

STANDARD (NON-EMERGENCY) REGULATION/RULE

Rule 5-5-18.B.19

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**Senior Services Facilities  
Rules, Regulations and Suspension Policy**

BRC Section that is the subject of this Rule: **Section 5-5-18, BRC 1981**

1. This Rule incorporates the guidance, requirements, rules and regulations shown in **Attachment A.**
2. To the extent only of any conflict, this Rule supersedes any conflicting Rules or parts of Rules, including without limitation, Rule 5-5-18.A(07).

\*\*\* NOTICE TO THE PUBLIC \*\*\*

Rule 5-5-18.B.19

As adopting authority, on July 17, 2019 the City Manager filed with the city clerk a Rule proposing to:

**Prohibit certain behavior in City facilities managed by its Senior Services division, and subject persons who violate the prohibitions to suspension from the facilities.**

Copies of the Rule are available for public review at the Central Records Office at the Municipal Building, 1777 Broadway, 2<sup>nd</sup> floor.

The public has a right to submit written comments on the proposed rule for 15 days from the date of this publication. Please direct written comments to:

Eden Bailey  
Senior Services Manager  
Department of Housing and Human Services  
909 Arapahoe Avenue  
Boulder, CO 80302  
baileye@bouldercolorado.gov

For more information call (303) 441-4439.

If no written comments are received, the Rule will become final when the time for comments has passed.

## ATTACHMENT A

### **Department of Housing & Human Services Rules, Regulations and Suspension Policy**

This regulation is established to identify clear and consistent procedures regarding the suspension of individuals from Senior Services facilities, programs or services in the event of a Housing and Human Services Rules and Regulations violation.

### **Department of Housing & Human Services West and East Senior Center Rules, Regulations and Suspension Policy**

#### **POLICY**

It is the policy of the Housing & Human Services West and East Senior Centers to ensure compliance with its rules and regulations regarding the use of all Senior Center facilities. In furtherance of this policy violators may be subject to suspension of their privilege to use either Facility in accordance with the procedures set forth in this document and Section 5-5-18, B.R.C. 1981.

#### **PURPOSE**

The City of Boulder Senior Services staff welcome you to the West and East Senior Centers. We encourage your use of center spaces, programs, services and resources, and we are committed to providing a welcoming, clean, and comfortable space for our older adult community. We ask for your cooperation to maintain an environment in which customers, volunteers and staff can be free from harassment, intimidation, threats to safety and well-being, in which center resources and facilities are protected from damage. Our Senior Centers are spaces for older adults to read, socialize, and attend senior center-sponsored programs and meetings. With these intended uses in mind, Boulder Housing & Human Services/Senior Services has adopted the following rules of conduct to protect the rights, health and safety of senior center customers, staff, and volunteers; to ensure customers' use and enjoyment of both the West and East Senior Centers; and to help preserve and protect the centers' materials, equipment, facilities, and grounds. Reference to senior centers includes both the West Senior Center located at 909 Arapahoe Ave. and the East Senior Center located at 5660 Sioux Drive.

#### **OVERVIEW**

Disruptive behavior will not be tolerated on Senior Center property. Unless injury to a person or damage to property is involved, which are grounds for immediate suspension, any customer who is disruptive will be notified by Senior Services staff that the behavior is inappropriate and be asked to stop. If the behavior continues, the customer will be asked to leave the center and surrounding property. If the customer refuses to leave, local law enforcement officials will be notified. Disruptive or threatening behavior on the part of any customer while in either the West or East Senior Center may result in the suspension of privileges in accordance with the procedures of Section 5-5-18, "Suspension of Facility Privileges," Boulder Revised Code (B.R.C.) 1981. A record of violations resulting in suspension will be kept by Senior Services staff. Suspension periods can range from a warning, equivalent to a suspension for the remainder of the day, to one year or longer. Senior Services staff retain the discretion to suspend a violator for any period of time, consistent with the provisions of Section 5-5-18, B. R. C. 1981, when in staff's opinion, circumstances warrant.

In addition, any person who violates these rules of conduct while at either the West or East Senior Center, any provision of the Boulder Revised Code, ordinance of the city, or any other state or federal law may be subject to suspension of privileges in accordance with the procedures of Section 5-5-18, "Suspension of Facility Privileges," Boulder Revised Code (B.R.C.) 1981 and may also be subject to criminal prosecution. Criminal activities that occur at the West and East Senior Center property will

be immediately reported to law enforcement. These rules apply to both centers and facilities unless indicated otherwise.

Any person who violates these rules of conduct over the telephone, on the computer or any other electronic device is subject to restriction of access to either the West and East Senior Centers resources and services at the discretion of the Senior Services Manager, the Facility Operations Coordinator, Senior Programs Manager or his or her designee.

## **PROCEDURES**

No person shall at either the West or East Senior Center:

1. Threaten or harass staff, volunteers or customers, verbally, physically or in writing, including all forms of electronic media;
2. Engage in behavior that jeopardizes the safety of any person or service animal;
3. Disturb other customers or employees of any Facility so as to substantially interfere with their use and enjoyment of the Facility. Disturbances may arise from inappropriate use of equipment including but not limited to cellular phones, computers of any kind, PDAs, radios, music players, MP3 players, portable television or video display device; extended use of pool table, activity tables, courtesy telephones, and conversations which contain any obviously offensive utterance, gesture, or display, which tends to incite an immediate breach of the peace;
4. Violate any Facility policy or terms of use for meeting rooms or the lobbies.
5. Fail to abide by any posted rules concerning length of use of any equipment or part of any Facility;
6. Bring a weapon into or possess a weapon, except as expressly permitted by state law;
7. Bring into, or possess alcoholic beverages without prior approval of the Housing & Human Services Director or enter any Facility while under the influence of drugs and/or alcohol;
8. Use tobacco, marijuana or products containing tobacco or marijuana or their components, including use of any form of electronic smoking or vaping device inside the Facility or on city-owned property;
9. Bring an animal into any Facility except for service animals or by permission from the Senior Services Manager. Animals must be licensed and under the control of their owners;
10. Seek or collect signatures from the general public on a petition;
11. Leave bags or personal items unattended in any Facility;
12. Lie down, doze or sleep in any Facility except this rule shall not apply to children;
13. Use the restrooms for bathing, shaving, washing, rinsing or drying hair, or washing, rinsing or drying clothing;
14. Enter or remain in any Facility before or after that Facility's operating hours without the permission of an authorized City of Boulder Facility employee;
15. Enter or fail to leave any portion of any Facility immediately upon being told by a Facility employee that the area is closed to the public or has signage stating Staff Only;
16. Communicate a request to another customer to cease using equipment or area of any Facility in order so that person may use such equipment or areas. If someone is violating the posted rules concerning length of use, complaints should be made to Facility employees who will deal with the offender;

17. Possess or sell illegal drugs in or around the facility;
18. Enter or use any portion of any Facility, including designated Facility programs, for which a fee for entry or use must be paid, without paying such fee;
19. Solicit donations of money or anything of value, or sell or take orders for anything of value in any Facility with the exception of persons who have entered the Facility in order to conduct a commercial transaction with the City and at its request, or those officially affiliated with the city; or those who are city sponsored;
20. Fail to supervise a child ten years or younger, of whom he or she is a parent, legal guardian, grandparent, or caregiver, and/or ensure that the child does not disturb other persons in the Facility or damage Facility property; or
21. Fail to ensure the safety of an older adult or an at-risk adult, of whom he or she is a caregiver, or ensure that the older adult or at-risk adult does not disturb other persons in the Facility or damage Facility property.

## **DEFINITIONS**

**"Disruptive behavior"** is any activity which disrupts the Senior Center or Senior Center programs, endangers the customers or others, interferes with Senior Center business or other Senior Center customers or staff, hinders others' access to the Senior Center or programs, or is illegal. This may include, and is not limited to, any activity which results in the damage or disruption of Senior Center equipment, services or programs, or blocking access to the Senior Center or its materials, or the use of profane, obscene, intimidating or abusive language or gestures including epithets directed at race, ethnicity, sexual orientation, gender identity, or other personal characteristics .

**"Electronic smoking device", "E-cigarettes," "E-cigs," or "vaping device"** means an electric or battery-operated device, the use of which resembles conventional smoking, or emits vapors which can be used to deliver substances, including , but not limited to, nicotine, tobacco, or marijuana, to the person using such device. Electronic smoking device shall include, without limitation, an electronic cigarette, cigar, cigarillo, pipe, vaping devices or hookah. Electronic smoking device shall not include any product approved by the food and drug administration as a drug or medical device that is used in accordance with its purpose.

**"Facility"** as used in these rules shall mean the interior and exterior of all Senior Center buildings and extending to the curbs and Senior Center parking lots.

**"Harass"** as used in these rules shall mean to strike, shove, kick, or otherwise subject the person to physical contact including contact with an object; or with the intent to annoy or alarm, follow a person in or about a public place, direct language toward another person or repeatedly insult, taunt, challenge or make communications in offensively coarse language to another person.

**"Senior Center"** as used in these rules shall mean all Senior Center buildings.

**"Caregiver"** means a person who has temporary authority over a child or a family member or paid helper who provides care to an adult.

## **SUSPENSION OF SENIOR CENTER PRIVILEGES AND RESTRICTION TO ACCESS**

The Housing & Human Services Director, Housing & Human Services Deputy Director, Senior Services Manager, Facility Operations Coordinator, Senior Programs Manager, or designee may restrict access to Senior Center facilities , resources and services with immediate dismissal of the

person from the premises by suspending the person's access to the Senior Center facilities for a set period of time or by denying access to specific services and/or programs .

The suspension or period of restricted access shall be reasonably related to the severity of the offense, the number of repeated offenses and their danger to public health, safety, and welfare and shall not, except for criminal offenses of a sexual nature, exceed one year. Suspensions or restricted access may range from 24 hours (for a relatively minor first offense) to up to one year. A suspension period of more than one year may be issued for sexual offenses only and in accordance with Section 5-5-18 B.R.C. 1981.

## **RIGHT OF APPEAL**

Pursuant to Section 5-5-18, "Suspension of Facility Privileges" and Chapter 1-3, "Quasi-Judicial Hearings," B.R.C., a customer found in violation of the rules of conduct has the right to request a hearing to appeal a suspension or its duration by filing a written request with:

Housing & Human Services  
909 Arapahoe Ave.  
Boulder, CO  
Attn: Eden Bailey Suspension Appeals

Customers with questions about the appeal process may call 303-441-3148.

Requests to appeal a suspension must be filed no more than 10 days after the suspension notice was deposited in the mail, hand-delivered, posted, or published. The customer will receive notification of the hearing date, time, and location. At the hearing, the customer will have an opportunity to provide information as to why he/she believes the suspension should be removed or the duration amended. Failure to appear at the scheduled hearing waives any right to a hearing.

If a customer who has been suspended chooses to return to the Senior Center once the suspension period has expired, the customer must abide by the Boulder Senior Center rules of conduct and/or policies. Any future rule or policy violations may result in a progressively longer suspension.

STANDARD (NON-EMERGENCY) RULE SIGNATURE PAGE

Senior Services Facilities  
Rules, Regulations and Suspension Policy

Originating Department – B.R.C. Section Granting Rulemaking Authority:

Section 5-5-18, BRC 1981

City Attorney’s Office – Approval as to form and legality:

The proposed Rule was approved as to form and legality for adoption on

7/16/19 (date).

Signature: [Handwritten Signature]

City Manager / Adopting Authority – Approval as to substance

The proposed Rule was approved as to substance prior to publication and three copies were filed with the City Clerk on July 17, 2019 (date).

Adopting Authority Signature: [Handwritten Signature]

City Clerk Publication:

The public notice will be published in the Daily Camera on 7/19/2019 (date), starting a 15-day written comment period ending on 8/3/2019.

No comments were received. The proposed Rule is in effect as of the end of the comment period.

City Clerk Signature: [Handwritten Signature]

City Manager / Adopting Authority - Comment Review/Effective Date:

Written comments were received for this Rule, and no change has been made. The Rule is in effect as of the end of the comment period.

Written comments were received for this Rule. The Rule was amended and returned to the City Attorney’s Office for review on \_\_\_\_\_. The Rule is effective upon approval of the City Attorney.

City Attorney approval Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Written comments were received for this Rule. The Rule has been amended and will be republished.

Adopting Authority Signature: \_\_\_\_\_