



# **PUBLIC LIBRARY BY-LAWS**

**GOVAN MBEKI MUNICIPALITY**

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The Council of Govan Mbeki Municipality has in terms of section 156 of the Constitution, 1996 (Act No. 108 of 1996), read in conjunction with Section 11 and 98 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000), made the following By-laws:

BYLAWS RELATING TO LIBRARIES**1. DEFINITIONS**

(1) In these By-laws, unless the context otherwise indicates-

**“charges”** means any fine or miscellaneous charges in respect of the library as determined from time to time by the Council;

**“Council”** means the Govan Mbeki Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Executive Committee has delegated any powers and duties with regard to these By-laws;

**“lending period”** means the period which the Council determines for the lending out of different types of library material;

**“certificate of membership”** means a membership card with a bar-coded membership number or a borrower’s pocket;

**“librarian”** means the officer (or his representative) appointed by the Council to exercise control over and to manage the library;

**“library material”** means any material of whatever nature or form which is kept in the library and made available to the public;

**“member”** means any person or organisation registered as a member of a library.

(2) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and *vice versa*.

**2. USE OF LIBRARY**

Any person admitted to the library by the Council may use the library facilities during official hours of opening. However, if a person wishes to borrow library material, he shall first register as a member of the library.

### **3. MEMBERSHIP**

- (1)
  - (a) Subject to the provisions of paragraph (b) and subsection (2) the Council may grant to any person residing or employed within the area of jurisdiction of the Council or who is a ratepayer of the Council, membership of a library, subject to the provisions determined by the Council and provided such person undertakes to subject himself to the provisions of these By-laws, the charges and the rules for conducting the business of the library, adopted by the Council.
  - (b) The Council may, subject to conditions it may determine, grant membership of the library to a pre-school or school-going child, should his parent or guardian consent, in writing, thereto and undertake to stand surety for the observance by such child of the provisions of these By-laws, the charges and the rules of the library, adopted by the Council.
- (2) The Council may grant membership of the library to a person residing outside its area of jurisdiction on conditions determined by the Council from time to time, provided such person undertakes to subject himself to the provisions of these By-laws, charges and the rules of the library.
- (3) Any person may, on behalf of any organization, or similar body, if duly authorized in writing thereto, by such organisation or body, apply on the form prescribed by the Council for registration of such organisation or body as a member of a library. The Council may then, subject to the provisions it has determined grant such organisation or body membership of the library provided such person and organisation undertake to abide by the provisions of these By-laws, charges and the rules of the library.
- (4) A person may register as a visitor if:-
  - (a) he is residing for a period of less than three (3) months in the area of jurisdiction of the Council;
  - (b) he is residing for a period of more than three (3) months in the area of jurisdiction of the Council while doing contract work;
  - (c) he is residing for a period of more than three (3) months in the area of jurisdiction of the Council as a distance student at a tertiary institution;

The Council may grant membership to such a person if he applies for such registration on the form prescribed by the Council, submits the required proof of identification and particulars as determined by the Council and undertakes to subject himself to the By-laws, rules and charges of the library.

- (5) Any Council employee may, on behalf of any Department or Division of the Council, if duly authorized, in writing thereto, by the Head of that Department, apply on the form prescribed by the Council for registration of that Department or Division of the Council as a member of the library. The Council may then, subject to the provisions it has determined grant such Department or Division membership of the library

provided such employee and Department or Division undertake to abide by the provisions of these By-laws, the charges and the rules of the library.

- (6) Application for membership shall be made on a form prescribed by the Council.
- (7) The Council shall issue a certificate of membership to a member authorizing him to borrow from the library such quantity of library material as may be determined by the Council from time to time.
- (8) A certificate of membership shall be valid from the date of issue thereof for a period as determined by the Council from time to time. The membership of a person, to whom such a certificate has been issued, shall lapse after such period, unless it is renewed.
- (9) A member desirous of terminating his membership of the library shall return his certificate of membership to the librarian without delay, failing which he may be held responsible in terms of section 8 for all library material borrowed against such certificate of membership.
- (10) When a member changes his address, he shall, in person, notify the librarian, within seven (7) days of such change of address.
- (11)
  - (a) When a member's certificate of membership gets lost, he shall forthwith notify the librarian, in person, and the librarian may, on payment of the prescribed charges, issue a duplicate of such certificate.
  - (b) Should a lost certificate of membership be found, the duplicate issued in place thereof shall forthwith be returned to the librarian, provided that any charges paid for such duplicate shall not be refunded to the member.
  - (c) If a member gives notice in terms of paragraph (a), such member shall, under the provisions of section 8(1), still be liable in terms of the said section in respect of any library material borrowed against the lost certificate of membership after the dates of such notice, unless the loss of the certificate of membership was outside his control and was not due to any negligence on his part.
- (12) The deposit imposed as a condition in terms of sections 3(1)(a), 3(1)(b), 3(2), 3(3), 3(4) and 3(5), shall be refunded to a member on application by him, provided that he returns his certificate of membership to the librarian.
- (13) Any prescribed charge or fee is non-refundable.
- (14) If any member does not renew his certificate of membership as contemplated by section 3(8) within a period of three (3) months after the expiry of the period of validity, such deposit shall be forfeited to the Council, provided further that upon any such refunding or forfeiture, the registration of the member shall be cancelled.

#### **4. 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 may use another person's certificate of membership unless he can produce written permission from the certificate's owner.
- (3) No person shall be in possession of any library material not lent against a certificate of membership.
- (4) Library material bearing the mark of the library or the Provincial Library Services, and on which there is no official indication that it has been withdrawn, written off, or sold, shall be the property of the Council or Provincial Library Services.
- (5)
  - (a) A member borrowing library material from a library shall ascertain whether such material is damaged and, if damaged, he shall, within twenty-four (24) hours of borrowing the material, draw the librarian's attention to the fact; otherwise he will be held responsible for such damage.
  - (b) 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 damage shall be affixed thereto.

#### **5. RETURN OF LIBRARY MATERIAL**

- (1) A member shall return the library material borrowed by him to the librarian not later than the last day of the borrowing period, provided that: -
  - (a) the Council may extend the borrowing period 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 library material, for not more than two (2) further borrowing periods;
  - (b) a member shall be responsible for the return of library material borrowed by him, and should such member find it impossible to personally return such library material, he may return it in any other way;
  - (c) a member, who has borrowed library material, shall not keep it for more than three (3) days after receipt of a written or telephonic notice from the librarian that such library material is to be returned.

#### **6. OVERDUE LIBRARY MATERIAL**

- (1) Should a member not return library material borrowed against his certificate of membership, within the period stated in section 5(1)(a), or any period determined by the Council in terms of the *proviso* to that section, as the case may be, such member shall be liable for payment to the Council of the prescribed fine for the period during which such member fails to return such library material.
- (2) The membership of a person, who continually returns library material late, will be terminated and any deposit he has paid will be forfeited.
- (3) The Council may exempt any person from the payment of such fine if he is satisfied that failure to return library material is due to circumstances beyond the borrower's control.
- (5) In order to obtain overdue library material, the Council may determine a fine free period or a time in which such library material may be returned.

## **7. RESERVATION OF LIBRARY MATERIAL**

A member may, after payment of the prescribed charge, and subject to the rules of the library, reserve library material, or request library material on inter-library loan.

## **8. LOST AND DAMAGED LIBRARY MATERIAL**

- (1) Should library material be lost or become damaged or deemed to be lost in terms of section 8(2), the member against whose certificate of membership such library material was borrowed shall, in addition to any fine or other charges for which he shall be liable in respect of the said library material, be liable for payment to the Council of the current purchase price thereof or an amount to make good the damage as may be determined by the Council, unless he replaces it with an exact copy of the lost material, in the same format (in case of Provincial Library Services' property) or with a copy of equal value acceptable to the Council (in case of Council's property).
- (2) Library material retained by a borrower for more than two (2) months calculated from the expiry date allocated to such material at the time of issuing or after granting any extension of the borrowing period, on receipt of a request to do so by registered post, fails to return library material within seven (7) days, shall be deemed to be lost.
- (3) Lost or damaged library material shall remain the property of the Council or the Provincial Library Services.
- (4) The Council may include on any municipal account of a member, an amount for the replacement value of any material that is lost, or deemed to be lost in terms of section 8(2) and for any fine or other charges for which the member shall be liable in respect of the said library material, or in case of a person under eighteen (18), on the account of his parent or guardian.

- (5) No further library material shall be lent to a member who, in terms of section 8(1), is responsible therefore, or to his immediate family residing with him.

## **9. HANDLING OF LIBRARY MATERIAL**

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

## **10. EXPOSURE OF LIBRARY MATERIAL TO CONTAGIOUS DISEASES**

- (1) No person suffering from a contagious disease shall borrow or handle any library material from the library and no person shall allow another person suffering from a contagious disease, to handle such library material lent to him.
- (2) Any person being in possession of such library material from the library, which was exposed to a contagious disease, shall immediately advise the librarian that such library material was so exposed.

## **11. LIBRARY MATERIAL FOR SPECIAL PURPOSES AND SPECIAL COLLECTIONS**

- (1) Library material of a specialized nature shall only be used in such parts of the library as are set aside by the Council for such 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) Material belonging to a tertiary institution and on loan to the library functioning as a branch library of the relevant tertiary institution, may only be borrowed by:-
  - (a) a registered student of that tertiary institution who can produce a valid student card or proof that he is a registered student in good standing; or

- (b) a person who has registered as a member of the branch library of the relevant tertiary institution and provided that the required proof of identification and particulars as determined by the Council are submitted and that any deposit and charges as determined by the Council are paid.
- (c)

## **12. USE OF COMPUTERS AND THE INTERNET**

Any person wishing to use the computers and the Internet facilities provided in the library shall abide by these By-laws, policy for public computer use, the charges and the rules of the library.

## **13. USE OF THE GROUP ACTIVITIES HALL, STUDY ROOM(S) OR LIBRARY AUDITORIUM**

Approval for the use of the group activities hall, study room(s) or library auditorium shall vest in the Council subject to any conditions laid down by the Council.

## **14. LIBRARY HOURS**

A notice by the 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 thereto.

## **15. POSTING OF BY-LAWS IN THE LIBRARY**

The librarian shall place a copy of these By-laws in a prominent place in the library and direct the attention of a user of the library thereto.

## **16. TOBACCO PRODUCTS CONTROL ACT**

The library is a non-smoking area (Act 83 of 1993, amended Act 12 of 1999, regulation 21610 published in the Government Gazette on 29/9/2000).

## **17. OFFENCES**

- (1) No person shall-
  - (a) conduct or participate in a conversation, read aloud, sing, whistle, play loud music or use a cellular phone in the library in a manner which is disturbing to other persons present in the library;
  - (b) impede, obstruct, disturb or in any other way annoy any other person in the legitimate use of the library;

- (c) refuse to deliver any library material to the librarian within a reasonable time after being requested thereto verbally, telephonically or in writing;
- (d) allow any child under his supervision to create a disturbance in the library;
- (e) act in an uncouth or disorderly fashion;
- (f) use unseemly, abusive or blasphemous language;
- (g) lay a bet or gamble in any part of the library;
- (h) recline, sleep or partake of refreshments in the library;
- (i) cause or permit any animal, other than a guide-dog under his supervision, to enter or remain in the library;
- (j) while using the library, refuse to comply with any lawful request of the librarian;
- (k) bring any vehicle, carrier or container into the library without the permission of the librarian;
- (l) distribute or deposit in the library for distribution, material for advertisement, publicity or any other purpose without the permission of the librarian;
- (m) damage or deface any part of the library or any fitting, furniture, equipment or contents thereof;
- (n) move any library furniture without permission;
- (o) supply a false name and address for the purpose of entering any part of the library or the benefit from any service rendered by the library;
- (p) enter or remain in any part of the library if he is-
  - (1) unclean of body or dress, or
  - (2) under the influence of intoxicating liquor or drugs;
- (q) enter or remain in any part of the library during the hours that such a library or part thereof is not officially open for service to the public;
- (r) enter or leave the library by an entrance or exit not officially provided for the use of the public;
- (s) enter or remain in any part of the library which is reserved for the use of the library staff;
- (t) obstruct or block any entrance to or exit from the library;

- (u) make use of a library's electricity supply to charge any electrical or electronic equipment;
- (v) fail to abide by the rules of computer use;
- (w) 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, or
- (x) retain in his possession any library material for more than twenty-four (24) hours after the delivery to his registered address of a written demand from the librarian for the return of such material;
- (y) smoke in a library;

## **18. PENALTIES**

- (1) Any person not *bona fide* using the library for the purpose for which it is intended or who is guilty of any misdemeanor in the library as set out in section 17, may be removed from the library by the librarian or by a person called upon thereto by the librarian.
- (2) 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 ten-thousand Rand (R10 000.00) or, in default of payment, to imprisonment for a period not exceeding 6 months.

## **19. APPLICATION**

The Council may by notice in the *Provincial Gazette* determine that the provision of these Bylaws do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

## **20. SHORT TITLE AND COMMENCEMENT**

This by-law shall be called the Bylaws Relating to Libraries and shall come into effect after being published in the Provincial Gazette.

## **21. REPEAL**

The By-laws relating to Libraries for the Govan Mbeki Municipality or its successor in title, are hereby repealed and replaced by these By-laws, which are to become effective on promulgation hereof.