



Behavior Policy

Welcome to the Bozeman Public Library! The Library strives to serve our community by providing a safe and inviting environment to be enjoyed by all. To ensure these values are protected behaviors that unreasonably interfere with another's use of the Library or degrade the integrity of Library resources will be subject to penalties.

The Bozeman Public Library Behavior Policy is specifically designed to honor our Vision Statement, Mission Statement, and Montana Law. *"Every library... shall be free to the use of the inhabitants of the city or the county supporting such library. The board may exclude from the use of the library any and all persons who shall willfully violate the rules of the library. The board may extend the privileges and use of the library to persons residing outside of the city or county upon such terms and conditions as it may prescribe by its regulations."* ([Mont. Code. Ann. 22-1-311](#)).

The term "Library" used hereinafter refers to any and all Bozeman Public Library property, including: buildings, grounds, facilities, parking lots, vehicles, equipment, resources, materials, electronic data, and all other property under the custody and control of the Bozeman Public Library or the City of Bozeman. The term "Patrons" used hereinafter refers to any and all persons found on Library property or using Library resources, including: visitors, guests, patrons, customers, volunteers, and/or staff.

The following rules are narrowly tailored to protect Patrons' use of the Library from unreasonable interference, ensure the integrity of Library resources, and fairly enforce penalties for violations. To avoid the risk of losing Library privileges, all Patrons must comply with the following rules:

- I. **Patrons are prohibited from engaging in any disruptive behavior that unreasonably interferes with any other Patron's rights or ability to use or enjoy the Library, Library staff's performance of their duties, or degrades any Library resources. Prohibited behaviors include, but may not be limited to, the following:**
 1. **Harassing or Annoying Others:** Behaving in any manner which reasonably can be expected to disturb another Patron's peaceful enjoyment of the Library such as taunting, provoking, or touching another person; staring at another person so as to annoy that person; following another person about the building so as to annoy that person;

or engaging in any other behavior that could reasonably disrupt, annoy, or otherwise compromise another Patron's right to use or enjoy the Library.

2. **Causing Unreasonable Noise:** Causing disruptive, distracting, and/or intentional noise, interruptions, or disturbances that could reasonably interfere with another Patron's use or enjoyment of the Library such as boisterous or loud talking to others or in monologue, engaging in unnecessarily loud or prolonged cell phone or in-person conversations, singing, humming, playing sound on electronic devices and/or headphones at a level audible to others, speaking or making unnecessary noise in marked quiet areas.
3. **Violating Internet Use and Other Policies:** Accessing illegal content or violating the Library Internet and Computer Use Policy or other Library policies. The Internet and Computer Use Policy is posted near all computers in the Library.
4. **Improper Use of Library:** Using the Library or Library resources for purposes other than those associated with the use of a public library while in the building. Authorized purposes include reading, writing, studying, quiet contemplation, using/seeking Library materials, asking for assistance, or participating in Library sanctioned activities.
5. **Improper Use of Restrooms:** Using restrooms or other Library facility for improper purposes such as bathing, shaving, washing hair, preparing food or drinks, or laundering.
6. **Improper Clothing:** Entering or being present on Library property without being fully clothed. All Patrons must wear a shirt or other upper-body covering; pants, shorts, skirt, dress, or other lower-body covering; and shoes or other footwear.
7. **Poor Hygiene:** Exhibiting such offensive body odor or other poor personal hygiene issues so as to constitute a nuisance or unreasonably interfere with another Patron's ability to use the Library; or wearing filthy clothing or shoes that emit an odor that unreasonably interferes with another Patron's ability to use the Library or may dirty furniture. Patrons who violate this rule will be asked to leave the Library, but may return to the Library once the problem is corrected.
8. **Monopolizing Library Space:** Hindering, impeding, or preventing the movement of another Patron into, out of, or about any Library facility or vehicle; using or positioning furniture, tables, or equipment to the exclusion of other Patrons, such as by blocking aisles or study areas with one's self or personal belongings; re-arranging furniture to deter other Patrons from using it; or lying down on any floor or furniture.

9. **Unattended Items:** Leaving any personal items such as backpacks, suitcases, wheeled carts, bags, study supplies, books, computers, or clothing unattended for extended periods of time. Exceptions to this rule allow Patrons, at their own risk, to temporarily leave personal items unattended while using other Library amenities within the building such as seeking Library resources, asking for assistance, taking a phone call to the lobby, or using the restroom. Patrons are not permitted to leave personal items unattended while absent from the building, even for a short period of time.
10. **Running; riding; skating; etc:** Chasing and running in the Library building; using bicycles, skateboards, roller blades, roller skates, or similar wheeled devices anywhere in the building, and on the grounds where prohibited by a posted sign.
11. **Altering Library Property:** Tampering with the arrangement of Library materials, attempting to remove or actually removing any Library property from the premises, and damaging or mutilating any Library materials or facilities.
12. **Eating in the Library:** Eating anywhere in the building except the lobby, coffee shop, or meeting rooms. Drinks enjoyed in the Library must be in covered non-spill containers.
13. **Littering:** Leaving any belongings or refuse behind.
14. **Animals in the Library:** Bringing pets or animals, other than service animals, into the building, except as authorized by the Library Director.
15. **Entering Restricted Areas:** Entering private or non-public areas of the Library without Library staff permission. All private and non-public areas will be clearly marked.
16. **Tobacco Use:** Smoking, chewing, rolling cigarettes, or using any other tobacco-related products, such as electronic nicotine delivery systems, anywhere in the building or within 100 feet of the outside entrances.
17. **Drug and Alcohol Use:** Using, possessing, or selling any alcohol, except as authorized by the Library Director; using, possessing or selling any illegal drug; or displaying signs of inebriation from drugs or alcohol that may reasonably be believed to create a risk to the person in question or to others.
18. **Soliciting:** Soliciting donations or selling non-Library materials anywhere in the building or on the Library grounds without prior authorization by the Library Director. These activities must be conducted in a non-aggressive manner that does not unreasonably interfere with another Patron's use or enjoyment of any Library amenities.

19. Unattended Children: Children and young adults are expected to adhere to the same expectations as other Patrons. Parents, guardians, and chaperones are responsible for the behavior of their children or charges while in the Library. Under no circumstances will Library staff take a child outside of the building or transport a child to another location.

- a. Children seven (7) years old and younger must never be left unsupervised for any reason in any area of the Library. If a parent cannot be located, staff will call the police to report an abandoned child. Young children are not safe when left unattended in the Library and staff cannot know if children are leaving with a parent, friend, or stranger.
- b. Children over the age of seven (7) who are disruptive will be asked to leave the Library if behavior is not corrected after two (2) verbal warnings. If the child cannot safely leave the Library to return home on his or her own, Library staff will permit the child to call a parent or guardian. If no parent or guardian can be contacted, Library staff will either allow the child to remain at the Library under close supervision until a parent can be contacted, or contact the police, depending on the severity of the situation.
- c. Children who have not been picked up at closing time will be given the opportunity to call a parent. Children who have not been picked up within fifteen (15) minutes after closing will be left in the care of police. Under no circumstances will staff transport children in a vehicle or accompany them home.

II. Patrons are prohibited from engaging in any dangerous or criminal activity that violates any local, state, or federal law. Such criminal activities include, but are not limited to, the following:

1. Disturbing the peace by disorderly conduct such as quarrelling or making loud or unusual noises; challenging to fight or fighting; using threatening, profane, or abusive language; disturbing any lawful assembly or public meeting; hindering the ability to freely enter or exit a public place; transmitting a false report or warning of fire or other catastrophe in the Library; or creating a hazardous or physically offensive condition by any act that serves no legitimate purpose.
(see: Bozeman Municipal Code [24.05.010](#); Mont. Code Ann. [45-8-101](#))
2. Possessing a firearm, knife with a blade longer than 3", or other weapon in the Library; aiming or discharging a firearm within the Library. This rule does not apply to law enforcement officers and other

officials permitted to carry weapons by law.

(see: Bozeman Municipal Code [24.07.170\(D\)](#) and [24.07.180](#); Mont. Code Ann. [45-8-328](#))

3. Refusing to leave the Library at closing or when directed to do so by any Library staff. (see: Mont. Code Ann. [45-6-201](#); [Spreadbury v. Bitterroot Public Library](#), 802 F. Supp. 61 1054, 1058 (2012)).
4. Leashing dog to fixtures on Library grounds or allowing dog to be unrestrained. No animal is allowed to become a nuisance and unattended leashed dogs or loose dogs are a potential nuisance due to biting, barking, intimidation, or defecation. If an animal is found leashed to a Library fixture, staff will use the loud speaker system to announce to Patrons that the chained animal must be removed within fifteen (15) minutes. If the animal is still there ten (10) minutes later, a second announcement will be made. At the end of fifteen (15) minutes, the police department will be contacted to remove the animal.
(see: [Bozeman Municipal Code 8.02.080](#)).
5. Criminal sexual conduct on Library property such as predatory loitering by a sexual offender, making obscene material available to minors, indecent exposure, and sexual assault (see: [Mont. Code Ann. 45-8-221](#); [45-8-201](#); [45-5-504](#); and [45-5-502](#))
Abusing a child or endangering the welfare of a child on Library property by violating one's duty of care, protection and support.
(see: [Mont. Code Ann. 45-5-622](#) and [45-3-102](#))
6. Intending or attempting to damage, remove, or steal any Library property. (see: [Mont. Code Ann. 45-3-102](#))
7. Making threats or false alarms against Library property or from Library property. (see: [Mont. Code Ann. 45-7-204](#))

PENALTIES

Enforcement of the Bozeman Public Library Behavior Policy will be conducted in a fair and reasonable manner. The Library will not deny, directly or indirectly, any person full and equal access or enjoyment of goods, services, activities, facilities, accommodations, or advantages for any discriminatory reason. However, Library Director, Library staff and/or Bozeman Police Officers will intervene as necessary to stop prohibited activities and behaviors. Although violators may receive an oral warning and be given a chance to rectify their behavior before Library privileges are lost, any individual act may result in temporary or permanent loss of Library privileges without prior warning. In addition to the consequences below, any Patron who attempts to access Library property while their privilege to do so is restricted may also face criminal prosecution for trespass.

1. Bozeman Public Library staff may issue an oral warning to any Patron violating the Bozeman Public Library Behavior Policy. Severe violations may result in Library staff instructing the violator to leave the premises or revoking the violator's Library privileges, including borrowing privileges.
2. If behavior is not rectified after oral warning(s), Library staff may suspend the violator's Library privileges for the remainder of the day. Children between the ages of seven and eighteen will receive at least two (2) oral warnings before being asked to leave by staff.
3. For multiple or serious offenses, the Library Director or Library staff, with approval from Library Director, may revoke the violator's Library privileges, including entering the Library building, being present on Library grounds, and using or borrowing Library resources for a period of one day to three years or more depending on the severity of the offense as determined by the Library Director.
4. Violators who commit a criminal offense on Library property will be reported to authorities and may be subject to temporary suspension or termination of Library privileges, or in arrest and/or prosecution. While a criminal action is pending, the Library may prohibit the offender from being on Library property or using Library resources by serving a written Notice of Trespass if the offender violates his or her conditions. The Notice of Trespass may lead to further legal prosecution.

APPEALS

Patrons have the right to appeal the decision of any penalty, suspension or termination of Library privileges, Notice of Trespass, or any other penalty issued to the Patron by Library staff to the Bozeman Public Library Board of Directors at the next available Library Board Meeting. Criminal convictions and their associated penalties are not under the control of the Bozeman Public Library and may not be appealed to the Library Board. The following requirements apply to all appeals:

1. Patrons intending to make an appeal must notify the Library Director in writing, within sixty (60) days of the offense and at least fifteen (15) days in advance of the next available Library Board Meeting. If the next Library Board Meeting is scheduled before the 15-day notice requirement can be satisfied, the matter will be addressed at the following meeting. Any notice of appeal made after the 60-day deadline will not be considered.
2. Patrons may present their appeal by appearing in person and/or submitting a written statement addressing the basis of the appeal.
3. At the appeal hearing before the Library Board, the appealing Patron may be asked questions by Library Board. The Board may also ask questions of Library staff. The Patron will receive a written statement of the

Library Board's decision regarding the appeal within thirty (30) days of the appeal hearing.

4. Appeal hearings and all related information are public information unless the Library Board determines that the appellant's right to privacy exceeds the public's right to know.

