

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

ULUNDI MUNICIPALITY

BYLAWS RELATING TO PUBLIC LIBRARIES

1. DEFINITIONS

In these bylaws, unless the context otherwise indicates -

"library material" or **"item"** shall mean any book, magazine, document, print, newspaper, map, sound film, gramophone record, audio or visual tape, compact disc, framed art, print, microfilm microfiche or similar publication;

"Municipality" shall mean the Ulundi Municipality;

"Council" means the Ulundi Municipality and its successors in law, and includes the Council of that municipality or its Executive and Finance 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 and Finance 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" shall mean the KwaZulu Natal Provincial Library 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 tickets 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.

2. ADMISSION TO LIBRARY BUILDINGS

(1) Membership of the Ulundi Public Libraries 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 and/or listen to audio 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 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. BORROWER'S TICKETS

(1) Every borrower shall be responsible for the ticket or tickets 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 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. The issue of a duplicate borrower's ticket 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 ticket or tickets 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 fourteen 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 that period, 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 lent 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 given by him in his application form and shown on the borrower's ticket or tickets issued to him shall, within seven days thereafter, notify the librarian of 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 it while en route to and from the library building in wet weather.

No person shall -

- (a) turn down or stain the leaves 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 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 gramophone records 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

(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 knows to have been exposed to infection from any notifiable disease nor permit any such library material which is under his control to be returned but shall immediately give notice to the senior health inspector that the library material has been so exposed, and that the senior health inspector shall thereupon cause the library material to be disinfected and returned to the library. Should the infected library material be part of local stock it may be destroyed by the Council.

14. HOURS OF OPENING

(1) The library will be open for such hours as the Council may in consultation with the Director: Community Services; 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.

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 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 under his control to enter or remain in 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.

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.