

PROVINCIAL NOTICE

[NO. 196 OF 2011]

**NOTICE IN TERMS OF SECTION 14(2)(a)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000:
PUBLICATION: STANDARD LIBRARIES BY-LAW**

I, M.G Qabathe, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlement in the Free State Province, after consulting the Minister of Cooperative Governance and Traditional Affairs and the South African Local Government Association: Free State, do hereby in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), make standard by-laws as set out in the Schedule.

SCHEDULE

LIBRARIES BY-LAW

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 municipality;
 "municipality" means -
 (a) the municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) as amended, exercising its legislative and executive authority through its municipal municipality; or its succession in title; or
 (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 System Act, 2000 (Act No. 32 of 2000);
 "lending period" means the period which the municipality determines for the lending out of different types of library material;
 "librarian" means the officer, or his or her representative, appointed by the municipality 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,

Use of the library

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

Membership

3. (1) (a) Subject to the provisions of paragraph (b) and subsection (2), the municipality may grant to any person residing or employed within the area of jurisdiction of the municipality or who is a rate payer of the municipality, membership of the library, subject to the conditions determined by the municipality and provided such person undertakes to subject himself or herself to the provisions of these by-laws and the rules for conducting the business of the library, adopted by the municipality.
 (b) the municipality may, subject to the conditions it may determine, grant membership of the library to a pre-school or school-going child, should its 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 and the rules for conducting the business of the library adopted by the municipality.
 (c) application for membership must be made on a form prescribed by the Free State Provincial Library Service and the municipality.
 (d) the municipality must issue a membership card to a member authorizing him or her to borrow from the library such quantity of library material as may be determined by the municipality from time to time.

- (e) a membership card must be valid from the date of issue thereof for a period as determined by the municipality from time to time. The membership of a person to whom such a membership card has been issued, lapses after such period, unless it be renewed.
- (f) to register as a member patrons must produce a letter of approval from their respective councillors, an identification book and /or birth certificate and proof of municipal services accounts.
- (g) the users must produce membership cards when entering libraries from time to time.
- (2) the municipality may grant membership of the library to a person residing outside its area of jurisdiction on conditions determined by the municipality from time to time.
- (3) a member desirous of terminating his or her membership of the library, must return his or her membership card to the librarian without delay, failing which he or she may be held responsible in terms of section 7 of all library material borrowed against such membership card.
- (4) when a member changes his or her address, he or she must notify the librarian, in writing, within seven days of such change of address.
- (5)
 - (a) when a member's membership card gets lost, he or she must forthwith notify the librarian, in writing, and the librarian may, on payment of the prescribed charges, issue a duplicate of such membership card.
 - (b) should a lost membership card be found, the duplicate membership card issued in place thereof, must forthwith be returned to the librarian: Provided that any charges paid for such duplicate is not refundable to the member.
 - (c) if a member gives notice in terms of paragraph (a), such member must, 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 membership card 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 municipality, may register as a visitor if-
 - (a) he or she applies for such registration on the form prescribed by the municipality: Provided that the required proof of identification and particulars as determined by the municipality, are submitted;
 - (b) he or she deposits with the librarian the prescribed deposit; and
 - (c) the municipality approves such application.
- (7) the deposit contemplated by subsection (6) (b) must be refunded to a member on application by him or her provided that if any member does not renew his or her membership card within a period of three months after the expiry of the period of validity, such deposit is forfeited to the municipality: Provided further that upon any such refunding or forfeiture, the registration of the member must be cancelled.
- (8) 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 municipality for registration of such organisation or body as a member of the library.

Loan of library material

- 4.
 - (1) Library material is deemed to be on loan from the library to the member against whose membership card it was lent.
 - (2) No person must be in possession of any library material not lent against a membership card.
 - (3) Library material bearing the mark of the library or the Free State Provincial Library Service, and on which there is no official indication that it has been withdrawn, written off or sold, is the property of the municipality or the Free State provincial library service.
 - (4)
 - (a) a member borrowing library material from the library must ascertain whether such material is damaged and, if damaged, he or she must draw the librarian's attention to the fact.
 - (b) the librarian must 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 must be affixed thereto.

Return of library material

- 5. A member must return the library material borrowed by him or her to the librarian not later than the last day of the borrowing period: Provided that-
 - (a) the municipality 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 is responsible for the return of library material borrowed by him or her, and should such member find it impossible to personally return such library material, he or she may return it in any other way;
- (c) a member who has borrowed library material must 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

- 6. (1) Should a member not return library material borrowed against his or her membership card within the period stated in section 5 (a) or any period determined by the municipality, such member is liable for payment to the municipality of the prescribed fine for every week or portion thereof during which such member fails to return such library material.
- (2) the municipality may exempt any person from the payment of such fine if he or she 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 municipality may determine a fine free period for a time in which such library material may be returned.
- (4) the municipality may add the current replacement cost of any outstanding library material to the monthly services account of the member or his or her legal guardian should all other efforts in terms of these by-laws fail to effect return of the library material.

Reservation of library material

- 7. A member is allowed to reserve library material.

Lost and damaged library material

- 8. (1) Should library material be lost or become damaged or deemed to be lost in terms of subsection (2), the member against whose membership card such library material was borrowed must, in addition to any fine or other charges for which he or she is liable for in respect of the said library material, be liable for payment to the Municipality of the purchase price thereof or an amount to make good the damage as may be determined by the Municipality, unless he or she replaces it with a copy of equal value or a copy acceptable to the Municipality.
- (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 of the borrowing period, on receipt of a request to do so by registered post, fails to return library material within seven days, is deemed to be lost.
- (3) Lost or damaged library material remains the property of the Municipality or the Free State Provincial Library Service.
- (4) No further library material must be lent to a member who, in terms of subsection (1), is responsible for the loss of library material.

Handling of library material

- 9. No person having library material in his or her possession, must 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) lend any such material to any unauthorised person.

Exposure of library material to contagious diseases

- 10. (1) No person suffering from a contagious disease must borrow or handle any library material from the library and no person must allow another person suffering from a contagious disease, to handle such library material lent to him or her.
- (2) Any person being in possession of such library material from the library which was exposed to a contagious disease, must immediately advise the librarian that such library material was so exposed.
- (3) The Municipality must at least once a year fumigate the library and all associated buildings to prevent damage to books and furniture and the possible spreading of any contagious disease.

Library material for special purposes

11. Library material of a specialised nature must only be used in such parts of the library as are set aside by the Municipality for special purposes and must not be removed from the library or to any other part of the library without the permission of the librarian.

Use of the group activities hall

12. (1) Approval for the use of the group activities hall vests in the Municipality subject to any conditions laid down by the Municipality.
- (2) Any person who wishes to make use of the Activities Hall must pay to the Municipality the prescribed fee as may be determined by the Municipality from time to time.

Library hours

13. A notice by the Municipality, setting forth the days and hours during which the library must be open to the public, must be displayed in a prominent place at or near the entrance thereto.

Posting of by-laws in the library

14. The librarian must 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.

Offences

15. No person must -
 - (a) smoke in the library or any of its associate buildings;
 - (b) make use of a cell phone in a library to conduct a conversation or for any other reason, or fail to switch off any cell phone in his or her possession upon entering the library;
 - (c) 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;
 - (d) impede, obstruct, disturb or in any other way annoy any other person in the legitimate use of the library;
 - (e) refuse to deliver any library material to the librarian within a reasonable time after being requested thereto verbally or telephonically;
 - (f) allow any child under his or her supervision to create a disturbance in the library;
 - (g) act in an uncouth or disorderly fashion;
 - (h) use unseemly, abusive or blasphemous language;
 - (i) lay a bet or gamble in any part of the library,
 - (j) recline, sleep, loiter or partake of refreshments in the library;
 - (k) cause or permit any animal under his or her supervision to enter or remain in the library;
 - (l) while using the library, refuse to comply with any lawful request of the librarian;
 - (m) bring any vehicle, carrier or container into the library without the permission of the librarian;
 - (n) distribute or deposit in the library for distribution, material for advertisement, publicity or any other purpose without the permission of the librarian;
 - (o) damage or deface any part of the library or any fitting, furniture equipment or contents thereof,
 - (p) 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;
 - (q) enter or remain in any part of the library if he or 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;
 - (r) 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;
 - (s) enter or leave the library by an entrance or exit not officially provided for the use of the public;
 - (t) enter or remain in any part of the library which is reserved for the use of the library staff,
 - (u) obstruct or block any entrance to or exit from the library;
 - (v) 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;
 - (w) bring his or her bags, food and refreshments in to the library.

Penalties

16. (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, is guilty of an offence and must, on conviction, be liable to a fine not exceeding R500 or, in default of payment to imprisonment.

Library advisory committee

17. The Municipal libraries must appoint the functional Library Advisory Committee constituted by the community residing in the jurisdiction of the Municipality.

Repeal

18. Any by -laws relating to Libraries adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these bylaws.

Short title

19. These by -laws are called the Libraries By -laws, 2011.