

CITY OF BERKELEY ADMINISTRATIVE REGULATIONS

A.R. NUMBER:	1.15
ORIGINAL DATE:	3/10/03
POSTING DATE:	12/11/15
PAGE	1 OF 6 PAGES

SUBJECT: POSTING AND ENFORCING RULES FOR VISITORS TO ALL CITY BUILDINGS

PURPOSE

As a public entity, the City as a matter of course constantly interacts with its residents. Dealing with belligerent visitors to City buildings, however, can be an intimidating experience. Employees may naturally feel concerned for their own safety as well as that of their co-workers, other patrons, and the public. This A.R. is designed to protect all of the above by clarifying what constitutes unacceptable conduct in City buildings and on City property adjacent to City buildings.

POLICY

It is the policy of the City Manager to protect the safety of City staff and all persons visiting City buildings,¹ facilitate the City's ability to conduct government business and provide services, and prevent damage to City facilities. It implements the building security and usage rules listed below for visitors to **all** City of Berkeley buildings pursuant to Berkeley Municipal Code section 13.36.065 (attached).

Before enforcing the below-listed rules however, the visitor must be given a polite verbal warning about the rule.² If the visitor continues to violate the rule, the visitor may be told to leave. If the visitor refuses to leave, the police should be called. A violation of these rules is an infraction or misdemeanor. (BMC § 13.36.065.E.)

In addition, department heads may, but are not required to, post signs regarding these rules on their premises. It is not necessary to post a sign to enforce these rules because a verbal warning is both required and sufficient. For problem areas, a sign may be posted to better inform the public of the applicable rule, but a sign is not required. Requests for signs should be directed to and coordinated by the Property Manager in the Public Works Department. More specific building rules may be established for particular buildings. In some instances, the City Manager may establish safety rules directed at a specific person, based on that person's previous violent, threatening, or disruptive conduct towards City employees or the public.

¹ A "City building" means any building that the City owns or leases for the purpose of conducting or providing City business or services. (BMC § 13.36.065(B).) If the City only leases a portion of a building, these rules apply only to that portion and to the entire exterior curtilage of the building, unless the building owner or occupant authorizes the prohibited conduct on the exterior curtilage.

² One warning is sufficient for the remainder of the day. However, a warning issued on one day should be re-issued if the subsequent violation occurs on a different day. (BMC § 13.36.065(D).)

PROCEDURE

City staff should take the following steps when encountering unacceptable conduct in City buildings:

- **Call the Police for Criminal Conduct.** Where the visitor engages in criminal conduct, such as hitting or shoving another patron or staff, challenging another patron or City staff to fight, making violent to threatening statements, or intentionally damaging City property (e.g., writing graffiti on an interior wall, etc.), no warning is required. The visitor should be asked to leave and the police should be called immediately.
- **Give a Polite Verbal Warning.** Where the conduct violates the rules set forth in this A.R. (or violates the rules established for a specific person), staff should give a polite verbal warning. Such a warning might be, for example, "Sir/Madam, your conduct is in violation of city building security rules. If you continue, you will be asked to leave and the police may be called".
- **Enlist the Help of Your Supervisor.** If you are uncomfortable admonishing the visitor, call your supervisor or a co-worker and warn the visitor together. There is strength in numbers and unruly visitors may back down if confronted by more than one person.
- **If the Visitor Refuses to Leave, Call the Police.** If, despite all of your best efforts, the visitor continues to engage in the disruptive conduct and refuses to leave despite being warned to stop, call the police. Be prepared to explain the situation when the police arrive and, if possible, have a copy of this administrative regulation.

Interior Rules/Signage

1. No member of the public may enter an interior area of a City building once a City employee advises that the area is closed to the public.
2. No member of the public may enter an interior area of a City building that is signed in any manner that suggests that the public should not enter, unless given permission to enter by a City employee. Such signs include, but are not limited to:

"Reception Area – Please Check In," "Private," and "Employees Only"

3. A member of the public may remain in the lobby, hallways, waiting areas, or similar public areas inside a City building only as long as necessary to conduct City-related business or contact an employee. Members of the public may not wait in a City building for a City employee indefinitely, and may be asked to return at another time when the employee is expected to be in the office.

Signage is not practical: use verbal warnings.

4. Bathrooms in City buildings shall not be used for bathing or washing clothes, unless the bathroom is equipped for such uses and the person is authorized to use the bathroom for such

purposes.

Acceptable Signage, But Only If The Problem Is Recurring: "No Bathing Allowed" or "No Bathing Or Washing Laundry Allowed"

5. In City buildings, no member of the public may:
 - a. Yell, threaten, or use profanity or rude, insulting language against City staff, e.g., calling the City staff member a "bastard" or an "idiot" in an attempt to intimidate the staff member into doing something that the staff member cannot do;
 - b. Disturb or annoy anyone with loud or unreasonable noise;
 - c. Insist that City staff provide a service, explanation or document that City staff has made clear cannot be provided at that time;
 - d. Insist on meeting with a City staff member or supervisor after being told that the person is either not available or will not meet with the person;
 - e. Conduct oneself in a manner that obstructs or intimidates City staff or patrons;
 - f. Block City entrances, ramps, or exits;
 - g. Enter a City building with animals other than service animals authorized by law;
 - h. Ride bikes, skates, scooters, segways, skateboards, and other devices designed to enhance mobility but not intended for indoor use;
 - i. Smoke, eat, or drink, except where expressly permitted;
 - j. Lie on the floor or sleep; or
 - k. Exude extremely offensive odors

Exterior Rules/Signage

1. No member of the public may remain on the exterior steps or exterior grounds³ of City buildings, unless the person is there to conduct City-related business or contact an employee.
2. No person shall set up, place, maintain or install any structure or large object in or on the exterior grounds of a City building without a City-issued permit. A structure or large object as used herein is any object with a footprint or coverage area of 10 square feet (i.e., 3.3 feet by 3.3

³ "Exterior grounds" means the area between the outer building façade and the property line. Exterior grounds can include an off-street parking lot. However, a public sidewalk is not part of the exterior grounds. (BMC § 13.36.065(B).) Also, if the City only leases a portion of a building, this rule still applies to the entire "exterior grounds." (BMC § 13.36.065(B).)

feet) or more, including but not limited to a tent or table exceeding that size.

3. No person shall leave or store any unattended personal property in or on the exterior grounds of a City building regardless of the size.

The City itself is exempt from this Rule.

Acceptable Signage pertaining to “remaining”: “No Sitting On Steps – BMC 13.36.065” and/or “Building Steps And Grounds For City Business Only – BMC 13.36.065.”⁴

⁴ Due to technical legal problems, do not use the words “no loitering” in any sign. Rather, use the recommended language.

Chapter 13.36 DISORDERLY CONDUCT*

Section 13.36.065 Violating building security rules for City buildings.

A. Purpose. The purpose of this section is to enable the City Manager to establish building security rules for buildings that the City of Berkeley owns or leases for City government business or services. The City Manager's building security rules will be designed to maintain the safety of City employees and patrons, facilitate the City's ability to do government business and provide services, and prevent damage to City facilities. The City Manager's building security rules may apply to all City buildings, as defined in this section, or only to specific City buildings, depending on the security needs at each site.

B. Definitions. "City building" as used in this section means any building that the City of Berkeley owns or leases for the purpose of conducting City government business or providing City services. If only a part of the interior of a building is leased by the City for City government business or services, then "City building" shall apply to only that part of the interior of the building. In addition, if only a part of the interior of a building is leased by the City for City government business or services, then "City building" shall also include the entire exterior curtilage of the building, unless the building owner or occupant authorizes the conduct prohibited by this section on the exterior curtilage.


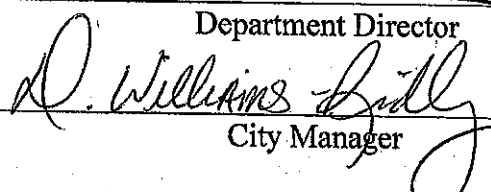
"Curtilage" as used in this section means the exterior grounds of a building. "Curtilage" shall include the steps and grounds that lie between the outer facade of the building and either (1) the public sidewalk, (2) a formally dedicated public park, or (3) the adjacent private property. Curtilage does not include the public sidewalk or a formally dedicated public park, but rather, ends there.

C. Prohibited Conduct. No person shall violate the City Manager's building security rules governing any City building. The City Manager's building security rules shall promote safety for City employees and patrons, facilitate the City's ability to provide services, and/or help prevent damage to City facilities. The City Manager's building security rules shall include, but need not be limited to, prohibiting persons from:

- (1) Entering designated areas that are not open to the general public inside of City buildings without permission from a City employee or agent, and
- (2) Remaining inside of or on the curtilage of a City building without a purpose related to conducting business, accessing services, or contacting an occupant on the premises.

D. Citation. No person shall be arrested or cited under this section unless the person engages in conduct prohibited by this section after having been notified by a City official that he or she is in violation of the prohibition in this section.

E. Penalty. Notwithstanding the provisions of Section 13.36.100, violation of this section shall be either an infraction or a misdemeanor, in the discretion of the prosecutor, and upon conviction shall be punishable as set forth in Chapter 1.20 of this code. (Ord. 6486-NS § 1, 1999)

<p>RESPONSIBLE DEPARTMENT: City Attorney's Office</p> <p>TO BE REVIEWED/REVISED: Annually</p>	<p>Approved by: </p> <p>Department Director</p> <p></p> <p>City Manager</p>
---	---