

# Safe Use & Conduct BYLAW

- Governance Policy** (Approved by SPL Board)
- Operational Policy** (Approved by SPL CEO)

Date Effective: 2020-07-09

Date Last Reviewed or Revised: 2020-07-03

Review Cycle: Every five years by SPL Board

## Purpose

*Bylaw No. 332, enacted in 1910 by City of Saskatoon Council under the authority of *The Public Libraries Act, 1996* (Saskatchewan), established Saskatoon Public Library and its Board. Under the Act, the Board "may make bylaws respecting the safety and use of its libraries, the admission of the public to its libraries, and all other matters and things connected with the library and with the management of all property under its control intended to affect persons in their use of the library and its property" [ss. 68(2)].*

The *Safe Use & Conduct Bylaw* governs the conduct of SPL users to ensure the comfort and safety of all Patrons and Personnel.

## Principles

### Services

SPL aspires to be an organization capable of anticipating and meeting the needs of Saskatoon citizens by:

- Responding to the requirements of the diverse communities it serves when providing access to Services.
- Changing lives through community connections, engagement and inclusivity.
- Enriching communities by inspiring discovery, curiosity and creativity through the sharing of spaces, experiences and ideas.

This Bylaw ensures that these goals are met and that Patrons have a positive Library experience.

### Confidentiality & Privacy

Borrowing and information records:

- In accordance with Legislation and the Act, SPL has adopted the *SILS Privacy Policy* and procedures and policies for confidentiality and the appropriate use and retention of Patrons' personal records.

Video camera surveillance:

- In keeping with the requirements of Legislation, SPL has adopted a video camera surveillance procedure.

## **Rules for Use & Conduct**

### **1) Identification**

Patrons must provide correct names and current addresses to Personnel.

### **2) Conduct**

Patrons must not engage in rude or disorderly behaviour by making undue noise, causing physical disruption, being intoxicated, being verbally abusive, engaging in sexual misconduct, being a party to harassment, or otherwise interfering with another Patron's use and enjoyment of the Library. Such conduct may be subject to proceedings pursuant to the Act and/or the Code.

### **3) Children**

Children under 10 must be accompanied by a caregiver who is at least 12 years old. While children under six are attending programs, their parents or caregivers must stay in the Library.

### **4) Animals**

Patrons cannot bring animals into the Library unless they are certified service animals.

### **5) Food & Drink**

Patrons can consume non-alcoholic beverages and food in the Library, except near computers. Patrons can only consume alcoholic beverages when the purchase of a liquor permit has been sanctioned by the CEO, and then only in designated areas.

### **6) Smoking & Vaping**

The Library is a smoke-free environment. Smoking and vaping any substance are prohibited inside the Library and within nine metres of a main entrance and six metres of a secondary entrance.

### **7) Sleeping**

Sleeping is not permitted in the Library. To ensure Patrons are well and not in need of emergency services, anyone who is observed to be sleeping will be awakened immediately.

### **8) Soliciting & Advertising**

Except with the permission of the CEO, Patrons must not:

- a) Sell, offer for sale or distribute any newspaper, magazine, pamphlet, leaflet, printed material or merchandise of any kind.
- b) Beg or solicit for any purposes.
- c) Affix or post any bill, poster or notice.

## 9) **Weapons**

The Library is a weapon-free environment. All weapons are prohibited.

## 10) **Closing Time**

Patrons must promptly leave the Library at closing time.

## 11) **Health Regulations**

Patrons must comply with applicable public health regulations.

## 12) **Unauthorized Access**

Patrons must not enter:

- a) Unauthorized areas in the Library.
- b) The Library when they are banned.

## 13) **Library Property**

It is an offence pursuant to the Act and the Code to steal, vandalize, mutilate or destroy SPL property including, but not limited to, books, magazines, materials or equipment, and such an offence may be punishable by criminal conviction, fine or both.

## 14) **Technology Use**

### **a) Proper Internet & Computer Usage**

- i) Computers must not be used for illegal or criminal purposes.
- ii) Computers must not be used to seek access to unauthorized sites or inappropriate content, that is, content that is sexually explicit or that depicts violence toward a specific gender, ethnic or racial group.
- iii) Downloading, transmitting and exporting material from inappropriate sites is prohibited.
- iv) SPL is not responsible for children's use of the internet while in the Library. Children must comply with appropriate use guidelines as outlined in the Bylaw.
- v) Infringement of copyright is prohibited.

### **b) Time Limits**

Time limits and reservations for use of a computer may be enforced and may vary by location.

### **c) Disclaimer**

SPL assumes no responsibility for any direct or indirect damages, loss of data, transmission of viruses or loss of privacy arising from use of its computers or its connection to the internet.

## **Roles & Responsibilities**

### **Board**

- 1) Reviews the Bylaw every five years. A resolution to amend the Bylaw requires the support of a two-thirds majority of Board members.

### **Personnel**

- 1) Are responsible for implementing and enforcing the Bylaw.

### **Format for Notice**

- 1) Under the Act, *"a public library bylaw has no effect and is not binding on any person until a copy of the bylaw, certified by the chairperson of the public library board, is posted in a conspicuous place in the library"* [ss. 68(3)]. Any documents or information required to be posted in the Library under this Bylaw must be posted on SPL's website and in a prominent place in each Library.
- 2) Any documents or information required to be given in writing under this Bylaw must be delivered by an SPL representative to the address provided by the Patron. Email and hand-delivered documentation must be received the same day, while mail delivered by Canada Post must be received three days following the posting.

## **Consequences of Non-Compliance**

### **Contravention of Bylaw**

- 1) A Patron who commits a breach of any provision of the Bylaw is guilty of an offence under Section 68(5) of the Act, and is liable on summary conviction to a fine of not more than \$5,000.
- 2) If a Patron contravenes any provision of this Bylaw, the CEO may:
  - a) Suspend or revoke the Patron's borrowing and/or internet access privileges.
  - b) Ban the Patron from entering the Library for a specified period of time.
  - c) Initiate a prosecution under the Act.
  - d) Call the Saskatoon Police Service, which may commence proceedings under the Code.

## Appeals in General

- 1) A Patron whose borrowing privileges have been suspended or revoked, or who has been banned from entering a Library, can appeal the decision as follows:
  - a) An appeal under this Section must be in writing. The Patron must state the grounds of the appeal and the facts relied on in its support, and file it within 30 days of the CEO's decision.
  - b) Appeals of decisions made by Library Managers are appealed to the CEO. Appeals of decisions made by the CEO are appealed to the Board.

## Appeals to the Board

- 1) The Board may, in its sole discretion, allow the appellant to make oral representations in support of the appeal.
- 2) The Board may delegate the authority to hear and determine appeals to a standing or special committee of the Board.
- 3) On appeal under this Section, the Board or its committee may confirm, modify or repeal the CEO's decision, or substitute its own decision for that of the CEO.

## Definitions

- 1) **"Act"**: *The Public Libraries Act, 1996 (Saskatchewan)*, the provincial statute that provides for the establishment of municipal libraries in the province.
- 2) **"Board"**: Saskatoon Public Library Board as established by the City of Saskatoon Council under the provisions of the Act.
- 3) **"Bylaw"**: *Safe Use & Conduct Bylaw*.
- 4) **"CEO"**: Saskatoon Public Library CEO.
- 5) **"Code"**: *Criminal Code of Canada*.
- 6) **"Legislation"**: *The Freedom of Information and Protection of Privacy Act, 2017 (Saskatchewan)* and *The Local Authority Freedom of Information and Protection of Privacy Act, 2018 (Saskatchewan)*.
- 7) **"Library"**: SPL and its branches, permanent and temporary buildings, grounds and other spaces, including online spaces.
- 8) **"Patron"**: Any person using the Library or its Services.
- 9) **"Personnel"**: SPL's term, part-time and full-time employees, Circulation Associates, casuals, security guards, contractors, consultants, Board and volunteers (Friends of the Saskatoon Public Library).
- 10) **"Services"**: Programs, collections, services, events, technology, materials and activities provided to Patrons by Personnel.
- 11) **"SILS"**: Saskatchewan Information and Library Services Consortium.

- 12) **"Solicitation"**: Asking for or trying to obtain something from another person, e.g., money or a signature.
- 13) **"SPL"**: Saskatoon Public Library.