

Hostels BYLAW



BYLAW

CONTENTS

| | | |
|-----------|---|----------|
| 1. | Introduction..... | 3 |
| 2. | Title | 3 |
| 3. | Commencement..... | 3 |
| 4. | Interpretation | 4 |
| 4.1 | Definitions..... | 4 |
| 5. | Penalties and recovery of costs..... | 5 |
| 6. | Bylaw Clauses | 5 |
| 6.1 | Compliance..... | 5 |
| 6.2 | Appointment of Manager | 5 |
| 6.3 | Responsibilities of Manager | 5 |
| 6.4 | Kitchen Standards | 7 |
| 6.5 | Exemptions..... | 7 |
| 6.6 | Compliance..... | 8 |
| 7. | Adoption of bylaw | 8 |

Hostels Bylaw 2017



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| First Adopted: | Resolution No 11/291 15 September 2011 |
| Historic revision dates: | 13 December 2017 (17/317) |
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| Review frequency: | Not less than once every five to ten years as required by Sections 158 & 159 of the Local Government Act 2002 |
| Approval authority: | Council |
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| Associated documents: | |

1. Introduction

This bylaw controls the operation of hostel type accommodation including guesthouses, rooming houses, boarding houses, private hotels, residential clubs, motels, and hostels, except where these are licensed by other appropriate legislation.

This bylaw covers the appointment and responsibilities of a Hostel Manager including building maintenance, lighting, cleanliness of rooms and buildings, so that visitors of these premises enjoy accommodation of a reasonable standard. The Hostels Bylaw 2017 sets standards for safety, ventilation, sanitary conditions and overcrowding, and addresses issues that are not covered in the Building Act 2004.

This bylaw also sets minimum standards for the construction, maintenance and cleanliness of such buildings so that visitors to or residents of these premises enjoy accommodation of a reasonable standard.

Notes in italics are not part of this bylaw, but are intended to explain the contents of the bylaw or give further information on matters within or relating to the bylaw.

The application of this bylaw should be read in conjunction with section 145, 146, 147, 169 and 170 of the Local Government 2002 and section 64 of the Health Act 1956.

2. Title

The title of the bylaw shall be the South Waikato District Council Hostels Bylaw 2017.

3. Commencement

This bylaw shall come into force after Council resolves to adopt the bylaw and the date of commencement of the bylaw shall be identified in Council's resolution.

4. Interpretation

Definitions and matters of interpretation, and administration (including the provisions relating to the penalties for any breach of this and any other bylaw) not included in this bylaw may be found in the Bylaws Administration Bylaw 2017.

For the purposes of this bylaw the word “**shall**” refers to practices that are mandatory for compliance with this bylaw while the word “**should**” refers to practices which are advised or recommended.

4.1 Definitions

In this bylaw, unless the context requires otherwise:

Bylaws Administration Bylaw 2017 means the South Waikato District Council Bylaws Administration Bylaw 2017.

Enforcement Officer means a Police Officer or any other person appointed to carry out any of the duties of an officer.

Guest means a person for whom any room or part thereof, or rooms in a hostel is, or are provided, as a lodging or for his/her use or occupation and to whom whole or partial board may also be supplied.

Hostel means a building or part thereof, or two or more buildings, in which accommodation is provided for a single night or longer with or without a common right to the use of common cooking, dining and laundry facilities for five or more persons who are not the owner or manager of the premises comprising the hostel or a member or members of the owner’s or manager’s family. A hostel includes but is not limited to:

- (a) A boarding house
- (b) A guest house
- (c) A rooming house
- (d) A private hotel
- (e) A hotel
- (f) A motel
- (g) A residential club
- (h) An Airbnb property
- (i) A backpacker’s accommodation
- (j) Or similar property for short-term paid residential accommodation including caravans and other mobile and non-mobile accommodation facilities;

but does not include:

- i. Any premises in respect of which a licence under the Sale and Supply of Alcohol Act 2012 is in force
- ii. Any premises in respect of which an on-licence or an off-licence is deemed to be in force pursuant to section 303 of the Supply of Alcohol Act 2012
- iii. Any hospital as defined in section 2 of the Hospitals Act 1957
- iv. Any premises used for the provision of health care services as defined in the Health and Disability Services (Safety) Act 2001
- v. Any private hospital required to be licensed under Part V of the Hospitals Act 1957
- vi. Any institution licensed under section 9 of the Mental Health Act 1969

- vii. Any home that is required to be registered or deemed to be registered under Part IX of the Children and Young Persons Act 1974
- viii. Any child care centre required to be licensed by regulations made under the provisions of the Education Act 1989
- ix. Any camping ground required to be licensed under regulations made under section 120B of the Health Act 1956

Manager means the owner of a hostel or a person appointed by the hostel owner to manage the operation of the hostel and includes a **Resident Manager**.

Room means a partitioned part of the inside of a building; especially such a part used as a lodging

Table 1 means the table printed after Clause 6.3.3(g) of this bylaw.

5. Penalties and recovery of costs

Council may recover amelioration costs and/or impose penalties or fines where an authorised officer or agent of the Council takes action to enforce any provision in this bylaw, as provided in the Bylaws Administration Bylaw 2017.

6. Bylaw Clauses

6.1 Compliance

- 6.1.1 No person shall let for occupation any hostel which does not comply with the provisions of this bylaw, and with all relevant statutory provisions regarding its occupancy.
- 6.1.2 No premises shall be operated as a hostel unless registered or licensed by the Council as a hostel and shall be operated strictly on the terms and conditions that Council may require.

6.2 Appointment of Manager

- 6.2.1 Any person who lets for occupation any hostel shall appoint a manager. In any case where no manager is appointed the person who lets the premises for accommodation shall be deemed to be the manager for such premises. If the manager does not permanently reside on the premises, a resident manager who resides on the premises shall also be appointed with all the powers and responsibilities of the manager.
- 6.2.2 The requirement to appoint a resident manager for a hostel shall not apply in any case where an authorised officer is satisfied that this would be unreasonable or impractical having regard to the particular circumstances.

6.3 Responsibilities of Manager

- 6.3.1 The owner or manager of a hostel shall:
 - (a) Maintain all of the hostel and all appliances, fixtures and fittings in the hostel in good repair and in a clean and hygienic condition and cause all rooms, passages, stores, floors, ceilings, windows, doors and walls of the hostel to be kept clean and free from vermin.
 - (b) Ensure that all exterior cladding and the exterior face of the hostel shall be maintained and kept in good repair, including painting and weather-proofing and appropriate protective finishes are used on all interior surfaces.
 - (c) Cause every yard or court or other open space to be kept at all times in good order and thoroughly clean, and free from any accumulation of refuse, or foul matter or undesirable growth and shall as often as necessary wash all paved surfaces in such yard or court or other open space.
 - (d) Ensure that all parts of the hostel are adequately lit and ventilated at all times.

- (e) Provide a suitable storage area in an approved location where rubbish bags or rubbish containers can be stored prior to their placement for collection or disposal and maintain any rubbish storage areas in a clean and tidy condition.
- (f) Provide and maintain in good repair and efficient working order any artificial lighting, emergency lighting, fire alarms, fire detection devices and fire extinguishers or any other facility required by the New Zealand Building Code or a Compliance Schedule under section 101 of the Building Act 2004 or Building Regulations 1992 for the hostel.
- (g) Register or licence the hostel for the purposes of accommodation with the Council and keep such licence current and comply with any conditions that the Council has placed on the registration or licence.
- (h) Provide adequate and proper facilities in room for the disposal of sanitary items.

6.3.2 The manager or resident manager shall cause:

- (a) All the bed-linen, bedclothes, bedding, bedsteads, soft furnishings including furniture, carpets and other floor coverings, provided to guests to be thoroughly cleansed as often as is necessary to maintain these items in a clean and wholesome condition and free from vermin and or insect infestations.
- (b) All refuse to be removed at least daily from every room in the hostel.
- (c) Every room which is used as a bedroom to be furnished with approved beds sufficient for all occupants, at least to the level set out in Table 1. A sufficient supply of clean bed linen and bedding shall be available for every guest in each bedroom in cases where they are not required to provide their own. Every bedroom shall have adequate clothes storage facilities for the number of guests, and suitable curtain or window coverings for privacy.
- (d) Towels are to be supplied for each guest at least weekly and to every newly-arrived guest. All bed linen and bedclothes supplied to guests shall be removed as soon as convenient after a bedroom has been vacated. All such bedclothes and the bed from which the bedclothes have been removed shall be thoroughly aired.

6.3.3 The manager or resident manager of a hostel shall not:

- (a) Except in the case of an emergency, use or permit to be used in any part of the hostel any lighted candles, or any lamp, or heater supplied with kerosene, mineral or other oil or spirit for lighting or heating purposes unless such candle, lamp or heater is so constructed, protected, and secured as not to involve risk of fire to the hostel or its contents, or of causing harm to any person in the hostel.
- (b) Provide a LPG cabinet heater:
 - i. Without providing the guest with the appropriate user instructions for that heater;
 - ii. For use in an area of less than the minimum permitted floor area;
 - iii. That has not been adequately serviced prior to the winter heating season;
 - iv. That has not been stored under cover when not in use.

Note: LPG heaters are an oxygen depleting heating source, which needs to be used with adequate ventilation.

- (c) Store or keep, or allow to be stored or kept, any kerosene, mineral or other oil, spirit, matches or any explosive or flammable substances in any cupboard or other place situated under any staircase or near any fire escape, balcony leading to a fire escape or fire exit.
- (d) Cause or permit any obstruction to be placed in any flight of stairs, passage, or other means of escape. All doors in connection with such means of escape shall be maintained so that they can be readily opened in the direction of exit travel without the use of a key.
- (e) At any time permit the number of persons accommodated in any bedroom in the hostel to exceed the number assessed in accordance with Table 1.
- (f) Permit any room that is not approved for use as a bedroom to be occupied or used for that purpose.
- (g) Permit equipment for the cooking or heating of food to be provided or used in any room except a kitchen.

Table 1 – Maximum number of persons permitted to sleep in a bedroom

| Area of bedroom | Maximum number of persons |
|---|---|
| Under 4.5 m ² | Nil |
| 4.5 m ² or more but less than 6 m ² | Child 1-10 yrs in an existing building but nil in a new building |
| 6 m ² or more but less than 8 m ² | 1 |
| 8 m ² or more but less than 10 m ² | 1 adult and 1 child 1-10 years |
| 10 m ² or more but less than 12 m ² | 2 adults |
| 12 m ² or more but less than 14 m ² | 2 adults and 1 child 1–10 years |
| 14 m ² or more but less than 17 m ² | 3 adults |
| 17 m ² or more but less than 20 m ² | 3 adults and 1 child 1-10 years |
| 20 m ² or more | 4 persons and 1 additional person for each additional complete 5 m ² |

NOTE – For the purposes of this table an existing building means a building existing prior to 10 October 1947 being the date when the Housing Improvement Regulations 1947 came into force.

6.4 Kitchen Standards

- 6.4.1 Every hostel shall have a kitchen and a dining area for the storage, preparation or supply of food for guests or where guests can prepare and consume their own individual meals.
- 6.4.2 The kitchen and dining room of each hostel shall be to the following minimum standards:
- All floors, walls and ceilings in the kitchen shall be properly constructed, kept in good repair, and finished to provide smooth, impervious, easily cleanable surfaces. All walls and ceilings shall be finished in a light colour.
 - All parts of the kitchen and dining room shall be adequately lit by daylight and artificial lighting as the circumstances require to facilitate cleaning and inspection.
 - All parts of the kitchen and dining room shall be adequately ventilated.
 - All parts of the kitchen and dining room shall be maintained in a clean, hygienic and tidy condition, free from foul odours, vermin and/or insect infestations.
 - The kitchen shall be provided with a sufficient number of sinks and other sanitary fittings reasonably necessary for the cleansing of crockery, utensils and appliances used in the preparation, service and consumption of food. Every such sink shall be supplied with a piped supply of hot and cold water.
 - A wash-hand basin supplied with piped hot and cold water shall be located within the kitchen or within close proximity to the kitchen. The wash-hand basin shall be supplied with soap, a nail brush and hand-drying equipment.
 - All benches, shelves, tables, cupboards, appliances and equipment shall be constructed and finished so that they are capable of being easily cleaned.
 - Adequate means of preparing food and of cooking food, both by boiling and by baking, sufficient for the numbers of guests, shall be provided in the kitchen.
 - Adequate refrigerated and frozen storage shall be provided, sufficient for the numbers of guests, for the storage of perishable and readily perishable foods. All refrigerated storage shall operate at 4°C or below and frozen storage at -18°C or below.
 - Adequate space for the storage of food shall be provided, so placed, fitted and ventilated as to protect the food from flies, dust, and other contamination and from the direct rays of the sun.
 - Adequate tables and chairs and utensils for the consumption of food shall be provided in the dining room.

6.5 Exemptions

- 6.5.1 Where an authorised officer is satisfied that compliance with the requirements of this bylaw would be unreasonable or impractical, an exemption in respect of any particular requirements may be granted in whole or in part, with such modifications and subject to such conditions, including such time limitations as are desirable in the circumstances.

- 6.5.2 Where an authorised officer grants an exemption from any part of this bylaw under Clause 6.5.2.1, the authorised officer shall record the details thereof and deliver a copy thereof to the manager of the hostel.

6.6 Compliance

- 6.6.1 Pursuant to Section 6.2 of this bylaw every manager or representative of a hostel shall follow the notice or direction given by an authorised officer pursuant to the provisions in this bylaw in a timely manner. A timely manner shall be defined by Council and shall be assessed in accordance with the scale and remedial works required to comply with the works in the notice or direction.

Note: Please refer to the Bylaws Administration Bylaw 2017, Clause 9 Serving of Orders and Notices and Clause 18 Right of Appeal.

7. Adoption of bylaw

The foregoing bylaw was duly adopted by resolution of the South Waikato District Council following completion of the Special Consultative Procedure prescribed by Sections 83 & 86 of the Act.

I, Craig Hobbs, Chief Executive of South Waikato District Council, CERTIFY that this bylaw was made by Resolution No 17/317 on the 13th day of December 2017, to come into effect on the 20th day of December 2017.

Dated this 20th day of December 2017.

The **COMMON SEAL** of THE
SOUTH WAIKATO DISTRICT COUNCIL)
was hereto affixed in the presence of:)



JR Shattock - Mayor



C Hobbs - Chief Executive



Annotations

| Res No | Date | Subject/Description |
|---------------|-------------------|----------------------------|
| 11/291 | 15 September 2011 | Adopted by Council |
| 17/317 | 13 December 2017 | Adopted by Council |