

MBOMBELA LOCAL MUNICIPALITY



MBOMBELA LIBRARY BY-LAWS

LIBRARY BY-LAWS

1. DEFINITIONS

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 Council;

“ Council” means-

The Municipal Council Of the Mbombela Local Municipality established by Provincial Notice No:6766 of 2000 dated 1 October 2000, as amended or its successors in title , and any committee or person to whom or which an instruction has been given or any power has been delegated or sub-delegated in terms of or as contemplated in section 59 of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000) or where the context so requires , means the Mbombela Municipality: or

a service provider in respect of any power ,given by Council as contemplated in paragraph (a), which has been assigned for the purpose of these By- Laws to that service provider in terms of section 81 (2) 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 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. Any person admitted to the library by the Council may use the library facilities during official hours of opening. However, if a person wishes to borrow library material, he shall first register as a member of the library.

“Gender” “Reference to one gender includes the other.

2. MEMBERSHIP

- (a) Subject to the provision of paragraph (b) and subsection (2), the Council may grant to any person residing or employed within the area of jurisdiction of the Council or who is a tax payer of the Council, membership of the library, subject to the provisions determined by the Council and provided such person undertakes to subject himself to the provisions of these by-laws and the rules for conducting the business of the library, adopted by the Council.
- (b) The Council may, subject to the conditions it may determine, to grant membership of the library to a pre-school or school-going child, should the 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 rule for conducting the business of the library, adopted by the Council.

- (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 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 the date of issue thereof for a period as determined by the Council from time to time. The membership of a person to whom such a certificate has been issued, shall be renewed annually for a period of three years.
- (f) 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.
- (g) A member who wants to terminate 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 7(a) for all library material borrowed against such certificate of membership.
- (h) When a member changes his address, he shall notify the librarian, in writing, within seven days of such change of address.
- (i) 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.
- (j) Should a lost certificate of membership be found, the duplicate certificate of membership issued in a place thereof, shall forthwith be returned to the librarian: Provided that any charges paid for such duplicate shall not be refunded to the member.
- (k) If a member gives notice in terms of paragraph (a), such member shall, notwithstanding the provisions of section 8 (a), 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.
- (l) A person residing for a period of less than three months in the area of jurisdiction of the Council, may register as a visitor if –
 - (a) 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;
 - (b) he deposits with the librarian the prescribed deposit
- (m) The deposit shall be automatically paid back. 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 Council for registration of such organisation or body as a member of the library.

3. LOAN OF LIBRARY MATERIAL

- (a) Library material shall be deemed to be on loan from the library to the member against whose certificate of membership it was lent.
- (b) No person shall be in possession of any library material not lent against a certificate of membership.
- (c) Library material bearing the mark of the library and on which there is no official indication that it has been withdrawn, written off or sold, shall be the property of the Council.
- (d) A member borrowing library material from the library shall ascertain

whether such material is damaged and, if damaged, he shall draw the librarian's attention to that fact.

- (e) The librarian shall 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 shall be affixed thereto.

4. RETURN OF LIBRARY MATERIAL

A member shall return the library material borrowed by him to the librarian not later than the last day of the borrowing period: Provided that-

- (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 shall 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 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.

5. OVERDUE LIBRARY MATERIAL

- (a) Should a member not return library materials borrowed against his certificate of membership within the period stated in section 2 (e) 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 payments to the Council of the prescribed fine for every week or portion thereof during which such member fails to return such library material.
- (b) 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.
- (c) 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.

6. RESERVATION OF LIBRARY MATERIAL

A member may reserve library material at no cost. (for a period of 3 days)

7. LOST AND DAMAGED LIBRARY MATERIAL

- (a) 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 of 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 an amount to make good the damage as may be determined by the Council, unless he replaces it with the copy of equal value or a copy acceptable to the Council;
- (b) 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 shall be deemed to be lost.

- (c) Lost or damaged library material shall remain the property of the Council.
- (d) No further library material shall be lent to a member who, in terms of subsection 2 (a), is responsible thereof.

8. HANDLING OF LIBRARY MATERIAL

No person having library material in his possession, shall either wilfully 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 remove or damage any protective coverings of such material; or
- (e) lend any such material to any unauthorised person

9. LIBRARY MATERIAL FOR SPECIAL PURPOSES

Library material of a specialised nature shall only be used in such parts of the library as are set aside by the Council for special purposes and shall not be removed from the library or to any other part of the library without permission of the librarian. All these library material may be used and copied inside the library, at a prescribed fee.

10. USE OF THE GROUP ACTIVITIES HALL (AUDITORIUM)

Approval for the use of the group activity halls shall be vested to the Librarian subject to any conditions laid down by the Council.

11. LIBRARY HOURS

A notice by the Council, 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.

12. POSTING OF BY-LAWS IN THE LIBRARY

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 hereto.

13. OFFENCES

No person shall-

- 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) Answering of cell phones inside the library is not allowed.
- j) distribute or deposit in the library, 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(Mental handicapped)
 - (ii)under the influence of intoxicating liquor or drugs;
- (n) enter or remain in any part of the library during the hours that such library or part thereof is not officially opened for service to the public
- (o) enter or leave 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 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 in 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.

14. PENALTIES

- (a) 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.
- (b) Any person contravening any of the provisions of the by-laws, shall be guilty of an offence and shall, on conviction, be liable to a fine stated by the Council.

15. FRIENDS OF THE LIBRARY

The Friends of the Community/Public Library is a group of dedicated volunteers and supporters who believe that the public library is a

valuable asset which must be nourished and supported.

This organization focuses on the library activities, such as promotion of library programs. Activities of the Friends include delivery of materials to the home-bound and book repair.

To join the Friends of the library at no cost simply visit your local library

16. LIBRARY FEES

According to the South African Public Library and information Bill (proposed section 76) Public Library and Information Service

6. A member of a public must not be charged a fee for –

- (a) Membership of a Public library and information services; or
- (b) Admission to the premises of the Public library and information services.

9. Functions of municipalities

9. 1. A municipality must take all reasonable steps to-

- (a) provide Public Library and Information Service in accordance with any assignment of powers and functions under any applicable provincial legislation or any other assignment contemplated in Sections 126 or 156 (1) (b) of the Constitution.

10. Intergovernmental disputes regarding Public Library and Information Service

Subject to this Act, any Intergovernmental disputes regarding Public Library and Information Service must be dealt with in a manner and spirit consistent with the principles of the co-operative government and intergovernmental relations contemplated by Section 41 of the Constitution and in terms of Intergovernmental Relation Framework Act 2005(Act No.13 of 2005)

17. TEMPORARY MEMBERSHIP

A person residing for a period less than six months in the area of jurisdiction of the Council, may register as a member if:-

- (a) He applies for such registration;
- (b) He provides required proof of identification and particulars as determined by Council;
- (c) Head of the Library (Librarian) approves such application;

18. MEMBERSHIP OF TOY LIBRARY

- (a) Should a toy be lost or damaged, the relevant member shall be responsible for payment to the Council, an amount to the replacement value of the toy(s) or

be responsible to replace it with an equivalent toy which is acceptable to Council.

19. LOAN PERIOD:

The loan period per item is two weeks per borrower.

20. RENEWALS:

Library materials may be renewed once for a further two weeks if it is not in demand. The reservation of items in demand will not be renewed. Borrowed library material must be renewed on or before the due date. Renewals can be done by telephone, e-mail, and fax or in person.

21. PENALTY FEES:

When library material is not returned in time, the relevant member will have to pay a prescribed penalty fee, before he can be allowed to borrow library material for a further period of time, according to the by-laws.

22. LOST LIBRARY MATERIAL:

Members are obliged to pay the purchase price of lost or damaged borrowed material.

23. INTER LIBRARY LOANS

(a) Inter-library Loans Service is available for any library material not in the holdings of the library. Inter-library loan procedures will be provided to all users on request.

(b) Interlibrary Loans will be for free if it is from another community library in Mbombela, but at a prescribed fee if from a library which is not a library governed by Mbombela.

24. INTERNET USE

(a) The Mbombela Libraries provide free access to Internet Services to library users under the guidance of trained library staff members for 15 minutes search time. Users that can do their own searches without the help of a Librarian are also allowed to do so.

(b) Mbombela Local Municipality has no control over the content of material available over the Internet. Each user is required to make his own assessment of the truth, completeness, accuracy or suitability of Internet information. It is prohibited for users to use the Internet for illegal, unauthorized or commercial purposes. Mbombela Local

Municipality Policy on Internet applies.

(c) A user who refuses to abide by the library user policy will lose the privilege of using the workstation.

(d) Internet and CD-ROM time is limited to 15 minutes intervals, except when no one is waiting to use the service

(e) Mbombela library staff reserves the right to end an Internet session if the Internet search is causing a disruption of library services or if the behavior of the user becomes inappropriate for a library setting.

(f) Problems and damages encountered should be reported immediately to the staff at the library counter. If the user is liable for damages to hardware and software a charge may follow accordingly.

25. PHOTO COPYING FACILITY:

Photo copy machines must be made available at all the libraries and copies may be made from internal or external library material at the prescribed fee.

26. STUDY FACILITIES:

(a) Place for studying is set out in certain parts of the libraries, depending on the size of the library.

(b) Children and adults are to study separately in order not to disturb each other. (applicable to libraries with enough study areas)

27. SALE OF DISCARD LIBRARY MATERIAL:

(a) Discarded library material brought from funds provided by Mbombela Local Municipality is sold to the public at a prescribed fee or donated for free to Schools or Non- Governmental Organisation.

(b) Funds collected in this manner are deposited back into the coffers of Mbombela Local Municipality.

28. HOLIDAY PROGRAMMES:

(a) Holiday programs may be held at any of the libraries during holidays. (depends on the availability of staff and availability of material needed for such programs)

29. USE OF THE GROUP ACTIVITIES HALL OR LIBRARY (AUDITORIUMS):

(a) The group activity halls may be used by any group of people or organization subject to the conditions of Mbombela Local Municipality as stipulated in the Library Municipality By-laws.

(b)Halls for group activities must be booked at the library or by phoning the library and paying the prescribed fee.

(c)The user of the facility accepts responsibility for any damages resulting from the use of the room as well as negligence.

30.KITCHEN:

(a)Kitchen facilities for auditorium users are available at a prescribed fee.(provided that kitchen is in good condition and has required equipment e.g. stove, fridge, microwave and cutlery)

(b)Crockery is available for auditorium users at a prescribed fee.

31.DAMAGING OF LIBRARY PROPERTY

(a)Any behavior which may damage library equipment, collections or facilities is strictly prohibited

(b)It is forbidden to misuse or damage library furniture and facilities.

32.CRIMINAL BEHAVIOUR:

(a)The Library will notify law enforcement authorities concerning any criminal behavior in the Library including but not limited to theft, vandalism, exhibitionism or assault, including verbal threats.

(b)Smoking, the use of addictive substances and the drinking of alcoholic beverages are forbidden in the library.