

# **CITY OF EKURHULENI METROPOLITAN MUNICIPALITY**



**City of  
Ekurhuleni**

## **BY-LAWS FOR LIBRARY AND INFORMATION SERVICES**

Council Resolution: A-SR (05-2006) dated 30 November 2006

Date of Commencement: 28 February 2007

As amended by

Council Resolution: xxxxxxxxx dated xxxxxxxxxxxxxx 2023

On promulgation in the Government Gazette

To amend the Library and Information Services By-Laws so as to provide for the update of services rendered in the Libraries and to give guidance with regard to the rendering of Library and Information Services within the jurisdiction of the City of Ekurhuleni and to provide for matters connected therewith.

## **PREAMBLE**

1. WHEREAS the City recognizes the contribution that libraries make to encourage reading and the key role that libraries play in education and research;
2. WHEREAS the City has competence in terms of Part B of Schedule 5 of the Constitution of the Republic of South Africa, 1996, to control local amenities;
3. AND WHEREAS the City has competence, in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996, read with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) to make and administer By-Laws for the effective administration of the matters which it has the right to administer;
4. BE IT THEREFORE enacted by the Council of the City of Ekurhuleni as follows:

# THE CITY OF EKURHULENI:

## BY-LAWS FOR THE LIBRARY AND INFORMATION SERVICES

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## Chapter 1: General Provisions

### 1. Definitions

In these By-Laws, unless the context indicates otherwise:

<b>WORD / EXPRESSION</b>	<b>DEFINITION</b>
<b>“Adult”</b>	Means a person who is 18 years or older.
<b>“Area of Jurisdiction”</b>	Means the area within the boundaries of the City of Ekurhuleni.
<b>“Audio Visual Material”</b>	Means all films, compact discs, external storage devices, audio books, language courses, audio and video cassettes, DVD’s, CD’s, CD ROM’s, and sets of gramophone records, or any other similar material whether the property of or on loan to Council.
<b>“Auditorium”</b>	Means a room / hall at the library / group activity room which is made available for hiring under prescribed circumstances and conditions and at a prescribed tariff.
<b>“Authorised Official”</b>	Means a person authorised to implement the provisions of this By-law, including but not limited to – (a) peace officers as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977); (b) municipal or metropolitan police officers as contemplated in the South African Police Service Act, 1995 (Act No. 68 of 1995); and (c) such employees, agents, delegated nominees, representatives and service providers of the City s are specifically authorised by the City 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.
<b>“Borrower”</b>	Means a member, temporary member or visitor who borrows library material from a library.
<b>“Caretaker”</b>	Means the delegated council official in control of the rented facility.

<b>“Charges”</b>	<p>Means all charges payable in terms of this By-Law in accordance with the relevant legislation.</p> <p>Means any deposit, tariff, or miscellaneous charges in respect of the Library Auditorium as determined from time to time by the Council</p>
<b>“City” or “Municipality”</b>	<p>Means the City of Ekurhuleni Metropolitan Municipality established under Government Notice no. 3585 of 2005 as published in the Gauteng Provincial Gazette Extraordinary No. 394 of 16 September 2005 in terms of section 12(1) of the Municipal Structures Act, or its successors-in-title, and includes:</p> <ul style="list-style-type: none"> <li>i. any duly authorised officials of the municipality who have been delegated the necessary powers, functions and duties to give effect to these By-Laws and decide upon and administer the matters referred to herein; or</li> <li>ii. any structure or person exercising a delegated power or carrying out an instruction, where any power in these By-Laws has been delegated or sub delegated, or an instruction given, as contemplated in section 59 of the Municipal Systems Act; or</li> <li>iii. a service provider fulfilling a responsibility under these By-Laws, assigned to it in terms of section 81(2) of the Municipal Systems Act, or any other law, as the case may be.</li> </ul>
<b>“Company”</b>	<p>Means an organisation that is situated and conducts business within the area of jurisdiction of the City.</p>
<b>“Control Librarian”</b>	<p>Means the librarian appointed by the City of Ekurhuleni to manage and exercise control and who is accountable for a specific library service point; or any person duly authorized to act on behalf of the control librarian in his absence.</p> <p>Means the librarian appointed by the City of Ekurhuleni to exercise control and to manage the library auditorium thereof (or any person duly authorized to act on behalf of the Control Librarian in the absence of the Control Librarian.</p>
<b>“Council”</b>	<p>Means the City of Ekurhuleni.</p>

<b>“Cyber Zone”</b>	Means a section of a library where computers and other electronic devices are made available to users for the purpose of accessing: (a) Library material in digital format; (b) Multi-material items; and (c) The internet.
<b>“Deposit”</b>	Means the amount payable as a deposit on reservation at category “A” and “B” auditoriums as determined from time to time by the Council, which amount shall be refundable within 30 days after termination of the lease, provided all the provisions of these by-laws have been complied with.
<b>“Disabled”</b>	Blind and Visually Impaired section means a section of a library set aside for library materials intended for those who are disable, blind or visually impaired.
<b>“Divisional Head: Library and Information Services”</b>	(herein after DH: LIS) Means the Divisional Head of Library and Information Services or his delegated nominee appointed by Council to manage and exercise control, and who is accountable for the library section thereof (or any person duly authorized to act on behalf of the DH: LIS in his/her absence).
<b>“E-Book”</b>	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.
<b>“Educational Toy”</b>	Means a toy which is typically designed for and used by minors and is intended to teach a minor about a particular topic or help a minor to learn a particular skill.
<b>“Facility”</b>	Means any facility made available to users at a library and includes any – (a) reference section; (b) reading room; (c) study section; (d) special collection; (e) periodicals section; (f) cyber zone;



	(g) printing and copying section; (h) general activities room; (i) blind and visually impaired section; (j) auditoria; (k) video or conferencing rooms; and (l) any other space or facility set aside by the control librarian within a library.
<b>“Fine Free Week”</b>	Means a period of one week or more during a year as determined by the Head of Department Sport, Recreation, Arts and Culture, when library members are exempted from paying fines on overdue library material.
<b>“General Activities Room”</b>	Means a section of the library made available to users for hire.
<b>“Institutions” / “Organisations”</b>	Mean all registered, non-profitable organizations and include NGO's, schools and nursery schools within the area of jurisdiction.
<b>“Lending Period”</b>	Means the period which the Council determine for the loan of different types of library media.
<b>“Lessee”</b>	Means a person 18 years of age or older by whom or on who'se behalf the lease agreement was signed.
<b>“Librarian”</b>	Means the person designated by the City of Ekurhuleni to serve the public at library service point desks, or as being in charge of the central library or a branch library, as the case may be.
<b>“Library”</b>	Means a place where a collection of library material is maintained and made available to the public by the City of Ekurhuleni and includes the central library and any branch library.
<b>“Library Material”</b>	Means any item or equipment made available to users at a library.
<b>“Library Week”</b>	Means a period of one week or more during a year as determined by the Library and Information Association of South Africa. During this time library services are nationally actively promoted to the public.

<b>“Member”</b>	Means a person, group, company or institution that is registered as a member of a library in terms of this By-Law.
<b>“Membership Card”</b>	Means the card issued to a member reflecting membership details and which authorizes the member to borrow library material from the library.
<b>“Minor”</b>	Person from birth up to 17 years of age. Includes: Any person not legally deemed responsible.
<b>“Modular Library”</b>	These are small libraries that are housed in single or double containers or in pre-fabricated buildings.
<b>“Mobile Library”</b>	Means a large vehicle that travels around to allow people in smaller or more remote communities to borrow books.
<b>“Multi-Material Item”</b>	Means any library material which combines different material or formats including, but not limited to, text, audio, images, animation, video and interactive features.
<b>“Municipal Manager”</b>	Means a person appointed in terms of section 54A of the Municipal Systems Act, also referred to as the City Manager.
<b>“Non-Resident”</b>	Means a person who does not reside, or is not a property owner within the area of jurisdiction, or is not a ratepayer to Council.
<b>“Parent”</b>	Includes foster parent of guardian.
<b>“Pensioner”</b>	Means a person of 60 years of age and older.
<b>“Periodical”</b>	Means any newspaper, magazine or other item published on a periodic basis.
<b>“Periodicals Section”</b>	Means a section of a library where periodicals are made available for reading or borrowing.
<b>“Prescribed”</b>	Means as determined by resolution of the City.
<b>“Printing and Copying Section”</b>	Means a section of the library where users may print, scan or copy library materials or other materials.
<b>“Proof of Residence”</b>	Proof of residence is a document confirming where you live; it must have both your full name and your address printed on it.
<b>“Reference Section”</b>	Means a section of a library where library materials are made available for reading or study, but not for lending.

<b>“Session”</b>	Means a morning, afternoon or evening during which time one reservation of a minimum of 2 hours can be made.
<b>“Special Collection”</b>	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.
<b>“Student”</b>	Means any person registered at a tertiary institution.
<b>“Study Section”</b>	Means a section of a library set aside for users to study.
<b>“User”</b>	Means any person who uses a library, including a person who is a member of that library.
<b>“Visitor”</b>	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.
<b>“Young Adult”</b>	Means a person between the ages of 13 and 18 years old.

## 2. Interpretation of the By-Laws

In these Bylaws, unless the context clearly indicates a contrary intention:

- (a) The headings are for reference purposes only and shall not affect the interpretation of any part hereof;
- (b) A reference to one gender includes the other gender;
- (c) 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 the By-Laws

The object of this By-law is to facilitate the provision of library and information services in a manner which inculcate and promotes:

- (a) access to books and information for the purposes of education, entertainment and research;
- (b) reading as an activity; and
- (c) the operation of libraries in a manner which ensures their sustainability.

- (d) “E-platforms” an integrated set of interactive online services that provide trainers, learners, and others involved in education with information, tools and resources to support and enhance education delivery and management
- (e) Access free Wi Fi and electronic devices
- (f) Manage the ICT access in the libraries

#### **4. Application of the By-Laws**

This by-law applies to all areas which fall under the jurisdiction of the City of Ekurhuleni and is binding on all members, users or persons to the extent applicable.

#### **5. Responsible Authority**

- (1) The responsible authority for the adoption, publication and implementation and enforcement of this By-law is the City and where applicable the municipal council of the City.
- (2) Upon promulgation, a copy of this By-law shall be included in the City’s Municipal Code as required by the provisions of section 15 of the Systems Act and a copy of this By-law shall be available for inspection at the offices of the City at all reasonable times and shall also be available from the City against payment of an amount as determined by the City.
- (3) The Library and Information Services Division will be responsible for the implementation of this By-law by the City.

#### **6. Non-Liability of the City**

Neither the City nor any employee, official, person, body, organisation or corporation acting on behalf of the City shall be liable for any loss or damages of whatsoever nature howsoever arising whether, direct or consequential, suffered or sustained by any person as a result of, or arising from the City enforcing, imposing, giving effect to or taking any act or omission in respect of any matter in terms of this By-Law.

#### **7. Authentication of Documents**

Any document requiring authentication of the City shall be sufficiently authenticated if signed by City Manager, or by a person duly authorised to do so, on behalf of the City, by resolution of the City and shall constitute prima facie proof of the authenticity, existence and contents of the document.

## **8. Prima Facie Evidence**

In legal proceedings by, or on behalf of the City, a certificate reflecting any information required in terms of this By-law included in such a certificate and which is signed by the City Manager, or by a person duly authorised to do so, on behalf of the City, by resolution of the City, upon its mere production, shall constitute prima facie evidence of the contents of the certificate.

## **9. Provision of Information**

A person within the municipal area of the City must provide the City with accurate information requested by the City that is reasonably required by the City for the implementation or enforcement of this By-Law.

## **10. False Statement or Information**

No person shall make a false statement or furnish false information to the City or falsify a document issued in terms of this By-Law.

## **11. Review**

This By-Law and its implementation shall be reviewed every 5 years or whenever a need to do so arises.

## **12. Any Pandemic, Health and Safety Regulations**

As a result of the recent outbreak of the worldwide Covid-19 or any other pandemic, the use of facilities must comply with national safety and health regulations which might change from time to time.

It is the responsibility of the library user to ensure that all Health and Safety precautions are taken and to with comply national and local standard operating procedures.

It is the responsibility of the library user to familiarise themselves with the latest regulations and conditions to avoid the spreading of the virus.

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## Chapter 2: Operation of Libraries

### 13. Functions and Powers of Control Librarians

- (1) A control librarian has the authority to manage the library and to control the day-to-day operations of that library.
- (2) A control 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 the City.
- (3) A control librarian will not be responsible for children left in the facility without suitable supervision of a parent or guardian.

### 14. Library Operating Hours

- (1) Each library's opening and closing times shall be determined by the City and a notice shall be displayed in a prominent position at or near the entrance of each library building and shall state the days and hours during which the library will open and close, as well as any curtailment or extension that may apply.
- (2) The City of Ekurhuleni may set different opening and closing times for each of its libraries.
- (3) No person may enter or use a library outside of the opening hours or when the library is temporarily closed.
- (4) Extended study hours can be implemented subject to certain conditions and applicable approval.

### 15. Access to Libraries

- (1) Access to a library during library operating hours is available free of charge to any member of the public who has not been disqualified in terms of section 20(1), 20(2) and 22(1), 22(2), 22(3) and 22(5) of this By-law.
- (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 or have been granted visitor status.
- (3) The Control Librarian may at his/her discretion, determine the maximum number of persons who may be allowed in any part of the library, at any given time, and may exercise the necessary access control for that purpose.

**16. Order to Leave a Library**

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

**17. Stocking of Libraries**

A control librarian must determine which library material is made available for use or lending at a particular library.

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## Chapter 3: Membership

### 18. Scope of Membership

- (1) The City may grant membership of the library, free of charge to any person residing in, or being a property owner within the area of jurisdiction, or a group, company, institution, educational institution or organisation situated and conducting business within the area of jurisdiction, or being a rate payer to the City; provided that such a person, group, company or institution subject himself to the provisions of relevant By-laws and tariffs and the rules and policies for conducting the business of the library;
- (2) The City may grant membership of the library to a minor free of charge should his parent or guardian meet the requirements in sub-paragraph (1) above, and consent thereto. The parent/guardian must undertake to stand surety for the adherence by such minor of this By-law and the rules and policies for conducting the business of the library;
- (3) The City may grant membership of the library free of charge to an employee of the City of Ekurhuleni who resides outside the area of jurisdiction of the City of Ekurhuleni, and such membership shall not include family members;
- (4) Applications for membership other than specified in sub-paragraph (1), (2) and (3) above shall be referred to the Divisional Head: Libraries for approval;
- (5) The City may grant membership of the library to a person residing outside its area of jurisdiction and who is not a property owner within the area of jurisdiction or who is not a rate payer to City on such conditions as determined by City and after payment of charges as determined by the City;
- (6) A person visiting an Ekurhuleni resident, studying at an educational institution or temporarily working in the area of jurisdiction of the City for a period not exceeding three months may register as a visitor on such conditions as determined by the City;
- (7) Application for membership shall be made on a form prescribed by the City and supporting documentation to confirm identity, physical address (if proof of address cannot be provided because the applicant lives in an informal settlement without formal street address, a letter from the relevant ward Councillor, confirming this



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fact; confirming that the applicant is known to him or her; and specifying the location of the applicant's residence to the extent reasonably possible) and other information required, must be provided prior to approval of the application;

- (8) The City shall issue a library membership card to a member authorizing him to borrow from the library or such number of library material as determined by the City;
- (9) When a member changes his address, he shall notify the control librarian within 21 (twenty-one) days of such change of address, and shall cause his new address to be updated with the library to which s/he is a member;
- (10) When a membership card is lost, the member shall notify the control librarian immediately, upon which the control librarian shall, on payment of the prescribed charges:
  - (a) issue a duplicate card and forthwith cancel the lost membership card
  - (b) the member shall not be held liable for any library material borrowed against the lost membership card after the date of such notice;
- (11) A library card is for the use of the member only and is not transferable to any other person;
- (12) An applicant shall be disqualified from obtaining membership if false information is furnished;
- (13) A person is a member of the library to which s/he has made application for membership and is not entitled to be a member of more than one library operated by the City.

## **19. Period of Membership**

- (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 conforming that membership has been approved.
- (2) A member is entitled to apply for renewal of his or her membership.
- (2) 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 control librarian.

**20. Suspension of Membership**

- (1) A member's membership of a library may be suspended by the control librarian if the member has failed to pay fines or other monies due to the library within a period prescribed by the City.
- (2) A control 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 City's database

**21. Termination of Membership by the Member**

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

- (1) Giving written notice to this effect to the control librarian; and
- (2) Returning his or her library card and any other library material in his or her possession to the library.

**22. Termination of Membership by the City**

A member's membership of a library may be terminated by the control librarian if the member contravenes the code of conduct as listed in section 47. CONDUCT IN THE LIBRARY and –

- (1) on three or more occasions, contravenes a provision of –
  - (a) this By-law; or
  - (b) any policy adopted by the City,
- (2) no longer qualifies for membership in accordance with the provisions of this By-law;
- (3) fails to apply for the renewal of his or her membership;
- (4) fails to collect his or her library card within the period prescribed by the City; or
- (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 City.

**23. Effect of Termination of Membership**

Despite the termination of a member's membership –

- (1) any fines or other monies due by the member to the library remain due and payable by the member to the City; and
- (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.

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## Chapter 4: Borrowing of Library Material

### 24. Loan of Library Material

- (1) Not all library material is available for borrowing. Availability is determined by library policy
- (2) Library material shall be deemed to be borrowed from the library by the member against whose membership card it was borrowed
- (3) A library item bearing official identification of the library and on which there is no official indication that the item has been withdrawn, written off or sold, shall remain the property of Council or the Provincial Government as the case may be
- (4) The control librarian shall not place, or allow a librarian to place a damaged item on the shelf of the library, provided that where minor damage is visible, s/he must make a note to such effect in a prominent place in the item
- (5) A member borrowing material from the library shall ascertain whether or not the material is visibly damaged, and if so, he shall inform the control librarian of such damage
- (6) Possession of any library material not borrowed against a membership card is an offence and punishable by law
- (7) Borrowing of library material on a fee basis as determined by Council shall be paid in advance

### 25. Issuing of Library Material

- (1) A member is responsible for the library materials issued on his or her card.
- (2) 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 the City.
- (3) A member shall ensure 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.
- (4) Subject to subsection (3) above, library material issued in terms of this By-law shall be deemed to be in complete and in a good and undamaged condition.

**26. Borrowing Rights**

- (1) Membership of a library entitles a member to borrow any library material from the library, excluding –
  - (a) library material from any special collections section, the reference section or the periodicals-section; and
  - (b) any other library material designated by the control librarian as being available for reading or use at the library only.
- (2) A control librarian 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 given time.

**27. Reservation of Library Material**

- (1) Library material may be reserved at the request of a member, temporary member or visitor.
- (2) An application to reserve library material must be –
  - (a) made on the prescribed form-
- (3) No material will be reserved for a period longer than 7 days after the date of notice to such member advising him that the item is available.

**28. Loan of Library Material from Other Libraries**

- (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.
- (2) When an item is loaned from a library other than an Ekurhuleni based library, an inter library loan fee as prescribed by the National Library is payable in advance.
- (3) An application to loan library material from another library within the City must be
  - (a) made on the prescribed form; and
  - (b) accompanied by the prescribed fee.

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## Chapter 5: Returning of Library Material

### 29. Returning of Library Material

- (1) All library material borrowed from a library must be returned by a borrower-
  - (a) no later than the last day of the lending period, or in case of extended period of lending, no later than the last day of such extension, as the case may be;
  - (b) to the library from which the library material was borrowed, to the librarian on duty at the circulation desk and he shall be liable for such material until such time as the material has been deleted from his record; and
  - (c) in the condition in which the library material was received at the time of borrowing, fair wear and tear excepted.
- (2) The control librarian may, despite the provisions of subsection (1) instruct a member to immediately return any library material to a library.
- (3) The control librarian may impose a fee, as prescribed by the City, for the-
  - (a) repair of damaged library material; or
  - (b) 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.
- (4) Every borrower must report any library material which has been lost or damaged to the control librarian as soon as reasonably possible after the borrower becomes aware of the loss or damage.
- (5) The payment of a fee in accordance with subsection (3) does not entitle a borrower to keep –
  - (a) a damaged item of library material; or
  - (b) an item of library material which was lost but is subsequently found.
- (6) No borrower may attempt to repair damaged library material himself or herself.
- (7) Should a member who borrowed material, find it impossible to return such material personally he may return it by means of another party, deposit it in the book slot

(where provided) or return it by registered post. Notwithstanding this concession, the member shall be held liable for the safe return of all material outstanding against his/her membership card until such time as the library records reflect the return thereof.

### **30. Renewal of Library Material**

- (1) Library material may be renewed in person, telephonically, or by email as may be approved by the DH: Library and Information Services
- (2) Borrowed items may be renewed for a maximum of 2 lending periods
- (3) Borrowed library material may be renewed –
  - (a) unless the material has been reserved;
  - (b) in intervals of two weeks, up to a maximum period of six weeks; and
  - (c) at the discretion of the control librarian

### **31. Overdue Library Material**

- (1) Should a member return library material borrowed against his membership card later than the last day of the period determined by Council as stated in section 29 above, the member shall be liable for payment of the prescribed fine for every week or part thereof during which a member failed to return overdue library material; provided that no fines be levied on material returned during fine free weeks;
- (2) When, in the opinion of the DH: LIS, extraneous circumstances such as death and serious illness or other circumstances beyond the borrowers control prevented the member from complying with section 29 such member may be exempted from these provisions. Applications for exemption must be motivated in writing to the Divisional Head: Libraries and Information Services who shall approve/reject the application
- (3) No further library material shall be lent to a member liable in terms of subsection (1) above, until such time as the relevant material has been returned or paid for and all other outstanding fees had been settled;
- (4) A member who has failed to return outstanding library material and/or who has an unpaid fine will be suspended; provided that where a member has an unpaid fine

of less than an amount as determined by Council, shall not be suspended but dealt with in terms of subsection (2) above;

- (5) Application for reinstatement of membership shall be made accompanied by the prescribed reinstatement fee. The Divisional Head: Libraries may refuse the reinstatement of membership if suspension of membership occurred on more than two previous occasions;
- (6) Council may institute legal action to retrieve outstanding library material;
- (7) Should a member be dissatisfied with a decision made, such member may appeal to the City Manager for review.



## Chapter 6: Facilities

### 32. Facilities in Libraries

- (1) The authorised official must determine which facilities are made available to users at a particular library.
- (2) Nothing in this By-law obliges the City to provide any particular facility at a particular library, regardless of whether or not that facility is described in this By-law.

### 33. Reference Sections

- (1) The control librarian may designate any part of a library as a reference section.
- (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 control librarian.
- (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.

### 34. Reading Rooms

- (1) The control librarian may designate any part of a library as a reading room.
- (2) A user may only use a reading room for the purpose of reading library materials or other reading materials.

### 35. Study Sections

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

**36. Special Collections**

- (1) The control 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.
- (2) A user may access a special collection –
  - (a) on written application in the prescribed form;
  - (b) at times designated by the control librarian; and
  - (c) subject to any other requirements imposed by the control librarian.

**37. Periodicals Sections**

- (1) The control librarian may designate any part of a library as a periodicals section.
- (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 control librarian.
- (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.

**38. Cyber Zones**

- (1) The control librarian may designate any part of a library as a cyber-zone.
- (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 40 below;
- (3) Any person may utilize the Internet and personal computer facilities designated for public use in the cyber zone subject to adherence to the Internet and PC Use Policy as well as relevant ICT policies of the City
- (4) The control librarian may limit or prohibit access to the Internet or to any other facility provided at a cyber-zone in any reasonable manner.
- (5) A limitation or prohibition contemplated in paragraph (4) above may be imposed against:
  - (a) all users; or
  - (b) any individual user, who have breached the provisions of this By-law.

- (6) A user may not use any facility provided at a cyber-zone –
  - (a) to invade the privacy of other persons;
  - (b) to threaten, harass or defame other persons;
  - (c) to access or distribute material which is obscene, pornographic, racist or otherwise inappropriate in nature;
  - (d) to hack any remote site or computer; or
  - (e) for any other unlawful purpose.
- (7) The City does not guarantee that –
  - (a) the use of its cyber zone facilities is free of viruses or other harmful items;  
and
  - (b) cyber zone facilities will be available and free from down time during opening hours.

### **39. General Activities Rooms**

- (1) The control librarian may designate any part of a library as a general activities room.
- (2) A user may hire a general activities room for purposes consistent with the activities of a library and subject to—
  - (a) any other applicable By-laws of the City; and
  - (b) any fee that may be prescribed by the City.

### **40. Printing and Copying Sections**

- (1) The control librarian may designate any part of a library as a printing, scanning and copying section.
- (2) The use of printing, copying and faxing services is subject to a fee as determined by the City.

### **41. Disabled, Deaf, Blind and Visually Impaired Sections**

- (1) The control librarian may designate any part of a library as a disabled, deaf, blind and visually impaired section.

- (2) The control librarian may impose reasonable restrictions on the use of the disabled, blind and visually impaired section.

#### **42. Copyright and Other Intellectual Property Rights**

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.

#### **43. Private Areas**

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

#### **44. E-Books**

- (1) The authorised official may determine that e-books be lent to members by any particular library subject to any policy which may be adopted by the City.
- (2) The authorised official may determine that e-books be lent to members either from a library itself or via a website.
- (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.

#### **45. Sales**

- (1) Donated as well as redundant and officially written off Council owned library material may be sold to the public at a cost determined by Council.
- (2) Promotional and other items, where the proceeds are for the benefit of the library, may be sold to the public at a cost determined by Council.
- (3) Sales are to be handled in terms of relevant approved policy of the municipality.

#### **46. Posting of By-Laws and Notices in Libraries**

The Control Librarian / Librarian must display in a prominent place in every library in the region a copy of this By-law and a notice to the effect that Council indemnifies itself against any injury or loss sustained by any person using the library.

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## Chapter 7: Library Auditoriums and Group Activity Rooms

### 47. Right of Admission

The Council reserves the absolute right of admission to library auditoriums.

### 48. Reservations

Library Auditoriums are not equal with regards to size, layout and the availability of caretakers and amenities. Subsequently it may be necessary to categorise facilities which will impact on tariffs, accessibility and type of services made available.

Only Council approved activities will be allowed.

- (1) Only library auditoriums with caretakers are available for reservations after normal library hours; provided that the auditorium and related facilities are separate from the library.
- (2) Reservations in terms of 48.1 above are available from Monday to Saturday at a tariff and under conditions as determined by Council from time to time.
- (3) Auditoriums which form part of the library will only be available for reservations during normal library hours at a tariff and under conditions as determined by Council from time to time.
- (4) A person who wished to hire the auditorium shall book the hall with the Control Librarian or booking clerk of the library in question; at least fourteen (14) days in advance and reservations will be dealt with in the order in which they are received.
- (5) Contracts will be entered into with persons 18 years and older and/or persons legally deemed to be a major.
- (6) Reservations shall be limited to periods of a minimum of 2 hours per session and not exceeding four (4) consecutive days provided that reservations on Saturdays after normal library business hours will be subject to a minimum session of 4 hours.
- (7) Only one (1) reservation per morning, afternoon, or evening session (where applicable) shall be accommodated to allow for cleaning and preparation time.
- (8) All persons hiring a facility shall, during normal office hours at the office of the Control Librarian, complete an agreement as prescribed by the Council. The person, by whom

such an agreement is signed, shall be deemed to be the lessee. The person signing the agreement is required to be present at the event and is responsible for the group's activities.

- (9) A deposit as determined by Council from time to time shall be payable at the time of the booking by the lessee for category "A" and "B" facilities. The deposit shall be refunded if no damage or loss is caused and if, where applicable, the keys have been returned.
- (10) The facility is primarily to be used for activities and programmes of the library and as such LIS shall have preference at all times in the use of the facilities.

#### **49. Payment of Charges**

- (1) No reservation shall be made and no agreement concluded unless payment is made as hereinafter stated, and no tickets shall be distributed, or any public announcement made until the reservation has been accepted in terms of section 48.
- (2) Application for a reservation shall be done not later than fourteen (14) days before the date of use of the facility and shall be accompanied by the prescribed deposit and rental: provided that the fourteen (14) day period may in special cases be shortened by the Control Librarian in which event the deposit and rental is payable in cash.
- (3) When the period of lease is exceeded for any duration of time, an amount equal to 1.5 times the total rental shall become payable for every hour for every hour or part thereof exceeded, whether the facility was rented or made available free of charge.
- (4) No access to the facility will be given unless payment has been made within the prescribed time and in the prescribed manner.

#### **50. Free Use**

Auditoriums shall be made available free of charge for:

- (1) Library related activities
- (2) Ward Committee meetings provided the Ward Councillor / Sector Leader / Ward Committee Secretary signs the free use contract, submits the proposed agenda and the Ward Councillor / Sector Leader will be personally present at the meeting.
- (3) Meetings and seminars of the Council.

- (4) Approved local senior citizen's organisations.
- (5) Non-profit organisations for the disabled.
- (6) National / Provincial stakeholders meetings provided that the counter Local Government Department takes responsibility for the reservation.

## **51. Provision of furniture, equipment, and crockery**

The provision and arrangement of tables and chairs for the purpose of a function shall be undertaken by the Council where Caretakers are available, provided that such an arrangement will be done once, and the furniture lay-out plan must be submitted not later than two (2) days before the date of the reservation.

Equipment and/or crockery, where available at identified libraries, shall be for hire at a fee determined by Council from time to time.

## **52. Conditions of Leasing**

The leasing of the auditorium is subject to:

- (1) No social functions shall be permitted in the auditorium.
- (2) No liquor shall be allowed. Wine and light spirits will be allowed during educational wine tasting functions or special launches.
- (3) No additional furniture or equipment other than that already available in the auditorium will be provided.
- (4) If a scheduled meeting cannot be held for whatever reason, alternative arrangements by the lessee must be made timeously.
- (5) No labels, tags, or marks on furniture, walls, floors, and ceilings shall be allowed.
- (6) No overcrowding shall take place. The number of persons allowed shall be limited to the seating accommodation available. When the available seating accommodation has been occupied, the lessee shall prevent admittance of persons in excess of such seating capacity.
- (7) No person shall be admitted to the hired facility, or having gained admission be permitted to remain therein, who is of known bad character or who is intoxicated or who is unsuitably clad.
- (8) No furniture articles of any description being the property of the Council shall be removed from a hall without prior written consent from the Control Librarian.

- (9) In the event of any conditions not being adhered to, it shall be within the authority of the Council to cancel the use of the auditorium at any time.
- (10) No compensation shall be payable by the Council to the lessee or cancellation of use due to contravention of the by-laws, or any other loss sustained by such a cancellation or due to unforeseen circumstances, e.g. force majeure.

### **53. Cancellation of reservation**

A reservation may be cancelled by a lessee:

- (1) Provided that written notice of such a cancellation in respect of a facility must be received by the Control Librarian not later than seven (7) days prior to the reservation date.  
If notice is received as aforementioned the rental will be refunded.
- (2) If the cancellation referred to in 53.1 above is received later than provided for, the rental shall ipso facto be forfeited.  
Provided that if the facility is re-let the rental may be refunded.

### **54. Postponement of a reservation**

- (1) Persons hiring an auditorium shall be permitted to postpone a reservation:  
Provided that written notice of the postponement is received by the Control Librarian not less than seven (7) days prior to the reservation date in respect of a facility.
- (2) If the notice of postponement is received later than provided for in 54.1 above, the rental shall be ipso facto be forfeited.  
Provided further that if the facility is re-let by the Council the rental may be refunded.

### **55. Non-liability for breakdown in machinery and equipment**

The Council shall not be liable for any loss suffered by the lessee as a result of any failure or defect in respect of any machinery, equipment or lighting, or any accident or breakdown however caused.

### **56. Responsibility of Lessee for damage to Council's property**

The lessee shall be responsible for and shall make good any loss occasioned by missing articles or breakage, as well as damage to or loss of any other description to the buildings, furniture,



fittings, or any other property of the Council that have occurred during the period of hiring. This will be a condition whether the facility was rented or made available free of charge.

Any person or organization in breach of this condition may be barred from using any other SRAC facilities in future.

### **57. Indemnity**

The Council shall not, under any circumstances, accept responsibility or liability in respect of any damage to, or loss of any property, articles, or items placed or left on the premises by the lessee. Neither for damage or injury to any person entering the premises or making use of the equipment on the premises hired.

It shall be a condition of hire that the lessee shall indemnify and hold the Council harmless against any claim made by any person on any ground whatsoever.

### **58. Sales**

No commercial sales will be allowed in auditoriums except sales initiated by the Council and in terms of approved Library and Information Services policy.

Provided that the Divisional Head: Library and Information Services be delegated to approve or reject special applications. Such applications are to be submitted in writing at least 30 days prior to the date of the function.

### **59. Inspection of the Auditorium**

The Council reserves the right for its delegates or other authorized officials of the Council, to at all times enter the premises for the purpose of inspection, investigation and /or labour which is necessary for the application of these by-laws or in terms of any other by-laws or regulation in force within the City of Ekurhuleni.

### **60. Smoking Prohibition**

Smoking shall be prohibited in any facility, and the lessee shall ensure that this prohibition is enforced.

**61. Attendance of a Caretaker**

- (1) The purpose of the Caretaker's or delegates official's attendance at a facility shall be for attending to the Council's interest and his service or that of any other official shall not be at the lessee's disposal whether for preparation or any other purpose connected with a function.
- (2) The Caretaker or delegated official may request any person contravening any of the provisions of these by-laws to leave the premises immediately and on failing to do so, he may ask for police assistance to remove such a person.
- (3) After every function, the Caretaker or delegates official shall note the time that the lessee vacated the auditorium and inspect the facility used. Any damage shall be noted in writing and signing by both parties.

**62. Time limit**

The premises must be vacated by the end of the rental period as determined in the Tariff of Charges: Library Auditoriums and Group Activity Rooms, failing which the penalty charges will become applicable.

**63. Compliance with By-Laws**

- (1) Failure by the lessee to observe any of these conditions shall entitle the Council the right to cancel any engagement forthwith. The authorized representative of the Council shall convey such cancellation to the lessee, and all amounts paid by the lessee shall in such an event be forfeited.
- (2) Any person contravening or failing to comply with any of the provisions of these by-laws shall be guilty of an offence and save where otherwise specially provided, shall be liable on conviction of a fine.

**64. Subletting**

The lessee or anybody in his service or under his control, may not on his behalf, sublet a facility or any equipment, or allow such usage by any other person or organization during the period paid for by the lessee.

**65. Use of the piano**

Lessees of auditoriums equipped with a piano will adhere to the following:

- (1) It is the responsibility of Council to maintain and tune the piano on a regular basis.  
Subsequent pianos shall be tuned only by the person designated by Council to perform this function.
- (2) Pianos may not be removed from the auditoriums.

**Chapter 8: Conduct****66. Conduct in the Library**

- (1) Any person may not -
  - (a) Conduct or engage in audible conversation, read aloud, sing, whistle or otherwise create a noise loud conversation in any part of the library building or library premises to the annoyance of any other person in the library; or
  - (b) Use abusive, violent, offensive language and/or behaviour or behave in a disorderly manner in any part of the library building or library premises to the annoyance of any other person; or
  - (c) Hamper, disturb, obstruct or harass any other person in the legitimate use of the library; or
  - (d) Damage any part of the library building or its contents; or
  - (e) Furnish a false name or address to the control librarian for the purpose of entering any part of the building or for obtaining any benefit or privilege; or
  - (f) Enter or remain in the library while under the influence of intoxicating liquor or any other substance; or
  - (g) Bring animals into the library (excluding guide dogs) ; or
  - (h) Allow any child under his supervision to create a disturbance in the library; or
  - (i) Smoke, sleep or consume refreshments in the library; or

- 
- (j) Refuse to comply with any lawful request of the control librarian;
  - (k) Ride a bicycle, skateboard, roller-skates or similar object in the library building or library premises (excluding aids used by disabled users) ; or
  - (l) Distribute, or deposit in the library for distribution, material for advertisement, publicity or any other purpose without permission; or
  - (m) Enter or remain in any part of the library or library premises during the hours that such a library is not officially open for service to the public; or
  - (n) Enter or leave the library by an entrance or exit not officially provided for the use of the public; or
  - (o) Enter or remain in any part of the library which is reserved for the use of the library staff; or
  - (p) Obstruct or block any entrance to or exit from the library; or
  - (q) Remove from the library and/or is in possession of library material not, officially issued by the control librarian / librarian in terms of this By-law; or
  - (r) Bring any weapon into a library; or
  - (s) contravene any provision of this By-law or any policy adopted by the City.

## **67. Care of Library Material**

- (1) A person may not–
  - (a) damage, deface, mark or soil any library material;
  - (b) fold or turn down a leaf or page of a book;
  - (c) expose any library material to excessive heat, dust, moisture or adverse weather conditions; or
  - (d) make copies of any illustrations in a book by means of tracing without the permission of the control librarian.
  - (e) Not to remove any protective coverings or any identification and/or other items attached to the material

- 
- (2) 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 on route to and from the library in wet weather.
  - (3) Any person not adhering to the conditions of subsection 1 (a) to (e) and 2 above, shall be liable for the prescribed charges applicable to damaged/lost library material.

## **Chapter 9: Offences, Penalties, Presumptions and Appeals**

### **68. Offences and Penalties**

- (1) A person who –
  - (a) contravenes any provision of this By-law;
  - (b) contravenes any condition which has been imposed on him or her;
  - (c) contravenes any provision of a policy adopted by the City applicable to libraries;
  - (d) fails to comply with any lawful instruction given in terms of this By-law;
  - (e) threatens, resists, interferes with or obstructs any authorised official of the City in the performance of official duties or functions in terms of this By-law;  
or
  - (f) deliberately furnishes false or misleading information to an authorised official of the City is guilty of an offence.
- (2) Any person who is convicted of an offence under this By-law is liable to –
  - (a) a fine of an amount not exceeding R20 000;
  - (b) imprisonment for a period not exceeding one year; or
  - (c) both such fine and imprisonment contemplated in paragraphs (a) and (b).
- (3) In the case of a continuing offence –
  - (a) an additional fine of an amount not less than R100; or
  - (b) 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.

**69. Presumptions**

- (1) Unless the contrary is proved, it is presumed that any library material
  - (a) lent to a borrower was lent in good condition; and
  - (b) which is stamped with the City's official stamp is the property of the City, unless library material is stamped as having been donated or otherwise discarded by the City.

**70. Appeals**


- (1) A person whose rights are affected by a decision taken by the City 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.
- (2) The City Manager must promptly submit the appeal to the appropriate appeal authority.
- (3) The appeal authority may 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.
- (4) The appeal authority must furnish written reasons for its decision on all appeal matters.
- (5) All appeals lodged are done so in terms of the Appeals and Petitions By-law of the City read with Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and not in terms of this By-law.
- (6) 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 this By-law.

## Chapter 10: Short Title

### 71. Short Title and Commencement

This By-law is called the City of Ekurhuleni Library Services By-law, 2023 and takes effect on the date of publication thereof in the Provincial Gazette or on a date as may be determined by the publication of a commencement notice in the Provincial Gazette.

## Schedule 1: Prescribed Application Forms



**Application for Library Membership**

Library

*(Please complete the whole form)*

Surname  Title

Full Names

Identity Number  Date of Birth

Residential Address

Postal Address

Home Tel  Cell No

Email

Employer

Work Tel

School/Study Institution  Grade

**CONTACT REFERENCES**

*(Members of family not residing at the same address or with applicant)*

	Name and Surname	Telephone number
1.	<input style="width: 250px;" type="text"/>	<input style="width: 150px;" type="text"/>
2.	<input style="width: 250px;" type="text"/>	<input style="width: 150px;" type="text"/>

I hereby declare that I am a Resident /Ratepayer / Non – Ratepayer of the City of Ekurhuleni and hereby apply for Membership of the library. I agree to observe the rules of the Library and to make good any loss or damage done to material borrowed on my membership card.

Signature of Applicant Date

*For Official Use*

	Approved	Membership Number	
	Not Approved	Signature of Librarian	