

[PROVINCIAL NOTICE NO. 38 OF 2019]

**MANGAUNG METROPOLITAN MUNICIPALITY**

**PROMULGATION NOTICE**

**Municipal Libraries By-law**

Passed by Council on Tuesday, 05 March 2019  
Under Item 18.1 – 5/03/2019

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the revised set of Municipal Libraries By-laws, at the sitting dated 05 March 2019.
- 2) The reviewed Municipal Libraries By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

**Adv. Tankiso Mea**  
**City Manager**

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**BY-LAWS RELATING TO MUNICIPAL LIBRARIES**

**1. Definitions**

In these by-laws, unless the context otherwise indicates –

**"Borrower"** means a person who can present evidence of membership of the library and whose name appears on the list of members kept by the library;

**"charges"** means any fine or miscellaneous charges in respect of the library as determined from time to time by the municipality;

**"Council"** means the Council of the Mangaung Metropolitan Municipality or any political structure, political office bearer, councillor or any staff member acting under council's delegated or sub-delegated power;

**"Legal deposit section"** means the section that received all publications as determined by the Legal Deposit Act, 1997 (Act No. 54 of 1997);

**"lending period"** means the period which the municipality determines for the lending out of different types of library material;

**"librarian"** means the officer, or his or her representative, appointed by the municipality to exercise control over and to manage the library;

**"library"** means the collection of library material under the control of the librarian which is made available for the use by the public;

**"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,

**"Municipality"** means Mangaung Metropolitan Municipality established by the Provincial Notice №. 155 of 2016 as published in the Provincial Gazette, Free State Province of 22 July 2016, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

**"non-resident"** means a person who does not live within the Municipality or a person who does not own ratable property within the Municipality;

**"reference section"** means the section where reference books are kept and where facilities are provided for study and reading;

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“resident” means a person living within the Municipality or a person who owns ratable property within the area;

“user” means a person who enters the library building for the purposes of using the library services and library material.

## 2. Use of the library

Any person admitted to the library by the Municipality may use the library facilities during official hours of opening. However, if a person wishes to borrow library material, he or she must first register as a member of the library.

## 3. Membership

- (1) (a) Subject to the provisions of paragraph (b) and subsection (2), the Municipality may grant to any person residing or employed within the area of jurisdiction of the municipality or who is a rate payer of the municipality, membership of the library, subject to the conditions determined by the municipality and provided such person undertakes to subject himself or herself to the provisions of these by-laws and the rules for conducting the business of the library, adopted by the Municipality.
- (b) the Municipality may, subject to the conditions it may determine, grant membership of the library to a pre-school or school-going child, should its 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 rules for conducting the business of the library adopted by the Municipality.
- (c) Membership is not transferable.
- (d) the Municipality must issue a membership card to a member authorizing him or her to borrow from the library such quantity of library material as may be determined by the municipality from time to time.
- (e) a membership card is valid from the date of issue thereof until the date of its expiry as determined by the Municipality from time to time. The membership of a person to whom such a membership card has been issued, lapses after the expiry date, unless it be renewed.
- (f) the borrowers must produce membership cards when borrowing library materials from time to time.
- (2) the Municipality may grant membership of the library to a person residing outside its area of jurisdiction on conditions determined by the Municipality from time to time.
- (3) a member desirous of terminating his or her membership of the library, must return his or her membership card, as well as all library material lent to him, to the librarian without delay, failing which he or she may be held responsible of all library material that might be borrowed against such membership card.
- (4) when a member changes his or her address, he or she must notify the librarian, in writing, within seven days of such change of address.
- (5) (a) when a member's membership card gets lost, he or she must forthwith notify the librarian, in writing, and the librarian may, on payment of the prescribed charges, issue a duplicate of such membership card.
- (b) should a lost membership card be found, the duplicate membership card issued in place thereof, must forthwith be returned to the librarian: Provided that any charges paid for such duplicate is not refundable to the member.
- (c) if a member gives notice in terms of paragraph (a), such member must, notwithstanding the provisions of section 8 (1), not be liable in terms of the said section in respect of any library material borrowed against the lost membership card after the date of such notice.
- (6) a person residing for a period of less than three months in the area of jurisdiction of the Municipality, may register as a visitor if-
  - (a) he or she applies for such registration on the form prescribed by the Municipality: Provided that the required proof of identification and particulars as determined by the Municipality, are submitted;
  - (b) he or she deposits with the librarian the prescribed deposit; and
  - (c) the Municipality approves such application.
- (7) the deposit contemplated by subsection (6) (b) must be refunded to a member on application by him or her provided that if any member does not renew his or her membership card within a period of three months after the expiry of the period of validity, such deposit is forfeited to the Municipality: Provided further that upon any such refunding or forfeiture, the registration of the member must be cancelled.

- (8) 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 municipality for registration of such organisation or body as a member of the library.
- (9) The librarian can cancel the membership of any borrower who has been continuously non-active for a period of three years after the expiry date of his membership. However, the borrower thus having his membership cancelled does not forfeit the right at any future date to reapply for membership in terms of the provisions of this By-law.

#### **4. Borrowing or lending of library material**

- (1) A borrower is responsible for all library material which have been lent to him against his membership card.
- (2) No person must be in possession of any library material not lent against a membership card.
- (3) 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, is the property of the Municipality.
- (4) (a) a member borrowing library material from the library must ascertain whether such material is damaged and, if damaged, he or she must draw the librarian's attention to the fact.
- (b) the librarian should 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 must be affixed thereto.
- (5) Provided that the library material has not been requested by another borrower, the period of borrowing or lending, may at the discretion of the librarian, be extended –
- (a) By delivering it to the librarian for reissue, or
- (b) By furnishing the librarian in writing or verbally with the following information;
- (i) the expiry date of lending period;
- (ii) the code number of the library material; and
- (iii) the name, address and telephone of the borrower.

#### **5. Returning of library material**

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

- (a) the 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 further borrowing periods;
- (b) a member is responsible for the return of library material borrowed by him or her, and should such member find it impossible to personally return such library material, he or she may return it in any other way;
- (c) a member who has borrowed library material must 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.
- (d) All library material borrowed should be returned to the librarian within the period of fourteen (14) days of the date of issue.
- (e) If library material is not returned within the period of lending or extended period of such, the borrower to whom the material was issued should pay to the librarian an amount determined from time to time by the Council by resolution for each week or part of a week during which the material was outstanding after expiry of such period.
- (f) The borrower is responsible for the return of all library material to the librarian in a good and undamaged condition as it was lent to him.
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**6. Overdue library material**

- (1) A borrower whose library material is habitually overdue may have his membership suspended or cancelled
- (2) If the returning of the library material is overdue, the provisions of sub-section 5(e) apply mutatis mutandis.
- (3) The Municipality may exempt any person from the payment of such fine if he or she is satisfied that failure to return library material is due to circumstances beyond the borrower's control.
- (4) In order to obtain overdue library material, the Municipality may determine a fine free period for a time in which such library material may be returned.
- (5) The Municipality may add the current replacement cost of any outstanding library material to the monthly services account of the member or his or her legal guardian should all other efforts in terms of this by-law fail to effect return of the library material.

**7. Reservation of library material**

A member is allowed to reserve library material.

**8. Lost or damaged library material**

- (1) Should library material be lost or become damaged or deemed to be lost in terms of subsection (2), the member against whose membership card such library material was borrowed must, in addition to any fine or other charges for which he or she is liable for in respect of the said library material, be liable for payment to the Municipality of the purchase price thereof or an amount to make good the damage as may be determined by the Municipality, unless he or she replaces it with a copy of equal value or a copy acceptable to the Municipality.
- (2) 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, is deemed to be lost.
- (3) Lost or damaged library material remains the property of the Municipality.
- (4) No further library material must be lent to a member who, in terms of subsection (1), is responsible for the loss or damage of library material until such loss or damaged items have been replaced or until the amount of the damage caused or any other charge has been paid to the librarian.

**9. Handling of library material**

No person having library material in his or her possession, must either wilfully 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, 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 be removed or damaged any protective coverings of such material or fold;
- (e) lend any such material to any unauthorised person; or
- (f) make reproductions of material, except with the permission of the librarian

**10. Exposure of library material to contagious diseases**

- (1) No person suffering from a contagious disease must borrow or handle any library material from the library and no person must allow another person suffering from a contagious disease, to handle such library material lent to him or her.
  - (2) Any person being in possession of such library material from the library which was exposed to a contagious disease, must immediately advise the librarian that such library material was so exposed.
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- (3) No library material which has been exposed to an infectious disease shall be returned to the library before it has, in the opinion of the librarian, been properly disinfected.
- (4) The Municipality must at least once a year fumigate the library and all associated buildings to prevent damage to books and furniture and the possible spreading of any contagious disease.

#### **11. Library material for special purposes**

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

#### **12. Use of the group activities hall**

- (1) Approval for the use of the group activities hall vests in the Municipality subject to any conditions laid down by the Municipality.
- (2) Any person who wishes to make use of the activities hall must pay to the Municipality the prescribed fee as may be determined by the Council from time to time.

#### **13. Library hours**

- (1) A notice by the Municipality, setting forth the days and hours during which the library is open to the public, should be displayed in a prominent place at or near the entrance of the library building or premises.
- (2) Libraries will not be open on Sundays and public holidays and the Municipality may temporarily close a library or any part thereof for such period as the Municipality deems necessary: Provided that the official notice of the Municipality's intention is displayed on the notice board seven days before the actual closing.

#### **14. Posting of by-laws in the library**

The librarian must place a copy of this by-law in a prominent place in the library and direct the attention of a user of the library thereto.

#### **15. Request for material not available in the library**

A borrower may on the prescribed form apply for library material which is not available in the library and the librarian may, if he deems it necessary, make arrangements to obtain it at a fee as determined by the Council from time to time by way of resolution.

#### **16. Reference section or legal deposit section**

- (1) No person shall be permitted to borrow library material from the collection of reference or the legal deposit section of the library.
- (2) Any person consulting library material or the legal deposit publication, shall do so at the place indicated by the librarian.
- (3) Any person using library material from the reference or legal deposit section, shall return such item when so requested by the librarian.

#### **17. Conduct or behaviour not allowed in the library**

No person must –

- (a) smoke in the library or any of its associate buildings;
  - (b) make use of a cell phone in a library to conduct a conversation or for any other reason, or fail to switch off any cell phone in his or her possession upon entering the library;
  - (c) 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;
  - (d) impede, obstruct, disturb or in any other way annoy any other person in the legitimate use of the library;
  - (e) refuse to deliver any library material to the librarian within a reasonable time after being requested thereto verbally or telephonically;
  - (f) allow any child under his or her supervision to create a disturbance in the library;
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- (g) act in an uncouth or disorderly fashion;
- (h) use unseemly, abusive or blasphemous language;
- (i) lay a bet or gamble in any part of the library;
- (j) recline, sleep, loiter or partake of refreshments in the library;
- (k) cause or permit any animal under his or her supervision to enter or remain in the library;
- (l) while using the library, refuse to comply with any lawful request of the librarian;
- (m) bring any vehicle, carrier or container into the library without the permission of the librarian;
- (n) distribute or deposit in the library for distribution, material for advertisement, publicity or any other purpose without the permission of the librarian;
- (o) damage or deface any part of the library or any fitting, furniture equipment or contents thereof;
- (p) 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;
- (q) enter or remain in any part of the library if he or she is –
  - (i) unclean on body or dress,
  - (ii) suffering from a contagious or infectious disease notifiable in terms of any law, or
  - (iii) under the influence of intoxicating liquor or drugs;
- (r) 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;
- (s) enter or leave the library by an entrance or exit not officially provided for the use of the public;
- (t) enter or remain in any part of the library which is reserved for the use of the library staff,
- (u) obstruct or block any entrance to or exit from the library;
- (v) remove from the library or be in the possession of library material the whereof the lending has not been registered by the librarian in terms of these by-laws;
- (u) bring his or her bags, food and refreshments in to the library.

#### 18. Offences and penalties

- (1) Any person contravening or failing to comply with any provisions of this by-law is guilty of an offence.
- (2) Such a person may be removed from the library by the librarian or by a person called upon thereto by the librarian.
- (3) Or may upon conviction, be liable to a fine not exceeding R2000 or, in default of payment, to imprisonment not exceeding the period of five(5) days or both such fine and imprisonment .
- (4) In the case of continuous offence, to an additional fine of five hundred rand (R500.00) or additional imprisonment of one (1) day for each day on which the offence continues, or his membership or use or access to municipal libraries be cancelled or denied for the period of five years.

#### 19. Repeal and Amendments

- (1) Any by -laws relating to libraries adopted by the former municipality now forming part of the Municipality, are repealed from the date of promulgation of this By-law.
- (2) The Libraries By-laws of the Mangaung Metropolitan Municipality as promulgated in the Local Government Notice No. 35 of June 2016 are hereby amended

#### 20. Short title and commencement

This By-law is called **Mangaung, Municipal Libraries By-law** and the amendments effected come into operation on the date of promulgation thereof in the Provincial Gazette.

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