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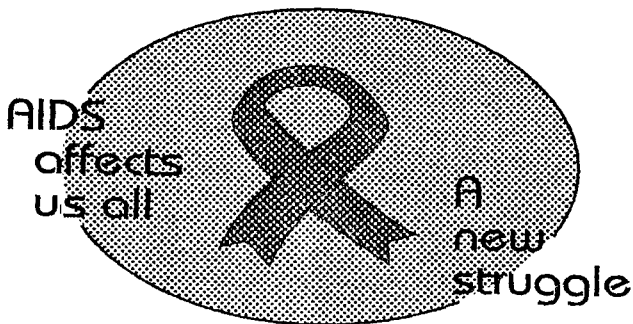
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Vol. 12

BISHO/
KING WILLIAM'S TOWN, 4 FEBRUARY 2005

No. 1272
(Extraordinary)

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No. 11

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MAKANA MUNICIPALITY

RESCISSION OF LIBRARY BY-LAW

NOTICE IS HEREBY GIVEN IN TERMS OF SECTION 12 AND 13 OF THE LOCAL GOVERNMENT MUNICIPAL SYSTEMS ACT, 2000 THAT THE MAKANA MUNICIPAL COUNCIL HAS RESCINDED THE LIBRARY BY-LAW PROMULGATED UNDER PROVINCIAL NOTICE P/N 550/1991 DATED 26 JULY 1991.

PRAVINE NAIDOO
MUNICIPAL MANAGER

MAKANA MUNICIPALITY

Notice is hereby given in terms of section 12 and 13 of the Local Government Municipal Systems Act, 2000 that the Makana Municipal Council has passed the following By-Law. The By-law will come into effect on date of publication

LIBRARY BY-LAW

Definitions

1. In this by-law, unless inconsistent with the context –

“borrower” means any person registered by a local authority as a borrower;

“local authority area” means the area under the jurisdiction and control of a municipality which is a library authority.

Use of the library

2. Any person admitted to the library by the library authority may use the library facilities free of charge during official hours of opening. However, if a person wants to borrow library material, he shall first register as a member of the library.

Registration

3. (1) Any person residing permanently or being the owner of immovable property in the local authority area concerned shall be registered as a borrower at the library concerned if he applies for such registration on the form supplied by the local authority and the local authority concerned grants such application: provided that any application by a child shall be countersigned by his parent or guardian who, by such countersignature, shall for all purposes be deemed to have undertaken to accept liability in respect of any library material borrowed by such child.

(2) A person residing for a period shorter than three months in the area of jurisdiction of the local authority concerned may be registered as a visitor if –

(a) he applies for such registration on the prescribed form supplied by the local authority

(b) he deposits with the librarian such deposit as may be determined by the local authority concerned from time to time, and

(c) the local authority concerned approves such application.

(3) The deposit contemplated by subsection (2) (b) shall be refunded on application of any borrower: provided that if the borrower does not renew his cards contemplated by section 4 (1) within a period of three years after the expiry of the period of validity, such deposit shall be forfeited to the local authority concerned: provided further that upon any such refunding or forfeiting, the registration of the borrower concerned shall be cancelled.

(4) A person residing outside the area of jurisdiction of the local authority concerned who wishes to use the library on a regular basis may register as a borrower at the library concerned if –

- (a) he applies for such registration on the form supplied by the local authority;
- (b) the local authority approves such application.

Borrower's cards

4. (1) (a) The librarian shall issue a borrower with cards authorizing the loan of the number of books which such borrower may be permitted to borrow in terms of this by-law and may, at the request of such borrower, issue him with further cards authorizing the loan of such number of videos, compact discs, art prints, cassettes, or any other library material which such borrower may be permitted to borrow in terms of this by-law.

(b) Any card contemplated by subsection (1) (a) shall be issued for a period of validity not exceeding three years as stipulated by the librarian subject to the provisions of this by-law: provided that such card, after the expiry of such period of validity, except in cases as contemplated by the second proviso of section (3) (3), may be renewed without any further registration and without the number of renewals being limited.

(2) (a) Should a borrower report that he has lost a card, a duplicate card shall, on payment of a fee as determined by the local authority from time to time, be issued to such borrower by the librarian; provided that no borrower shall be exempt from liability in terms of this by-law arising from the loan of library material on the authority of the lost card before such loss has been reported to the librarian.

(b) Should the lost card subsequently be found, any duplicate card issued in the place thereof shall be returned to the librarian, and in such event the fee for such duplicate card shall not be refunded to the borrower.

(3) Should a borrower wish to terminate his registration as a borrower or no longer qualifies in terms of this by-law for registration as a borrower, he shall return for cancellation all cards in his possession to the librarian of the library where he is so registered.

Change of address

5. A borrower shall notify the librarian of the library where he is a borrower of any change of address within seven days of such a change occurring.

Loan and return of library material

6. (1) No library material shall be lent to any person unless such loan has been registered by the librarian against cards authorizing such loan to the person concerned.

(2) Subject to the provisions of subsection (4) and any conditions stipulated by the local authority concerned and upon payment of any fines or compensation for which such borrower is liable in terms of this by-law, a borrower may, unless the library

material concerned has already been requested by another borrower or library, borrow not more than the following at any one time:

- (a) Five books or periodicals
- (b) Two art prints
- (c) One video tape
- (d) One cassette

provided that no borrower who is a child may, subject to the provisions of section (8), borrow library material other than books not exceeding three in number at any one time.

(3) (a) Books, periodicals, cassettes or compact discs shall be loaned for fourteen days or such shorter or longer period as the librarian may determine, as the case may be, but for a period not exceeding two months, and art prints shall be loaned for a period not exceeding three months.

(b) Videos shall be loaned on the conditions as determined by the librarian; and shall be for home use only. Videos may not be shown in public and no charge may be levied for showing videos.

(c) Library material not contemplated by subsection (2) shall be loaned in such amounts and for such periods as the local authority concerned may determine from time to time.

(d) If no other borrower or library has requested the library material concerned, a borrower may, subject to this by-law and on payment of any fine payable by him, obtain an extension of any such period from the librarian.

Overdue library material

7. (1) A fine for the retention of library material in excess of the period as provided in this by-law shall be levied in respect of –

(a) library material other than videos, at a rate as determined by the local authority from time to time per week or part of a week in excess of such period, or

(b) videos at a daily rate as determined by the local authority from time to time.

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

Childrens' section

8. A borrower under the age of 13 years shall not borrow or remove material from that part of the library set aside for adults without permission of the librarian.

Reservation of library material

9. A borrower may reserve not more than the number of items of library material which, in accordance with the stipulation of the librarian, is available for loan to borrowers. A reservation fee as fixed by the local authority from time to time may be levied in respect of each item so reserved.

Lost and damaged library material

(10) (1) A borrower shall accurately establish that library material borrowed by him is in an undamaged condition before its removal from the library and any damage which is observed shall be reported to the librarian before the material is so removed.

(2) A borrower or the parent or guardian of a child who is a borrower shall be responsible for the loss or damage, other than by fair wear and tear, whether such loss or damage is occasioned by his own negligence or otherwise, to any library material lent to such borrower, and shall make good such loss or damage by paying such compensation in respect thereof as may be determined by the librarian.

(3) Any library material bearing the ownership mark or stamp of any library and not officially marked as withdrawn, discarded or sold shall at all times remain the property of such library.

(4) Library material retained by a borrower for more than three months calculated from the expiry date allocated to such material at the time of issue or after granting any extension of the loan period shall for all purposes be deemed to be lost; provided that art prints shall not be deemed to be lost until a period of six months from such date has expired.

Library material for special purposes

11. Library material of a specialized nature shall only be used in such parts of the library building as are set aside by the local authority for special purposes, and shall not be removed from the library building or to any other part of the building without the permission of the librarian.

Library hall

12. Approval for the use of the library hall shall vest in the local authority, which local authority shall give preference to activities organised and / or presented by the librarian. Users of the library hall other than municipal departments shall pay for the use of the hall at rates determined by the local authority from time to time.

Library hours

13. A notice by the local authority, setting forth the days and hours during which the library shall be open, shall be displayed in a prominent place at or near the entrance thereto.

Recovery of service costs

14. Any special expenditure incurred by the local authority in respect of postage, telephone calls, photocopies or other services in connection with the loan of library material to any borrower may be recovered from such borrower.

Handling of library material

15. No person having an item of library material in his possession shall either wilfully or negligently –

- (a) fail to keep such material in a clean condition;
- (b) expose or permit such material to be exposed to damage by water, heat, fire, animals or any other thing;
- (c) mutilate, deface, mark or in any way damage such material or permit such material to be mutilated, defaced, marked or damaged, or
- (d) remove or damage or permit to be removed or damaged any protective coverings of such material.

Offences

16. No person shall –

- (1) conduct or participate in a disturbing conversation, read aloud, sing or whistle in the library building in a manner which is disturbing to other persons present in the library building;
- (2) impede, obstruct, disturb or in any other way annoy any other person in the legitimate use of the library;
- (3) refuse to deliver any library material or equipment to any other person within a reasonable time of being requested to do so by the librarian;
- (4) while using the library, refuse to comply with any lawful request of the librarian;
- (5) allow any child under his supervision to create a disturbance in the library;
- (6) (a) act in an uncouth or a disorderly fashion;
(b) use unseemly, abusive or blasphemous language; or
(c) lay bets or gamble in any part of the library;
- (7) recline, sleep or partake of refreshments in the library;

(8) cause or permit any animal under his supervision to enter or remain in the library building;

(9) bring any vehicle, carrier or container into the library building without the permission of the librarian;

(10) distribute, or deposit in the library for distribution, material for advertisement, publicity, or any other purpose without the permission of the librarian;

(11) damage or deface any part of the library building, or any furniture, fitting, equipment or contents thereof;

(12) supply a false name or address for the purpose of entering any part of the library or to benefit from any service rendered by the library;

(13) enter or remain in any part of the library if he is –

(a) unclean in body or dress;

(b) suffering from a contagious or infectious disease notifiable in terms of any law;

(c) under the influence of intoxicating liquor or drugs;

(14) enter or remain in any part of the library during the hours that such library or part thereof is not officially open for service to the public;

(15) enter or leave the library building by any entrance or exit not officially provided for use of the public;

(16) enter or remain in any part of the library building which is reserved for the use of the library staff;

(17) obstruct or block any entrance to or exit from the library building;

(18) remove from the library or be in the possession of library material the loan whereof has not been registered by the librarian in terms of this by-law;

(19) retain in his possession any library material for more than 24 hours after the delivery to his registered address of a written demand from the librarian for the return of such material;

(20) smoke in the library or the library hall.

Penalties

17. (1) Any librarian, security officer, or member of the police force who is called upon or requested thereto by the librarian may order out or remove any person who is guilty of misbehaviour in any library, or any person not *bona fide* using the library for the purposes it is intended for;

(2) Any person contravening any of the provisions of this by-law shall be guilty of an offence and shall on conviction be liable to a fine.

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