



MEMORANDUM

Agenda Item No. 13(P)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. **DATE:** **March 16, 2004**
and Members, Board of County Commissioners

FROM: George M. Burgess
County Manager 
SUBJECT: **Miami-Dade Public Library -
Ordinance Amending Section 21-29.3
of The Code of Miami-Dade County**

RECOMMENDATION

The Miami-Dade Public Library System proposes to amend Section 21-29.3 of the Code of Miami-Dade County relating to the activities prohibited in public libraries. The Department seeks to create provisions for the eviction of individuals from library facilities who violate Library Rules of Conduct and proposes to implement recommended Eviction Procedures as stated in the amended Ordinance.

BACKGROUND

The Miami-Dade Public Library System has experienced security incidents both at the Main Library and at the branches. The Library Department has responded by developing a Rules of Conduct brochure and by hiring additional security guards.

The current ordinance needs to be amended to include eviction procedure for those individuals who fail to comply with the Rules of Conduct.


Assistant County Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: March 16, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 13(P)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 13(P)

Veto _____

3-16-04

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 21-29.3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO ACTIVITIES PROHIBITED IN THE PUBLIC LIBRARIES; CREATING PROVISION FOR EVICTION FROM THE PUBLIC LIBRARIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 21-29.3 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

**Sec. 21-29.3. ~~[[Activities prohibited in public libraries.]]~~
>>Library Rules of Conduct and Eviction Procedure.<<**

~~[[It shall be unlawful for any person to do any of the following:~~

- ~~(a) Enter or remain in a public library while not wearing shoes;~~
- ~~(b) Consume food or beverages, other than water, in a public library without authorization;~~
- ~~(c) Enter or remain in a public library while under the influence of alcoholic beverages, model glue, or any substance controlled under Chapter 893 of the Florida Statutes, when affected to the extent that normal faculties are impaired;~~
- ~~(d) Refuse, upon leaving, to allow a librarian, security guard or other authorized employee to inspect a package, backpack~~

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

~~or other container which is of sufficient size to contain a library book, provided that there is prominently displayed at each public entrance to such library a sign which reads as follows:~~

~~WARNING IN ORDER TO ASSURE THAT LIBRARY BOOKS AND OTHER MATERIALS ARE NOT REMOVED FROM THIS BUILDING WITHOUT AUTHORIZATION, THE LIBRARY RESERVES THE RIGHT TO INSPECT ALL PACKAGES, BACKPACKS, SHOPPING BAGS, LARGE HANDBAGS AND OTHER CONTAINERS BEING TAKEN OUT OF THE LIBRARY. ENTRY INTO THIS LIBRARY CONSTITUTES CONSENT TO SEARCH.~~

- (e) ~~Use, play, operate or permit to be used, played or operated any radio receiving set, tape player, television set, phonograph, musical instrument or the mechanical or electronic device for the producing or reproducing of sound, except that such devices may be used, played or operated with express consent of the person in control of the library, or when used, played or operated with headphones in such a manner that such use does not disturb the peace, quiet or comfort of people using or employed by the library.]]~~

>>(1) Mission Statement

- (a) The mission of Miami-Dade Public Library System, the "Library," is to maintain and improve the library services reflecting the informational, educational, and recreational needs of our diverse community.
- (b) In order to maintain an appropriate atmosphere conducive to accomplishing this mission, the Library has adopted these Rules of Conduct.

- (2) Rules of Conduct. The following actions, as well as any other behavior that disrupts the public use of the Library, are prohibited. Anyone who violates these rules may be asked by staff to leave the Library premises. The Library reserves the right to immediately discharge a patron that is dangerous or in any way threatening library staff or other patrons.

(a) Level One Offense:

(i) For the following Level One offenses, after having first been warned by Library staff to cease the inappropriate behavior, a second or continued violation will result in access to the Library premises being denied for the remainder of the day. If the patron feels that his one-day expulsion is unfair, Library staff will contact a supervisor who will make the final expulsion determination.

(ii) If feasible, a patron who is asked to leave the premises will be given a copy of the Rules of Conduct and will be told that he/she is welcome back in the Library the next day as long as the patron abides by all of the Rules.

(iii) Level One Prohibited Activities:

A) Smoking;

B) Eating or drinking, except in authorized areas;

C) Bringing pets into the building, except service animals;

D) Sleeping;

E) Placing feet on tables or chairs;

F) Loitering (remaining in the Library without being engaged in purposes for which the Library was opened, such as reading, writing and quiet contemplation);

G) Leaving minors or individuals requiring care unattended for long periods of time or at closing;

H) Loud, boisterous or disruptive behavior;

- I) Bathing, shaving, washing clothes, or other inappropriate uses of Library restrooms;
- J) Bodily hygiene that is so offensive as to constitute a nuisance to patrons or staff;
- K) Operating any radio, telephone, or other device at a volume where others can hear it;
- L) Inadequate attire (shirt and shoes are required);
- M) Rollerskating, rollerblading, cycling or skateboarding on Library property;
- N) Failing to abide by all Library rules and regulations as set forth herein, or as posted or related by Library staff;
- O) Overt displays of gang behavior;
- P) Failure to abide by the rules regarding public access computers, which are:
 - Users must sign-in at the Service Desks;
 - Users are limited to one 45-minute session per day;
 - Printing must be completed before the session ends;
 - Altering or abusing computer equipment and/or settings is prohibited;
 - Users need to be considerate and should refrain from

displaying objectionable materials because Internet workstations are located in public areas.

(iv) Subsequent violations of Level One offenses may be considered a Level Two offense.

(b) Level Two Offense:

(i) Upon violation of a Level Two offense, a patron will be evicted from the Library premises for an initial period of seven days. Library staff will give the patron a "Notice of Eviction" which advises the patron of his ability to appeal the eviction.

(ii) Patrons may request a hearing to appeal a Level Two eviction by submitting the "Hearing Request Form," along with a copy of the "Notice of Eviction," by mail and postmarked within forty-eight hours of the date of the "Notice of Eviction," to the Director, Miami-Dade Public Library System, 101 West Flagler, Miami, Florida 33130. Failure to make a timely request for a hearing will render the eviction decision final. The hearing will be held before one or more members of the Library Administration, who have had no prior involvement in the eviction decision.

(iii) Level Two Prohibited Activities:

A) Repeated violations of Level One offenses;

B) Harassing, intimidating, stalking or prolonged staring at patrons or staff;

C) Using abusive language in a threatening manner to other people;

D) Being drunk, intoxicated, or disorderly;

- E) Sexual misconduct;
- F) Damaging, destroying, or defacing Library property (the Library may require full restitution from patrons who damage or deface Library materials prior to restoring visitation);
- G) Refuse, upon leaving, to allow a librarian, security guard or other authorized employee to inspect a package, backpack, or other container which is of sufficient size to contain a library book, provided that there is prominently displayed at each public entrance a sign which reads as follows:

WARNING-IN ORDER TO ASSURE THAT LIBRARY BOOKS AND OTHER MATERIALS ARE NOT REMOVED FROM THIS BUILDING WITHOUT AUTHORIZATION, THE LIBRARY RESERVES THE RIGHT TO INSPECT ALL PACKAGES, BACKPACKS, SHOPPING BAGS, LARGE HANDBAGS AND OTHER CONTAINERS BEING TAKEN OUT OF THE LIBRARY. ENTRY INTO THIS LIBRARY CONSTITUTES CONSENT TO SEARCH.);

- H) Drinking alcoholic beverages in the Library;
- I) Engaging in any activity prohibited by law;
- J) Removing Library materials without

checking them out.

(iv) Subsequent violations of Level Two offenses may result in progressively longer evictions of up to a one-year period.

(c) Level Three Offense:

(i) Upon violation of a Level Three offense, a patron will be evicted from the Library premises for a period of at least one year. Library staff will give the patron a "Notice of Eviction" which advises the patron of his ability to appeal the eviction.

(ii) Patrons may request a hearing to appeal a Level Three eviction by submitting the "Hearing Request Form," along with a copy of the "Notice of Eviction," by mail and postmarked within ten days of the date of the "Notice of Eviction," to the Director, Miami-Dade Public Library System, 101 West Flagler, Miami, Florida 33130. The hearing of Level Three evictions will be held before an independent Hearing Examiner. Failure to make a timely request for a hearing will render the eviction decision final.

(iii) Level Three offenses are those that involve physically threatening behavior.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RAG

Prepared by:

SM

Stephanie R. Miller