

BA-PHALABORWA MUNICIPALITY



**DEPARTMENT OF COMMUNITY AND SOCIAL
SERVICES: LIBRARY SERVICES DIVISION**

**REVIEWED BA-PHALABORWA MUNICIPALITY
LIBRARY SERVICES BY-LAWS 2021/2022**

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CHAPTER 1

DEFINITIONS

1. Definitions and scope of work

1.1. 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 Council; and this includes charges for the lending of library material, membership fees and deposit;

“Council” means the Ba-Phalaborwa Municipal Council established in terms of section 12 of the Local Government: Municipal Structures Act 117 of 1998;

“Lending period” means the period which Council determines for the lending out of different types of library material or such renewal of the lending period;

“Librarian” means the person appointed by Council as Head of Section, Library Services and this includes officials under such person's control;

“Library material” means any material of whatever nature or form which is kept in the library and made available to the public;

“Member” means any person or organization registered as a member of the library;

1.2. Scope of work

1.2.1. To provide for the provision and regulation of community library services within the jurisdiction of Council and other related matters thereto

CHAPTER 2

Use of Library Services

2. Library Hours

- 2(1) A notice by Council, setting forth the days and hours during which the library is open to the public shall be displayed at the entrance of the library and the library shall be open only during such days and hours.

3. Access and Use of Library

- 3(1) Any person admitted to the library by Council may use the library facilities during official hours of opening. However, if a person wishes to borrow library material, they must first register as a member of the library by completing the prescribed application form as per Schedule 1 hereof and upon consideration and approval by the librarian.
- 3(2) Should a person applying for membership of the library feel aggrieved by the decision of the librarian, they may within 21 days of having been advised of the librarian's decision, appeal to the Head of Administration against the decision.

4. Membership

- 4(1) Council may grant free membership to any person residing or employed within the area of jurisdiction of Council or who is a rate payer of Council, membership of the library upon making an application for a period determined by Council from time to time.
- 4(2) All members must at all times observe the provisions of these by-laws and the rules governing the library as may be laid down by Council from time to time.
- 4(3) In instances where a minor applies for membership, the parent or guardian of such minor must consent thereto in writing and also undertake to stand as

surety on the prescribed form for the observance by such minor child of these by-laws and the rules governing the library as laid down by Council from time to time. This shall include suretyship for payment of any charges.

- 4(4) (a) An applicant is expected to complete the prescribed form as per Schedule 1 hereof.
 - (b) The librarian shall, on submission of the completed prescribed form, consider the application.
 - (c) Upon approval, an applicant shall be issued with a borrower's card which authorises him or her to borrow from the library such quantity of library material as may be determined by Council from time to time.
 - (d) Membership shall be valid for one year from the date of approval and may be renewed on application.
- 4(5) Should a member fail to return his or her borrower's card or material borrowed against a borrower's card, such member may be held responsible in terms of section 6.
- 4(6) The librarian may terminate the membership of any person who fails to observe the provisions of these by-laws and the rules governing the library.
- 4(7) The librarian may permanently bar the membership of any person who repeatedly fails to observe the provisions of these by-laws and the rules governing the library.
- 4(8) Should a member feel aggrieved by the decision of the librarian, he or she may, within 21 days of having been advised of the librarian's decision, appeal to the Head of Administration against the decision.

4(9) In the event of a member changing his or her address, he or she must notify the librarian in writing within 7 days of such change of address.

4(10) Any person visiting the area of jurisdiction of Council for less than one year may apply for membership if –

(a) they apply on the prescribed form and submit the required proof of identification and particulars as determined by Council from time to time; and

(b) pay the prescribed deposit fee as may be determined by council from time to time.

4(10) The deposit contemplated in section 4(9)(b) shall be refunded to a member on termination of membership by him or her.

4(11) A member who does not renew his or her membership within 3 months after the expiry of the period of validity, shall have his or her deposit forfeited to Council.

4(12) Membership shall automatically cease upon any refunding or forfeiture.

4(13) Institutions and teachers may apply for membership to Council on conditions laid down by Council from time to time; and for purposes of block loans and inter library loans.

CHAPTER 3

Loan of Library Material

5. Loan of Material

5(1) Library material is deemed to be on loan from the library to the member against whose borrower's card it was lent.

- 5(2) No person may be in possession of any library material not lent against a borrower's card.
- 5(3) Library material bearing the mark of the library or the Limpopo Provincial Library Services, and on which there is no official indication that it has been withdrawn, written off or sold, shall be the property of Council or the Limpopo Provincial Library Services.
- 5(4) A member borrowing library material from the library must ascertain whether such material is damaged and, if damaged, he or she must draw the library's attention to the fact.
- 5(5) In instances where damaged library material is made available for borrowing purposes, particulars in respect of such damage must be noted by the librarian.
- 5(6) The librarian may refuse to lend library material or alter the borrowing period of library material in cases where such material forms part of material to be used by students or learners for assignment purposes or where such material forms part school curricula purposes.
- 5(7) A member may be charged a replacement value of the library material as may be determined by the librarian.

6. Return of Library Material

- 6(1) A member must return library material borrowed by him or her to the librarian not later than the last day of the borrowing period. The borrowing period is as indicated on a form attached to the material.
- 6(2) The Librarian may, however, extend the borrowing period of any library material not in demand after consideration of an application to that effect by the member who borrowed the library material.

6(3) A member is responsible for the return of library material borrowed by him or her.

6(4) In exceptional circumstances the librarian may, if he or she deems it fit, require a member to return library material within 72 hours from receipt of a notice.

7. Overdue Library Material

7(1) A member is required to return library material borrowed against his or her borrower's card within the period stated in section 6(1) or such period as determined by Council in terms of section 6(2), as the case may be, lest he or she may be liable for payment to Council of the prescribed fine.

7(2) The Librarian may exempt any person from payment of such fine if it satisfied that failure to return library material was due to circumstances beyond the borrower's control.

7(3) In order to obtain overdue library material, Council may determine a fine free period for a time in which such library material may be returned.

8. Lost and Damaged Library Material

8(1) If library material is lost or becomes damaged or is deemed to be lost, the member against whose borrower's card the library material was borrowed may-

(a) be liable for payment of the damage as may be determined by Council;
or

(b) be required to replace it with a copy of equal value or a copy acceptable to Council.

8(2) A member is liable for the replacement costs of library material if he or she keeps it for more than 3 months calculated from the expiry date allocated at the time of issuing or after granting of any extension.

- 8(3) The librarian may decide that no further library material shall be lent to a member who loses or damages books.
- 8(4) A member who repeatedly loses or damages books, as contemplated in section 8(1), or who repeatedly keeps books for more than three months, as contemplated in section 8(2), may be permanently barred from membership.
- 8(5) Should a member feel aggrieved by such any decision, he or she has the right to, within 21 days of having been advised of the decision, request Head of Administration in writing to review the decision.

9. Handling of Library Material

- 9(1) A member or any other person in possession of or using library material must-
- (a) keep the material on a clean condition;
 - (b) not expose or permit the material to be exposed to or be damaged by water, heat, animals or any other thing;
 - (c) not mutilate, deface, mark, crease or in any way damage the material or permit the material to be mutilated, defaced, marked, creased or damaged;
 - (d) not remove or damage or permit to be removed or damaged any protective coverings of such material; and
 - (e) not lend the material to any unauthorized person.

10. Library Material that may not be borrowed

- 10 Certain designated library material may only be used in the library; and may not be borrowed to library users.

11. Reproduction of Material and Objects

- 11(1) Reproduction of any book, document, photograph or any other object in the library collection may be done upon payment of the prescribed fees for making copies, provided that the Copyright Act 98 of 1978, as amended, is not transgressed and permission is granted by the librarian.
- 11(2) In granting or refusing permission in terms of the provisions of section 12(1) the librarian must regard the possibility of damage being caused to the book, document, photograph or other object as a result of its being handled for the purpose of making such reproduction and the librarian may impose such conditions as he or she considers necessary to prevent such damage being caused.
- 11(3) The librarian may, as a condition to the supply of such photocopy or such photographic reproduction, require the person requesting to declare in writing that the purpose for which such photocopy or photographic reproduction is needed, falls within the exceptions from the protection of literary, dramatic, musical and artistic works specified in the Copyright Act 98 of 1978, as amended, and any regulations framed thereunder.

CHAPTER 4

Offences, Penalties, notices of contravention and appeals

12. Offences

12(1) No person may-

- (a) conduct or participate in a conversation in a manner which is disturbing, read aloud, sing or whistle in the library in a manner which is disturbing to other persons present in the library building;

- (b) while in the library talk on a cell phone or allow it to ring in a manner which is disturbing to other persons;
- (c) impede, obstruct, disturb or act in a manner that is disturbing to other persons in the library;
- (d) allow any child under his or her supervision to create a disturbance in the library;
- (e) allow a child under the age of 7 to enter the library without adult supervision;
- (f) act in a rude or disorderly fashion;
- (g) sleep, smoke, eat or consume refreshments in the library;
- (h) enter or remain in any part of the library if he or she is under the influence of intoxicating or stupefying substance;
- (i) take off his or her shoes in the library;
- (j) bring any vehicle, carrier or container into the library without the librarian's permission;
- (k) distribute or deposit into the library for distribution, material for advertisement, publicity or any other purposes without the librarian's permission;
- (l) cause or permit any animal to enter or remain in the library;
- (m) damage or deface any library material or any part of the library or any fitting, furniture, equipment or contents thereof;

- (n) willfully disturb the order of books on the shelves;
- (o) enter or remain in any part of the library which is reserved for the use of the library staff;
- (p) obstruct or block any entrance to or exit from the library;
- (q) supply a false name and address for the purpose of becoming a member of the library or entering any part of the library or to benefit from any service rendered by 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;
- (s) refuse to deliver any library material to the librarian within a reasonable time after being requested to do so.

12(2) No person may retain in his or her possession library material for more than 72 hours after being called upon by the librarian to return such material. Any person who so retains any such material may be required to replace such material.

12(3) No person may refuse to comply with any lawful and reasonable request of the librarian.

12(4) The librarian may report any act which, he or she reasonably believes to constitute a criminal offence, to the South African Police Service.

13. Penalties

13(1) Any person not using the library for the purpose for which it is intended or who is guilty of an offence in the library, may be removed from the library.

13(2) Any person contravening any of the provisions of these by-laws, is guilty of an offence and may, on conviction-

- (a) be liable for a fine not exceeding R2000-00;
- (b) in default of payment to imprisonment for a period not exceeding 6 months;
- (c) to both the fine and imprisonment.

14. Notice of contravention

14(1) The Council may serve a notice of contravention on a person who has committed an offence in terms of these By-laws.

14(2) A notice of contravention must-

- (a) specify, at the time when the notice is issued, the name and residential and postal address, if either or both of these be known, of the person on whom the notice is served;
- (b) state the particulars of the contravention;
- (c) specify the amount of the penalty payable in respect of that contravention and the place where the penalty may be paid; and
- (d) inform the person that he or she must-
 - (i) within 28 calendar days of the date of service of the notice, pay the penalty; or
 - (ii) within 7 calendar days of the notice, inform Council in writing that he or she elects to be tried in court on a charge of having committed an offence.

15 Appeals

15(1) A person whose rights are affected by a decision taken by the Municipality in terms of these By Laws, may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) to the municipal manager or delegated official within 21 days of the date of the notification of the decision.

CHAPTER 5

SHORT TITLE, COMMENCEMENT AND REPEAL

16 Short title

16(1) this by-law will be known as the Library Services By-Laws.

17 Commencement

17(1) this by-law shall come into operation on the date of publication in the *provincial gazette*.

18 Repeal of the by-laws

18(1) The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality, are hereby repealed as far as they relate to matters provided for in this by-law, and insofar as it has been made applicable to the municipality by the authorization for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998