

## MSUKALIGWA MUNICIPALITY

### BY LAW

### LIBRARY

In terms of section 156 of the Constitution of the Republic of South Africa ,Msukaligwa Municipality has adopted the library by law,per resolution LM 1512/02/04

#### 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;

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

“**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 a library and made available to the public;

“**member**” means the head of a family and his family members.

#### Membership

2. (1)(a) Subject to the provisions of paragraph (b)(i) subsection (2), the Council may grant to any person residing or employed within the area of jurisdiction of the Council or who is a taxpayer of the Council, membership of the library, subject to the provisions determined by the Council and provided such person undertakes to subject himself to the provisions of these by-laws and the rules.

(b) The Council may, subject to the conditions it may determine, grant membership of the library to a pre-school or school going child, should its parents or guardian consent, in writing, thereto and undertake to stand surely for the observance by such child of the provisions of these by-laws and the rules for conducting the business of the library, adopted by the Council

(i) All new applications for membership shall provide a copy of their consumer’s account in order to prove that there are no debts.

(c) Application for membership shall be made on a form prescribed by the Council.

(d) The Council shall issue a certificate of membership to a member authorising him to borrow from the library such quantity of library material as may be determined by the Council from time-to-time, after payment of the charges as determined by the Council from time-to-time.

(e) A certificate of membership shall be valid from the date of issue thereof for a period as determined by 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 be renewed.

(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, and if he pays a deposit as determined by the Council from time-to-time.

(3) 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 7 for all library material borrowed against such certificate of membership.

(4) When a member changes his address, he shall notify the librarian, in writing, within seven days of such change of address.

(5)(a) When a member's certificate of membership gets lost, he shall forthwith notify the librarian, in writing, 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 certificate of membership 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, notwithstanding the provisions of section 8(1), not be liable in terms of the said section in respect of any library material borrowed against the lost certificate of membership after the date of such notice.

(6) A person residing for a period of less than three months in the area of jurisdiction of the Council, may register as a visitor if-

(a) he applies for such registration on the form prescribed by the Council: Provided that the required proof of identification and particulars as determined by the Council, are submitted;

(b) comply with paragraph 2(1)(b)(i);

(c) the Council approves such application.

(7) Any person may, on behalf of any organisation or similar body, if duly authorised 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 the library.

### **Loan of Library Material**

3. (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) Library material bearing the mark of the library or the Mpumalanga Provincial Administration, 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 the Mpumalanga Provincial Administration.
- (4) (a) A member borrowing library material from the library shall ascertain whether such material is damaged and, if damaged, he shall draw the librarian's attention to the fact.
- (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.

### **Return of Library Material**

4. A member of the library shall borrow library material bought by the Council for a period not exceeding one week, at a charge as determined by the Council from-
  - (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 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 days after receipt of a written notice from the librarian that such library material is to be returned.
  - (d) a member who has borrowed library material shall not keep it for more than three days after receipt of a written notice from the librarian that such library material is to be returned.

### **Overdue Library Material**

5. (1) Should a member not return library material borrowed against his certificate of membership within the period stated in Section 5(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 every week or portion thereof during which such member fails to return such library material.
- (2) 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
- (3) In order to obtain overdue library material, a Council may determine a fine free period for a time in which such library material may be returned.

### **Preservation of Library Material**

6. A member may, after payment of the prescribed charge, reserve library material.

### **Lost and Damaged Library Material**

7. (1) Should library material be lost or become damaged or deemed to be lost in terms of subsection (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 purchase price thereof or an 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 and a handling fee of R100.00 if a person does not replace it.
- (2) Library material retained by a borrower for more than three months calculated from the expiry date allocated to such material at the time of issuing or after granting any extension for the borrowing period, on receipt of a request to do so by registered post, fails to return library material within seven days, shall be deemed to be lost.
- (3) Lost or damaged library material shall remain the property of the Council or the Mpumalanga Provincial Administration.
- (4) No further library material shall be lent to a member who, in terms of subsection (1), is responsible therefore.
- (5) The Council may terminate membership if a member neglects his liability for lost and damaged library material.

### **Handling of Library Material**

8. No person having library material in his possession, shall either wilfully 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 coverings of such material; or
  - (e) lending any such material to any unauthorised person.

#### **Exposure of Library Material to Contagious Diseases**

9. (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 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.

#### **Library Material for Special Purposes**

10. Library material of a specialised 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.
11. Approval for the use of the group activities hall shall vest in the Council, subject to any conditions laid down by the Council.
12. Copy right laws must be adhered to.
13. Photo copies may be made at an approved tariff by Council.

#### **Library Hours**

14. 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.

#### **Posting of by-laws in the Library**

15. 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.

### **Offences**

16. No person shall:-
- (a) conduct or participate in a conversation, read aloud, sing or whistle in the library in a manner which is disturbing to other persons present in the library building;
  - (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 or telephonically;
  - (d) allow any child under his supervision to create a disturbance in the library;
  - (e) (i) act in an uncouth or disorderly fashion;  
(ii) use unseemly, abusive or blasphemous language; or  
(iii) lay a bet or gamble in any part of the library.
  - (f) recline, sleep or partake of refreshments in the library;
  - (g) cause or permit any animal under his supervision to enter or remain in the library;
  - (h) while using the library, refuse to comply with any lawful request of the librarian;
  - (i) bring any vehicle, carrier or container into the library without the permission of the librarian;
  - (j) distribute or deposit in the library for distribution, material for advertisement, publicity or any other purpose without the permission of the librarian;
  - (k) damage or deface any part of the library or any fitting, furniture, equipment or contents thereof;
  - (l) supply a false name and address for the purpose of entering any part of the library or to benefit from any service rendered by the library;
  - (m) enter or remain in any part of the library if he is-
    - (i) unclean on body or dress;
    - (ii) suffering from a contagious or infectious disease notifiable in terms of any law; or

(iii) under the influence of intoxicating liquor or drugs;

(n) 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;

(o) enter or leave the library by an entrance or exit not officially provided for the use of the public;

(p) enter or remain in any part of the library, which is reserved for the use of the library staff;

(q) obstruct or block any entrance to or exit from the library;

(r) 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

(s) retain in his possession any library material for more than 24 hours after the delivery to his registered address of a written demand from the librarian for the return of such material.

### **Penalties**

17. (1) 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.

(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 R500.00 or, in default of payment, to imprisonment for a period not exceeding 6 months.

### **Repeal of By-Laws**

18. The previously published by-laws for the areas within the jurisdiction of Msukaligwa are repealed entirely.

### **Commencement Date**

19. This by-law takes effect on the date of publication thereof by proclamation in the Provincial Gazette.

## **SCHEDULE 1**

## Charges in respect of rendering of Library Services

### 19. (1) Charges in respect of photocopies

Scholars : R0.40 for an A4

Public : R0.60 for an A4

All persons : R1.00 for an A3

A4 colour copies : R6.00 per page

A3 colour copies : R8.00 per page

(2) Issuing of proof of membership as required in terms of section 2(1)(d) - per proof : R5-00 per packet

(3) Issuing of duplicate proof of membership as required in terms of section 2(5) - per proof : R5.00

(4) Loan of library material as required in terms of section 3(5):

(a) Record - per record per week or part thereof : R2.00

(b) Compact disk per compact disk per week or part thereof : R3.00

(c) Engravers per engraver per week or part thereof : R3.00

(d) Videos-per video per week:R5-00

(5) Penalties in respect of arrear library material as required in terms of section 6(1):

(a) Books, per book : R2.00 per week

(b) Record, per record : R5.00 per week

(c) Compact dist, per compact disk : R10.00 per week

(d) Engravers, per engraver : R5.00 per week

(e) Videos-per video:R10-00 per week

(6) Computer Use

Search for information from Library's own database : CD Rom and Internet : R10.00 for 15 minute maximum search

Printing black and white per A4 page : R1.00

Printing colour per A4 page : R6.00

(7) Penalty Fees

Library material not returned in time : per book, per week or part thereof : R2.00 per item per week or part there of

(8) Reservation of books (book requests)

From Library's own stock : R5.00 per request/reservation.

(9) Interlibrary loans

As determined by South African Interlending Scheme.