

..... **LOCAL MUNICIPALITY**

LIBRARY BY-LAWS

Notice is hereby given in terms of Section 13 of the Local Government: Municipal Systems Act, 32 of 2000, as amended, read with Sections 156 and 162 of the Constitution of the Republic of South Africa Act, 108 of 1996 that the Local Municipality resolved to adopt the following Library By-laws, with effect from date of publication.

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SCHEDULE 1

FEES AND CHARGES

CHAPTER 1 INTERPRETATION

1. Definition

In these by-laws, unless the context indicates otherwise –

“Authorized Officer” means the Council’s employee who has been assigned the responsibility for attending to any matter dealing with the library.

“Chief: Library Services” means the person appointed by Council as the head of department to exercise control over and to manage the library.

“Council” means (a) the Local Municipality established by Mpumalanga Provincial Notice -- of 2015 in terms of Section 12 of the Local Government: Municipal Structures Act, 117 of 1998, exercising its legislative and executive powers by way of its municipal Council or its successor in title.

(b) a structure of person delegated or carrying out an instruction, where any power or function in terms of these by-laws has been delegated or sub-delegated as contemplated in Section 59 of the Local Government: Municipal Systems Act, 32 of 2000.

“Librarian” means the officer appointed by the Council to work at the Council’s library.

“Library” means all the public libraries owned and managed by the Council.

“Library Hours” means the days and hours specified in the notice placed at the entrance of the library.

“Library Material” means any material of whatever nature or form, be it books, magazine, document, print, newspaper, film, picture, record, disc and/or anything which is kept in a library and made available to public.

“Member” means any person whose application for membership has been approved by the Council and whose name appears on the list of members kept by the library.

“Tariff/s” means charge/s, disbursement/s, fine/s or any amount in respect of the library as determined from time to time by the Council.

CHAPTER 2 PROCEDURES AND CONDITIONS

2. Membership

- (1) The Council may grant membership to any person residing or employed within the area of jurisdiction of the Council or who is the taxpayer of the Council, subject to the conditions determined by the Council and provided such person subject himself to the provisions of these by-laws.
- (2) The Council may grant membership of the library to a pre-school, school-going child, should his parent/s or guardian/s consent thereto and undertake to stand surety for the observance by such child of these by-laws and the rules for conducting the business of the library, adopted by the Council.
- (3) Application for membership shall be made on a form prescribed by the Council from time to time for such purpose.
- (4) The Council shall issue a membership certificate to a member authorizing him to borrow from the library such number of library material at a time determine by the Council.
- (5) Membership shall be valid for a period stated in the membership certificate as from the date of issue, and the membership of a person to whom such membership certificate has been issued, unless it be renewed.
- (6) The Council may grant membership to a person residing outside its area of jurisdiction on conditions determined by the Council.
- (7) A member desirous of terminating his membership of the library, shall return his certificate of membership to the librarian or authorized officer without delay, failing which he may be held responsible for all library material borrowed on such certificate.
- (8) When a member changes his address, he shall notify the librarian or authorized officer in writing, within seven days of such change of address.

- (9) When a member's certificate of membership is lost, he shall forthwith notify the librarian or authorized officer, in writing, and the librarian or authorized officer may on payment of an amount determined by the Council, issue a duplicate of such certificate.
- (10) Should a lost certificate of membership be found, the duplicate certificate of membership issued in the place thereof, shall forthwith be returned to the library: Provided that any charges paid for such duplicate shall not be refunded to the member.
- (11) Any person may, on behalf of any organization or similar body, if duly authorized thereto by such organization or body apply on the form prescribed by the Council for registration of such organization or body as a member of the library.

3. **Loan of Library Material**

- (1) Library Material shall be deemed to be on loan from the library to the member against whose certificate of membership it was lent.
- (2) No person shall be in possession of any library material not lent against a certificate of membership.
- (3) A library material bearing the mark of the library and on which there is no official indication that the book has been withdrawn, written off or sold from the library, shall be the property of the Council.
- (4)
 - (a) A member borrowing library material from the library shall ascertain whether such library material is not damaged and if damaged, he shall draw the librarian's attention to the fact.
 - (b) Should any previously undamaged library material be found, when returned to the library, to be damaged, the Council may stipulate that the last member to borrow the book from the library shall replace such book with a new copy of equal value or a copy acceptable to the Council or shall pay the value of or an amount to make good the damage to the library material as determined by the Council, in addition to any other fines or other charges due in respect of such library material and such member shall then be obliged thus to replace the library material or to pay the value or amount determined by the Council, as the case may be.
 - (c) The librarian shall not make damaged library material available for borrowing purposes: Provided that where such damaged library material is nevertheless made available for borrowing purposes, particulars of such shall be affixed thereto.

4. Return of Library Material

- (1) A member shall return the library material borrowed by him to the librarian on the date of which it was stated that the library material must be returned: Provided that:
- (a) the Council may extend the period of loan of any library material not in demand by any other member after consideration of an application to that effect by the member who borrowed the book, for not more than two further borrowing periods.
 - (b) should a member who borrowed the library material, find it impossible to return such book personally, he may return it in some other manner;
 - (c) a member who has borrowed the library material shall not keep it for more than three days after receipt of a written notice from the librarian that such book is to be returned.

5. Overdue Library Material

- (1) Should a member not return library material borrowed against his certificate of membership within the period stated in Section 4 or any period determined by the Council in terms of the provision to that section, as the case may be, such member shall be liable for payment to the Council of the prescribed fine during the period of such member's failure to return such library material.
- (2) The Council may exempt any person from the payment of such fine if the Council is satisfied that the failure to return library material is due to the circumstances beyond the borrower's control.

6. Lost and Damaged Library Material

- (1) Should a library material be lost or become damaged or be deemed to be lost in terms of sub-section (2), the member against whose certificate of membership such library material was borrowed, shall, in addition to any fine or other charges, be liable for payment to the Council of the replacement cost thereof, or the amount to make good the damage, as may be determined by the Council, unless he replaces it with a copy of equal value or a copy acceptable to the Council.
- (2) A library material kept for more than two months after the date on which it was borrowed and which the member who borrowed it, on receipt of a request to do so by registered post, fails to return it within seven days, it shall be deemed to be lost.

- (3) A lost or damaged book shall remain the property of the Council even if such library material book be replaced as contemplated in sub-section (1) or the purchase price thereof or the damage cause thereof and any fines or other charges in respect thereof, be paid to the Council in terms of that sub-section.
- (4) No further library material shall be lent to a member liable in terms of sub-section (1) as long as he is liable.
- (5) The Council reserve the right to terminate membership if a member fails and/or neglects his liability for lost or damaged library material.
- (6) That should the material be lost or damaged the rate payers account of which the membership certificate is issued against should be debited with the amount equal to the purchase price of the lost material.
- (7) That should the member loose two books in one financial year such a member be disallowed to acquire library material for the rest of the financial year.

7. Reservation of Library Material

- (1) A member may, after payment of the prescribed fee, reserve library material and the conditions provided in these by-laws shall be applicable to such reserve library material.
- (2) The Council shall not be held liable for failure to make reserved library material available.

8. Care for Library Material

- (1) No person having library material in his possession, shall either willfully, negligent and/or otherwise –
 - (a) fail to keep such library material in a clean condition.
 - (b) mutilate, deface, mark, crease or in any way damage such library material or permit such library material to be mutilated, defaced, marked, creased or damaged.
 - (c) expose or permit such library material to be exposed to or be damaged by water, heat, fire, animals or any other thing.
 - (d) lend such library material to any other unauthorized person.
 - (e) remove or damage or permit to be removed or damaged any page/s or protective coverings of such library material.

9. Library Hours

- (1) A notice by Council, setting forth the days and hours during which the library shall be open to the public, shall be displayed in a prominent place at or near the entrance to the library.

10. **Exposure of Library Material to Contagious Diseases.**
 - (1) No person suffering from a contagious disease shall borrow or handle any library material and no person shall allow any other person suffering from a contagious disease, to handle the library material lent to him.
 - (2) Any person being in possession of the library material from the library which was exposed to a contagious disease, shall immediately advise the librarian that the library material was so exposed.
11. **Library Material for Special Purposes**
 - (1) Library material of a specified nature shall only be used in such parts of the library as are set aside by the Council for special purposes and shall not be removed from the library or to any other part of the library without the permission of the librarian.
 - (2) Copyright laws must be adhered to.
 - (3) Photocopies may be made at an approved tariff by the Council.
12. **Availability of the By-laws**
 - (1) A copy of these by-laws shall be included in the Council's Municipal Code as required in terms of Section 15 of the Local Government: Municipal Systems Act, 32 of 2000.
 - (2) A copy of these by-laws shall be made available for inspection at the municipal offices or at the offices of its authorized agent at all reasonable times.
 - (3) The librarian shall place a copy of these by-laws in a prominent place in the library and direct the attention of a use of the library thereto.
 - (4) A copy of these by-laws may be obtained in accordance with the provisions of the Council's Manual on the Promotion of Access to Information Act, 2 of 2002.
13. **Offences**
 - (1) No person shall –
 - (a) conduct or engage in audible conversation, read aloud, sing or whistle in any part of the library which is disturbing other persons present in the library.
 - (b) hamper, disturb, obstruct, impede or harass any other person in the legitimate use of the library.
 - (c) cause or permit any animal under his control to enter or remain in the library.
 - (d) damage any part of the library building or the library material or the contents thereof.

- (e) while using the library, refuse to comply with any lawful request of the librarian.
 - (f) damage or deface any part of the library or any fitting, furniture, equipment or content thereof.
 - (g) sleep, smoke, take intoxicating substances or eat in the library.
 - (h) furnishes a false name or address to the librarian for the purpose of entering any part of the library or obtaining any benefit or privilege therefrom.
 - (i) enter or remain in the library while unclean in body or apparel or while suffering from any contagious or offensive disease or being under the influence of intoxicating liquor or substance.
 - (j) obstruct or block any entrance to or exit from the library.
 - (k) enter or remain in any part of the library which is reserved for the use of the library staff.
 - (l) enter or remain in any part of the library during the hours that such a library or part thereof is not officially open for the service of the public.
 - (m) enter or leave the library by an entrance or exit not officially provided for the use of the public.
 - (n) remove from the library or be in the possession of library material the loan whereof has not been registered by the librarian in terms of these by-laws.
 - (o) distribute or deposit in the library for distribution, material for advertisement publicity or any other purpose without the permission of the librarian.
 - (p) contravenes any other provision of these by-laws.
- (2) Any person not bona fide using the library for the purpose for which it is intended or is guilty of misbehaviour in the library may be removed from the library by the librarian or by a person called upon thereto by the librarian.

14. **Penalties**

- (1) Any person contravening any of the provisions of these by-laws shall be guilty of an offence and shall on conviction be liable to a fine not exceeding R 500 or in default of payment to imprisonment for a period not exceeding 3 months or both such a fine and imprisonment

15. **Repeal of By-laws**

- (1) The following by-laws are hereby repealed:
- (a): Standard Library By-laws published under of as amended under

16. **Short title**

These by-laws shall be called the Local Municipality:
Library By-laws ... and shall come into effect on the date of publication
in the Mpumalanga Provincial Gazette.

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SCHEDULE 1

FEES AND CHARGES

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|----|-------------------|--------------------------------------|--|
| 1. | Fines | | R... per book for 1 week
R... per book for 2 weeks
R... per book for 3 weeks
R... per book for treasury |
| 2. | Photocopies | (Library material)
(Own material) | R...,...c
R...,...c |
| 3. | Colour copies | | R... per page |
| 4. | Encarta | | R... per page |
| 5. | Internet | | R.... per minute and
R... to print the page |
| 6. | Tearing of books | | R... per page |
| 7. | Books that's lost | | The price of the books |
| 8. | Lost pocket cards | | R... per card to get a duplicate |