

The Council of the uMhlathuze Municipality has in terms of section 156 of the Constitution, 1996 (Act No 108 of 1996), read in conjunction with sections 11 to 13 of the Municipal Systems Act, 2000 (Act No 32 of 2000), made the following bylaws :

## uMHLATHUZE MUNICIPALITY

### BYLAWS RELATING TO PUBLIC LIBRARIES

	INDEX
1.	Definitions
2.	Admission to Library Buildings
3.	Lending Department
4.	Borrower's Tickets
5.	Overdue Library Material
6.	Lost and Damaged Library Material
7.	Notification of Change of Address
8.	Reference Department
9.	Use of Group Activities Room
10.	Unauthorised Possession of Library Material
11.	Non-Acting Members
12.	Care of Library Material
13.	Exposing Library Material to Infectious Diseases
14.	Hours of Opening
15.	General
16.	Conduct in the Library
18.	Repeal of Bylaws

#### 1. DEFINITIONS

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

**"library material"** or **"item"** shall mean any book, magazine, document, print, newspaper, map, audio or visual tape, compact disc, **DVD's**, framed art or similar publication;

**"Municipality"** shall mean the uMhlathuze Municipality;

**"Council"** means the uMhlathuze 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 bylaws;

**"library"** shall mean the public library maintained by the Council or any branch library which the Council may establish;

**"public room"** shall mean any room in the library building which is open to the public;

**"provincial library service"** shall mean the KwaZulu Natal Provincial Library and Information Service;

**"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 subordinates acting in terms of his directions;

**"borrower"** shall mean a person to whom borrower's library cards have been issued in accordance with these bylaws;

**"adult"** shall mean any person over the age of 21 years and shall include any person who has already left school and who earns his living independently from his parents or guardians;

**"minor"** shall mean any person under the age of 21 years and who is dependant upon his parents or guardian.

**"communicable disease"** means any disease which can be communicated directly or indirectly from any animal or through any agent to any person or from any person suffering therefrom or who is a carrier thereof, to any other person.

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

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

- (1) Membership of the library is free of charge, provided that the membership fee as prescribed by the Council's tariffs of charges, shall be payable by any person residing outside the Council's area of jurisdiction, and who wishes to be enrolled as a borrower of the library.
- (2) 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 person would not be in the public interest, and in so deciding the librarian may have regard to the comfort, health, convenience and feelings of other users of the library, the habits and mode 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. This bylaw also applies to any person who neglects or refuses to comply with these bylaws. Any person to whom library material or admission has been refused shall have the right of appeal to the Council.
- (3) *"Subject to the provisions of subsections (1) and (2) hereof and to the further provisions of these bylaws, admission to all public rooms shall be free of charge and any person may read or consult any library material during the hours of opening prescribed by the Council."*

## **3. LENDING DEPARTMENT**

- (1) Any person may be enrolled as a library member and shall, subject to the terms of subsection (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 him for the purpose. Separate application forms shall be made available for the purpose. Separate application forms shall be made available for adults and minors and applications by minors shall be countersigned 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 section 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. A borrower's library card as contemplated in section 4 must be produced at the library whenever an item is borrowed. No item will be issued unless the borrower's library cards are produced.

## **4. BORROWER'S LIBRARY CARDS**

- (1) Every borrower shall be responsible for the library card or library cards issued in his name and shall, until the cancellation thereof, be liable for any fine or claim for damage or loss arising from the unauthorised use thereof.
- (2) When a borrower's library card is lost during the time of membership, the borrower shall forthwith give notice thereof to the librarian who may issue a duplicate of such library card. The issue of a duplicate borrower's library card shall in no way relieve the holder of any liability incurred by him under subsection (1) hereof.

- (3) Any enrolled borrower who for any reason ceases to be entitled to 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 library card or library cards to the librarian for cancellation. Failure to do so will in no way absolve him from any liability incurred by him in terms of subsection (1) hereof.

## **5. OVERDUE LIBRARY MATERIAL**

- (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 the date of issue; provided that -
- (a) the issue of an item not required by any other 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;
  - (c) art reproductions may be borrowed for a period in excess of twenty one 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 for each item retained beyond the period contemplated in subsection (1) , or whenever a renewal is granted as above beyond the period of such renewal; and provided that the librarian may remit any fine incurred whenever, in his opinion, the delay in returning the items was due to circumstances beyond the control of the borrower.
- (3) In special cases library material may, at the discretion of the librarian, be loaned to members (such as bona fide students) for any period in excess of fourteen days. The librarian may also, at his discretion, issue popular library material for periods of less than fourteen days.
- (4) The librarian is empowered to refuse to hand 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 municipal messenger to the borrower's address in an endeavour to recover the library material and where the messenger does not succeed in recovering the items, no further item shall be issued and the librarian may cancel such membership. Should such items be returned, 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.

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

- (1) Should any item be lost, the borrower shall pay to the librarian, in addition to any fine or other charges which may be due in respect of such item, the value of the lost item in respect of provincial library stock, or, alternatively, he shall pay in respect of the library stock of the Council the full 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 Council's 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 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 by the borrower and recoverable at law at the discretion of the Council.

## **7. NOTIFICATION OF CHANGE OF ADDRESS**

Any borrower who changes his address from that provided by him in his application form and indicated on the borrower's library card or library cards issued to him shall, within seven days thereafter, notify the librarian of his new address.

## **8. REFERENCE DEPARTMENT**

- (1) Subject to section 2, any person may consult any library item in the reference department.
- (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 and (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.

## **9. USE OF GROUP ACTIVITIES ROOM**

The group activities room will be at the disposal, without any charge, to persons 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.

## **10. UNAUTHORISED POSSESSION OF LIBRARY MATERIAL**

- (1) No person shall be in 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 it being duly recorded shall be liable to forfeit his 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 of the Council, as the case may be.
- (3) No item shall be removed from the general reading room without the prior approval of the librarian.

## **11. NON-ACTIVE MEMBERS**

The librarian is empowered to cancel the membership of any borrower who has been continuously non-active for a period of six months, unless such 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 re-register at any future date, within the provisions of these bylaws.

## **12. CARE OF LIBRARY MATERIAL**

Any person to whom library material has been issued in terms of these bylaws shall keep such library material in a clean and sound condition and shall take all such steps as may be necessary to protect such material whilst being in said person's possession.

No person shall -

- (a) turn down or stain the pages or make pencil or other marks upon or in any other way cause damage to any book forming part of the library;
- (b) make copies of any such book or part thereof or of illustrations therein by means of tracing or otherwise without the permission of the librarian;
- (c) remove or mutilate any colour plates or any other illustrations or pages of any book whatsoever;
- (d) remove the plastic covering and book jacket from any book issued to him;
- (e) return library material 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 compact discs, videocassettes or audiocassettes in covers other than those in which they have been issued;
- (g) expose audio or visual material to excessive heat or handle them in any manner which may cause damage.

### **13. EXPOSING LIBRARY MATERIAL TO INFECTIOUS DISEASES**

- 13.1 Any library material being exposed to any person who suffers or has been suffering from a communicable disease, must notify the librarian on return of such material to the library in order to cause the library to disinfect such material to curb/prevent the spreading of such communicable disease.

### **14. HOURS OF OPENING**

- (1) The library will be open for such hours as the Council may in consultation with the provincial library service decide; provided that the hours of opening 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 authorised to close the library or any part of it temporarily for such days or at such times as it may consider necessary, provided that a notice of the Council's intention is posted up on the notice board fourteen days before the actual closing.
- (3) Subsection 2 is not applicable in the event of an emergency necessitating a shorter notice period.

### **15. GENERAL**

- (1) No person shall wilfully 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 invalid chair, baby's perambulator or push cart, 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.

### **16. CONDUCT IN THE LIBRARY**

- (1) No person shall to the annoyance of any other person, engage in audible conversation in any part of the library, or wilfully 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, to remain in the library 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 under his control to enter 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 anything belonging to or forming part of the library.

## **17. OFFENCES AND PENALTIES**

Any person who contravenes any of these bylaws shall be guilty of an offence and liable, upon conviction, to a fine or imprisonment for a period not exceeding six months, or both the fine and the imprisonment.

## **18. Repeal of Bylaws**

- (1) The Bylaws relating to Public Library of the City of uMhlathuze, published under Administrator's Notice 330 of 18 August 1988, as amended, are hereby repealed: Provided that such repeal shall not affect the continued validity of charges determined by the Council under those bylaws.
- (2) Any reference:-
  - (a) in these bylaws to a charge determined by the Council shall include a charge determined by the Council under the bylaws repealed by subsection (1), until the Council's determination of charges under these bylaws comes into operation; and
  - (b) in determination of charges made under the bylaws so repealed, to a provision in those bylaws shall be deemed to be a reference to the corresponding provision in these bylaws.
- (3) Anything done under the provisions of the bylaws repealed by subsection (1), shall be deemed to have been done under the corresponding provision of these bylaws and such repeal shall not affect the validity of any approval, authority, waiver or other act which at the commencement of these bylaws is valid under the bylaws so repealed.