

OCC RECEIVED AT
OCT 8 '19 AM 11:16

NOTICE OF RULE ADOPTION

ADOPTION DATE: October 8, 2019

By: Roosevelt Weeks, Director
Library Department

The Director of the Library Department (which operates the Austin Public Library and each of its branch libraries) has adopted the following rule. Notice of the proposed rule was posted on August 9, 2019. Public comment on the proposed rule was solicited in the August 9, 2019 notice. This notice of rule adoption is issued under Chapter 1-2 of the City Code. The adoption of a rule may be appealed to the City Manager in accordance with Section 1-2-10 of the City Code as explained below.

EFFECTIVE DATE OF ADOPTED RULE

A rule adopted by this notice is effective on October 8, 2019.

TEXT OF ADOPTED RULE

A copy of the complete text of the adopted rule is available for public inspection and copying at the following locations. Copies may be purchased at the locations below at a cost of ten cents per page:

Central Library, Second Floor, 710 Cesar Chavez Street, Austin, TX 78701;

Little Walnut Creek Branch Library, First Floor, 835 W. Rundberg Lane, Austin, Tx 78758;

Manchaca Road Branch Library, First Floor, 5500 Manchaca Road, Austin, TX 78745;

Howson Branch Library, First Floor, 2500 Exposition Blvd., Austin, Tx 78703;

Ruiz Branch Library, First Floor, 1600 Grove Blvd., Austin TX 78741; or

Office of the City Clerk, First Floor, City Hall, 301 West 2nd Street, Austin, Texas 78701.

Summary of changes: The adopted Library Use Rules contain no changes from the proposed rule.

SUMMARY OF COMMENTS

Written comments (a summary of which is attached) were received from three persons in regard to the proposed rule. The Library Department has reviewed the comments and determined that no changes to the proposed rule are required, and that adoption of the Library Use Rules as proposed is appropriate.

The written comments are available for public inspection and copying at the Central Library, Second Floor, 710 Cesar Chavez Street, Austin, TX 78701. Copies may be purchased at the Central Library at a cost of ten cents per page.

AUTHORITY FOR ADOPTION OF RULE

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is provided in Chapter 1-2 of the City Code. The authority to regulate library use is established in Article V (*Administrative Organization*) of the City Charter, and Chapter 7-1 (*Libraries*) of the City Code. The Director of the Library Department is the City Manager's delegate.

APPEAL OF ADOPTED RULE TO CITY MANAGER

A person may appeal the adoption of a rule to the City Manager. **AN APPEAL MUST BE FILED WITH THE CITY CLERK NOT LATER THAN THE 30TH DAY AFTER THE DATE THIS NOTICE OF RULE ADOPTION IS POSTED. THE POSTING DATE IS NOTED ON THE FIRST PAGE OF THIS NOTICE.** If the 30th day is a Saturday, Sunday, or official city holiday, an appeal may be filed on the next day which is not a Saturday, Sunday, or official city holiday.

An adopted rule may be appealed by filing a written statement with the City Clerk. A person who appeals a rule must (1) provide the person's name, mailing address, e-mail address, and telephone number; (2) identify the rule being appealed; and (3) include a statement of specific reasons why the rule should be modified or withdrawn.

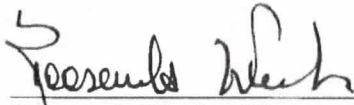
Notice that an appeal was filed and will be posted by the city clerk. A copy of the appeal will be provided to the City Manager, the Director of the department adopting the rule, and the City Council. An adopted rule will not be enforced pending the City Manager's decision. The City Manager may affirm, amend, or withdraw an adopted rule. If the City Manager does not act on an appeal on or before the 60th day after the date the notice of rule adoption is posted, the rule is withdrawn. Notice of the City Manager's decision on an appeal will be posted by the city clerk and provided to the City Council.

On or before the 16th day after the city clerk posts notice of the City Manager's decision, the City Manager may reconsider the decision on an appeal. Not later than the 31st day after giving written notice of an intent to reconsider, the City manager shall make a decision.

CERTIFICATION BY CITY ATTORNEY

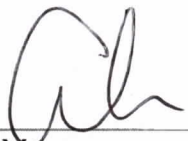
By signing this Notice of Rule Adoption, the City Attorney certifies that the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

REVIEWED AND APPROVED



Roosevelt Weeks, Director
Library Department

Date: 10/3/19



Anne L. Morgan
City Attorney

Date: 10/3/19

Proposed Rules Section	Name	Comment	For / Against	Response
9. Sleeping; 12. (A) Personal Belongings	daniellelail@gmail.com	There are a few rules such as no sleeping and that you can't bring sleeping bags in that seem like they are trying to stop people experiencing homelessness from coming. I bet that I could bring a giant bag in - maybe a hiking bag and nobody would say anything. I think if they are just carrying it while they read it's fine.	N/A	Thank you for you comment. The Library is supported by the taxes of the people of Austin who expect each of our facilities to be clean, comfortable, and safe. The library is intended for reading, studying, writing, listening to written or electronically transmitted materials, and attending library or community sponsored programs and meetings. The rules prohibiting sleeping and bringing in bedrolls or sleeping bags contribute directly to the health and safety of library customers, staff, and volunteers and help to protect the library's materials, equipment, facilities, and grounds. Bags, such as a hiking bag, duffel bag, etc., are allowed to be brought into the library.
N/A	bfranks78701@gmail.com	Based on past experience the following additional rules need to be added. 1. Customers may not have sex in any form in the library. 2. Customers will urinate and defecate in the toilets in the appropriate restroom not on the floor of bookshelves.	N/A	Thank you for you comment. Customers are not allowed to have sex in any form in the Library or to urinate or defecate on the floor or bookshelves. If these behaviors are observed, they should be reported immediately to a Library Security Officer or Library staff member for appropriate action to be taken.
General	James Gorman	I am strongly opposed to these changes. This will allow behavior that may intimidate or deter patrons from using libraries. I fail to see any positive outcomes for this.	Against	Thank you for you comment. The proposed rule changes only allow a customer to distribute literature or otherwise solicit customers outside of library buildings or parking areas. A customer who chooses to distribute literature or otherwise solicit customers is still expected to comply with other library use rules, such as not unreasonably disrupting the normal use of library services or property by other customers or the library staff and not blocking access to an entrance, passageway, or resource.

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**City of Austin
Library Department**

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Library Use Rules

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1. Purpose. The Austin Public Library is supported by the taxes of the people of Austin who expect each of our facilities to be clean, comfortable, and safe. The library is intended for reading, studying, writing and listening to written or electronically transmitted materials, and attending library or community sponsored programs and meetings. To this end, the library has established these rules to protect the rights and safety of library customers, staff and volunteers, and to help preserve and protect the library's materials, equipment, facilities, and grounds.

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2. Definitions.

(A) Except as provided, words and phrases in these rules mean what the words and phrases mean in the City Code.

(B) In these rules:

(1) "customer" means a person, other than an on-duty member of the library staff, who is present in the library, using the library, or borrowing library materials;

(2) "director" means the director of the Library Department or the director's designee;

(3) "library" means any building or facility of the Austin Public Library, including the entrance ways and adjacent lawns, landscaping, and parking areas.

(4) "parking area" means an area where vehicles are allowed to park such as parking garages, parking lots, or other areas identified for vehicle parking.

(5) "staff member" means a City employee, contractor, or volunteer working in the library, and includes security personnel;

(6) "solicit" means to request by spoken, written, or printed word, or by other means of communication an immediate donation or transfer of money or another thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value, and regardless of whether consideration is offered.

(7) "user" means a customer using a workstation; and

(8) "workstation" means a public-access computer and the adjacent space.

3. Not a Public Forum. Except for the limited purpose of accessing information, the library is not a public forum.

4. General Expectations.

(A) A staff member may not modify or waive the policies stated in these rules.

(B) A customer must abide by the standards of behavior set forth in these rules. These rules identify prohibited behavior for library customers, with consideration of the situation and age-appropriateness.

(C) A staff member must report criminal activity that occurs in the library to an appropriate law enforcement officer.

5. Children.

(A) A child under the age of 10 may not remain in the library unless accompanied by a responsible person who is at least 17 years of age. A person accompanying a child is responsible for the child and the child's behavior. Unless so accompanied, a child under the age of ten may not enter, remain in, or be left unsupervised in the library.

(B) If a library staff member determines that a child may not be safely turned away from the library or that the child is stranded, the staff member shall refer the child to the Austin Police Department.

6. Animals.

(A) A customer may not bring an animal in the library unless it is the customer's service animal.

(B) This does not apply to an animal used by the library for a special event.

7. Food and beverages.

(A) A customer may not consume food or a beverage in the library.

(B) This does not apply to food and beverages that have been purchased in the library and that are consumed in a designated area.

(1) If, due to a disability, a customer must consume special food, the library will provide a reasonable accommodation for that customer to consume that food in the designated area.

1 (C) This does not apply to water in a clear, capped bottle that is consumed away from a
2 workstation.

3 (D) This does not apply to food brought by an adult supervising a child younger than
4 seven years of age, and consumed by the child in a designated area.

5 (E) This does not apply to breast feeding or bottle-feeding an infant.

6 **8. Attire and Hygiene.**

7 (A) A customer may not enter or remain in the library in a bathing suit, or in clothing
8 that does not cover both upper and lower torso, or without shoes.

9 (B) A customer may not enter or remain in the library if, because of lack of hygiene or
10 excessive use of perfume or cologne, the person has a strong odor that would be
11 offensive to a person of ordinary sensibilities.

12 **9. Sleeping.**

13 (A) A customer more than ten years of age may not sleep in the library.

14 (B) If a disability is involved with a customer sleeping, the library will provide a
15 reasonable accommodation.

16 **10. Smoking and tobacco use; burning materials.**

17 (A) A person may not smoke or use a tobacco product in the library.

18 (B) A person may not ignite a flame, burn incense or any other material, or light a
19 candle.

20 **11. Restrooms.**

21 (A) A customer may not bathe, shave, wash clothes, or dry clothes in a library
22 restroom.

23 (B) A customer may use a restroom lavatory only for washing the person's hands or
24 face. This does not apply to a customer attending an infant.

25 **12. Personal belongings.**

26 (A) A customer may not bring a bedroll, blanket or sleeping bag in the library.

27 (B) A customer may not enter the library with a cart or other wheeled device for
28 carrying baggage. This does not apply to a wheelchair or other similar device for a
29 person whose mobility is impaired.

1 (C) A customer may not leave a personal belonging unattended in the library.

2 (D) The library is not responsible for a lost, stolen, or misplaced personal item,
3 whether the item was attended or unattended by the owner.

4 (E) A customer who brings a personal item in the library assumes the risk of loss or
5 theft of the item.

6 **13. Personal Behavior.**

7 (A) A customer may not:

8 (1) unreasonably disrupt the normal use of library services or property by the
9 library staff or other customers;

10 (2) enter an area that is not open to the public;

11 (3) block access to an entrance, passageway or resource; or

12 (4) distribute literature or otherwise solicit customers inside library buildings or
13 parking areas.

14 (B) A customer may not:

15 (1) enter or remain in the library in possession of any illegal drug or alcoholic
16 beverage;

17 (2) enter or remain in the library if the person is intoxicated by a drug or alcohol;

18 (3) use abusive, indecent, profane, or vulgar language;

19 (4) make an offensive gesture or display; or

20 (5) access sexually explicit material on a library computer or on a personal
21 electronic device.

22 (C) A customer may not:

23 (1) harass, sexually harass, abuse, threaten, or fight with a person;

24 (2) threaten library property;

25 (3) incite a breach of the peace;

26 (4) except as expressly permitted by state or federal law, carry or display a
27 weapon;

28 (5) perform a criminal act;

(6) vandalize, steal, or recklessly or intentionally damage library property or the property of another person.

14. Violations.

(A) If a customer violates these rules, a staff member shall orally warn the customer to stop the behavior. If the customer fails to stop the unacceptable behavior, the staff member must ask the customer to leave the library.

(B) If a staff member determines that a violation of this policy is so serious that the customer remaining in the library creates a danger to library property, the library staff, or to other customers, or interferes with the use and enjoyment of the library by other customers, the staff member may ask the customer to leave without an initial oral warning.

(C) If a customer refuses a request to leave the library, the staff member should seek the assistance of library security or law enforcement personnel.

15. Denial of Physical Access to the Library.

(A) This rule is cumulative of the "Rules for Public Use of City Properties" adopted by the City Manager.

(B) The director shall deny a customer physical access to the library as provided in this section if the customer is asked to leave the library for:

(1) a violation of any combination of these rules in any combination of library properties, for which the person was asked to leave the library three times in a six month period;

(2) any single violation of Section 13(B) that involves physical injury to a person, theft of or damage to City property or to the personal property of another person, or a breach of the peace; or

(3) any single violation of Section 13(C).

(C) The director must give a customer who is denied physical access to the library written notice and an opportunity for a hearing as provided in the "Rules for Public Use of City Properties" adopted by the City Manager.

(D) The period for which a customer is denied physical access to the library under this section is:

(1) one year, beginning on the effective date of the denial; or

1 (2) in the case of a customer who has had a previous denial of physical access
2 under this rule that was not rescinded, the denial of physical access is
3 permanent.

4 (3) A customer who is denied physical access to the library may continue to access
5 library information and programs in ways that do not require physical access,
6 so long as the customer meets other requirements for access to the information
7 and programs. If a disability is involved, the director shall provide a reasonable
8 accommodation under applicable law.

9 (E) Denial of physical access may be enforced through a criminal trespass notice.

10 **16. Internet Policy.**

11 (A) A user may not:

- 12 (1) circumvent filtering software;
13 (2) have more than one active logon ID registered in the user database;
14 (3) share a logon ID with another person;
15 (4) use another user's logon ID;
16 (5) use a workstation if the user owes the City for charges associated with the
17 user's use of a workstation or for damage caused by the user to a workstation.

18 (B) In consideration for the use of a workstation, a user must agree, and affirmatively
19 state that:

- 20 (1) the user has read, and agrees to comply with, all library policies and
21 procedures;
22 (2) the user understands and agrees that the Internet contains information, both
23 written and pictorial, which may be offensive or harmful to the user or to
24 others;
25 (3) the user releases and indemnifies the City of Austin from any liability for
26 damages associated with the user's viewing of, use of, or exposure to any
27 information, machine-readable file, picture, graphical representation, or
28 illustration encountered while using a workstation, whether or not the
29 information appears or is delivered through the station the user operates;
30 (4) the user will not violate any state or federal laws including, but not limited to,
31 those related to child pornography or the display of harmful materials to

1 minors; the user will not access sexually explicit sites on any workstation or
2 any personal electronic device used on library property;

3 (5) the user creates, stores, and uses personal files at the user's own risk. The
4 library is not responsible for the loss of the user's personal electronic
5 documents, storage devices, or files;

6 (6) the user is financially responsible for damage the user causes to the library's
7 computers whether physically, or by the use of damaged or virus-infected
8 software, or by any other means, and the user must promptly pay the City for
9 cost of repair or replacement of equipment resulting from the damage; and

10 (7) the user shall promptly pay for all pages the user prints.

11 (C) A user of a workstation that does not have filtering software:

12 (1) must be at least 18 years of age;

13 (2) must provide photo identification that includes the user's date of birth to the
14 library staff before using an unfiltered workstation; and

15 (3) may not permit another person to use or view the workstation during the user's
16 session unless the other person has also provided library staff with photo
17 identification proving that the other person is at least 18 years of age.

18 **17. Meeting Room Policy.**

19 (A) This rule applies to the use of a library meeting room by members of the public. It
20 does not apply to use of a library meeting room by the library or by another
21 department of the City of Austin. This rule is cumulative of other library use rules.
22 This rule supersedes another library rule to the extent of a conflict. This rule may
23 be referred to as the Meeting Room Policy.

24 (B) Terms of Use.

25 (1) The use of a library meeting room by a group or a customer signifies the
26 group's or customer's acceptance of the terms of the Meeting Room Policy.

27 (2) There is no charge for meeting room use.

28 (3) The use of, and the scheduling of the use of, a meeting room is subject to the
29 needs of the library, and may not interfere with the library's operations or the
30 use of the library by customers. City or library needs preempt any other
31 scheduled event in a meeting room.

1 (4) The use of a meeting room does not constitute library or City of Austin
2 endorsement of a viewpoint expressed by a group or by a participant in a
3 meeting or activity.

4 (a) A group using a room may not advertise or announce an event to be held in a
5 meeting room if the advertisement or announcement states or implies
6 the endorsement of the library or the City of Austin.

7 (b) An announcement or notice to publicize an activity may not be posted or
8 distributed on library premises without advance approval from the
9 librarian in charge.

10 (C) Who May Use a Meeting Room?

11 (1) A library meeting room may be reserved by a not-for-profit, non-commercial
12 group of at least three individuals engaged in an educational, cultural,
13 intellectual, or civic activity. If a meeting room is equipped with
14 videoconferencing equipment installed by the library it may be reserved by a
15 group or by a single individual.

16 (2) A use of a meeting room must be open to the public and may not be restricted
17 to the membership of the group. A member of the public that sees a meeting
18 taking place may enter and participate in the meeting.

19 (3) A customer may not reserve a meeting room for individual use.

20 (a) A library customer may, upon request, use a meeting room which is not in
21 use until the next group's reservation time.

22 (b) A customer must sign in at the service desk for individual use of a meeting
23 room.

24 (c) Other customers may use the room at the same time, in the same manner.

25 (4) A child under the age of 10 may not be in a meeting room unless accompanied
26 by a person who is at least 17 years of age, and who is responsible for the
27 child's behavior.

28 (5) A meeting room may not be used for commercial purposes. A group or
29 customer using a meeting room may not solicit money or another thing of
30 value, charge admission, or sell, or advertise for sale, goods or services.

31 (6) A meeting room may not be used for a social gathering such as a wedding
32 shower, a baby shower, a birthday party, a dance, or a similar activity.

- (7) A meeting room may not be used for a political rally or a campaign for or against a specific ballot issue or candidate. However, a meeting room may be used for a forum or study group on a political issue.
- (8) A meeting room may not be used to provide a direct healthcare service, including an examination, a hands-on demonstration, or a treatment. However, a meeting room may be used for a forum on or the sharing of information about healthcare services.
- (9) Permission to use library meeting rooms will be withheld from a group that has failed to comply with the Meeting Room Policy or from a group that damages a meeting room, the carpet, equipment, or furniture, or causes a disturbance.

(D) Reserving a Meeting Room.

- (1) A group may request the use of a meeting room online, in person, or in writing. The library will consider requests on a first-come, first-served basis.
- (2) To provide an opportunity for other groups to use the meeting rooms, a group may use a meeting room at a particular branch only once each month, and may reserve only one meeting room for use at the same time.
- (3) A group that is cancelling a meeting must provide notice of the cancellation to the library's Meeting Room Coordinator as soon as possible. A group forfeits its reservation if the group fails to appear within 30 minutes after the scheduled time.
- (4) If a group fails to appear for two consecutive meetings without making a cancellation, all future reservations of the group are cancelled until the group reschedules.
- (5) Meetings may not be scheduled before or after library hours. Group representatives may not enter library buildings, nor will deliveries be accepted, before the regular opening time.
- (6) A group may not assign or transfer its reservation to another group.

(E) Care and Use of a Meeting Room.

- (1) A group or customer using a meeting room may not make noise that disturbs another library customer or the library staff.
- (2) A group or customer using a meeting room must completely vacate the room at least 15 minutes before the library's closing time.

- 1 (3) A group or customer must leave a meeting room in the condition in which the
2 room was found.
- 3 (4) The library does not set up or arrange furniture or equipment in a meeting
4 room.
- 5 (a) If a group or customer rearranges the furniture, the group or customer
6 must return the furniture to the original arrangement before leaving
7 the room.
- 8 (b) A group or customer may not bring furniture or equipment from the
9 main area of the library into a meeting room.
- 10 (c) A group may bring its own furniture or equipment into a meeting
11 room with advance approval by the Meeting Room Coordinator.
- 12 (i) Arrangements for the use of such furniture or equipment must
13 be made at the time the room is reserved.
- 14 (ii) A group or customer must notify Library Security or the Branch
15 Librarian when furniture or equipment is brought into the
16 library, and must promptly remove the furniture or equipment
17 at the end of the meeting.
- 18 (d) A group or customer may not store equipment, furniture, supplies, or
19 personal effects in a meeting room before or after use.
- 20 (5) A group or customer may not leave trash in a meeting room. A group that has
21 produced trash during a meeting must remove that trash from the library at the
22 end of the meeting.
- 23 (6) A group or customer may not affix, tape, or fix with an adhesive any item to
24 any part of a meeting room, including a wall, door, window treatment, or
25 woodwork.
- 26 (7) The library does not provide audio, video or other equipment other than that
27 which is already installed in the room. Written instructions for the use of the
28 equipment within the meeting room are posted in the room. The library does
29 not assist with the equipment.
- 30 (8) A group or customer must keep all doors unlocked at all times. Open aisles
31 must be maintained within the seating arrangement to provide clear access to
32 exits.
- 33 (9) A group or customer must use a public entrance for all access to and from the
34 building, including all deliveries.

1 (10) Attendance at a meeting is limited to the capacity of the individual meeting
2 room. Seating or furniture may not be placed in a corridor outside the meeting
3 room.

4 (11) Food and Drink in a Meeting Room:

5 (a) Food and drink may be consumed in a meeting room if the food or drink is
6 individually packaged and does not have to be maintained at a certain
7 temperature, for example: packaged snacks, individual containers of
8 soda, whole pieces of fruit, and cookie trays.

9 (b) Food items that are not individually packaged or that must be maintained at a
10 certain temperature require a temporary food permit issued by the
11 Austin/Travis County Health & Human Services Department.

12 (c) Kitchen facilities or equipment are not provided by the library, except for
13 minimal kitchen facilities at the Carver Branch and the Austin History
14 Center which may be used with permission from the librarian in charge.

15 (d) Protective mats or tablecloths must be used on tables when refreshments are
16 being served.

17 (12) The individual making the reservation, as well as the group as a whole, is
18 responsible for damages that result from the group's use of the meeting room.

19 (F) The City of Austin is committed to compliance with the Americans with Disabilities
20 Act. Reasonable accommodations will be provided on request.