

# **MSUKALIGWA MUNICIPALITY**



**COMMUNITY SERVICES DEPARTMENT**

**BY-LAW**

**LIBRARIES BY-LAWS 2017**

## **1. DEFINITIONS**

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

“Council” means

- a. the Msukaligwa Municipality, exercising its legislative and executive authority through its Municipal Council;
- b. A structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 ( Act No. 32 of 2000).

“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 during which a member or visitor is permitted to retain any borrowed library material;

“Library” means any building housing a Public library administered and maintained by the Council;

“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 any person or organisation registered as a member of the library.

## **2. ADMISSION TO LIBRARY BUILDINGS.**

1. Subject to the provisions of subsection 2, and of section 15, any person admitted to a library may use the facilities of that library during official library hours: Provided that if a person wishes to borrow library material, that person must first become a member of the library and pay the prescribed fee for membership.
2. A librarian may-
  - a. In his/her discretion determine the maximum number of persons that may be allowed in any part of the library at any given time and may exercise the necessary access control for that purpose;
  - b. For any reasonable cause, instruct a member or other person to leave the library.
  - c. Restrict or cancel membership of person who repeatedly do not return the books on time, without valid excuse or who does not respond to written reminders and phone calls (section (5 and 6)).
  - d. Refuse a person who gave incorrect information (address, phone numbers and other contact details, etc.) to take any material from the library.
  - e. A person must also immediately inform the library if any of his/her contact details have changed (paragraph (4), section (3)). Failure to do this will result in memberships being suspended.

## **3. MEMBERSHIP**

- 1.

- a. Subject to the provisions of paragraph (b.i) subsection (3), 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 Councils and provided such person undertakes to subject himself to the provisions of the 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 the 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/her to borrow from the library such quantity of library material as may be determined by the Council from time-to-time.
  - e. A certificate of membership shall be valid from date of issue until expiry date indicated on certificate. The membership of a person shall lapse after such period, unless it is 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.
  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 9 for all library material borrowed against such certificate of membership.
  4. When a member changes his/her address, he/she shall notify the librarian, in writing, within 7 days of such change of address.
  5. 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.
    - f. 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.
    - g. If a member gives notice in terms of paragraph (a), such member shall, notwithstanding the provisions of section 9.1, 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 a visitor if-
    - 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;
    - Comply with paragraph 3.1.b.i
    - The Council approves such application.

7. Any person may, on behalf of any organization or similar body, if duly authorised 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.

#### **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 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/she shall draw the attention of the librarian to the fact.
  - b. The librarian shall not make damaged library material available for borrowing purposes: Provided that where such damaged material is nevertheless made available for borrowing purposes, particulars of such damage shall be affixed thereto.

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

A member of the library shall borrow library material bought by the Council for a period not exceeding two weeks,

- 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 more borrowing periods;
- b. A member shall be responsible for the return of library material borrowed by him/her, 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.

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

1. Should a member not return library material borrowed against his/her 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 the librarian 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.

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

1. No library material will be held for longer than 1 week after date of phoning member to collect reserved material.

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

1. Should library material be lost or become damaged or deemed to be lost in terms of section 3, 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 any amount to make good the damage as may be determined by the Council (see section 20). He/she can replace it with a copy of equal value or a copy acceptable to the Council (just applicable to own purchased and donated books).
2. Library material retained by a borrower for more than three (3) 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 phone or post, fails to return library material within 7 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/her liability for lost and damaged library material.

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

No person having library material in his/her 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 library material to any unauthorised 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/her.
2. Any person being in possession of such library material which was exposed to a contagious disease shall immediately advise the librarian that such material was so exposed.

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

1. Library material of a specialised nature shall only be used in such parts of the library as are set aside by the Council for the special purposes and shall not be removed from the library or any part of the library without the permission of the librarian.
2. Approval for the use of the group activities hall shall vest in the Council, subject to any conditions laid by the Council.

3. Copy right laws must be adhered to.
4. Photo copies may be made at an approved tariff by Council.

## **12. COMPUTER USE**

1. The library provides access to free Internet Services and use of the computers for the public printing is at prescribed costs.
2. Msukaligwa Municipality has no control over the content of material available over the Internet. Each user is required to make his/her own assessment of the truth, completeness, accuracy or suitability of Internet information.
3. It is prohibited for users to use the Internet for illegal, unauthorized or commercial purposes.
4. A user who refuses to abide by the library rules will lose the privilege of using the workstation
5. Computer time is limited to 30 minutes intervals, except when no one is waiting to use the service.
6. Library staff reserves the right to end an Internet session if the Internet search is causing a disruption of library services or if the behaviour of the user becomes inappropriate for a library setting.
7. Problems and damages encountered should be reported immediately to staff at the counter. If the user is liable for damages to hardware and software a charge may follow accordingly.

## **13. LIBRARY HOURS**

A notice 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.

## **14. POSTING OF LIBRARY BY-LAWS IN LIBRARIES**

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.

## **15. OFFENCES**

No person shall:-

- a. Conduct or participate in a conversation, read aloud, sing, whistle, listen to i-pod/cell phone or speak over cell phone in the library in a manner which is disturbing to other persons present in the library building; including inappropriate use of cell phones like visiting pornographic sites, gambling, etc.
- b. Impede, obstruct, disturb or in any 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/her 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/her 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. Any person entering the library will not be allowed to wear a helmet or any other item of clothing that covers the face (caps, hoodies, etc.)
- k. Distribute or deposit in the library for distribution, material for advertisement, publicity or any other purpose without the permission of the librarian;
- l. Damage or deface any part of the library or any fitting, furniture, equipment or contents thereof;
- m. Supply a false name and/or address for the purpose of entering any part of the library or to benefit from any service rendered by the library;
- n. Enter or remain in any part of the library if he/she 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;
- o. 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;
- p. Enter or leave the library by an entrance or exit not officially provided for the use of the public;
- q. Enter or remain in any part of the library, which is reserved for the use of the library staff;
- r. Obstruct or block any entrance to or exit from the library;
- s. Remove from the library or be in possession of library material, the loan whereof has not been registered by the librarian in terms of these by-laws; or
- t. Retain in his/her possession any library material for more than 24 hours after delivery to his registered address of a written demand from the librarian for the return of such material.
- u. The librarian will notify law enforcement authorities concerning any criminal behaviour in the Library including but not limited to theft, vandalism, exhibitionism or assault, including verbal threats.

## **16. PENALTIES**

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 a 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.

## **17. REPEAL OF BY-LAWS**

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

## **18. COMMENCEMENT DATE**

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

## 19. CHARGES IN RESPECT OF RENDERING OF LIBRARY SERVICES

1. Under the Copyright Act 98 of 1978 the photocopying of a whole book is a criminal offence and only a small portion of a book may be photocopied.

Charges in respect of photocopies

**Scholars: R0.50 for an A4**

**Public: R1.00 for an A4**

**All persons: R1.50 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 3.1.d – per proof: **R5.00 per pocket**
3. Issuing of duplicate proof of membership as required in terms of section 3.5 – per proof: R5.00
4. Loan of library material as required in terms of section 4.5:
  - a. Compact disk per CD per week or part thereof: R3.00
  - b. Engravers per engraver(art print) per week or part thereof: **R50.00**
  - c. Videos, per video per week: **R 10.00**
  - d. DVD, Per DVD per week: **R 10.00**
5. Penalties in respect of arrear library material as required in terms of section 7.1:
  - a. **Books, per book: R3.50 per week**
  - b. CD, per CD: R10.00 per week
  - c. Engravers, per engraver: R10.00 per week
  - d. Videos, per video: R10.00 per week
  - e. DVD, per DVD: R10.00 per week
  - f. Magazines, per magazine: R2.00 per week
6. **Computer use**
  - a. **Printing: b/w R1.00 per page**  
**Colour R6.00 per page**
7. Interlibrary loans (IBL)  
As determined by librarian, **and/or courier costs**
8. **Using of library electricity**
  - a. **Using laptops: R6.00 per hour or part thereof**
  - b. **Charging cell phones: R6.00 per hour or part thereof.**