



LIBRARY USER CONDUCT POLICY (FORMERLY PATRON CONDUCT POLICY)

The library is intended to be a safe, clean, welcoming space for library users and staff members. We value our customers and strive to treat them with courtesy and respect. Library users must respect the right of others' use of the library. Behavior that interferes with the ability of others to enjoy the library will not be tolerated.

The Library has guidelines to assist staff in issuing warnings and bans from the premises. These guidelines help the staff enforce the rules in an equitable manner and are pursuant to Montana Code Annotated (MCA) Section 22-1-311. However, situations may arise that are unique and therefore the Library Director or designee may apply a lesser or greater penalty, dependent on the situation. Library staff maintain an internal Incident Log in which violations of this policy are recorded and may be referred to in the event of further incidents. A decision to expel or ban a library user will be made by written notice when practical and when there is contact information for the user. In other circumstances, such as an emergency, when the health and safety of library users and staff is threatened, or when there is no contact information to send written notice, a user may be verbally expelled by staff. The police may be called if a library user refuses to leave the library when directed to do so or at closing.

Violations

The following activities are considered a violation of the Library User Conduct Policy and will be initially given a warning (*also refer to MCA 45-8-1 Disorderly Conduct and 45-8-111 Public Nuisance*):

1. Animals, other than service animals, brought into the building. This does not apply to library sponsored programs involving animals.
2. Leaving a child, under the age of 9, or other dependent person unattended or unsupervised.
3. Being barefooted, in wet swimwear, or without a shirt, bottoms, or other exposed body areas inappropriate for a public setting.
4. Rambunctious, disruptive or unsafe behavior, including any conduct that interferes with the use or operations of the library by patrons or staff, or that might impact the health and safety of others, or may damage library property.
5. Beverages without caps or lids and all food at the computer stations, maker space room, and among shelving. Other food is allowed in seating areas as long as it does not create a mess or has a strong aroma. Patrons are expected to clean up after themselves, and all spills must be reported immediately to library staff.
6. Viewing pornographic visual materials or content that would be considered obscene. (*MCA 45-8-201*).
7. Using restrooms for bathing, shaving, or laundering purposes or anything else other than its intended purpose.
8. Sleeping, except in the case of small children or other dependent persons.
9. Smoking or using tobacco products, including within 30 feet of any entrance, window or air intake. The term smoking includes, but is not limited to, cigarettes, e-cigarettes, vape

- products, cigars, pipes and joints. Cigarette, cigar and joint butts, ash and chewing tobacco or its juice may not be discarded on the sidewalks or in the garden areas.
10. Gambling, panhandling, or soliciting. Sale of non-library materials is permitted only when approved by library management.
 11. Tampering with library equipment.
 12. Tampering with arrangement of library materials that makes finding or using them difficult or impossible for all practical purposes.
 13. Leaving personal items unattended.
 14. Blocking aisles or walkways with personal belongings.
 15. Bringing bicycles or other large wheeled devices into the library. This excludes strollers, wheelchairs and other medical related wheeled devices.
 16. Bringing in items that are too large to fit beneath the library chair the person is using.
 17. Unauthorized use of a library card.
 18. Entering non-public areas of the library without permission from staff.
 19. Using the library phones without permission of staff.
 20. Use of a cell phone, tablet, computer or smart device that is disruptive to others. This includes not using headphones or ear buds, or using them with the volume so loud it is audible to others, and putting a device on speaker mode.

The following activities are considered a violation of the Library User Conduct Policy and users will be asked to leave the library for the entirety of that day. More severe cases may require a longer ban:

21. Intoxication or incapacitation from drugs or alcohol
Note: Alcohol smell on an individual's breath does not constitute a violation of the policy; however, individuals with an alcohol smell that is offensive to others or other outward signs of intoxication such as: slurred speech, unsteadiness on feet, belligerence, etc. will be asked to vacate the library.
22. Personal hygiene that is so offensive as to constitute a nuisance to other individuals.
23. Use of loud, abrasive, abusive, or insulting language or gestures.
24. Taunting, stalking, following, challenging, staring at, or provoking another individual.
25. Hindering, impeding, or preventing the movement of an individual into, out of, or about a library facility or vehicle.
26. Harassment of any kind.

In addition, the following criminal or dangerous behaviors are prohibited in the library and will result in the person being prohibited anywhere from thirty (30) days to permanently from entering the library or otherwise using its services. The library may report any illegal behavior to authorities:

27. Committing or attempting to commit any activity that constitutes a violation of any federal, state, or local statute or ordinance.
28. Threatening to attack or physically attacking another person.
29. Indecent exposure (MCA 45-5-504), sexual conduct, public lewdness, and voyeurism.
30. Viewing child pornography.
31. Child abuse.
32. Using, possessing or selling drugs or alcohol on library premises.

33. Intentional injury, damage or destruction of library materials, furnishings or equipment, or of library facility or library vehicle without consent. (*Criminal Mischief MCA 45-6-101*)
34. Theft of library, staff, or another person's property.
35. Brandishing, aiming or using a weapon or object as a weapon within the library.

This list is not all-inclusive. At the discretion of staff, in situations not explicitly covered by these rules, the fundamental principles of fairness, consistency and common sense will be employed. These rules will be enforced in a fair and reasonable manner. Library users will be asked to leave if they fail to comply with a reasonable staff request. Violation of these rules may result in the loss of library privileges in accordance with MCA 2-1-311.

Appeals

A library user may appeal an expulsion penalty to the Library Director. All appeals must be in writing. The Library Director or designee shall uphold or overturn the penalty within ten (10) business days of receipt of the appeal. The penalty shall be enforced until the Library Director or designee has decided on the appeal.

A library user may make a final appeal of a decision by the Library Director or designee upholding a penalty to the Library Board of Trustees in writing, within seven (7) days of notification of the upholding of the penalty. The Board of Trustees shall uphold or overturn the penalty at their next regular board meeting or at a special meeting with notice given. The penalty shall be enforced unless and until the Board of Trustees overturns it. The decision of the Board of Trustees is final.

Special Areas

To encourage the use of the Children and Teen areas by their intended audiences, and to enhance the safety of the minors who comprise these audiences, the use of these areas is restriction to minors, teens, parents/guardians, teachers, or other chaperones who accompany them. Other adults may enter these areas to browse and/or retrieve materials, or to briefly tour the areas, but they may not remain in the area otherwise.

The Maker Space is available to all library users by appointment or for special programs. Children under fifteen (15) will require adult supervision. Some equipment may require an operator to pass a test issued by the library prior to use. A separate policy governs the use of equipment housed in the Maker Space.

Unattended Dependent Persons

The library does not assume responsibility for persons left unattended on library premises. These persons include, for example, individuals incapacitated due to physical and/or mental disabilities or other conditions who may be dependent on others for their safety and well-being, and persons of juvenile age who are unable to make responsible decisions on their own behalf. All children eight (8) years and younger must be attended by a guardian at all times while at the library. Groups of children (such as classes, daycares, etc.) or dependent persons may not be left unattended in the library regardless of age. Library staff will attempt to identify and contact a legal guardian if the welfare of such an unattended person appears to be threatened. In the event that a guardian cannot be identified and/or contacted within thirty (30) minutes during

business hours or five (5) minutes after closing, library staff will notify the Polson Police Department. Two staff members will wait with the unattended dependent person until law enforcement arrives. A note will be placed on the library door notifying the parent or guardian that the person is in the care of local law enforcement. Unattended children under the age of 15 must be picked up from the library at least five (5) minutes before the library's posted closing time. Parents and guardians should be aware of the library's hours and keep in mind those hours may change due to holiday schedules, inclement weather, or other unforeseen emergencies. Under no circumstances shall a library staff member transport any user.

Service Animals

In Montana, service animals are defined as service dogs in training, or dogs or miniature horses trained to do work or perform tasks for the person with disabilities. Under the Americans with Disabilities Act (ADA), state and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas where the public is normally allowed to go. Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. The animal must be safe in public and the person is liable for any damages caused by the animal. If a service animal behaves in an unacceptable way and the person with a disability does not control the animal, the library may ask that the animal be removed from the premises. This includes uncontrolled barking, jumping on other people, or running away from the handler. The animal must be housebroken. Animals whose sole function is to provide comfort or emotional support to the library user do not qualify as service animals under the ADA. Comfort and emotional support animals are not allowed in the library. Library programs involving live animals are excluded from this policy.

The North Lake County Public Library District reserves the right to deny use of its facilities and premises to persons who do not abide by the Library User Conduct Policy. Library staff may ask persons who are exhibiting inappropriate behavior to modify their behavior. Noncompliance may result in the individual being banned from the library premises, or arrested and prosecuted.

This policy was reviewed and approved by the North Lake County Public Library District Board of Trustees on **June 27, 2023**.

Signed:

Allen Bone, Board Chair

Abbi Dooley, Library Director