

PROVINCIAL NOTICE 49 OF 2016

UBUHLEBEZWE MUNICIPALITY

**LIBRARY BYLAWS**

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| 1ST DRAFT DATE | 30 th June 2014 |
| ADOPTION BY COUNCIL | 4 th December 2014 |
| PROMULGATION DATE | 9 th February 2016 |

The Municipal Council for Ubuhlebezwe has adopted the following bylaws at its Council meeting held on 4th December 2014 in terms of section 156(2) of the Constitution of the Republic of South Africa (Act No 118 of 1996) read with section 31(2) of Local Government: Municipal Structures Act 1998 (Act No 117 of 1998) and hereby publishes the subjoined bylaws in terms of section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) to come into effect on the date of publication hereof in the Provincial Gazette.

UBUHLEBEZWE MUNICIPALITY

LIBRARY BYLAWS

Note: [Words applying to any individual shall include persons, companies and corporations, and the masculine shall include females as well as males and the singular shall include the plural and vice versa],

DEFINITIONS

1. In these bylaws, unless the context otherwise indicates:-

“**Adult**” shall mean any person over the age of 18 years and shall include any person who has already left school and who earns his living independently of his parents or guardian;

“**Borrower**” shall mean a person to whom a borrower’s ticket has been issued in accordance with the regulations;

“**Council**” shall mean the Ubuhlebezwe Municipality or its legal successors;

“**Librarian**” shall mean the person from time to time appointed by the Council to exercise control of and manage the library, and shall include any of his/her subordinates acting in terms of his/her directions.

“**Library material**” or “**item**” shall mean any book, magazine, document, print, newspaper, map, video, audio cassette, CD or DVD disc, framed art print, microfilm, microfiche or similar publication;

“**Minor**” shall mean any person under the age of 18 years and who is dependent upon his parents or guardian.

“**Provincial library**” shall mean the KwaZulu-Natal Provincial Library Service of which the library is a member;

“**Public room**” shall mean any room in the library building which is open to the public.

ADMISSION TO LIBRARY BUILDINGS

2. (1) The librarian may refuse library material or admission to any person whenever he is of the opinion that the issue of items to or the admission of such a person would not be in the public interest, and so deciding, the librarian may have regard to the comfort, health, convenience and feelings of other users of the library, the habits and modes of life of the person concerned, the locality to which he would in the ordinary course remove the items borrowed by him, and questions of public health. The regulation also applies to any person who neglects or refuses to comply with these regulations. Any such person to whom library material or admission has been refused shall have the right to appeal to the Council.
- (2) Subject to the provisions of subsection (1) and to the further provisions of these regulations, admission to the public rooms shall be free of charge and any person may read or view or consult any material, and / or listen to video, audio cassettes DVDs or CDs during the hours of opening prescribed by the Council.

LENDING DEPARTMENT

3. (1) Any person may be enrolled as a library borrower and shall, subject to the same terms of sub regulation (2) hereof, be entitled to borrow library material from the lending department of the library.
- (2) Any person wishing to be enrolled as a borrower shall apply to the librarian on a form provided by her for the purpose. Separate application forms shall be made available for adults and minors and applications by minors shall be counter-signed by the parent or guardian responsible for them. In the application form there shall in each case be given an undertaking on the part of the applicant to pay for any library material lost or damaged while in his possession, in terms of and on the basis provided for in Regulation 6.
- (3) Any duly enrolled borrower shall, at the discretion of the librarian, be entitled to take out one or more items at a time upon the production of a ticket or card issued to the borrower by the librarian. No item will be issued unless the borrowers tickets are produced. Lost or damaged tickets or cards will be replaced by the librarian upon request and payment of the prescribed fee where applicable.
- (4) Videos, audiocassettes, DVDs or CDs may be borrowed free of charge by any enrolled library borrower who has been so enrolled for a minimum period of 3 months.

BORROWERS TICKETS

4. (1) Every borrower shall be responsible for the ticket or ticket issued in his name and shall, until the cancellation thereof, be liable for any fine or claim for damage or loss arising from the unauthorized use thereof.
- (2) When a borrowers ticket is lost during the time of membership, the borrower shall forthwith give notice thereof to the librarian who may issue a duplicate of such

ticket. The issue of a duplicate borrowers' *ticket shall in no way relieve the holder of any liability incurred by him under sub-regulation (1) hereof.

- (3) Any enrolled borrower who for any reason ceases to be entitled borrow library material from the lending department of the library or who wishes to cease borrowing library material from the said department shall forthwith return his borrower's ticket or tickets to the librarian for cancellation. Failure to do so will in no way absolve him from any liability incurred by him in sub-regulation (1) hereof.

OVERDUE LIBRARY MATERIAL

5. (1) Every item borrowed shall be returned to the lending department of the library from which it was borrowed not later than fourteen days from date of issue; provided that:-
 - (a) the issue of an item not required by another person may be renewed for a further period of fourteen days upon a written or verbal request to the librarian
 - (b) no person shall retain any item issued to him after a written demand by the librarian for the return of such item has been delivered at the registered address of such person, or, in the event of there being no postal delivery service, to the post office box of the member.
 - (c) art reproductions may be borrowed for a period in excess of fourteen days, at the discretion of the librarian.
- (2) A borrower shall be liable to a fine as prescribed in the Council's tariff of charges per week or part thereof for each item retained beyond that period or whenever a renewal is granted as above beyond the period of such renewal; provided that the librarian may remit any fine incurred whenever, in his opinion, the delay in returning the item was due to circumstances beyond the control of the borrower.
- (3) In special cases library material may, at the discretion of the librarian, be lent to borrowers (such as bona fide students) for any period in excess of 14 days. The librarian may also, at his discretion, issue popular materials for periods of less than 14 days.
- (4) The librarian is empowered to refuse to lend any item to a borrower who fails to pay fines incurred.
- (5) In the case where the librarian finds it necessary, after repeated written demands for the return of the library material by a borrower, to send a messenger to the borrower's address in an endeavor to recover the library material and where the messenger does not succeed in recovering the items, no further items shall be issued and the librarian may cancel such membership; should such items be returned, however, no further items shall be issued until all outstanding fines have been paid in full.
- (6) Habitual over-retention of library material may lead to the suspension or cancellation of the borrower's membership.

LOST AND DAMAGED LIBRARY MATERIAL

6. (1) Should any item be lost, the borrower shall pay to the librarian, in addition to any fine or charges which may be due in respect of such item, the value of the lost item in respect of provincial library stock, or he shall pay in respect of the library stock of the Council the value of such item or replace such item with a new copy of equal value.
- (2) Any item not returned to the librarian within a period of two months from the date of issue, or whenever a renewal is granted within a period of two months from the date of renewal, shall be deemed to be lost.
- (3) The borrower shall be responsible for any damage caused to any item while in his possession, and shall be required to pay the amount of such damage as assessed by the librarian, or, alternatively, to replace such item with a new copy of equal value in respect of the library stock. In respect of provincial library stock he shall pay the value as assessed by the library service, as stated on the printed item card of the damaged item. Items found to be damaged when presented for issue must be reported, otherwise the borrower may be held responsible for the damage.
- (4) No person who has lost or damaged library material shall be permitted to borrow any further items until such lost or damaged items shall have been replaced or until the amount of damage caused or any other charge has been paid to the librarian, as the case may be.
- (5) Neglect to pay for the loss, damage or non-return of library material shall be a debt due from the borrower and recoverable at law at the discretion of the Council.

NOTIFICATION OF CHANGE OF ADDRESS

7. Any borrower who changes his address from that given by him in his application form and shown on the borrower's ticket or tickets issued to him shall within seven days thereafter, notify the librarian of both his old and new address.

REFERENCE DEPARTMENT

- 8 (1) Any person may consult any library item in the reference department to which he is entitled to be admitted in terms of Regulation 2.
- (2) No such item shall be removed from the reference department; provided that the librarian may, upon receipt of such deposit as he may deem advisable, permit any registered borrower to borrow an item from the reference department for a specified time upon receipt of a written undertaking by the borrower to return the item (a) in a good condition, (b) within the specified time.
- (3) The librarian may require any person consulting any item in the reference department of the library to do so in any such place in the library building as he may specify. Any person consulting a reference item will be held responsible for any damage such an item may sustain.

USE OF GROUP ACTIVITIES ROOM

9. The group activities room will be at the disposal, without any charge, to persons who are admitted to the library buildings in terms of Regulation 2, for use where the promotion of culture, such as book discussions, art, evaluations, musical evenings and similar activities are involved; provided that where the promotion of culture is not pursued, the room may, should it be available for use, be hired by members of the public at a rental determined by the Council.

UNAUTHORISED POSSESSION OF LIBRARY MATERIAL

10. (1) No person shall be in a possession of or remove from any department of the library any item which has not been duly recorded by the librarian. Any person removing any item from the library without its being duly recorded shall be guilty of an offence and liable to prosecution and forfeiture of membership.
- (2) Any item bearing the mark or stamp of either the provincial library service or the Council and not containing an official notification that it has been withdrawn, discarded or sold, shall be deemed the property of the provincial library service or the Council, as the case may be.
- (3) No item shall be removed from the general reading room without prior approval of the librarian.

NON-ACTIVE MEMBERS

11. The librarian is empowered to cancel the membership of any borrower who has been continuously non-active for a period of 12 months, unless such a borrower has informed the librarian of any prolonged absence due to illness or leave or any other valid reason. The borrower thus having his membership cancelled does not forfeit his right to be re-registered at any further date, within the provisions of these regulations.

CARE OF LIBRARY MATERIAL

- 12 (1) Any person to whom library material has been issued in terms of these regulations shall keep such library material in a clean and sound condition and shall take all such steps as may be necessary to protect it while in route to and from the library building in wet weather.
- (2) No person shall:-
- (a) turn down or stain the leaves or make pencil or other marks upon or in any way cause damage to any book forming part of the library;
- (b) make copies of any such book or part thereof or of instructions therein by the means of tracing or otherwise without permission of the librarian;
- (c) remove or mutilate any color plates or any other illustrations or leaves of any book whatsoever;

- (d) remove the plastic covering and / or book jacket from any book issued to him;
- (e) return library materials without appropriate wrapping or without placing them in a suitable container; the librarian may refuse to issue further items if, after due warning to the borrower this requirement is not complied with;
- (f) return videos, audio cassettes, DVDs and CDs in covers other than those in which they have been issued;
- (g) expose videos, audio cassettes, DVDs and CDs to excessive heat or handle them in any manner which may cause damage.

EXPOSING LIBRARY MATERIAL TO INFECTIOUS DISEASES

- 13 (1) No person suffering from any notifiable disease shall borrow and use the library material and no person shall permit any library material issued to him to be exposed to any notifiable disease.
- (2) No person shall return to the library any material which he knows to have been exposed to infection from any notifiable disease nor permit any such library material which is under his control to be returned but shall immediately give notice to the Council that the library material has been so exposed, and the Council shall thereupon cause the library material to be disinfected and then returned to the library, should the infected library material be of the local stock it may be destroyed by the Council if necessary.

HOURS OF OPENING

- 14 (1) The library will be open for such hours as the Council may decide; provided that the hours shall be prominently displayed on the notice board and the door of the library and that sufficient notice of any changes contemplated shall be given.
- (2) The library will not be open on public holidays and the Council is authorized to close the library or part of it temporarily for such days or at such times as it may consider necessary, provided that the notice of the Council's intention is posted up on the notice board seven days before the actual closing.

GENERAL

- 15 (1) No person shall willfully obstruct the librarian or any assistants in the execution of their duties;
- (2) No person shall affix or post any bill, placard or notice to or upon any part of the library without the prior permission of the librarian.
- (3) No person shall bring into any part of the library any wheeled vehicle or conveyance other than a hand propelled or motorised invalid chair, baby's perambulator or pushcart, without the permission of the librarian.

- (4) No person shall give a false name and address for the purpose of entering any part of the library or obtaining any privilege from such part.

CONDUCT IN THE LIBRARY

- 16 (1) No person shall, to annoyance of any other person, engage in audible conversation in any part of the library, or willfully obstruct, disturb, interrupt, or annoy any other person in the proper use of the library.
- (2) No person shall behave in a disorderly manner in any part of the library, use violent, obscene or abusive language, bet, gamble, or persist after proper warning in remaining therein beyond the hours fixed for the closing of the library or any part thereof.
- (3) No person shall cause or permit any animal belonging to him or under his control to enter or remain in the library.
- (4) No person shall drink intoxicating liquor, spit, sleep or consume food in any part of the library.
- (5) No person shall carelessly, negligently or maliciously damage or injure anything belonging to or forming part of the library.

OFFENCES AND PENALTIES AND APPEALS

17. The provisions of the council's Offences, Penalties and Appeals bylaws shall mutatis mutandis apply to these bylaws