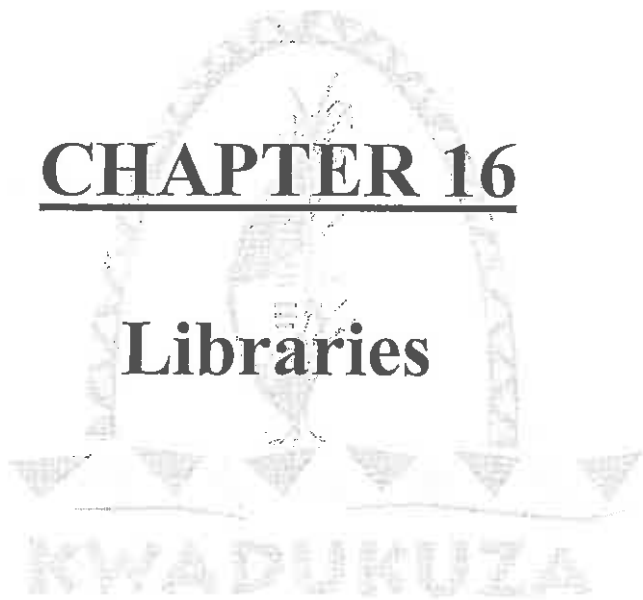


Final Draft for consideration by Council



# CHAPTER 16

## Libraries





## KWADUKUZA MUNICIPALITY

### BYLAWS RELATING TO THE LIBRARY

The Kwadukuza Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the Local Government: Municipal Systems Act (Act 32 of 2000) hereby publishes the bylaws as set forth hereafter as bylaws made by the Municipality which bylaws will come into effect on the first day of the month following the date of publication hereof.

#### 1. Definitions

In these bylaws, unless the context otherwise indicates:

“library material” shall mean any book, magazine, document, print, newspaper, map, sound film, framed art print, microfilm, microfiche or similar publications, video tape, compact discs or DVD’s;

“Municipality” means the Kwadukuza Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any Official who has delegated powers in terms of Section 59 of the Local Government Municipal Systems Act (Act 32 of 2000);

“library” shall mean the public library maintained by the Municipality or any branch library which the Municipality may establish;

“group activities room” shall mean any group activities room in the library building which is open to the public;

“Municipal Manager” means the person appointed in terms of Section 82 of the Local Government Municipal Structures Act 1998, (Act 117 of 1998);

“provincial library” shall mean the KwaZulu-Natal Provincial Library Service of which the library is a member;

“librarian” shall mean the person from time to time appointed by the Municipality to exercise control of and manage the library, and shall include any of his/her subordinates acting in terms of his/her directions;

“borrower” shall mean a person to whom a borrower’s ticket has 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 a living independently from his/her parents or guardians;



“minor” shall mean any person under the age of 21 years and who is dependent upon his/her parents or guardian.

**2. Admission to library buildings**

- (1) The library may be used by any member of the public subject to the provisions of sub-bylaws (2) and (3).
- (2) The librarian may refuse library material or admission to any person whenever he/she is of the opinion that the issue of items to or 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/she would in the ordinary course remove the items borrowed by him/her and questions of public health. This bylaw also applies to any person who neglects or refuses to comply with these bylaws. Any such person to whom library material or admission has been refused shall have the right of appeal to the Municipality.
- (3) Subject to the provisions of sub-bylaws (1) and (2) hereof and to the further provisions of these bylaws, admission to all group activities room shall be free of charge and any person may read or consult any library material during the hours of opening prescribed by the Municipality.

**3. Lending department**

- (1) Any person may be enrolled as a library member and shall, subject to the terms of sub-bylaw (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 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 bylaw 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 ticket must be produced and left at the library whenever an item is borrowed. No item will be issued unless the borrower's tickets are produced.



- (4) Any duly enrolled adult borrower is entitled to borrow one video for a period of 48 hours provided that only one video is permitted to be borrowed per family.

#### 4. Borrowers tickets

- (1) Every borrower shall be responsible for the ticket or tickets issued in his/her 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 borrowers' ticket is lost during the time of membership, the borrower shall forthwith give notice thereof to the librarian who may issue a duplicate of such ticket at a cost as determined in the Tariff of Charges per ticket. The issue of duplicate borrowers' ticket shall in no way relieve the holder of any liability incurred by him under sub-by-law (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 borrowers' ticket or tickets to the librarian for cancellation. Failure to do so will in no way absolve him/her from any liability incurred by him in terms of sub-by-law (1) hereof.

#### 5. Special services

As determined by the Municipality's tariff of charges

#### 6. 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 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/her 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 reproduction may be borrowed for a period of 3 months or at the discretion of the librarian.

- (2) A borrower shall be liable to a fine as determined by the Municipality's tariffs of charges for each item retained beyond the authorised period and provided further 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 lent to members (such as *bona fide* students) for any period in excess of 14 days. The librarian may also, at his/her discretion, issue popular library materials for periods of less than 14 days.
- (4) The librarian is empowered to refuse to issue 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 items shall be issued and the librarian may cancel such membership; should such items be returned, however, 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.

#### 7. **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/she shall pay in respect of the library stock 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/ her 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 Municipality's library stock; in respect of provincial 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 shall be 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 from the borrower and recoverable at law at the discretion of the Municipality.

**8. Notification of change of address**

Any borrower who changes his/her address from that given by him/her in his/her application form and shown on his/her borrower's ticket or tickets issued to him/her shall, within seven days thereafter, notify the librarian of both his old and new addresses.

**9. Reference department**

- (1) Any person may consult any library item in the reference department to which he/she is entitled to be admitted in terms of bylaw 2.
- (2) No such item shall be removed from the reference department; provided that the librarian may, upon receipt of such deposit as he/she 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 in a good condition, and 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 such place in the building as he/she may specify. Any person consulting a reference item will be held responsible for any damage such an item may sustain.

**10. Use of the 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 Municipality's tariffs of charges.



**11. 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 recorded shall be liable to forfeit his/her membership.
- (2) Any item bearing the mark or stamp of either the provincial library service or the Municipality and not containing an official mark indicating that it has been withdrawn shall be deemed to be the property of the Provincial Library Service or Municipality.
- (3) No item shall be removed from the general reading room without the prior approval of the librarian.

**12. Care of library material**

- (1) 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 steps as may be necessary to protect it while en route and from the library building in wet weather
- (2) No person shall:
  - (a) turn down or stain the leaf 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 leaves of any book whatsoever;
  - (d) remove the plastic covering and book jacket from any book issued to him;
  - (e) return library material via any other person without appropriate wrapping or without placing it 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 audio cassettes in covers other than those in which they have been issued;

- (g) expose audio cassettes and audio visual material to excessive heat or handle them in any manner which may cause damage.

**13. Exposing library material to infectious diseases**

- (1) No person suffering from any notifiable disease shall borrow or use any library material and no person shall permit any library material issued to him to be exposed to any notifiable disease.
- (2) No person shall return to the library any library material which he/she knows to have been exposed to infection from any notifiable disease nor permit any such library material which is under his/her control to be returned by shall immediately give notice to the Environmental Health Officer that the library material has been exposed, and that the Environmental Health Officer shall thereupon cause the library material to be disinfected and returned to the library. Should the infected material be part of local stock it may be destroyed by the librarian if necessary.

**15. Hours of opening**

- (1) The library will be open for such hours as the Municipality may, in consultation with the Director of the Library Service, decide, provided that the hours of opening shall be prominently displayed and that sufficient notice of any change contemplated shall be given.
- (2) The library will not be open on public holidays and the relevant Head of Department 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 Municipality's intention is posted up on the notice board fourteen days before the actual closing.

**16. (a) General**

- (1) No person shall wilfully obstruct the librarian or any assistants in 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 prambulator or push car, 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.

**(b) Subscriptions payable by non-residents of Kwadukuza**

Annual subscriptions may be levied in respect of members not resident in Kwadukuza. Visitors who wish to borrow books will be charged a refundable deposit.

**17. 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 in remaining therein 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/her or under his/her control to enter the library.
- (4) No person shall drink intoxicating liquor, spit, sleep or consume food in any part of the library intended for public use.
- (5) No person shall carelessly, negligently or maliciously damage or injure anything belonging to or forming part of the library.

**18. Repeal of Bylaws**

All Municipal Bylaws, and amendments thereto, relating to Libraries made by the local authorities of Nkwazi/Zinkwazi Beach Transitional Local Council, KwaDukuza/ Stanger Transitional Local Council and Dolphin Coast Transitional Local Council, disestablished in terms of Provincial Notice No. 345 of 2000 in terms of section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities 9DC 29, KZ 291, KZ 292, KZ 293, KZ 294) as published on 19 September 2000, are hereby repealed.