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Щоб попросити переклад або спеціальні послуги для осіб з особливими потребами, зверніться до нас, скориставшись такими контактними даними:
DTDcompliance@clackamas.us | **503-742-4400**.

如需翻译服务或残障相关的协助，请与我们联系：
DTDcompliance@clackamas.us | **503-742-4400**。

Để yêu cầu dịch vụ dịch thuật hoặc điều chỉnh liên quan đến tình trạng khuyết tật, vui lòng liên hệ với chúng tôi qua **DTDcompliance@clackamas.us** | **503-742-4400.**

Clackamas County
www.clackamas.us

ORDINANCE NO. 05-2013

AN ORDINANCE AMENDING CHAPTER 6.09 OF THE CLACKAMAS COUNTY CODE – LIBRARY EXCLUSION PROCESS

WHEREAS, the Clackamas County Board of Commissioners finds that disruptive behavior on County Library property is contrary to the public health, safety and welfare and hinders the ability of County staff to provide service; and

WHEREAS, the Clackamas County Board of Commissioners wishes to update and clarify the authority to County staff to exclude persons from the Library who engage in such disruptive behavior;

Now, therefore, the Board of Commissioners of Clackamas County amends the Clackamas County Code as follows:

Section 1: Chapter 6.09, Library Exclusion Process is amended in its entirety to read as follows:

6.09 LIBRARY EXCLUSION PROCESS

6.09.010 EXCLUSION FROM LIBRARY

A. A person is subject to a warning notice, exclusion from library property, immediate ejection from library property or may otherwise have their library privileges restricted or suspended for a period of up to ninety (90) days for any of the following conduct:

1. **Sleeping.** Sleeping using bedding, sleeping bag or other sleeping matter in the library unless such use has been approved in advance by the Library Director;

2. **Unrelated Activities.** Use of Library facilities and/or equipment for activities unrelated to the purposes of the Library;

3. **Excessive Noise.** Loud or excessive noise or use of amplified recording or sound production equipment, including, but not limited to, radios, tape recorders, compact disc (CD) players, and digital media players, such that the sound produced is audible five (5) feet from the device, unless such use has been approved in advance by the Library Director.

4. **Children Required to be in School.** Violating ORS 339.010 or any successor statutes, which requires children between the ages of 7 and 18 years who have not completed the 12th grade to attend regularly a public full-time school, unless the child is exempt from compulsory school attendance by ORS 339.030.

5. **Disruptive Behavior.** Disruptive behavior, which includes, but is not limited to:

   a. any illegal activity;
   b. damaging library materials or equipment;
   c. smoking;
   d. drinking alcoholic beverages;
   e. littering;
   f. soliciting;
   g. running;
   h. harassing patrons and/or staff;
   i. using abusive or threatening language or gestures;
   j. create public disturbance;
   k. panhandling; or
   l. riotous behavior.

6. **Disobeying Library Staff.** Disobeying the direction of a library staff member.

7. **Interference with Use or Duties.** Persons who interfere with the use of the Library by other persons, or interfere with Library employees' performance of their duties.

8. **Appropriate Clothing.** Persons who are not wearing a shirt or other covering of their upper bodies, pants or other covering of their lower bodies, or who are not wearing shoes or other footwear.

9. **Hygiene.** Persons whose bodily hygiene is offensive so as to constitute a nuisance to other persons shall be required to leave the building.

10. **Weapons.** Persons who bring a weapon into the library unless authorized by law under ORS 166.370.

11. **Animals.** Allowing any non-service animal that is not pre-approved by library staff into the library. Any service animal that is allowed to annoy, molest, bark continuously, attack or injure any person or animal on library property or

is tied up and left unattended will no longer be deemed a service dog and will not be permitted to remain on the premises.

Under the federal Americans with Disabilities Act, a service animal is defined as a dog that is individually trained to do work or perform tasks for people with disabilities. The work or task a dog has been trained to provide must be directly related to the person's disability. A service animal whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

12. **Concessions and Solicitations.** Persons who engage in any of the following on library property:

    a. Operate a concession, either fixed or mobile, without having obtained a permit or contract from the Director;
    b. Solicit, sell, or offer for sale, peddle, hawk, or vend any goods, wares, merchandise, food, liquids or services without having obtained a permit or contract from the Director; or
    c. Advertise any goods or services, except signs painted or mounted on vehicles in personal use, without having obtained a permit from the Director.

B. As used in subsection A above, the term "library privileges" means the ability to obtain the use of any printed material, pictures, sound recordings or information that is kept in any form within any Clackamas County Library building, and to physically enter any Clackamas County Library.

C. A person may be immediately ejected from the library based on conduct from subsection A, at the discretion of the Library Director or other authorized designee.

D. A person may obtain a permit to engage in concessions or solicitations, as referenced above in subsection A(12), by submitting a completed application to the Director. The Director will use a range of content-neutral factors to make a determination whether to issue the permit. If a permit application is denied, the applicant may file an appeal following the procedures in 6.09.040 below.

6.09.020 PERSONS AUTHORIZED TO ISSUE EXCLUSION OR WARNING NOTICES OR EJECT INDIVIDUALS FROM PROPERTY.

The Library Director is hereby designated as the person in charge of the Library for purposes of excluding or ejecting individuals and issuing exclusion or warning notices in accordance with this Chapter. The Library Director may authorize other personnel to exclude or eject individuals or issue exclusion or warning notices consistent with this Chapter.

6.09.030 ISSUANCE OF WARNING OR EXCLUSION NOTICES.

A. Warning Notice.

At the time of the occurrence of any conduct identified in Section 6.09.010.A, the Library Director, or designee may issue a written warning notice. The notice shall specify that in the event a second notice is issued to the individual within ninety (90) days of the first notice, that person shall be subject to exclusion from the Library and/or lose such other Library privileges as the Library Director may determine to be appropriate for a period of up to ninety (90) days. The warning notice shall include information concerning the right to appeal the warning notice to the County Administrator.

B. Exclusion Notice.

The Library Director may issue a written exclusion notice excluding the person from the Library. If an individual engages in conduct described in section 6.09.010(A) above that warrants exclusion without a warning notice, then the individual will receive a written exclusion notice.

The notice shall specify that the person is to be excluded from the Library, the period of the exclusion, the time the exclusion is to commence, as well as contain information concerning the right to appeal the exclusion notice to the County Administrator.

6.09.040 RIGHT TO APPEAL.

A. The individual who is excluded, to whom a warning or exclusion notice is issued, or to whom a permit application has been denied shall have the right to appeal the decision.

B. An appeal must be filed, in writing, with the County Administrator within five (5) business days of the notice's issuance. The notice of appeal shall state the following:

1. The appellant's name;

2. The appellant's address and a telephone number where they can be reached.

3. A concise statement as to why the exclusion, denial of a permit or issuance of the notice was in error; and

4. Attach a copy of the notice or letter of denial.

C. A hearing on the appeal shall be held no more than thirty (30) calendar days after the filing of the appeal, except in the event the County Administrator determines otherwise. The hearing shall afford a reasonable opportunity for the person requesting it to present and rebut evidence that the warning, exclusion, or permit denial is invalid or unjustified. The decision of the County Administrator is final and shall be in writing. The written decision shall state how it can be appealed.

D. The warning or exclusion shall remain in effect during the pendency of the appeal.

E. The County shall have the burden to show by a preponderance of evidence that the warning or exclusion is based on conduct described in Section 6.09.010. In the case of a permit denial, the County shall have the burden to show by a preponderance of the evidence that the denial of the permit was determined through a content-neutral analysis.

F. Copies of any and all County documents used by the County at the hearing shall be made available to the appellant upon request.

ADOPTED this 17th day of October, 2013.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary