

DISTRICT OF COLUMBIA PUBLIC LIBRARY

NOTICE OF FINAL RULEMAKING

The Interim Director and the Board of Trustees of the District of Columbia Public Library ("DCPL"), at its regular meeting held June 11, 2003 introduced the proposed amendment to § 810 to Chapter 8, Title 19 of the D.C. Municipal Regulations. At its regular meeting of November 12, 2003 the District of Columbia Library Board of Trustees took final action to approve and adopt the new amendment § 810 to Chapter 8, Title 19 of the D.C. Municipal Regulations. The Board of Library Trustees through D.C. Official Code §39-105 (2001 Ed.) designated the Chief Librarian to establish rules and manage the day-to-day operations of the library.

Some comments from customers and organizations were received by the DCPL from the initial publication of the Proposed Rulemaking of December 19, 2008 at Vol. 55 DCR 012693 – 012706. The comments spoke to the content of the Behavior Guidelines and the effect on library customers. The DCPL, after careful review of the comments received and as a result thereof did remove the guideline and requested the Behavior Guidelines be re-published with that modification. The Behavior Guidelines were republished in the DCR on January 16, 2009 with an extended comment period of seven (7) days. One additional comment was received by the DCPL by the January 23, 2009 closing comment period and DCPL has carefully reviewed such and as a result, no further changes were made to the text of the proposed rules, as published with the Notice of Proposed Rulemaking in the D.C. Register on January 16, 2009 at Vol. 56 DCR 000598 – 000611.

The District of Columbia Public Library Board of Trustees, pursuant to the authority set forth in An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896, 29 Stat. 244, ch. 315, § 5; April 1, 1926, 44 Stat. 230, ch. 98, §5; Mar. 3, 1979, D.C. Law 2-139, § 3205 (jjj), 25 DCR 5740; Sept. 5, 1985, D.C. Law 6 – 17, § 2, 32 DCR 3582; Apr. 12, 1997, D.C. Law 11-259, § 316, 44 DCR 1423; Oct. 21, 1998, 112 Stat. 2681 – 146, Pub. L. 105 – 277, § 156 (codified at D.C. Official Code § 39-105, 2001 Ed.); 27 DCRR §2.1, 24 DCR 11011, 11014 (June 30, 1978); as amended by Final Rulemaking published at 38 DCR 1011 (February 8, 1991), hereby gives notice of the adoption of the following regulations to § 810 to Chapter 8, Title 19 of the D.C. Municipal Regulations. The newly adopted legislation will uphold the DCPL policy to provide and maintain a safe and secure environment in which every customer can attain equitable access to information, expanded opportunities and an increased quality of life. The guidelines will act as library rules of conduct for our customers, in order to deter and/or minimize the effect of unacceptable behavior by defining such behavior so that individuals may conduct themselves in a manner consistent with the purposes and functions of DCPL.

These final rules will be effective upon publication of this notice in the D.C. Register.

Add a new § 810 to Chapter 8, Title 19 of the D.C. Municipal Regulations as follows:

810. Behavior Guidelines and Response Matrix

810.1 It is the policy of the District of Columbia Public Library (“DCPL”) to provide and maintain a safe and secure environment in which every customer can attain equitable access to information, expanded opportunities and an increased quality of life. The behavior guidelines or library rules of conduct are developed only to deter unacceptable customer behavior that may interfere or disturb other library customers or promote an unsafe and insecure environment. It is DCPL’s intention that by developing these guidelines its customers are free from harassment, abuse, harm or undue stress when utilizing its facilities. The DCPL wants to ensure its customers an environment that will provide a lifelong learning experience that is conducive to reading and use of information resources that will aid one’s personal growth and development, while also ensuring that its customers, both internal and external, receive the highest quality of services possible. More importantly, the DCPL wants to guarantee that those customers using the library and its resources have a safe, comfortable environment that supports appropriate library services.

810.2 For the safety and comfort of the public and staff, and to create an environment conducive for library business the following activities are prohibited on library property and facilities:

GUIDELINE # & PENALTY	Offenses	Warning First	7 Days	30 Days	90 Days	6 Months	1 Year
SMOKING #1							
	1st Offense			X			
	Repeat Offense				X		
*GAMBLING #2							
	1st Offense			X			
	Repeat Offense				X		
*FIGHTING #3							
	1st Offense					X	
	Repeat Offense						X
SLEEPING, LYING, OR PLACING HEAD ON TABLES OR ON THE FLOORS #4							
	1st Offense	X					
	Repeat Offense		X	X			
<i>*Such violations are generally more serious in nature & may result in an arrest</i>							

GUIDELINE # & PENALTY	Offenses	Warning First	7 Days	30 Days	90 Days	6 Months	1 Year
DISTRIBUTING OR POSTING PRINTED MATERIALS WITHOUT AUTHORIZATION FROM AN ASSOCIATE DIRECTOR OF MARTIN LUTHER KING JR. MEMORIAL LIBRARY OR ASSOCIATE DIRECTOR OF NEIGHBORHOOD LIBRARIES, OR THE BRANCH MANAGER # 5							
	1st Offense Repeat Offense	X	X	X			
TRESPASSING IN NONPUBLIC AREAS OR BEING IN THE LIBRARY WITHOUT PERMISSION OF AN AUTHORIZED LIBRARY EMPLOYEE BEFORE OR AFTER LIBRARY OPERATING HOURS AND CAMPING ON LIBRARY GROUNDS #6							
	1st Offense Repeat Offense			X	X X	X	
<i>*Such violations are generally more serious in nature & may result in an arrest</i>							

GUIDELINE # & PENALTY	Offenses	Warning First	7 Days	30 Days	90 Days	6 Months	1 Year
*USE OR POSSESSION OF ILLEGAL DRUGS OR OPENED ALCOHOLIC BEVERAGES #7							
	1 st Offense					X	
	Repeat Offense						X
*ENTERING THE FACILITY WITHOUT WEARING SHIRT AND/OR SHOES #8							
	1 st Offense	X	X				
	Repeat Offense			X			
MORE THAN ONE LARGE AND ONE PERSONAL BAG NOT EXCEEDING A TOTAL OF TWO (2) BAGS FOR EACH CUSTOMER. THE OFFICIAL AIRPORT STANDARD "CARRY ON" SIZE – 9x14x22" WILL BE APPLIED TO THE LARGE BAG #9							
	1 st Offense	X					
	Repeat Offense	X					

**Such violations are generally more serious in nature & may result in an arrest*

GUIDELINE # & PENALTY	Offenses	Warning First	7 Days	30 Days	90 Days	6 Months	1 Year
<p>*USING LIBRARY RESTROOMS FOR INAPPROPRIATE USE, E.G., BATHING, SHAMPOOING, DOING LAUNDRY, AND CHANGING CLOTHES #10</p>							
	<p>1st Offense</p>			<p>X</p>			
	<p>Repeat Offense</p>				<p>X</p>		
<p>*ANY ACTIVITY THAT INTERFERES WITH CUSTOMER OR STAFF USE OF THE LIBRARY, INCLUDING BUT NOT LIMITED TO:</p> <ul style="list-style-type: none"> • VERBALLY HARASSING OTHERS; • USE OF OBSCENE LANGUAGE; • STALKING <p>#11</p>							
	<p>1st Offense</p>	<p>X</p>	<p>X</p>				
	<p>Repeat Offense</p>			<p>X</p>	<p>X</p>		
<p>EXCESSIVE NOISE, INCLUDING LOUD CONVERSATION AND MUSIC #12</p>							
	<p>1st Offense</p>	<p>X</p>					
	<p>Repeat Offense</p>		<p>X</p>				

**Such violations are generally more serious in nature & may result in an arrest*

GUIDELINE # & PENALTY	Offenses	Warning First	7 Days	30 Days	90 Days	6 Months	1 Year
*INDECENT EXPOSURE, SEXUAL ACTIVITY, OR NAKEDNESS #13							
	1st Offense					X	
	Repeat Offense						X
ANIMALS, OTHER THAN SERVICE ANIMALS ASSISTING PERSONS WITH DISABILITIES # 14							
	1st Offense	X					
	Repeat Offense		X				
SELLING, SOLICITING OR PANHANDLING UNLESS AUTHORIZED BY CHIEF LIBRARIAN OR DESIGNEE. AUTHORIZED ACTIVITIES MAY NOT OBSTRUCT ENTRANCE TO AND EXITS FROM THE LIBRARY #15							
	1st Offense	X					
	Repeat Offense		X	X			

**Such violations are generally more serious in nature & may result in an arrest*

GUIDELINE # & PENALTY	Offenses	Warning First	7 Days	30 Days	90 Days	6 Months	1 Year
MOVING LIBRARY FURNITURE OR EQUIPMENT WITHOUT AUTHORIZATION FROM DCPL STAFF # 16							
	1st Offense	X					
	Repeat Offense		X	X			
BLOCKING LIBRARY ENTRANCES AND AISLES OR INTERFERING WITH THE FREE ACCESS TO BUILDING AND MATERIALS #17							
	1st Offense	X					
	Repeat Offense		X	X			
ABUSE OF INTERNET GUIDELINES (SEE INTERNET GUIDELINES.) #18							
	1st Offense			X			
	Repeat Offense				X		
<i>*Such violations are generally more serious in nature & may result in an arrest</i>							

GUIDELINE # & PENALTY	Offenses	Warning First	7 Days	30 Days	90 Days	6 Months	1 Year
FRAUDULENT USE OF OTHER PEOPLE'S LIBRARY CARD OR NUMBER FOR ANY PURPOSE, INCLUDING RESERVING COMPUTERS # 19							
	1st Offense			X			
	Repeat Offense				X		
*STEALING, DAMAGING, ALTERING, OR INAPPROPRIATE USE OF LIBRARY PROPERTY INCLUDING MATERIALS, COMPUTER HARDWARE AND SOFTWARE, PRINTERS, COPIERS, PHONES OR OTHER EQUIPMENT # 20							
	1st Offense				X		
	Repeat Offense					X	

**Such violations are generally more serious in nature & may result in an arrest*

GUIDELINE # & PENALTY	Offenses	Warning First	7 Days	30 Days	90 Days	6 Months	1 Year
<p>*CARRYING FIREARMS AND DANGEROUS WEAPONS OF ANY TYPE OR ITEMS THAT COULD POTENTIALLY BE USED AS A WEAPON #21</p>							
	<p>1st Offense</p> <p>Repeat Offense</p>					<p>X</p>	<p>X</p>
<p>FOOD AND BEVERAGES IN THE FOLLOWING AREAS: NEVER PERMITTED IN ANY DESIGNATED SPECIAL COLLECTION AREA, E.G., BLACK STUDIES CENTER, WASHINGTONIANA, CHILDREN'S ILLUSTRATOR COLLECTION, AND COMPUTER LAB. MAY BE PERMITTED IN SPECIFIC ANNOUNCED LOCATIONS BY THE LIBRARY. #22</p>							
	<p>1st Offense</p> <p>Repeat Offense</p>	<p>X</p>	<p>X</p>				
<p><i>*Such violations are generally more serious in nature & may result in an arrest</i></p>							

GUIDELINE # & PENALTY	OFFENSES	Warning First	7 Days	30 Days	90 Days	6 Months	1 Year
UNATTENDED PACKAGES, LUGGAGE, OR BAGS. THE LIBRARY IS NOT RESPONSIBLE FOR LOST OR MISSING ITEMS #23							
	1 st Offense	X					
	Repeat Offense		X				
USE OF ROLLER SKATES, SCOOTERS, SKATEBOARDS, BICYCLES, OR OTHER SIMILAR DEVICES #24							
	1 st Offense	X					
	Repeat Offense			X			
CHILDREN UNDER AGE EIGHT WITHOUT APPROPRIATE SUPERVISION (SEE "UNATTENDED CHILDREN'S POLICY".) #25							
	1 st Offense	X					
	Repeat Offense	X					
<i>*Such violations are generally more serious in nature & may result in an arrest</i>							

GUIDELINE # & PENALTY	Offenses	Warning First	7 Days	30 Days	90 Days	6 Months	1 Year
CHILDREN UNDER AGE SIXTEEN (16) DURING REGULAR SCHOOL HOURS [TRAUNCY] BETWEEN THE HOURS OF 9:30 A.M. THROUGH 2:00 P.M. WITHOUT PARENTAL/GUARDIAN CONSENT. STAFF WILL NOTIFY PARENT OR GUARDIAN IF TRUANCY OCCURS (D.C. OFFICIAL CODE, TITLE 32-221 (2001 ED.)) D.C. SCHOOLS DEFINE TRUANCY AS THOSE STUDENTS WHO ARE ABSENT FROM SCHOOL WITHOUT A VALID REASON (WITH OR WITHOUT PARENTAL KNOWLEDGE OR CONSENT #26							
	1 st Offense	X					
	Repeat Offense	X					
<i>*Such violations are generally more serious in nature & may result in an arrest</i>							

GUIDELINE # & PENALTY	OFFENSES	Warning First	7 Days	30 Days	90 Days	6 Months	1 Year
ADULTS AND TEENS, AGE FOURTEEN (14) AND OLDER, ARE RESTRICTED FROM CHILDREN'S AREAS AND COMPUTERS. THIS EXCLUSION DOES NOT APPLY TO PARENTS, GUARDIANS OR CARETAKERS WHEN PRESENT WITH CHILDREN IN THE AREA AND THOSE ADULTS THAT ARE SELECTING CHILDREN'S MATERIALS #27							
	1 st Offense	X					
	Repeat Offense	X					
<i>*Such violations are generally more serious in nature & may result in an arrest</i>							

GUIDELINE # & PENALTY	OFFENSES	Warning First	7 Days	30 Days	90 Days	6 Months	1 Year
ADULTS ARE RESTRICTED FROM TEENS AREAS AND COMPUTERS. THIS EXCLUSION DOES NOT APPLY TO PARENTS, GUARDIANS OR CARETAKERS WHEN PRESENT WITH TEENS IN THE AREA AND THOSE ADULTS WHO ARE SELECTING TEEN MATERIALS #28							
	1st Offense	X					
	Repeat Offense	X					
<i>*Such violations are generally more serious in nature & may result in an arrest</i>							

810.3 A customer that is aggrieved by an administrative decision involving a violation of the DCPL Behavior Guidelines may appeal the decision in writing to the DCPL Office of Public Safety within ten (10) working days of the decision. The Appeal Officer of the DCPL Office of Public Safety shall review the record regarding the incident giving rise to the decision. The Appeal Officer may affirm, modify, or overrule the decision based upon

the Appeal Officer's review of the record. Send written appeal to:

Appeal Officer
DCPL, Office of Public Safety
Martin Luther King Jr. Memorial Library
901 'G' Street, N.W.
3rd Floor
Washington, D.C. 20001

810.4 If a customer enters any DCPL property while an official bar is in effect, the customer is subject to arrest for unlawful entry pursuant to D.C. Official Code §22-3302 (2001 Ed.).

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Directors of the District of Columbia Water and Sewer Authority (“the Board”), pursuant to the authority set forth in section 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Official Code §§ 34-2202.03 (3), (11) and (16)); Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Code § 2-505 (a)); and in accordance with 21 DCMR 40, at its regular meeting on January 8, 2009 took final action to amend Chapter 41, Retail Water and Sewer Rates, to expand the Customer Assistance Program (CAP) to retail sewer service.

The Authority’s proposed rulemaking was originally published in the September 19, 2008 edition of the *D.C. Register* (55 DCR 9869). A public hearing was held on November 5, 2008. The Board of Directors voted after consideration of all comments received and the recommendations of the Retail Rates Committee to expand the Customer Assistance Program (CAP) to retail sewer service.

This final rulemaking will be effective when published in the *D.C. Register*.

Title 21 DCMR, Chapter 41 RETAIL WATER AND SEWER RATES, Section 4102 CUSTOMER ASSISTANCE PROGRAM, subsection 4102.1 is amended to read as follows:

CHAPTER 41 RETAIL WATER AND SEWER RATES**4102 CUSTOMER ASSISTANCE PROGRAM****4102.1 LIFELINE PROGRAM FOR HOUSEHOLDS AND TENANTS**

- (a) Eligible households and tenants will receive an exemption from water service charges and sewer service charges of the first Four Hundred Cubic Feet (4 CCF) per month, of water consumption.
- (b) Participation in the Lifeline Program is limited to single-family owner-occupied primary residential accounts and individually metered tenant accounts.
- (c) Eligibility is determined by the District of Columbia Energy Office (DCEO), and will be based upon the following DCEO Low Income Home Energy Assistance Program (LIHEAP) Federal income guidelines, as periodically updated:

Household Size	Household Annual Income
1	\$13,470
2	\$18,180
3	\$22,890
4	\$27,600
5	\$32,310
6	\$37,020
7	\$41,730
8	\$46,480

For households with more than eight members, an additional \$4,710 will be added to the Household annual income for each additional member.