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**MSUNDUZI MUNICIPALITY**

**PUBLIC LIBRARY BY-LAWS**

The Msunduzi Municipality of Msunduzi Municipality has in terms of section 156 of the Constitution, 1996 (Act No. 108 of1996), read in conjunction with Section 11 and 98 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000), made the following By-laws:

**BY-LAWS RELATING TO LIBRARIES**

**1. DEFINITIONS**

In these By-laws, unless the context otherwise indicates-

***“Adult” means a person who is between the ages of 18 and 60 years.***

**“American Corner”** shall meanthe Bessie Head US Consul funded services which inter alia include computers, Wi-Fi and I Pads usage.

**“Auditorium”** means a section of the library made available to users for hire.

**“Book”** includes any literary, musical or artistic work or a collection of such works in whatever form, whether printed, electronic, journals, periodicals, photographed or recorded by any means, any cinematograph film, microfilm, microfiche or any recording of any nature whatsoever of any such work and for this purpose the definitions in section 1 of the Copyright Act, 1978 (Act 98 of 1978), shall apply, and further includes the cover of a book and its protective jacket or container;

"**Borrower**” means a ***member or visitor*** who borrows library material from a library.

"**Branch library**" means any library which is designated by the ***Msunduzi*** Municipality as a branch of the main ***library within the borough of Pietermaritzburg***.

**“Main library**" means the ***Bessie Head*** Library which is designated by the ***Msunduzi*** Municipality as its main library.

**“Charges”** means any fine or miscellaneous charges in respect of the library as determined from time to time by the Department of Sports, Art and Culture or ***Msunduzi Municipality***.

**“Child**" means a person below the age of 13 years.

**“Msunduzi Municipality**” means the Msunduzi Municipality and its successors in law and includes the Msunduzi Municipality of that municipality as ***referred to in the Municipal Structures Act No.117 of 1998 and Regulations.***

**“Disabled, blind, visually impaired and deaf section**" means a section of a library set aside for library materials intended for those who are disabled, blind, visually impaired ***and deaf.***

**“Educational toy**" means a toy which is typically designed for and used by children and is intended to teach a child about a particular topic or help a child to learn a particular skill.

**“Executive Committee”** 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 Committee has delegated any powers and duties with regard to these By-laws.

**“Facility**" means any facility made available to users at a library.

“Internet Café” means a section of a library where computers and other electronic devices are made available to users for the purpose of accessing library material in digital format; multi-media items; and the Internet.

 **“KwaZulu-Natal Provincial Library Services”** meansthe directorate/section under the administration of the Department of Sports, Arts and Culture that provides library services to communities by ensuring that the information and recreational needs of all people are catered for and in addition, it supports affiliated public libraries to supplement the educational and recreational needs of the communities they serve. The provision is based on co-operation between the library service and local authorities.

***“Legislation” means South African Legislated Acts which are relevant to Libraries which include:***

* [***Constitution of the Republic of South Africa (No. 108 of 1996)***](http://www.gov.za/sites/www.gov.za/files/images/a108-96.pdf)
* [***Copyright Act (No. 98 of 1978)***](http://www.nlsa.ac.za/downloads/Copyright%20Act.pdf)
* [***Legal Deposit Act (No. 54 of 1997)***](http://www.nlsa.ac.za/downloads/LEGAL%20DEPOSIT%20ACT.pdf)
* ***Municipal Finance Management Act (No.56 of 2003)***
* ***Municipal Structures Act No.117 of 1998 and Regulations***
* [***National Council for Library and Information Services Act (No. 6 of 2001)***](http://www.gov.za/sites/www.gov.za/files/a6-01_0.pdf)
* [***National Library of South Africa Act (No. 92 of 1998***](http://www.nlsa.ac.za/downloads/NLSA_Act_92_OF_1998.pdf)***)***
* [***Promotion of Access to Information Act (No. 2 of 2000)***](http://www.acts.co.za/promotion-of-access-to-information-act-2000/index.html?promotion_of_access_to_information_act.php)
* [***Protection of Personal Information (POPI) Act (No. 4 of2013***](http://www.justice.gov.za/legislation/acts/2013-004.pdf)***)***
* [***South African Community Library and)Information Services Bill (2010)***](http://www.archivalplatform.org/images/resources/SACLIS_Bill_draft_for_stakeholder_consultation__02_02_2010_.pdf)
* [***South African Library for the Blind Act (No. 91 of 1998)***](http://www.salb.org.za/wp-content/uploads/2010/04/salb.pdf)
* [***South African Public Library and Information Services Bill***](http://www.dac.gov.za/sites/default/files/Legislations%20Files/South%20African%20public%20library%20and%20information%20service%20bill.pdf)

**“Lending or Borrowing period”** means the period which the Msunduzi Municipality determines for the lending of different types of libraries material.

**“Librarian”** means the officer (or his representative) appointed by the Msunduzi Municipality ***and/or Municipal Manager*** to exercise control over and to manage the library.

**"Library"** means the collection of books under the control of the Librarian and made available for the use of the public in accordance with the provisions of these bylaws and includes each building or premises or part thereof in which such collection or any distinct part thereof is housed. This includes the Main and Branch Libraries.

**“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 a library in terms of these By-laws.

**“Membership”** means a membership card with a bar-coded membership number.

"**Municipal Manager**" means a person appointed in terms of section 54A of the Municipal Systems Act.

***“Pensioner” means a person above the age of 60 years.***

**“Periodical**" means any newspaper, magazine or other item published on a periodic basis.

**“Periodicals section**" means a section of a library where periodicals are made available for reading.

**“Policy for public computers”** shall mean the library computer usage policy.

**"Prescribed charges"** means charges prescribed by the Msunduzi Municipality from ***time to time as defined in this By-Law.***

**“Printing and copying section**” mean a section of the library where users may print, scan or copy library materials or other materials;

**“Reference section”** means a section of a library where library materials are made available for reading or study, but not for lending.

**“Study area**" means a section of a library set aside for users for the purposes of studying.

**“User**" means any person who uses a library, including a person who is a member of that library.

**“Visitor**” means a person who does not permanently reside within the Municipality’s jurisdiction, but who is visiting the area and wishes to borrow library materials from a library on a temporary basis.

**“Young Adult**” means a person between the ages of 13 and 18 years’ old.

**2. USE OF LIBRARY**

2.1 The ***Library Manager*** has the authority to manage the day-to-day functions of library services.

2.2 The ***Library Manager*** may exercise any powers granted to him/her by ***the Msunduzi*** Municipality, in accordance with this By-law and any other related policy.

 2.3 Any person admitted to the library by the Msunduzi Municipality 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.

2.4 Access to libraries is granted to any member of the public during opening hours free of charge unless the member is a visitor or lives and works outside the jurisdiction of the city.

2.5 When using the library or any related facility, a user may not contravene the provisions of the of the Copyright Act, 1978 (Act 98 of 1978) or any other law related to copyright or intellectual property ***as publicized by the Library Manager from time to time***.

**Reference Sections**

All Adult and Children’s Reference material cannot be borrowed and must be used in the library.

**Periodicals Section**

Library material kept in the Periodicals section may not be removed or borrowed ***from*** the department by a user without the consent of the Librarian.

A user may read the daily newspaper for a maximum of fifteen minutes and the weekly newspaper for thirty minutes.

The periodicals reading area may only be used for purpose of reading periodicals.

 **Legal Deposit Collection**

The present Legal Deposit Act (Act No 54 of 1997) ***as*** promulgated on 1 July 1998 ***provides for:***

The purpose of Legal Deposit is to collect, preserve and make available to present and future users the documents that contain the intellectual and cultural heritage of the country. Legal deposit is a legal obligation that compels South African publishers or producers of all types of documents, including audio-visual publications, to deposit a certain number of copies of each of their published documents to designated places of legal deposit. It is international practice for governments to require producers of all types of published documents to deposit such.

The Legal Deposit collections provide the means for research into all aspects of South African life and culture, including the technical, scientific, artistic, and commercial endeavors of the country.

This Place of Legal Deposit is obliged to collect, catalogue and preserve all legal deposit material and make it available for study and research. Therefore, materials housed at Bessie Head Library are not permitted to be taken out of the library.

**Children’s and Adult Lending**

Adult and Children’s Fiction, Non-fiction and magazines may be borrowed from these sections according to the lending policy of the ***Library.***

**Mobile and Housebound Services**

These are services which are determined by the Librarian to meet the needs of communities who cannot gain access to libraries and who are frail, ***infirmed,*** and disabled.

**Private Areas**

**The Librarian or *nominated* representative may exclude users from any restricted area of the library and those areas which are designated for staff only.**

**3. MEMBERSHIP**

3.1 Membership of the library shall be open:

(a) Subject to the provisions of paragraph (b) and subsection (2) the Msunduzi Municipality may grant to any person residing, studying or employed within the area of jurisdiction of the Msunduzi Municipality; or who is a ratepayer of the Msunduzi Municipality, membership of a library, subject to the provisions determined by the Msunduzi Municipality and provided such person undertakes to subject himself to the provisions of these By-laws, the charges and the rules for conducting the business of the library, adopted by the Msunduzi Municipality.

(b)An application for library membership must be made on a prescribed form. Proof of identity (Identity document or Birth certificate) and proof of residential address are mandatory documents which must be provided by the prospective patron.

***(c) If proof of address cannot be provided because the applicant lives in an area that does not have formal street addresses e.g. lives in an informal settlement; a letter from the ward councilor confirming that the applicant is known to him/her; and specifying the location of the applicant’s residence, is accepted.***

(d) In the case of the Children’s Lending Library, to any person under the age of eighteen (18) years who permanently resides or studies within the Msunduzi Municipality region and who produces a guarantee to the satisfaction of the Librarian signed by such person's parent or guardian for the safe return of all books borrowed in terms of these bylaws and for the payment of all prescribed charges.

 (e) The Msunduzi Municipality may, subject to conditions determine, grant membership of the library to a pre-school or school-going child, should his/her parent or guardian consent, signing on his/her behalf, thereto and undertake to stand surety for the observance by such child of the provisions of these By-laws, the charges and the rules of the library, adopted by the Msunduzi Municipality.

(f) Subject to the provisions of section 4, registration as a member shall be for a period of two years commencing on the first day of the month following the month in which application is made in terms of subsection (2). On the expiry of such period membership shall lapse, unless the Librarian for any reason decides otherwise in respect of any individual member or group of members. In which event his or their membership shall be extended for a temporary period specified by the Librarian, provided that a member who immediately, before the lapsing of his membership still qualifies for membership in terms of subsection (1) may apply for re-registration before his membership lapses.

(g) A member of the Children’s Lending Library shall cease to be a member upon reaching the age of nineteen years and will be required to update his membership which permits use of the Adult and Children’s library.

(h) Children under the age of ***13*** may use the Children’s services only. Young Adults (13-19 years) and adults may use Children’s and Adult services.

(i) Membership of the library permits a member to make use of the main or any Branch ***Library subject to the provisions*** in subsection 6.

3.2 A person may register as a ***visitor***if:

The Msunduzi Municipality may grant membership of the library to a person residing outside its area of jurisdiction, on conditions determined by the Msunduzi Municipality from time to time, provided such person undertakes to subject himself to the provisions of these By-laws, charges and the rules of the library.

(a) He/she is residing for a period of less than three (3) months in the jurisdiction of the Msunduzi Municipality.

(b) He/she is residing for a period of more than three (3) months in the jurisdiction of the Msunduzi Municipality while doing contract work.

(c) He/she is residing for a period of more than three (3) months in the jurisdiction of the Msunduzi Municipality as a distance student at a tertiary institution. The Msunduzi Municipality may grant membership to such a person if he applies for such registration on the form prescribed by the Msunduzi Municipality, submits the required proof of identification and particulars as determined by the Msunduzi Municipality and undertakes to subject himself to the By-laws, rules and charges of the library.

3.3 Any person may, on behalf of any organization, or similar body, if duly authorized in writing thereto, by such organization or body, apply on the form prescribed by the Msunduzi Municipality for registration of such organization or body as a member of a library. The Msunduzi Municipality may then, subject to the provisions it has determined grant such organization or body membership of the library provided such person and organization undertake to abide by the provisions of these By-laws, charges, and the rules of the library.

3.4 Any Msunduzi Municipality employee may, on behalf of any Department or Division of the Msunduzi Municipality, if duly authorized, in writing thereto, by the Head/Manager of that Department, apply on the form prescribed by the Msunduzi Municipality for registration of that Department or Division of the Msunduzi Municipality as a member of the library. The Msunduzi Municipality may then, subject to the provisions it has determined grant such Department or Division membership of the library provided such employee and Department or Division undertake to abide by the provisions of these By-laws, the charges, and the rules of the library.

3.5 Application for membership shall be made on a form prescribed by Msunduzi Municipality. The applicant submits the required proof of identification and particulars as determined by the Msunduzi Municipality and undertakes to subject himself to the By-laws, rules, and charges of the library.

3.6 The Msunduzi Municipality shall issue a membership card to a member authorizing him to borrow from the library such quantity of library material as may be determined by the Msunduzi Municipality from time to time.

**4. Termination and cancellation of membership**

4.***1 This is determined by the authority of the General Manager or his/her nominated representative.***

4.2 A member may terminate his membership at any time by giving the Librarian notice to that effect and he shall thereupon return all cards, tickets, and library material in the print or digital format in his possession to the Librarian.

4.3 The Librarian may by notice in writing, sent to the member's last known address to cancel the membership of any member who:

(a) No longer possesses the qualifications for membership in terms of section 3.

(b) Has repeatedly committed breaches/defaults of these bylaws.

4.4 The Librarian shall not act in terms of subsection (2) until the expiry of a period of thirty days of the posting of a notice to the member at the last known address of that member calling on him within that period to furnish reasons why the membership should not be cancelled.

4.5 A member referred to in subsection (2) (b) may within the period referred to in subsection (3) appeal in writing to the Msunduzi Municipality against the cancellation of his membership and the decision of the Msunduzi Municipality shall be final.

4.6 A person whose membership has been cancelled in terms of subsection (2)(b) shall not be entitled to re-apply for membership within a period specified in the notice conveying such cancellation or laid down by the Msunduzi Municipality on appeal in terms of subsection (4).

 4.7 A membership card shall be valid from the date of issue thereof for a period as determined by the Msunduzi Municipality from time to time. The membership of a person, to whom such a certificate has been issued, shall lapse after such period, unless it is renewed. The member will be suspended from using the library.

4.8 A member desirous of terminating his membership of the library shall return his membership card to the Librarian without delay, failing which he may be held responsible in terms of section 6 for all library material borrowed against such card of membership.

4.9 When a member changes his address, he shall, in person, notify the Librarian, within Thirty (30) days of such change of address, by providing proof of his new postal address.

4.10 Lost membership cards

(a) When a member’s card gets lost, he shall forthwith notify the Librarian, in person, and the Librarian may, on payment of the prescribed charges, issue a set of duplicate cards.

(b) Should a lost membership card be found, it should be returned to the Librarian or destroyed immediately since it is deemed as null and void. Any charges paid for such duplicate shall not be refunded to the member.

(c) If a member gives notice in terms of paragraph (a), such member shall, under the provisions of section 8(1), still be liable in terms of the said section in respect of any library material borrowed against the lost membership card after the dates of such notice, unless the loss of the membership card was outside his control and was not due to any negligence on his part.

4.11 The deposit imposed as a condition in terms of sections 3.1(a), 3.1(b), 3.2, 3.3, 3.4 and 3.5 shall be refunded to a member on application by him, provided that he returns his membership card to the Librarian.

4.12 Any prescribed charge or fee is non-refundable.

4.13 If any member does not renew his membership card as contemplated by section 3(8) within a period of three (3) months after the expiry of the period of validity, such deposit shall be forfeited to the Msunduzi Municipality, provided further that upon any such refunding or forfeiture, the registration of the member shall be cancelled.

**5. LIBRARY MATERIAL**

**5.1** An authorized library official may determine the acquisition policy of the library services and what should be made available for loan.

5.2 Library material available at different libraries may vary at the discretion of the ***Librarian or nominated*** representative.

5.3 Library material includes books, magazines, periodicals, audio-visual material, educational toys and reference material.

**6. LOAN OF LIBRARY MATERIAL**

6.1 A member must issue his/her library card when borrowing library material. The library card will have the name and barcode number of the patron. All patron details will be found on the database of library patrons.

6.2 Library material shall be on loan from the library to the member against whose membership card it was lent.

6.3 ***The Library Manager shall determine the library material that may be borrowed for a determined period, as well as the number of items borrowed.***

6.4 No person may use another person’s membership card unless he can produce written permission from the membership’s card owner.

6.5 No person shall be in possession of any library material not lent against a certificate of membership.

6.6 Library material bearing the mark of the library or the KwaZulu-Natal 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 the Msunduzi Municipality or KwaZulu- Natal Provincial Library Services.

6.7 Damaged material

(a) A member borrowing library material from a library shall ascertain whether such material is damaged and, if damaged, he shall, within twenty-four (24) hours of borrowing the material, draw the Librarian’s attention to the fact, otherwise he will be held responsible for such damage.

(b) 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.

***6.8 Presumptions***

***Unless it is proved, it is presumed that:***

1. ***Library material lent to a borrower was lent in good condition.***
2. ***Any material which is stamped with the Municipality’s/Library’s official stamp is property of the Municipality unless library material is stamped as having been donated or discarded.***

**7. RETURN OF LIBRARY MATERIAL**

7.1 A member shall return the library material borrowed by him to the Librarian not later than the last day of the borrowing period, or

(a) The Msunduzi Municipality 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 (2) further borrowing periods.

(b) A member shall be responsible for the return of library material borrowed by him/her, 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 or telephonic notice from the librarian that such library material is to be returned.

(d) Library material must be returned in the condition in which it was borrowed to library from which it is loaned.

(e) Library material may be returned in the return box/slot after library opening hours. This is done at the member’s own risk. Any fine owing will be paid to the library on the member’s next visit. ***If an item is said to be returned in the slot/box and cannot be found on the shelves or trolleys, a reserve form for the item will be completed. If the book is not found within a three-month period, then the patron is required to replace or pay for the title.***

**8. OVERDUE LIBRARY MATERIAL**

8.1 Should a member not return library material borrowed against his certificate of membership, within the period stated in section 5.1 (a), or any period determined by the Msunduzi Municipality in terms of the *proviso* to that section, as the case may be, such member shall be liable for payment to the Msunduzi Municipality of the prescribed fine for the period during which such member fails to return such library material.

8.2 The membership of a person, who continually returns library material late, will be terminated and any deposit he has paid will be forfeited.

8.3 The Msunduzi Municipality may exempt any person from the payment of such fine if is satisfied that failure to return library material is due to circumstances beyond the member’s control.

8.4 In order to obtain overdue library material, the Msunduzi Municipality may determine a fine free period or a time in which such library material may be returned.

**9. RESERVATION OF LIBRARY MATERIAL**

9.1 Select library material may be reserved on request from the member.

9.2 A member may complete relevant forms, make payment of the prescribed charge, and subject to the rules of the library, reserve library material, or request library material on inter-library loan.

**10. LOST AND DAMAGED LIBRARY MATERIAL**

10.1 Should library material be lost or become damaged or deemed to be lost in terms of section 8(2), the member against whose membership card such library material was borrowed shall, in addition to any fine or other charges for which he/she shall be liable in respect of the said library material, be liable for payment to the Msunduzi Municipality of the current purchase price thereof or an amount to make good the damage as may be determined by the Msunduzi Municipality, unless he/she replaces it with an exact copy of the lost material, in the same format (in case of KwaZulu-Natal Provincial Library Services property) or with a copy of equal value acceptable to the Msunduzi Municipality (in case of Msunduzi Municipality’s property).

10.2 Library material retained by a borrower for more than two (2) 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 (14) days, shall be deemed to be lost.

10.3 Lost or damaged library material shall remain the property of the Msunduzi Municipality or the KwaZulu-Natal Provincial Library Services.

10.4 The Msunduzi Municipality may include on any municipal account of a member, an amount for the replacement value of any material that is lost, or deemed to be lost in terms of section 8(2) and for any fine or other charges for which the member shall be liable in respect of the said library material, or in case of a person under eighteen (18), on the account of his parent or guardian.

10.5 No further library material shall be lent to a member who, in terms of section 8(1), is responsible therefore, or to his immediate family residing with him.

**11. HANDLING OF LIBRARY MATERIAL**

11.1 No person having library material in his possession, shall either willfully or 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, adverse weather conditions, animals, or any other thing

(c) Mutilate, deface, mark, crease, fold 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 be removed or damaged any protective covering of such material

 (e) Trace words, illustrations, or pictures

(f) Lend any such material to any unauthorized person

11.2 Photocopying and printing

(a) Photocopy or reproduce library material that contravenes the Copyright Act 98 of 1978 is not permitted. Only the stipulated portion of the material may be photocopied or reproduced.

(b) The printing, scanning, and copying fee will be determined by the Msunduzi Municipality.

**12. EXPOSURE OF LIBRARY MATERIAL TO CONTAGIOUS DISEASES**

12.1 No person suffering from a contagious disease shall borrow or handle any library material from the library and no person shall allow another person suffering from a contagious disease, to handle such library material lent to him.

12.2 Any person being in possession of such library material from the library, which was exposed to a contagious disease, shall immediately advise the Librarian that such library material was so exposed.

**13. LIBRARY MATERIAL FOR SPECIAL PURPOSES AND SPECIAL COLLECTIONS**

13.1 Library material of a specialized nature shall only be used in such parts of the library as are set aside by the Msunduzi Municipality for such special purposes and shall not be removed from the library or to any other part of the library without the permission of the Librarian.

13.2 Material belonging to a tertiary institution and on loan to the library functioning as a branch library of the relevant tertiary institution may only be borrowed by:

(a) A registered student of that tertiary institution who can produce a valid student card or proof that he is a registered student in good standing

(b) A person who has registered as a member of the branch library of the relevant tertiary institution and provided that the required proof of identification and particulars as determined by the Msunduzi Municipality are submitted and that any deposit and charges as determined by the Msunduzi Municipality are paid.

1.3. Material belonging to the visually impaired section may be used by visually impaired, blind, or disabled people. This special area will be found in the designated area.

**14. USE OF COMPUTERS AND THE INTERNET**

14.1 Any person wishing to use the computers and the Internet facilities provided in the library shall abide by these By-laws, policy for public computer use, the charges and the rules of the library.

14.2 Registered library members may use the internet café free of charge. The internet café will be free of viruses and will be used at one’s own risk.

14.3 The Msunduzi Municipality will determine the charges which are levied for printing and copying by users.

14.4 The Librarian or ***nominated*** representative may reasonably prohibit certain users access to the internet café, if:

1. Users invades the privacy of other persons.
2. Threaten or harass other persons.
3. Distribute or try to access obscene, pornographic, racist or inappropriate material.
4. Hack any site.
5. Any unlawful purpose.

14.5 American corner policy will determine the how their computers will be administered.

**15. USE OF THE FACILITIES INCLUDING GROUP ACTIVITIES HALL, STUDY ROOM(S) OR LIBRARY**

The authorized official determines which facilities are made available to users at a particular library. The Municipality is not obliged to provide use of any requested facility.

**15.1 AUDITORIUM**

Approval for the use of the group activities hall, study room(s) or library auditorium is vested in the Msunduzi Municipality subject to any conditions laid down by the Msunduzi Municipality.

The booking fee will be determined by Msunduzi Municipality.

**15.2 STUDY AREA**

The designated area may be limited to scholars or tertiary students who provide their own study or work material. The Librarian or elected representative may determine the time limit for users to use the study area.

**16. LIBRARY HOURS**

16.1 A notice by the Msunduzi Municipality, 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.

16.2 The Msunduzi Municipality may set different opening and closing hours for different libraries.

16.3 Msunduzi Municipality representatives may determine if a library is required to close for maintenance, stock take or any other purpose. A notice must be posted on the door to indicate the closure.

16.4 No person may enter the library buildings outside of opening hours.

***16.5 Refer to Annexure B***

**17. POSTING OF BY-LAWS IN THE LIBRARY**

The ***Library Manager*** 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 thereto.

**18. TOBACCO PRODUCTS CONTROL ACT**

The library is a non-smoking area (Act 83 of 1993, amended Act 12 of 1999, regulation 21610 published in the Government Gazette on 29/9/2000).

**19. OFFENCES**

19.1 Any person who contravenes library policy or the by-laws may be ordered to leave the library by ***the Library Manager or a nominated*** representative.

 19.2 No person shall:

(a) Conduct or participate in an audible conversation, read aloud, sing, whistle, play loud music or use a cellular phone in the library in a manner which is disturbing to other persons present in the library

(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, telephonically or in writing

(d) Allow any child under his supervision to create a disturbance in the library

(e) Act in an uncivilized or disorderly fashion

(f) Use unseemly, abusive, or blasphemous language

(g) Lay a bet or gamble in any part of the library

(h) Recline, sleep, or partake of refreshments in the library except in activity rooms/auditoriums

(i) Cause or permit any animal, other than a guide-dog under his supervision, to enter or remain in the library

(j) While using the library, refuse to comply with any lawful request of the Librarian

(k) Bring any vehicle, carrier or container into the library without the permission of the Librarian

 (l) Distribute or deposit in the library for distribution, material for advertisement, publicity or any other purpose without the permission of the Librarian

(m) Damage or deface any part of the library or any fitting, furniture, equipment, or contents thereof

(n) Move any library furniture without permission

(o) Supply a false name and address for the purpose of entering any part of the library or the benefit from any service rendered by the library

(p) Enter or remain in any part of the library if he is

(1) Unclean of body or dress, dressed inappropriately or in a matter which will cause a disturbance to other users

(2) Under the influence of intoxicating liquor or drugs

(3) ***Requested to leave in the case of an emergency, evacuations, drills or at closing times.***

(q) Enter or remain 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

(r) Enter or leave the library by an entrance or exit not officially provided for the use of the public

(s) Enter or remain in any part of the library which is reserved for the use of the library staff

(t) Obstruct or block any entrance to or exit from the library

(u) Fail to abide by the rules of computer use

(v) Remove from the library or be in the possession of library material that is not checked out accordingly in terms of these By-laws

(w) Retain in his possession any library material for more than three days. 24 hours after the delivery to his registered address of a written demand from the Librarian for the return of such material

(x) Eat, drink in the library unless in a designated area

(y) Smoke in a library

(z) bring a weapon into the library

**20. PENALTIES**

20.1 Any person not *bona fide* using the library for the purpose for which it is intended or who is guilty of any misdemeanor in the library as set out in section ***19***, may be removed from the library by the Security Guard, ***Library Manager*** or by a person called upon thereto by the ***Library Manager***.

***20.2 Any person contravening any of the provisions of these By-laws, shall be guilty of an offence and shall, on conviction, be liable to a fine determined by the Msunduzi Municipality.***

**21. APPLICATION**

The Msunduzi Municipality may by notice in the *Provincial Gazette* determine that the provision of these Bylaws do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

**22. SHORT TITLE AND COMMENCEMENT**

This by-law shall be called the Bylaws Relating to the Public Library Services and shall come into effect after being published in the Msunduzi Municipality Website and other means of Msunduzi Municipality communication.

**23. REPEAL**

The By-laws relating to Libraries for the Msunduzi Municipality or its successor in title, are hereby repealed and replaced by these By-laws, which are to become effective on promulgation hereof.

**22. APPEAL**

(a) A person whose rights are affected by a decision taken by the Municipality in terms of this By-law may appeal against that decision in terms of the Appeals provision contained in the Local Government: Municipal Systems Act, 2000 ([**Act No. 32 of 2000**](https://indigo.openbylaws.org.za/resolver/resolve/za/act/2000/32)) by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision

(b) The Municipal Manager must promptly submit the appeal to the appropriate appeal authority.

(c) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

(d) The appeal authority must confirm, vary, or revoke the decision, but no such variation or revocation of a decision may detract from any rights which may have accrued as a result of the decision.

(e) The appeal authority must furnish written reasons for its decision on all appeal matters.

(f) All appeals lodged are done so in terms of the Local Government: Municipal Systems Act, 2000 ([**Act No. 32 of 2000**](https://indigo.openbylaws.org.za/resolver/resolve/za/act/2000/32)) and not in terms of this By-law

(g) Where a conviction has been affirmed by a court of law and the accused wishes to appeal such conviction, the appeal must take place in terms of the court’s appeal process and not in terms of subsections (1) to (5).

**24. PRESUMPTIONS**

***Unless it is proved, it is presumed that all material booked and or borrowed shall be returned in the same condition as when it was loaned.***

**ANNEXURE A**

**LIBRARY TARIFFS**

***The fees payable to the Msunduzi Municipality in terms of the Bylaw will be the fees determined by the Msunduzi Municipality from time to time.***

**ANNEXURE B**

**LIBRARY OPENING HOURS**

* **Bessie Head Library**
* **Northdale Library**
* **Georgetown Library**

**Weekdays: 08H30 – 17H00**

**Saturdays: 08h30 – 13h00**

**Closed on Sundays and Public Holidays**

**LIBRARY OPENING HOURS**

* **Alexandra library**
* **Ashburton Library**
* **Ashdown Library**
* **Eastwood Library**
* **Elandskop Library**
* **Mafunze Library**
* **Slangspruit Library**
* **Sobantu Library**
* **Woodlands Library**

**Weekdays: 08h30 – 16h30**

**Saturdays: 08h30 – 12h30**

**Closed on Sundays and Public Holidays**