Mountain View Public Library. Staff will sign the form to acknowledge its receipt and provide you with a copy for your records.
3. The completed form must be received by staff at the Library within 10 days from the date of the suspension. Postmarks will not apply.

Upon receipt of your Request for Suspension Appeal/Hearing Panel Form:

1. You will have a Suspension Appeal decision meeting with the Library Director or designee.
2. Library staff, a Library Security staff, or Library customers who were witnesses to the event(s) may also be asked to appear as witnesses.
3. The Suspension Appeal meeting will convene privately to discuss the evidence and make a final suspension determination.
4. The suspension will be withdrawn if the authorized Suspension Appeal meeting members determine, by a preponderance of evidence, that the behavior(s) cited on the Notice of Suspension did not occur or that the suspension was deemed unwarranted.
5. Within 10 days from the date the Library receives your Request for Suspension Appeal, a Suspension Appeal/Hearing Panel Determination Notice will be mailed to the address provided by you on the Request for Suspension Appeal/Hearing Panel Form.
6. If you do not have a mailing address, you must return to the Mountain View Library 10 days from the date the Library receives your Request for Suspension Appeal/Hearing Panel Form to pick up your Suspension Appeal/Hearing Panel Determination Notice.
7. The Suspension Appeal Determination decision is final.

Any suspension from the Library may require a meeting with the Library Director or designee and a commitment to adhere to these behavior standards before an individual's Library privileges are restored.

Adopted by the Library Board of Trustees: October 1, 2001

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LIB/Behavior Policy