

RODNEY DISTRICT COUNCIL

RODNEY DISTRICT COUNCIL GENERAL BYLAW: 1998

CHAPTER 10

SANITATION AND CLEANLINESS OF BUILDINGS AND PLACES OF PUBLIC RESORT

EXPLANATION

The objective of this Bylaw is to promote, protect and maintain public health by:

- a) ensuring that every travellers' accommodation, public building and place of public resort, is maintained in a clean and sanitary condition; and
- b) ensuring that adequate numbers of sanitary fixtures are provided in public buildings and places of public resort where the Building Act 2004 does not apply; and
- c) ensuring that bedrooms for the accommodation of travellers are not overcrowded.

The Council has powers under the Health Act 1956 and section 145(b) of the Local Government Act 2002 to make this Bylaw.

1.0 BYLAW ADMINISTRATION

1.1 See Chapter 1 - Bylaw Administration for general fee provisions, interpretations, licences, offences and dispensations.

This Bylaw shall come into force on 4 October 2006 and will be reviewed not later than 10 years from that date.

Nothing in this bylaw shall override the provisions of the District Plan.

2.0 INTERPRETATION

| | |
|---------------------------|--|
| PLACE OF PUBLIC RESORT | For the purposes of Chapter 15 means any premises, place, tent, marquee, temporary structure, enclosure, ground or other area which is not a building within the meaning of that term in the Building Act 2004, and which is used by 100 or more persons for any public assembly, a public meeting, theatre, music area, dancing area, sports ground, show ground, fair ground or for any public performances, or public amusements, whether or not an admission charge is made but does not include any reserve within the meaning of the Reserves Act 1977 while such reserve is being used by members of the public for passive recreation or activity. |
| SANITARY CONVENIENCE | Means a water-closet pan, lavatory, toilet, privy, borehole, porta-loo or other appliance constructed or adapted for receiving liquid or solid excremental waste, but does not include a urinal. |
| SANITARY FIXTURE | Means any fixture which is intended to be used for sanitation and includes a sanitary convenience, a urinal and a wash-hand basin. |
| TRAVELLER | Means a person temporarily resident in the District whether for social, recreational or business reasons but explicitly excludes a student or other person accepting lodging or board and lodging on a long term basis. |
| TRAVELLERS' ACCOMMODATION | Means a building or portion of a building or combination of buildings or parts of buildings in which travellers lodging or board and lodging are provided for a single night or longer for 5 or more travellers, with or without the use of furniture, and includes any boarding house, guest house, rooming house, hotel, motel, residential club, hostel, backpackers accommodation, bed and breakfast accommodation, homestay and/or farmstay accommodation. |

3.0 CLEANLINESS AND AVOIDANCE OF OVERCROWDING

3.1 The owner and the operator or keeper of every public building, place of public resort and travellers' accommodation shall jointly and severally be obliged:

- (a) to maintain the building or place generally in a good state of repair so as to be in a sanitary condition.

- (b) without limiting the generality of Clause 3.1(a), to maintain in a clean and sanitary condition at all times all walls, floors, ceilings and yards of the premises, and all utensils, fixtures, fittings, furniture, bedding (where applicable) and receptacles provided and any swimming pool or spa pool.
 - (c) to cause all waste to be removed from the premises at least once a week and keep all receptacles for such waste as clean as is practicable and maintain the same in good repair.
 - (d) to comply with the provisions of Chapter 19 – Waste
- 3.2 The owner, operator, or keeper of every travellers' accommodation shall not allow the numbers of persons sleeping in any room to exceed that specified in Schedule 1 of this chapter of this Bylaw.

4.0 SANITARY FIXTURES IN PUBLIC BUILDINGS AND PLACES OF PUBLIC RESORT

- 4.1 Sanitary fixtures shall be provided in places of public resort in such numbers as comply with:
- (a) Schedule 2 to this chapter of this Bylaw, where alcohol is not to be provided under a special licence issued under the Sale of Liquor Act 1989; or
 - (b) Schedule 3 to this chapter of this Bylaw, where alcohol is to be provided under a special licence issued under the Sale of Liquor Act 1989.
- 4.2 Sanitary fixtures shall be located, constructed and installed so as to:
- (a) facilitate sanitation;
 - (b) avoid the risk of food contamination;
 - (c) avoid the harbouring of dirt or germs;
 - (d) provide appropriate privacy;
 - (e) avoid affecting occupants of adjacent spaces with the presence of unpleasant odours, accumulation of offensive matter, or other source of annoyance; and
 - (f) enable effective cleaning.
- 4.3 Where required to provide facilities for disabled persons, access to such sanitary fixtures must comply with New Zealand Standard 4121.

5.0 NEW ZEALAND STANDARD - CODE OF PRACTICE FOR THE OPERATION OF SWIMMING POOLS

Swimming pools and spa pools in any travellers' accommodation, public building or place of public resort are to be installed and maintained in accordance with New Zealand Standard NZS 5826: Pool Water Quality

6.0 ASSESSMENT

- 6.1 The Council or an authorised officer shall be entitled at all reasonable times to enter and inspect any travellers' accommodation, public building or place of public resort for the purposes of this Bylaw including the testing of any swimming or spa pool available for travellers or public use.

- 6.2 No person shall wilfully hinder, delay, or obstruct or fail to render assistance to an authorised officer who has lawfully entered any travellers' accommodation, public building or place of public resort for the purpose of inspecting the premises.
- 6.3 The owner, operator or keeper of any travellers' accommodation, or public building that complies with this chapter of the Bylaw and any other required Act or regulation shall be issued with a certificate to be identified as a Health Assessment Certificate. The issue of the certificate will be subject to the payment of the fees mentioned in Clause 6.4 below.
- 6.4 Pursuant to Section 3 of Chapter 1 of this Bylaw and Section 65(c) and (d) of the Health Act 1956, the Council shall be entitled to charge and recover as a debt, a reasonable fee for assessments performed under this chapter of this Bylaw.
- 6.5 Where any travellers' accommodation, public building or place of public resort fails to meet the standards set out in Clauses 3.2, 4.1, 4.2, 4.3 and 5.0, as may be applicable, the Council or an Authorised Officer may require compliance within a specified time. Where any person fails to comply with a requirement under this clause, any Health Assessment Certificate previously issued will be cancelled

7.0 OFFENCES AND PENALTIES

- 7.1 Every person who fails to comply with the provisions of this chapter of this Bylaw, commits an offence and shall be subject to the penalties set out in Chapter 1 of this Bylaw.

SCHEDULE 1

NUMBER OF PERSONS PERMITTED TO SLEEP IN ANY ROOM

| AREA OF ROOM (M ²) | NUMBER OF PERSONS* |
|--------------------------------|--|
| Less than 4.5 | Nil |
| 4.5 or more but less than 6 | 0.5** |
| 6 or more but less than 8 | 1 |
| 8 or more but less than 10 | 1.5 |
| 10 or more but less than 12 | 2 |
| 12 or more but less than 14 | 2.5 |
| 14 or more but less than 17 | 3 |
| 17 or more but less than 20 | 3.5 |
| 20 or more | 4 persons and 1 additional person for each additional 5 m ² |

* For hostels and backpackers' accommodation, where guests stay for three nights or less, the space standard can be reduced to 3.5 m² per person.

** For the purposes of this Schedule 0.5 persons means a child who has attained the age of 1 year but is under the age of 10 years.

SCHEDULE 2

SANITARY FIXTURES REQUIRED IN PLACES OF PUBLIC RESORT WHERE ALCOHOL IS NOT TO BE PROVIDED UNDER A SPECIAL LICENCE

Part 1 - Sanitary Conveniences and Urinals to be provided

| Nature of Fixture | Number of Fixtures | Maximum Number of Persons to be Served |
|-----------------------------------|--------------------|--|
| Sanitary Conveniences for females | 1 | 50 |
| | 2 | 100 |
| | 3 | 250 |
| | 4 | 500 |
| | 5 | 750 |
| | 6 | 1000 |
| | | plus an additional sanitary convenience for every additional 400 persons or part thereof |
| Sanitary Conveniences for males | 1 | 200 |
| | 2 | 500 |
| | 3 | 750 |
| | 4 | 1000 |
| | | plus an additional sanitary convenience for every additional 500 persons or part thereof |
| Urinals (stall or bowl type) | 1 | 50 |
| | | plus an additional urinal for every additional 50 persons or part thereof up to 1,000 persons, beyond which the number of urinals shall be at a ratio of up to 100 persons or part thereof |

Note: Every 600mm length of continuous wall urinal shall be regarded as the equivalent of one urinal stall.

Part 2 - Numbers of Wash-hand Basins to be provided

| Numbers of Sanitary Conveniences or urinals (stall or bowl type) | Numbers of Wash-hand Basins to be provided |
|--|---|
| | |
| 3 | 1 |
| 4 - 8 | 2 |
| 9 - 14 | 3 |
| | plus 1 wash-hand basin for every 10 additional sanitary conveniences or urinals |

Note: Unisex sanitary fixtures may be provided at the same number as for female and male persons combined.

SCHEDULE 3

SANITARY FIXTURES REQUIRED IN PLACES OF PUBLIC RESORT WHERE ALCOHOL IS TO BE PROVIDED UNDER A SPECIAL LICENCE

Part 1 - Sanitary Conveniences and Urinals to be provided

| Nature of Fixture | Maximum Number of Persons to be Served by Each Fixture |
|-----------------------------------|--|
| | |
| Sanitary Conveniences for females | 50 |
| Sanitary Conveniences for males | 200 |
| Urinals (stall or bowl type) | 50 |

Note: Every 600 mm length of continuous wall urinal shall be regarded as the equivalent of one urinal stall.

Part 2 - Numbers of Wash-hand Basins to be provided

| Numbers of Sanitary Conveniences or urinals (stall or bowl type) | Numbers of Wash-hand Basins to be provided |
|--|---|
| | |
| 3 | 1 |
| 4 - 8 | 2 |
| 9 - 14 | 3 |
| | plus 1 wash-hand basin for every 10 additional sanitary conveniences or urinals |

Note: Unisex sanitary fixtures may be provided at the same number as for female and male persons combined.