

Royal Oak Public Library Policies

Services Section 5.41 - Internet Filtering

ORDINANCE 2008 - 06

“AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ROYAL OAK AT CHAPTER 420, ‘LIBRARY’, TO REQUIRE THE ROYAL OAK PUBLIC LIBRARY TO RESTRICT A MINOR’S ACCESS TO THE INTERNET BY RESTRICTING TERMINALS FROM RECEIVING OBSCENE MATTER OR SEXUALLY EXPLICIT MATTER THAT IS HARMFUL TO MINORS”

THE CITY OF ROYAL OAK ORDAINS:

Section 1. SHORT TITLE. This ordinance shall be known and may be cited as the “2008 Library Ordinance Amendment”.

Section 2. STATEMENT OF PURPOSE. This is an ordinance to amend the Code of the City of Royal Oak at Chapter 420, “Library”, to require the Royal Oak Public Library to restrict a minor’s access to the Internet by restricting terminals from receiving obscene matter or sexually explicit matter that is harmful to minors.

Section 3. AMENDMENT. The Code of the City of Royal Oak is hereby amended at Chapter 420, “Library”, to include a new Section 420-10, “Internet Access”, which shall read as follows:

“Section 420-10. Internet access.

A. If the library offers use of the internet or a computer, computer program, computer network, or computer system to the public, the library shall restrict access to minors by providing the use of the internet or a computer, computer program, computer network, or computer system in the following way:

- i. By making available, to individuals of any age, one (1) or more terminals that are restricted from receiving obscene matter or sexually explicit matter that is harmful to minors,

and

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- ii. By reserving to individuals eighteen (18) years of age or older, or minors who are accompanied by their parent or guardian, no more than one (1) terminal that is not restricted from receiving any material.
- B. For purposes of this section, the following terms shall have the following meaning:
- i. “Computer” means any connected, directly interoperable or interactive device, equipment, or facility that uses a computer program or other instructions to perform specific operations including logical, arithmetic, or memory functions with or on computer data or a computer program, and that can store, retrieve, alter, or communicate the results of the operations, to a person, computer program, computer, computer system, or computer network.
 - ii. “Computer network” means the interconnection of hardwire or wireless communication lines with a computer through remote terminals, or a complex consisting of 2 or more interconnected computers.
 - iii. “Computer program” means a series of internal or external instructions communicated in a form acceptable to a computer that directs the functioning of a computer, computer system, or computer network in a manner designed to provide or produce products or results from the computer, computer system, or computer network.
 - iv. “Computer system” means a set of related, connected or unconnected, computer equipment, devices, software, or hardware.
 - v. “Device” includes, but is not limited to, an electronic, magnetic, electrochemical, biochemical, hydraulic, optical, or organic object that performs input, output, or storage functions by the manipulation of electronic, magnetic, or other impulses.

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- vi. "Harmful to minors" means that term as it is defined in MCL 722.674, as amended.
- vii. "Internet" means that term as it is defined in section 230 of title II of the Communications Act of 1934, Chapter 652, 110 Stat. 137, 47 U.S.C. 230, as amended.
- viii. "Minor" means an individual who is less than 18 years of age.
- ix. "Obscene" means that term as it is defined in MCL 752.362, as amended.
- x. "Sexually explicit matter" means that term as it is defined in MCL 722.673, as amended.
- xi. "Terminal" means a device used to access the internet or a computer, computer program, computer network, or computer system."

Section 4. SEVERABILITY. If any Section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. SAVINGS. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 6. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 7. EFFECTIVE DATE. This ordinance shall take effect ten (10) days after the final passage thereof.

James B. Ellison, Mayor

Mary Ellen Grave, City Clerk

Date Adopted: 5/19/08

Date Published: 5/28/08

Effective Date: 5/29/08