

RUSTENBURG LOCAL MUNICIPALITY

REVISED LIBRARY AND INFORMATION SERVICES BY-LAW



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Rustenburg Libraries by-law, 2018

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Rustenburg Libraries By-law, 2018

Assented to on 2018. Commences on upon Council resolution.

To promote reading for education, entertainment and research; to regulate the operation and use of libraries; to determine the duties and powers of library officials; to create offences and penalties; to provide for the repeal of laws and savings; and to provide for matters incidental thereto.

WHEREAS the Municipality recognises the contribution that libraries make to encouraging reading and the key role that libraries play in education and research;

WHEREAS the Municipality has competence in terms of Part B of Schedule 5 of the Constitution of the Republic of South Africa, 1996, to control local amenities;

AND WHEREAS the Rustenburg Municipality has competence, in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996, to make and administer By-laws for the effective administration of the matters which it has the right to administer;

NOW THEREFORE the Rustenburg Municipal Council, acting in terms of section 156 read with Part B of Schedule 5 of the Constitution of the Republic of South Africa, 1996, and read with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby makes the following By-law:

Chapter 1

Interpretation

1. Definitions

In this By-law, unless the context indicates otherwise –

"adult" means a person who is 18 years old or older;

"authorised official" means a person authorised to implement the provisions of this by-law, including but not limited to peace officers as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977); municipal or metropolitan police officers as contemplated in the South African Police Service Act, 1995 (Act No. 68 of 1995); and such employees, agents, delegated nominees, representatives and service providers of the Municipality as are specifically authorised by the Municipality in this regard: provided that for the purposes of search and seizure, where such person is not a peace officer, such person must be accompanied by a peace officer;

"borrower" means a member, temporary member or visitor who borrows library material from a library;

"branch library" means any library which is designated by the Municipality as a branch the central library;

"central library" means the library which is designated by the Municipality as its head office library;

"child" means a person below the age of 13 years;

"council" means the Rustenburg Municipal Council, a municipal council referred to in section 157(1) of the Constitution of the Republic of South Africa, 1996;

"cyber zone" 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;

"disabled, blind and visually impaired section" means a section of a library set aside for library materials intended for those who are disabled, blind or visually impaired;

"e-book" means content, whether in the form of text, images or otherwise, which is made available in digital format and is readable on a computer or another electronic device;

"educational toy" means a toy which is typically designed for and used by children, and is intended to teach a child about a topic or help a child to learn a skill;

"facility" means any facility made available to users at a library and includes any –

- (i) reference section;
- (ii) reading room;
- (iii) study section;
- (iv) special collection;
- (v) periodicals section;
- (vi) cyber zone;
- (vii) printing and copying section;
- (viii) general activities room;
- (ix) blind and visually impaired section;
- (x) auditoria; video or conferencing rooms; and any other space or facility set aside by the librarian within a library;
- (xi) mobile library

"general activities room" means a section of the library made available to users for hire;

"librarian" means the person designated by the Municipality as overseeing the central library or a branch library, as the case may be;

"library" means a place where a collection of library materials are maintained and made available to the public by the Municipality, and includes the central library and any branch library;

"library material" means any item made available to users at a library and includes any – book; e-book; periodical; photograph; film; music or other recording; art reproduction; multi-media item; educational toy; microfiche; microfilm; barcode label date sheet; property label; loss control tag; tablet; e-Reader; laptop; daisy reader; printer; scanner with a built in reader for the visually impaired; or any library equipment;

"member" means a person who is registered as a member of a library in terms of this By-law;

"mobile library" means the library service rendered to old age homes, areas without permanent library structures and other institutions wherein a library vehicle/bus visits such areas on pre-determined days

"multi-media item" means any library material which combines different media or form including, but not limited to, text, audio, images, animation, video and interactive features

"Municipality" means the Rustenburg Municipality, a category A Municipality as envisaged in terms of section 155(1) of the Constitution of the Republic of South Africa, 1996;

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

"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 or borrowing;

"prescribed section" means as determined by resolution of the council; "printing and copying section" means 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 purposes;

"special collection" means a section of a library where library materials are kept which cannot be made available to users without restriction, whether by reason of their value, rarity, fragility or otherwise;

"study section" means a section of a library set aside for users for the purposes of studying;

"temporary member" means a person who has applied for membership of a library, but who has not yet been granted membership of that library and who wishes to borrow library materials from the library on a temporary basis pending the approval of his or her membership;

"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; and

"young adult" means a person between the ages of 13 and 18 years old;

2. Interpretation of by-law

If there is a conflict of interpretation between the English version of this By-law and a translated version, the English version prevails.

3. Object of by-law

The object of this by-law is to facilitate the provision of library and information services in a manner which promotes access to books and information for purposes of education, entertainment and research; reading as an activity; and the operation of libraries in a manner which ensures their sustainability.

4. Application of By-law

This By-law applies to all areas which fall under the jurisdiction of the Municipality and is binding on all persons to the extent applicable.

Chapter 2

Operation of libraries

5. Functions and powers of librarians

5.1 A librarian has the authority to manage his or her library and to control the day-to-day operations of that library.

5.2 A librarian may impose fines and penalties and exercise any other power or perform any other function granted to him or her, in accordance with this by-law and any policy adopted by council.

6. Library opening hours

6.1 Each library's opening and closing times must be –

6.1.1 determined by the Municipality; and

6.1.2 displayed on a sign at the entrance of the library.

6.2 The Municipality may set different opening and closing times for different libraries.

6.3 The authorised official may temporarily close a library for stock take, maintenance or any other purpose.

6.4 A period of temporary closure must be advertised on a sign at the entrance to the affected library for not less than seven calendar days prior to its closure.

6.5 No person may enter or use a library outside of the opening hours or when the library is temporarily closed.

7. Access to libraries

7.1 Access to a library is –

7.1.1 available to any member of the public during library opening hours; and

7.1.2 free of any charge.

7.2 A member of the public may use library materials at a library, but may not borrow library materials from that library unless they are a member, temporary member or have been granted visitor status.

8. Order to leave library

Any person who contravenes any provision of this by-law or any policy adopted by the council may, in addition to any fine which may be imposed, be ordered to leave a library by the librarian or by any other authorised official.

9. Stocking of libraries

- 9.1 The authorised official must determine which library materials are made available for use or lending at a library.
- 9.2 The Municipality is not obliged to provide any item at any library, regardless of whether that item is described as a library material in this by-law

Chapter 3

Members and Visitors

10. Membership

- 10.1 Any person who works permanently or who is a student at an educational institution within the area of jurisdiction of the Municipality, may apply for membership of a library.
- 10.2 An application for membership of a library must be made on a prescribed form and must be accompanied by the following documents:
- 10.2.1 a copy of the applicant's ID document;
 - 10.2.2 proof of applicant's address or, if proof of address cannot be provided because the applicant resides in an informal settlement without formal street addresses, a letter from the relevant ward councillor –
 - 10.2.2.1 confirming this fact
 - 10.2.2.2 confirming that the applicant is known to him or her; and
 - 10.2.2.3 specifying the location of the applicant's residence to the extent reasonably possible; and
 - 10.2.2.4 such documents as may be specified in a policy adopted by council.
- 10.3 If an application for membership of a library is made on behalf of a child or young adult, the application must be accompanied by-
- 10.3.1 the written consent of his or her parent or guardian to become a member of the library; and
 - 10.3.2 an undertaking by his or her parent or guardian to pay all amounts which may become due and payable to the Municipality arising from the minor's use of the library or from the borrowing of any library materials by the minor.
- 10.4 An incorporated entity, an association or other institution may apply for membership of a library and the librarian may impose any terms and conditions relating to that membership as he or she may deem appropriate.

11. Scope of membership

A person is –

- 11.1. a member of the library to which he or she has made application for membership;
- 11.2. not entitled to be a member of more than one library operated by the Municipality;
- 11.3. in respect of the library of which he or she is a member, allocated membership of one of the following:
 - 11.3.1 the adult library, if he or she is an adult;
 - 11.3.2 the young adult library, if he or she is a young adult; or
 - 11.3.3 the junior library, if he or she is a child.

12. Period of membership

- 12.1 Membership of a library is valid for a period of two years, commencing on the date on which notice is given to the member confirming that membership has been approved.
- 12.2 A member is entitled to apply for renewal of his or her membership.
- 12.3 An application for renewal of membership must be made on the prescribed form and must be accompanied by such documents as may be required by the librarian.

13. Temporary membership

- 13.1 Any person who has applied for membership of a library but who has not yet been granted membership may apply for temporary membership of that library in the prescribed manner.
- 13.2 Temporary membership of the library concerned may be granted on such terms and conditions as may be prescribed by the librarian.

14. Change of contact details

A member must give written notice to the library of any change on his or her–

- 14.1 address or place of residence;
- 14.2. landline or cell phone numbers;
- 14.3 name; or
- 14.4 email address, within seven days of the change taking effect.

15. Suspension of membership

- 15.1 A member's membership of a library may be suspended by the librarian if the member has failed to pay fines or other monies due to the library within a period prescribed by the Municipality.
- 15.2 The affected member will be (notified of temporary suspension of membership)

contacted using three methods available to the Librarian:

- 15.2.1 available contact on the membership (profile: i.e. email and a telephone call on cell phone number, landline or business number provided) card for a period not exceeding 30 days and failure to obtain response will lead to: -
- 15.2.2 on personal visits to the Library to return library materials
- 15.2.3 recording notes on patron profile provided on SLIMS software in instances where library materials are not personally returned or are returned via the book drop box
- 15.3 A librarian may temporarily suspend the membership of the members of a library, or a class of members, with a view to compelling those members to approach a library to update their contact or other details as recorded in the Municipality's database.

16. Termination of membership by member

A member may terminate his or her membership of a library by –

- 16.1 giving written notice to this effect to the librarian; and
- 16.2 returning his or her library card and any other library material in his or her possession to the library.

17. Termination of membership by Municipality

Membership of a library member may be terminated by the librarian if the member –

- 17.1. contravenes a provision of –
 - 17.1.1. this by-law; or
 - 17.1.2. any policy adopted by council,
- on three or more occasions;
- 17.2. no longer qualifies for membership in accordance with this by-law;
 - 17.3. fails to apply for the renewal of his or her membership;
 - 17.4. fails to collect his or her library card within the period prescribed by the Municipality; or
 - 17.5. fails, following the suspension of his or her membership, to pay any fines or other monies due to the library within a further period prescribed by the Municipality.

18. Effect of termination of membership

Despite the termination of membership –

- 18.1. any fines or other monies due by the member to the library remain due and payable by the member to the Municipality; and
- 18.2. the member remains obliged to immediately return his or her library card and any other library material in his or her possession to the library.

19. Visitors

- 19.1 Any person who is not permanently resident within the area of jurisdiction of the Municipality and wishes to borrow library materials from a library may apply to be registered as a visitor in respect of that library in the prescribed manner and against payment of the prescribed fee.
- 19.2 Visitor status in respect of the library concerned may be granted on such terms and conditions as may be prescribed by the librarian.

Chapter 4

Borrowing library material

20. Library cards

- 20.1. A librarian must issue a library card to each member to be used when borrowing library materials from the library.
- 20.2 A library card must contain the following details:
- 20.2.1 The identity number or date of birth of the member;
 - 20.2.2 the residential address of the member;
 - 20.2.3 whether the member is a member of the adult, young adult or junior library; and
 - 20.2.4 any other information required by the authorised official.
- 20.3 A library card is for the use of the member only and is not transferable to any other person.
- 20.4 The librarian may re-issue a member's card if it is lost, stolen or damaged upon payment of the prescribed fee as determined by the council.
- 20.5 A member is responsible for the library materials issued on his or her card.

21. Issuing of library material

- 21.1 A person may not remove any library material from a library unless the library material has been issued to him or her by the librarian using his or her library card, in accordance with this By-law and any policy adopted by council.
- 21.2 A member shall establish that any library material is in an undamaged condition before the library material may be issued to him or her and shall report any damage observed by him or her before such issuing.
- 21.3 Subject to subsection (2), library material issued in terms of this by-law shall be deemed to be in complete and in a good and undamaged condition.



22. Borrowing rights

- 22.1 Membership of a library entitles a member to borrow any library material from the central library or any branch library, excluding –
- 22.1.1 library material from any special collections section, the reference

section or the periodicals section; and
22.1.2 any other library material designated by the librarian as being available or reading or use at the library only.

22.2 The Municipality must determine the number and type of items of library material which may be borrowed by a member, a temporary member or a visitor against his or her library card at any time.

22.3 The council may determine a fee payable by visitors per item of library material borrowed.

22.4 The authorised official may require a deposit or other form of security from a visitor before issuing library material to that visitor.

22.5 A person who is a –

22.5.1 young adult member;

22.5.2 junior member; or

22.5.3 temporary member or visitor who is not yet an adult, may only borrow library material from the adult library if that person's parent or guardian has provided his or her written consent to the librarian.

23. Reservation of library material

23.1 Library material may be reserved at the request of a member, temporary member or visitor.

23.2 An application to reserve library material must be –

23.2.1 made on the prescribed form; and

23.2.2 accompanied by the prescribed fee.

24. Loan of library material from other libraries

24.1 A member, temporary member or visitor may request that library material be loaned from another library to the library of which he or she is a member.

24.2 An application to loan library material from another library must be –

24.2.1 made on the prescribed form; and

24.2.2. accompanied by the prescribed fee.

Chapter 5



Returning library material

25. Returning library material

25.1 All library material borrowed from a library must be returned by a borrower –

25.1.1 within 14 days, or within such other time period as the Municipality may

- determine;
- 25.1.2 to the library from which the library material was borrowed; and
- 25.1.3 in the condition in which the library material was received at the time of borrowing, fair wear and tear expected.
- 25.2 The librarian may, despite the provisions of subsection (25.1) instruct a member to immediately return any library material to a library.
- 25.3 The librarian may impose a fee, as prescribed by council, for the—
- 25.3.1 repair of damaged library material; or
- 25.3.2 replacement of library material that is lost or damaged beyond repair, regardless of whether the damage or loss was caused by a member or a non-member.
- 25.4 the same borrower must report any library material which has been lost or damaged to the librarian as soon as reasonably possible after the borrower becomes aware of the loss or damage.
- 25.5 The payment of a fee in accordance with subsection (25.3) does not entitle a borrower to keep
- 25.5.1 a damaged item of library material; or
- 25.5.2 an item of library material which was lost but is subsequently found.
- 25.6. No borrower may attempt to repair damaged library material himself or herself.

26. After hours collection boxes.

- 26.1. A borrower may make use of an afterhours collection box designated at a library for the deposit of returned library material outside of the library's opening hours.
- 26.2. A borrower who makes use of an after-hour collection box does so at his or her own risk and is presumed not to have returned the library material, unless he or she proves to the reasonable satisfaction of the librarian that the library material was properly placed in the collection box.

27. Renewal of library material

- 27.1. A borrower may request, telephonically or in person, that borrowed library material be renewed.
- 27.2. Borrowed library material may be renewed –
- 27.2.1 unless the material has been reserved;
- 27.2.1 in intervals of two weeks, up to a maximum period of six weeks; and
- 27.2.3 at the discretion of the librarian.

28. Overdue library material

- 28.1. Fines are payable by a borrower on all library material not returned by the borrower within the time period specified in section 25.1.1

- 28.2. A librarian may waive a fine where he or she is reasonably satisfied that the late return of the library material was as a result of circumstances beyond the borrower's control and the borrower provide reasonable proof thereof.
- 28.3. The authorised official may grant an amnesty regarding fines and other amounts due to a library on such terms and conditions as he or she may deem fit.

Chapter 6

Facilities

29. Facilities at libraries

- 29.1. The authorised official must determine which facilities are made available to users at a library.
- 29.2. Nothing in this by-law obliges the Municipality to provide any facility at a library, regardless of whether that facility is described in this by-law.

30. Reference sections

- 30.1. The librarian may designate any part of a library as a reference section.
- 30.2. Library materials kept in a reference section may not be removed from the reference section or be borrowed by users without the consent of the librarian.
- 30.3. A user may keep reference library material for a period not exceeding 60 minutes and must, thereafter, return any item of reference library material within 15 minutes of a request from a librarian.

31. Reading rooms

- 31.1. The librarian may designate any part of a library as a reading room.
- 31.2. A user may only use a reading room for the purpose of reading library materials or other reading materials.



32. Study sections

- 32.1. The librarian may designate any part of a library as a study section.
- 32.2. The use of study sections is limited to users who can demonstrate to the librarian that they are –
- 32.2.1 school learners; or
 - 32.2.2 undertaking another course of study, whether at a tertiary education institution or otherwise.

33. Special collections

33.1. The librarian may designate any part of a library as a special collection which is available to users only on a restricted basis and under the supervision of the librarian.

33.2. A user may access a special collection –

33.2.1 on written application in the prescribed form;

33.2.2 at times designated by the librarian; and

33.2.3 subject to any other requirements imposed by the librarian.

34. Periodicals sections

34.1. The librarian may designate any part of a library as a periodicals section.

34.2. Library materials kept in a periodicals section may not be removed from the periodicals section or be borrowed by a user without the consent of the librarian.

34.3 A user may keep a periodical for a period not exceeding 15 minutes and must, thereafter, return any periodical within five minutes of a request from a librarian.

35. Cyber zones

35.1. The librarian may designate any part of a library as a cyber zone.

35.2. A user may use the facilities provided at a cyber zone free of charge: Provided that a charge must be levied for printing as contemplated in section 37.

35.3. The librarian may limit or prohibit access to the Internet or to any other facility provided at a cyber zone in any reasonable manner.

35.4. A limitation or prohibition contemplated in paragraph (35.1) may be imposed against –

35.4.1 all users; or

35.4.2 any individual user,

who has breached the provisions of this by-law.

35.5. A user may not use any facility provided at a cyber zone –

35.5.1 to invade the privacy of other persons;

35.5.2 to threaten, harass or defame other persons;

35.5.3 to access or distribute material which is obscene, pornographic, racist ... otherwise inappropriate in nature;

35.5.4 to hack any remote site or computer; or

35.5.5 for any other unlawful purpose.

35.6. The Municipality does not guarantee that –

35.6.1 the use of its cyber zone facilities is free of viruses or other harmful items; and

35.6.2 Cyber zone facilities will be available and free from down time during opening hours.

35.7. Access to the network in cyber zones in Libraries may be in two formats:

- 35.7.1. Through a wi-fi facility: access to this facility is limited to equipment provided by the Library. No personal equipment or gadgets are allowed on the network
- 35.7.2 Through a LAN facility: same rule as above is applicable to this facility

36. General activities room

- 36.1 The librarian may designate any part of a library as a general activities room.
- 36.2 A user may hire a general activities room for purposes consistent with the activities of a library and subject to—
 - 36.2.1 any other applicable Rustenburg Municipality By-law; and
 - 36.2.2 any fee that may be prescribed by council.

37. Printing and copying sections

- 37.1. The librarian may designate any part of a library as a printing and copying section.
- 37.2 The use of printing, copying and faxing services is subject to a fee as determined by council.

38. Disabled, blind and visually impaired sections

- 38.1 The librarian may designate any part of a library as a disabled, blind and visually impaired section.
- 38.2 The librarian may impose reasonable restrictions on the use of the disabled, blind and visually impaired section.

39. Mobile Library

- 39.1 The Mobile Library is offered as a service to places and areas without fixed library buildings and to institutions and homes for the aged. The service is offered in two folds:
 - 39.1.1 Old age mobile service: Service rendered on weekly basis to old age homes in the jurisdiction of the Municipality.
 - 39.1.2 Mobile service to areas without fixed library structures (Mobile library): The service is rendered in-conjunction with the Department of Culture, Arts and Traditional Affairs of the North West Province.
- 39.2 Annually a schedule will be prepared to identify areas to be serviced by the Mobile library.



40. Copyright and other intellectual property rights

- 40.1 A user may not, when making use of a library or any facility at a library, contravene the provisions of the Copyright Act, 1978 (Act No. 98 of 1978) or any other law relating to copyright or intellectual property right.
- 40.2 The Copy Right Act of 1978 as amended, grants the protection to authors of original works, including literary, dramatic, musical, artistic and other intellectual works. The owner of the material has the right to control its duplication and distribution and prohibits photocopying and unless the copying falls within one of the limited exceptions provided for in the Act.

41. Private areas

A librarian may exclude users from any part of a library which is designated as being accessible to staff of the library only.

42. E-books

- 42.1 The authorised official may determine that e-books be lent to members by any library subject to any policy which may be adopted by council.
- 42.2 The authorised official may determine that e-books be lent to members either from a library itself or via a website.
- 42.3 The borrowing of e-books is subject to members possessing appropriate electronic devices with the correct software and file formats to enable access to e-books.

Chapter 7

Conduct

43. Conduct in library

A person may not–

- 43.1. engage in audible conversation in a library, read aloud, sing, whistle or otherwise create a noise which may disturb any other user;
- 43.2. sleep or behave in a disorderly manner in any part of the library;
- 43.3. disturb any other users in their use of the library;
- 43.4. eat or drink in a library, unless in an area specifically designated for that purpose;
- 43.5. bring any animal into a library, unless the animal is–
- 43.5.1 a guide dog for the blind; or
- 43.5.2 participating in a library programme which relates to animals and the librarian's permission has been obtained;
- 43.6. bring any weapon into a library;
- 43.7. enter a library while inappropriately dressed in such a manner which may cause

- a nuisance or disturbance to other users;
- 43.8. enter a library while under the influence of alcohol or any narcotic substances;
- 43.9 contravene any reasonable instruction given by a librarian;
- 43.10 enter a library when he or she has been ordered to leave the library by the librarian and he or she has not obtained the librarian's permission to return;
- 43.11 damage any part of a library building, its surroundings or any library material or equipment;
- 43.12 use a library or facility at a library to invade the privacy of or to threaten, harass or defame other persons; or
- 43.13 contravene any provision of this By-law or any policy adopted by council.

44. Care of library material

- 44.1.A person may not–
 - 44.1.1 damage, deface, mark or soil any library material;
 - 44.1.2 fold or turn down a leaf or page of a book;
 - 44.1.3 expose any library material to excessive heat, dust, moisture or adverse weather conditions; or
- 44.2. make copies of any illustrations in a book by means of tracing without the permission of the librarian.
- 44.3. a member to whom library material has been issued 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 in wet weather.

Chapter 8

Miscellaneous provisions

45. Offences and penalties

- 45.1 A person who –
 - 45.1.1 contravenes any provision of this by-law;
 - 45.1.2 contravenes any condition which has been imposed on him or her;
 - 45.1.3 contravenes any provision of a policy adopted by council applicable to libraries;
- 45.2 Fails to comply with any lawful instruction given in terms of this By-law;
- 45.3 threatens, resists, interferes with or obstructs any authorised official of the Municipality in the performance of official duties or functions in terms of this By-law; or
- 45.4 deliberately furnishes false or misleading information to an authorised official of the Municipality, is guilty of an offence.
- 45.5 any person who is convicted of an offence under this By-law is liable to –
 - 45.5.1 a fine of an amount not exceeding R20 000;
 - 45.5.2 imprisonment for a period not exceeding one year; or



45.5.3 both such fine and imprisonment contemplated in paragraphs (45.5.1) and 45.5.2

45.6 In the case of a continuing offence –

45.6.1 an additional fine of an amount not less than R100; or

45.6.2 imprisonment for a period not less than 1 day,
for each day on which such offence continues or both such fine and imprisonment, will be imposed.

46. Presumptions

46.1. Unless the contrary is proved, it is presumed that any library material –

46.1.1. lent to a borrower was lent in good condition; and

46.1.2 which is stamped with the Municipality's official stamp is the property of the Municipality, unless library material is stamped as having been donated or otherwise discarded by the Municipality.

47. Delegations



47.1 Subject to the Constitution of the Republic of South Africa, 1996, and applicable national and provincial laws, any –

47.1.1 power, excluding a power referred to in section 160(2) of the Constitution;

47.1.2. function; or

47.1.3 duty, conferred, in terms of this By-law, upon the council, or on any of the Municipality's other political structures, political office bearers, councillors or staff members, may be delegated or sub-delegated by such political structure, political office bearer, councillor, or staff member, to an entity within, or a staff member employed by, the Municipality.

47.2 The delegation in terms of sub-section (1) must be effected in accordance with the system of delegation adopted by the council in accordance with section 59(1) of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000), subject to the criteria set out in section 59(2) of said Act.

47.3 Any delegation contemplated in this section must be recorded in the Register of Delegations, which must contain information on the –

47.3.1 entity or person issuing the delegation or sub-delegation;

47.3.2 recipient of the delegation or sub-delegation; and

47.3.3 conditions attached to the delegation or sub-delegation.

48. Appeals

48.1. 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) 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.
- 48.2 The Municipal Manager must promptly submit the appeal to the appropriate appeal authority.
 - 48.3 The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.
 - 48.4 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.
 - 48.5 The appeal authority must furnish written reasons for its decision on all appeal matters.
 - 48.6 All appeals lodged are done so in terms of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and not in terms of this By-law.
 - 48.7 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 (48.1) to (48.5).

49. Repeal of laws and savings

The laws mentioned in the first and second columns of the Schedule to this by-law are hereby repealed to the extent set out in the third column of the said Schedule.

50. Community Participation

Before the municipality adopts the library by-law, the municipal manager will follow the process of community participation envisaged in chapter 4 of the Municipal Systems Act and comply with the following requirements:

Council must establish appropriate mechanisms, processes and procedures to enable the local community to participate and will provide for consultative sessions with locally recognised community organisations and where appropriate traditional authorities.

Conspicuously display the draft library by-law for a period of at least 30 days (municipality to include period decided on) at the municipality's head and satellite offices and libraries (and on the website).

Advertise in the media a notice stating that the draft library by-law has been prepared for submission to council and that such by-law is available at the various municipal facilities/offices and on the website for public inspection.

Communities and interest persons may obtain a copy of the draft policy from the municipal offices during office hours at a fee as determined by Council as part of its annual tariffs.

Communities and interest persons are invited to submit written comments or representations to the municipality within the specified period in the notice.

The municipality will consider all comments and/or representations received when considering the finalisation of the rates policy and by-law.

The municipality will communicate the outcomes of the consultation process in accordance with section 17 of the Municipal Systems Act 32 of 2000.

51. Regular review processes

The municipality's library by law must be reviewed on an annual basis to ensure that it complies with the Municipality's strategic objectives as contained in the Integrated Development Plan and with relevant legislation.

52. Short title

This by-law is the library by-law of the Rustenburg Local Municipality.

53. Commencement

This by-law comes into force six months from the date of publication thereof in the Provincial Gazette or on such earlier date as may be determined by the publication of a commencement notice in the Provincial Gazette.

