

NEWCASTLE MUNICIPALITY

BYLAW RELATING TO THE MUSEUM

The Newcastle Municipality in terms of section 156(2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the Local Government Municipal Systems Act (Act 23 of 2000), publishes the bylaws as set forth hereafter as bylaws made by the Municipality which bylaws will come into effect on the first day of the month following the date of publication hereof.

1. Definitions

In these bylaws, unless the context otherwise indicates, the following words and phrases shall have the following meaning ascribed to them:

“authorised official” means any person authorised by the Municipality to exercise any right to carry out any duty or function under these bylaws;

“hours of opening” means the hours during which any museum is open to the public as prescribed in respect of such museum by the Municipality and exhibited by the Municipality on the notice board at the entrance to such museum;

“Municipality” means the Newcastle Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any Official who has delegated powers in terms of Section 59 of the Local Government Municipal Systems Act (Act 32 of 2000);

“Municipal Manager” means the person appointed in terms of Section 82 of the Local Government Municipal Structures Act 1998, (Act 117 of 1998);

“museum” means any museum or art gallery maintained by the Municipality (including any portion of such museum or gallery) and other building, portion of building or site on or in which a museum or art gallery is housed or may in future be housed; and

“public room” means any room in or any portion of any museum to which the authorised official has not restricted access by way of a sign

2. Public rights, duties, powers and immunities

(1) Subject to the further provisions of these bylaws and to any permanent or temporary reservation, letting or setting apart of a museum or any portion thereof under any law or contract, admission to all public rooms shall be open free of charge to all persons during the hours of opening.

(2) The authorised official may-

- a) refuse admission to any person whenever he is of the opinion that the admission of such person would not be in the public interest, and in so deciding the authorised delegate shall have regard to the comfort, health convenience or feelings of other users of the museum, the habits and the age of the person concerned and questions of public health; and
 - b) forthwith remove from the museum any person who is conducting himself in a manner prohibited by section 3.3 hereof.
- (3) No person shall -
- (a) engage in audible conversation in any part of the museum to the annoyance of any other person;
 - (b) obstruct, distract, intercept, or annoy any other person on the museum property whilst using the museum;
 - (c)
 - (i) behave in a disorderly manner; or
 - (ii) use violent, obscene, abusive or blasphemous language; or
 - (iii) bet or gamble;in any part of the museum
 - (d)
 - (i) light a match or cigarette lighter; or
 - (ii) smoke; or
 - (iii) spit; or
 - (iv) sleepin any public room; or anywhere in the museum
 - (e) consume refreshments in any public room unless such public room has been specifically designated for such purpose;
 - (f) cause or permit any animal (other than a guide dog) under his/her control or in his/her custody to enter or remain in any museum, unless it has been authorized for a particular reason;
 - (g) damage any part of any museum building or the contents thereof;
 - (h) enter or remain in any museum while unclean in body or apparel or while suffering from any infections or offensive disease or while drunk, under the influence of intoxicating liquor or drugs having a narcotic effect;
 - (i) furnish a false name and address to any person employed in a museum when reasonably required to do so;
 - (j) enter or remain in the museum after having been refused admission otherwise than during the hours of opening;
 - (k) without special authority from the authorised official, enter a museum otherwise than during the hours of opening;

- (l) contravene any restriction imposed by any sign in any museum erected under the authority of the authorised delegate;
 - (m) use photographic equipment or filming within the museum complex, unless it has been authorized for a particular reason;
- (4) The Municipality shall not be responsible for any loss or damage sustained by any person using any museum howsoever such loss or damage may arise.

3. Offences and Penalties

Any person who contravenes any of the provisions of section 2.3 of these bylaws shall be guilty of an offence and upon conviction shall be liable to the fines determined by a Chief Magistrate of the Magistrate's Court with jurisdiction in the area in which the offence has been committed or imprisonment as determined by a competent court.

4. Repeal of bylaws

All Municipal Bylaws, and amendments thereto, relating to Museums made by the local authority of Newcastle Local Council, disestablished in terms of Provincial Notice No. 345 of 2000 in terms of section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities 9DC 29, KZ 291, KZ 292, KZ 293, KZ 294) as published on 19 September 2000, are hereby repealed.

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