

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: (Department or Councilor) _____
Public Hearing Dates: _____

In the Year Two Thousand Nineteen

First reading: _____

Referred to: _____

Rules suspended and placed in all _____

An Ordinance in Relation to
stages of passage: _____

FLETCHER FREE LIBRARY RULES OF CONDUCT

Effective: _____

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That Chapter 21, Miscellaneous Provisions, of the Code of Ordinances of the City of Burlington be and hereby is
2 amended by amending Sec. 21-43, thereof to read as follows:
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4 **21-43 Fletcher Free Library.**

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6 **(a) Purpose.** The purpose of this section is to provide a system of standards for use of the Fletcher Free Library to
7 ensure a safe, secure, relaxing, and pleasing environment for all visitors, library patrons, and staff, while maintaining
8 access to library materials and facilities in order to promote education, reading, research, and learning.
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10 **(b) Scope.** This section applies to all persons accessing, using, or otherwise located on, at, or within all buildings and
11 interior or exterior grounds controlled or operating by the Fletcher Free Library.
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13 **(c) Definitions.** The following definitions shall apply to this section 21-43:
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15 (1) "Commission" means the Library Commission.
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17 (2) "Regulated Drug" means any drug as defined in 18 V.S.A. § 4201(29) or any drug prohibited under federal
18 law.
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20 (3) "Library" means the Fletcher Free Library.
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22 (4) "Library Resources" means any Library materials, equipment, furniture, fixtures, or buildings located within
23 the Library Premises.
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25 (5) "Library Premises" means all buildings, interior portions of buildings, and exterior grounds connected to
26 buildings that are controlled or operated by the Fletcher Free Library.
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28 **(d) Prohibited Acts — Class A.** The following acts are designated as Class A acts that are prohibited on the Library
29 Premises:
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31 (1) Activities or behavior that may result in injury or harm to any other person, including challenging another
32 person to fight or engaging another person to fight.
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34 (2) Directing a specific threat of physical harm against an individual, group of individuals, or property.
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36 (3) Engaging in sexual conduct or lewd behavior.
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38 (4) Possession, use, selling, or distribution of any Regulated Drug
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- 40 (5) Destroying, abusing, or damaging Library Resources.
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- 42 (6) Using Library Resources in a manner likely to cause personal injury or injury to other persons or property.
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- 44 (7) Having been found liable for committing a Class B prohibited act 3 or more times in any one calendar year.
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46 (e) **Prohibited Acts — Class B.** The following acts are designated as Class B acts that are prohibited on the Library
47 Premises:

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- 49 (1) Engaging in conduct that unreasonably disrupts or interferes with the normal operation of the Library, or
50 unreasonably disturbs library staff or patrons, including but not limited to, conduct that involves: (i) the use
51 of abusive, threatening, or harassing language or gestures; (ii) conduct that creates unreasonable noise; (iii)
52 conduct that consists of loud or boisterous physical behavior or talking; or (iv) entering staff-only spaces
53 without permission.
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- 56 (2) Using Library Resources in a manner inconsistent with their intended use.
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- 58 (3) Being under the influence of alcohol or a Regulated Drug.
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- 60 (4) Possessing an open or unsealed container which contains an alcoholic beverage, or consuming or attempting
61 to consume any alcoholic beverage, except as allowed at a Library-approved event.
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- 63 (5) Possessing marijuana unless the person is a registered patient in possession of a valid registration card under
64 the provisions of the State of Vermont Therapeutic Use of Cannabis Act at 18 V.S.A. § 4201, et. seq.
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- 66 (6) Consuming or otherwise using marijuana.
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- 68 (7) Smoking or vaping any substance of any kind.
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- 70 (8) Having been found liable for a Class C prohibited act 3 or more times in any one calendar year.
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72 (f) **Prohibited Acts — Class C.** The following acts are designated as Class C acts that are prohibited on the Library
73 Premises:

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- 75 (1) Failing to abide by posted Library rules, including rules for: (i) the acceptable use of the Internet and Library
76 computers; (ii) use of personal electronic equipment; (iii) consumption of food or drinks; (iv) use of
77 designated Library facilities; (v) use of restroom facilities; or (vi) personal hygiene.
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- 79 (2) Failing to follow the reasonable direction of Library staff related to a Library rule or policy.
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- 81 (3) Use or preparation of tobacco products, bidis, beedies, or tobacco substitutes as those terms are defined in 7
82 V.S.A. § 1001.
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- 84 (4) Leaving personal belongings unattended in a manner that interferes with Library staff or other persons on the
85 Library Premises or placing personal belongings on Library Resources in a manner that interferes with
86 Library staff or use of the Library.
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- 88 (5) Interfering with the free passage of Library staff or visitors to the Library.
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- 90 (6) Primarily making use of the Library Premises for sleeping.

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(g) Prohibited Acts — Class D. The following acts are designated as Class D acts that are prohibited on the Library Premises:

- (1) Bringing bicycles or other similar modes of transportation inside Library buildings, including, but not limited to, vestibules or covered doorways except that bicycles may be placed on bicycle racks provided in those areas.
- (2) Bringing animals into Library buildings, with the exception of service animals or animals brought to a Library-approved event where animals are permitted. Animals brought into Library buildings must always remain under the control of the owner and not create a disturbance.
- (3) Leaving animals tethered or otherwise unattended on the Library Premises.
- (4) Soliciting, petitioning, or canvassing unless the activity is part of a program in a space designated for or expressly permitting the activity.
- (5) Taking Library Resources into restrooms.
- (6) Using roller skates, skateboards, or other similar devices.
- (7) Leaving children under the age of 9 without the supervision of a person over the age of 16 who is taking an active role in attending to and supervising the child.
- (8) Entering or remaining in library buildings without proper footwear or clothing.
- (9) Storing or using personal materials such as bedrolls, sleeping bags, large bags, or suitcases.

(h) Enforcement. Penalties for violations of this section 21-43 shall be as follows:

- (1) *Class A Prohibited Acts.* Any person that has committed a Class A prohibited act under this section 21-43 shall have committed a civil offense and be subject to a fine of \$300 (with a \$250 waiver penalty). The Director of the Library, or designee, is authorized to issue a Vermont municipal complaint for a violation of section 21-43(d).
- (2) *Class B Prohibited Acts.* Any person that has committed a Class B prohibited act under this section 21-43 shall have committed a civil offense and be subject to a fine of \$150 (with a \$125 waiver penalty). The Director of the Library, or designee, is authorized to issue a Vermont municipal complaint for a violation of section 21-43(e).
- (3) *Class C Prohibited Acts.* Any person that has committed a Class C prohibited act under this section 21-43 shall have committed a civil offense and be subject to a fine of \$50 (with a \$30 waiver penalty). The Director of the Library, or designee, is authorized to issue a Vermont municipal complaint for a violation of section 21-43(f). Failure to correct the prohibited act shall result in dismissal from the Library Premises for the remainder of the day after an opportunity to be heard by the Director of the Library, or designee.
- (4) *Class D Prohibited Acts.* Any person that has committed a Class D prohibited act under this section 21-43 will be asked to correct the prohibited conduct immediately. Failure to correct the prohibited act will result

141 in dismissal from the Library Premises for the remainder of the day after an opportunity to be heard the
142 Director of the Library, or designee.

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144 **(i) Trespass.** In addition to any other penalties set forth in this section 21-43, the Director of the Library, or designee,
145 may issue a notice of trespass to any person who has committed a Class A or Class B or Class C prohibited act in
146 accordance with this subsection (h).

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148 (1) *Initial Determination.* If the Library Director, or designee, determines that a person has violated subsections
149 (d), (e) or (f) of this section 21-43, the Library Director, or designee, may issue a notice of trespass against
150 that person only after that person has received notice of intent to issue a notice of trespass and has been
151 given the opportunity to be heard by the Director, or designee, on the grounds for or extent of the notice. If,
152 after giving the person the opportunity to present evidence, the Director, or designee, determines that
153 trespass is still warranted, the Library Director shall issue a notice of trespass to that person, which shall
154 state the prohibited act committed, the date and time the act was committed, the contact information of the
155 person issuing the notice of trespass, the trespass period, the effective date of the trespass notice if not
156 appealed, the consequences of violating the notice of trespass, and information on how to appeal the notice
157 of trespass. The notice of trespass must be hand delivered or sent via first class mail to the last known
158 mailing address. The notice of trespass shall become effective immediately upon issuance.

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160 (2) *Appeal Procedure.* The notice of trespass may be appealed to the Commission by filing a written notice of
161 appeal. The notice of appeal must be received by the Library within 3 business days of issuance of the
162 notice of trespass. The notice of appeal shall set forth the basis for the appeal and include valid contact
163 information, including a mailing and/or email address. Failure to file a timely petition shall constitute a
164 waiver of any right to appeal the notice of trespass.

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166 (3) *Hearing.* Except as otherwise directed by the Commission, the appeal shall be heard within 10 business
167 days following receipt of the appeal. The hearing before the Commission shall be on the record. The
168 Commission shall consider the preponderance of evidence and the burden of proof is on the Library
169 Director, or designee. The Commission shall render a decision at the conclusion of the hearing and mail a
170 certified copy of the decision to the last known mailing address. The decision of the Commission shall be
171 deemed final and effective upon issuance.

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173 (4) *Judicial Review.* The decision of the Commission may be appealed under Rule 75 of the Vermont Rules of
174 Civil Procedure.

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176 (5) *Restorative Justice.* A person may choose to engage in a restorative justice process with the Burlington
177 Community Justice Center that could adjust the duration of the trespass and the fine. The notice of
178 willingness to engage in the Restorative Justice process must be communicated to the library either in
179 person, phone, electronic mail or first class mail within 7 business days of issuance of the notice of trespass.

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181 (6) *Duration.* A person that has committed a Class A prohibited act shall be subject to a notice of trespass for
182 180 days. A person that has committed a Class B prohibited act shall be subject to a notice of trespass for 60
183 days. A person that has committed a Class C prohibited act shall be subject to a notice of trespass for 1 day.

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185 **(j) Protection of library property; penalties.**

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187 (1) The city may recover in a civil action damages for detained or damaged library property, together with costs
188 and reasonable attorney's fees. Damages may include both delinquent fines and replacement fees.

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190 (2) A person who willfully damages or defaces or removes without authorization any recording, book, or object
191 available for public use or loan from the Library shall be fined not more than one hundred dollars (\$100.00)
for each offense. Each piece of Library material shall be a single offense. A library patron who detains

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library property for more than 90 days after written notice to return the property shall be fined not more than one hundred dollars (\$100.00) for each offense. Each piece of Library material shall be a single offense.