

Mbizana, South Africa

Library and Information Service

Legislation as at 27 February 2009

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Mbizana South Africa

Library and Information Service By-law, 2009

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The Municipal Manager of the Municipality of Mbizana, in terms of section 13 of the Local Government; Municipal System Act, 2000 ([Act 32 of 2000](#)), read with section 162 of The [Constitution of the Republic of South Africa, 1996](#) ([Act 108 of 1996](#)), publishes the Mbizana Local Municipality: Cemeteries and Crematoria By-laws which have been approved by the Municipal Council.

1. Definitions

In these By-laws, unless the context otherwise indicates and any word or expression to which a meaning has been assigned in the Municipal systems Act must bear that meaning, and -

"charges" means any fine or miscellaneous charges in respect of the library as determined from time to time by the Council.

"Council" means the; the Municipal Council of the Mbizana Local Municipality or its successor-in- title and any committee or person to which or the Council has delegated or sub-delegated any power in terms of Section 59 of the Local Government Municipal Systems Act 2000 ([Act No. 32 of 2000](#));

"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 books, periodicals, newspapers, prints, pictures, documents, posters, printed music, and audio-visual material, regardless of whether it is the property of, or on loan to the Council, and which is available to be perused t, studied, copied or borrowed in or from a library;

"library week" means a period of one week or more during a year as determined by the Library and Information association of South Africa, during which information services are promoted;

"member" means any person or organization registered as a member of the library;

"multimedia library" means a library dedicated to provision or presentation of information in any two or more written visual, audiovisual and electronic forms, and includes facilities within a library that are capable of presenting information in such formats:

"Municipal Systems Act" means the Local Government: Municipal Svstems Act, 2000 ([Act No. 32 of 2000](#));

"organization" means a non-profit organization or company, or cultural association having a constitution;

"Pensioner" means a person aged 60 years over;

"prescribed fee" means a fee determined by the Council by resolution;

"resident" means a person who resides in, is a property owner or rate payer, or who is employed within the area of jurisdiction of the Council;

"**visitor**" means a person residing, working or studying for a period of not more than three continuous months in the area of jurisdiction of the Council.

2. Use of library

- (1) Any person admitted to the library by the Council may use the library facilities during official hours of opening. If a person wishes to borrow library material, such person must first register as a member of the library and pay the prescribed fee.
- (2) A librarian may-
 - (a) in his or her discretion determine the maximum number of persons that may be allowed in any part of the library at a 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.

3. Membership

- (1) Application for membership or visitor's rights must be made on a form prescribed by the Council, which form must contain the undertaking referred to in subsection (2)(a)(ii).
- (2) The Council may-
 - (a) grant membership of the library to any person residing or employed within the area of jurisdiction of the Council or who is a ratepayer of the Council, membership of the library, subject to the provisions determined by the Council and such person must-
 - (i) pay the prescribed membership fees; and
 - (ii) undertake to abide by the policies of the Council for the conduct of the business of a library, adopted by the Council;
 - (b) grant, subject to the conditions it may determine, 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 Council;
 - (c) grant membership of the library to a person who is residing outside its area of jurisdiction and who is neither an owner of property within the Council's area of jurisdiction nor a ratepayer of the Council on such conditions as it may determine from time to time;
 - (d) issue a certificate of membership to a member authorizing him or her to borrow from the library such quantity of library material as may be determined by the Council from time to time;
 - (e) a library membership card must be issued to each member authorizing that member to borrow from the library such quantity of library materials as may be determined by the Council from time to time;
 - (f) exempt any applicant for membership who is an indigent case wholly or partly from payment of the prescribed fees;
- (3) A membership card is valid from the date of issue thereof for a period as determined by the Council from time to time and the membership of a person to whom such a card has been issued, lapses after the expiry of such period, unless it be renewed prior to the expiry date.
- (4) A member who wishes to cancel his or her membership of the library must-
 - (a) notify the librarian in writing;
 - (b) return the membership card or cards in his or her name; and

- (c) simultaneously return all borrow'ed material in his or her possession to the librarian.
- (5) When a member changes his address, he must notify the librarian, in writing, within seven days of such change of address.
- (6) If the library material is not returned such person will be liable in terms of section 8(2) with the necessary changes;
- (7) When a membership card is lost, the member must forthwith notify the librarian, in writing, and -
 - (a) the librarian must, on payment of the prescribed charges, issue a duplicate of such certificate;
 - (b) should a lost certificate of membership be found, the duplicate membership card must be returned to the librarian immediately;
 - (c) if a member gives notice in terms of paragraph (a), such member must, despite 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.
- (8) A person residing for a period of less than three months in the area of jurisdiction of the Council 1, may register as a visitor if-
 - (a) he or she applies for such registration on the form prescribed by the Council and submits the required proof of identification and particulars as determined by the Council;
 - (b) he deposits with the librarian the prescribed deposit; and
 - (c) the librarian approves such application.
- (9) The deposit contemplated by subsection (6) (b) must be refunded to a member on application by him or her, if any member does not renew his certificate of membership referred to in (1) (d) within a period of three months after the expiry of the period of validity, such deposit must be forfeited to the Council but on any such refund or forfeiture, the registration of the member must be cancelled.
- (10) Any person may, on behalf of any organization or similar body, if duly authorized 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 must be 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 membership card.
- (3) Library material bearing the mark of the library or the Eastern Cape Provincial Government, and on which there is no official indication that it has been withdrawn, written off or sold, is the property of the Council or Eastern Cape Provincial Government,
- (4)
 - (a) A member borrowing library material from the library must ascertain whether such material is damaged and, if damaged, he 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.

5. Return of library material

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 but-

- (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 must 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 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.

6. Overdue library material

- (1) If a member does not return library material borrowed against his or 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 must be liable for payment to the Council of the prescribed fine for every week 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.
- (4) Every librarian must ensure that rules and fees for overdue material are displayed at a prominent place in such library.
- (5) The Council may institute legal action to retrieve outstanding library material, and any prescribed fees or damages payable in connection therewith from a member.

7. Reservation of library material

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

- (a) If payment of the prescribed fee thereof is made in advance;
- (b) And no library material will be held longer than the period specified by the librarian or his or her authorized representative.

8. Lost and damaged library material

- (1) It must be stated on the membership card that if a member damages or loses library material, such member will be liable in terms of subsection (2) for payment to the Council of the prescribed fee.
- (2) Library material not returned within 100 days from the date of borrowing must be regarded as lost and the member who borrowed it last will immediately become liable for the replacement cost or a fee prescribed in leu thereof, at the discretion of the librarian.
- (3) 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 must, in addition to any fine or other charges for which he is 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 of a copy acceptable to the Council.

- (4) Lost or damaged library material must remain the property of the Council or the Eastern Cape Provincial Government even if the prescribed fee in respect thereof or the replacement costs have been paid to the Council.
- (5) If damaged material returned by the member is found to be repairable, the member must pay the repair or binding charge incurred by the Council, before being permitted to borrow any further library material,
- (6) No further library material must be lent to a member who, in terms of subsection (1), is responsible therefore.

9. Handling of library material

A member who has borrowed library material or is using it in the library is obliged to-

- (a) keep such material in a clean condition;
- (b) protect such material from being damaged in any way;
- (c) ensure that such material is not mutilated, defaced, marked, creased or damaged;
- (d) ensure that no part of the library material, or any protective coverings or any identification thereof is removed ; or
- (e) lend any such material to any unauthorized person;

10. Exposure of library material to contagious diseases

- (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 if such handling or contact would expose others to the danger or infection or any form.
- (2) The provisions of subsection (1) apply also to any person supervising or in charge of a child known by such person to be suffering from such notifiable medical condition.
- (3) A notice with examples of notifiable medical conditions must be displayed at a prominent place in the library.
- (4) Any person 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.

11. Library material for special purposes

- (1) Library material of a specialized nature, may only be used in areas of the library as are set aside by the Council for special purposes and must not be removed from part of the library without the permission of the librarian.
- (2) No person in possession of library material drawn from the reference section of a library may keep it for longer than ten minutes after the librarian has requested its surrender.

12. Reproduction of library material

- (1) Any person may use the facsimile and photocopier facilities of the library, subject to-
 - (a) payment of the prescribed fee;
 - (b) the furnishing by him or her of a declaration in writing, if requested by the librarian, that the purpose for which the photocopy or photographic reproduction is needed falls within the

exceptions to the protection of literary dramatic musical and artistic work's ^npoified in the Copyright Act, 1965 as amended, and any subsequent amending or replacement legislation.

- (2) A librarian must display the relevant sections of such legislation in a prominent place in the library in question.
- (3) The permission of a librarian must be obtained before any library material or object in the library is reproduced by means of a photograph, motion picture, transparency or any other means.
- (4) In granting or refusing permission in terms of subsection (2), a librarian may take cognizance of the possibility of damage being caused to such material or object as a result of it being handled for the purposes of making the reproduction, and may impose a condition as it may be reasonably necessary to prevent the damage being caused to the material.

13. Use of the group activities hall

Approval for the use of the group activities vests in the Council subject to such conditions as the Council may determine.

14. Library hours

The hours determined by the Council during which any library will be open to the public must be displayed on a notice at or near the entrance to the library concerned and must state -

- (a) the days and hours during which the library will open and close;
- (b) the hours during which the use of such library or any section thereof will be restricted to adults.

15. Hire of use of auditoria and lecture rooms or library space for exhibitions, films or programming

- (1) The council may hire out to members or other persons, any auditorium, lecture room or other area within library complex against the payment of a prescribed fee therefore, fro the purpose of holding lecture, debate or presentation or staging of an exhibition or filming or programming a sequence of scenes requiring a library background or which incorporates the use of library material
- (2) Application for the hire of any such facilities must be made in writing to the librarian
- (3) Despite the provisions of [section 14](#)(1). such facilities may be made available without charge
 - (a) to organizations supporting the provisions of library services;
 - (b) for such specific activities as the council may from time to time either generally or specifically determine

16. Internet viewing stations

Any person may utilize the internet viewing station of a library, where such facilities are made available by the council, provided that he or she -

- (a) pays the prescribed fee therefore
- (b) obtains prior permission being obtained from a librarian
- (c) obtains the maximum period of use as determined by the librarian;
- (d) obtains from loading personal software on to any hardware comprising an internet viewing station;
- (e) agrees t and does bear the cost of repairing any damage caused intentionally or negligently to the internet equipment while being operated by him or her
- (f) agrees to and does observe the council's policy on e-mail and internet usage' which must be displayed at each station

17. Hiring of multimedia library space

- (1) A multimedia library may be made available to any person applying therefore against payment in advance of the prescribed fee
- (2) Any person who, or body, which wishes to hire a multimedia library, must make advanced reservations with the librarian in charge
- (3) The hiring of a multimedia library' must subject to such conditions as the library may determine

18. Performing arts library

- (1) All printed music must be made available for loan free o charge to registered adult members and organizations
- (2) Material not for loan may be determined but the performing arts librarian at his/hr discretion.
- (3) Orchestral and bulk vocal scores may be made available to orchestras, school libraries and choirs upon written application and against payment of prescribed fee.

19. Liability for loss and injury

- (1) The council is not liable for any damage to, loss or theft of any items brought into the library by the members of the public.
- (2) The Council is not liable for any claim or personal injury sustained by any member of the public whilst in the library premises or whilst using any library material.

20. Posting of by-laws in the library

- (1) . The librarian must place a copy of these By-laws in a prominent place in the library and direct the attention of users of the library where necessary.
- (2) There must be a displayed in any library a notice to the effect that neither the Council nor the office bearers or employees of the library are liable for any injury or loss sustained by any person using the library premises or library material.

21. Offences

Any person who-

- (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;
- (n) enters or remains 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) enters or leaves 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.

22. 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 must be guilty of an offence and must, on conviction, be liable to a fine and imprisonment for a period of 3 months or to both such fine and such imprisonment

23. Repeal of by-laws

The provisions of any By-laws relating library and information service by the Municipality are repealed insofar as they relate to matters provided for in these By-laws.

24. Short title

These By-laws are called Library and Information Service By-laws.