

OFFENSES AND MISCELLANEOUS PROVISIONS  
Re Fletcher Free Library Ordinance

That Chapter 21, Offenses & Miscellaneous Provisions, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sec. 21-43(b) thereof to read as follows:

Sec. 21-43. Fletcher Free Library.

(a) *Prohibited activities.* As written.

(b) *Enforcement:* Prior to the issuance of any municipal complaint under subsection (b)(2) of this section, a library department staff person or police officer shall notice the offending patron that his or her conduct is prohibited under subsection (a) of this section. If after receiving notice, the patron violates the same subsection at anytime thereafter, the following enforcement provisions shall apply.

~~(1) Prior to the issuance of any municipal complaint under subsection (b)(2) of this section, a library department staff person or police officer shall ask any patron to stop any prohibited activity and or leave the library for the remainder of the day.~~

~~(2) If the prohibited conduct continues and or the person refuses to leave the library upon request, a municipal complaint ticket shall be issued. Any violation of any provision of subsection (a) above shall be deemed a civil offense and shall be punishable by a civil penalty of from fifty dollars (\$50.00) to five hundred dollars (\$500.00). The waiver penalty for purposes of the municipal complaint (civil ticket) shall be~~

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~~fifty dollars (\$50.00). In addition to the penalty, the court may suspend a person's privilege to use the library facilities for any period of time. The co-directors of the Fletcher Library, supervisory staff and all law enforcement officers are authorized to issue a municipal complaint for a violation of this section.~~

(1) First offense. Any violation of any provision of subsection (a) above shall be deemed a civil offense and shall be punishable by a penalty of a minimum fine of fifty dollars (\$50.00) to a maximum fine of five hundred dollars (\$500.00). The waiver penalty for purposes of the municipal complaint (civil ticket) shall be fifty dollars (\$50.00). The co-directors of the Fletcher Library, supervisory staff and all law enforcement officers are authorized to issue a municipal complaint for a violation of this section and the recipient shall not be permitted within the library for the balance of the day on which the alleged offense occurred.

(2) Second offense. The co-directors of the Fletcher Library, supervisory staff and all law enforcement officers are authorized to issue a municipal complaint for a violation of this section. In addition, the co-directors of the Fletcher Library, supervisory staff and all law enforcement are authorized to issue an order of no trespass prohibiting the recipient from entering the library for a period of up to 90 days commencing immediately upon said issuance. Any violation of any provision of subsection (a) above by an individual who has within the preceding six (6) months violated any provision of subsection (a) above shall be deemed a civil offense and shall be punishable by a penalty of a minimum fine of one hundred dollars (\$100.00) to a maximum fine of five hundred dollars (\$500.00). The waiver penalty for purposes of the municipal complaint (civil ticket) second offense shall be one hundred dollars (\$100.00); payment of which shall also be deemed acceptance of the no trespass order. Both the fine and the no trespass order may, at the discretion of the prosecuting official, be waived in whole or in part upon the successful completion of a restorative or reparative justice program through the Community Justice Program.

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(3) Third and subsequent offense. The co-directors of the Fletcher Library, supervisory staff and all law enforcement officers are authorized to issue a municipal complaint for a violation of this section. In addition to the municipal complaint, the co-directors of the Fletcher Library, supervisory staff and all law enforcement are also authorized to issue an order of no trespass prohibiting the recipient from entering the library for a period of up to one (1) year commencing immediately upon said issuance. Any violation of any provision of subsection (a) above by an individual who has on two or more occasions within the preceding twelve (12) months violated any provision of subsection (a) above shall be deemed a civil offense and shall be punishable by a penalty of a minimum fine of one hundred fifty dollars (\$150.00) to a maximum fine of five hundred dollars (\$500.00). The waiver penalty for purposes of the municipal complaint (civil ticket) third or subsequent offense shall be one hundred fifty dollars (\$150.00); payment of which shall also be deemed acceptance of the no trespass order. Both the fine and the no trespass order may, at the discretion of the prosecuting official, be waived in whole or in part upon the successful completion of a restorative or reparative justice program through the Community Justice Program.

(c) *Protection of library property; penalties:* As written.

- \* Material stricken out deleted.
- \*\* Material underlined added.