



THE OPOTIKI DISTRICT COUNCIL HOSTELS BYLAW 2008

EXPLANATORY NOTE

The Opotiki District Council Hostels Bylaw 2008 was made in accordance with the Local Government Act 2002 and the Health Act 1956. The purpose of the Bylaw is to enable the Council to monitor and where necessary control the operation of hostels and similar accommodation so that the health and safety of tenants and/or the community at large are not threatened.

The Bylaw sets operational and management criteria for these premises defined as hostels with regard to safety, ventilation, sanitary conditions and overcrowding.

This Bylaw addresses issues which are not covered in the Building Act 2004.

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THE OPOTIKI DISTRICTS COUNCIL HOSTELS BYLAW 2008

This Bylaw was made in accordance with the Local Government Act 2002 and Health Act 1956.

1. Title

This Bylaw shall be known as the Opotiki District Council Hostels Bylaw 2008.

2. Commencement

This Bylaw shall come into force on the 1st day of July 2008.

3. Repeals

As from the date that this Bylaw comes into force the Opotiki District Council Bylaw 1990 Chapter 3 Licensing and Control of Apartment Buildings and Boarding Houses shall be repealed.

4. Interpretations

For the purposes of this Bylaw the following interpretations shall apply:

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 in which accommodation is provided for a single night or longer for five or more persons who are not part of a family with or without a common right to the use of common cooking, dining and laundry facilities. 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 motel;
- (f) A residential club;
- (g) A backpacker's accommodation

But does not include:

- (i) Any premises in respect of which a licence under the Sale of Liquor Act 1989 is in force;
- (ii) Any premises in respect of an on-licence or an off-licence is deemed to be in force pursuant to the Sale of Liquor Act 1989;
- (iii) Any premises used for providing hospital care services defined in the Health and Disabilities Services (Safety) Act 2001.
- (iv) Any home that is required to be registered or deemed to be registered under the Children Young Persons and their Families Act 1989.
- (v) Any child care centre required to be licensed by regulations made under the provisions of the Education Act 1989;
- (vi) Any camping ground required to be licensed under regulations made under the Health Act 1956.

5. Compliance

- 5.1 No person shall let for occupation any hostel which does not comply with the provisions of this Part of the Bylaw and with all relevant statutory provisions regarding its occupancy.

6. Appointment of Manager

- 6.1 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. In this Part "manager" includes "resident manager".
- 6.2 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.

7. Responsibilities of Manager

- 7.1 The owner or manager of a hostel shall:

- (a) Maintain all of the building, all appliances, fixtures and fittings in the building in good repair and in a clean and hygienic condition and cause all rooms, passages, stores, floors, ceilings, windows, doors and walls of the building to be kept clean and free from vermin;
- (b) 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;
- (c) Ensure that all parts of the premises are adequately lit and ventilated at all times;
- (d) Provide a suitable storage area in an approved location where rubbish bags or rubbish containers can be stored prior to their placement for collection on rubbish collection day and maintain any rubbish storage areas in a clean and tidy condition;
- (e) 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 feature as may be required by the New Zealand Building Code or a Compliance Schedule under the Building Act 2004 for the hostel.

- 7.2 The manager or resident manager shall cause:

- (a) All the bed-linen, bedclothes, bedding, bedsteads and all soft furnishings provided to guests to be thoroughly cleaned as often as is necessary to maintain these items in a clean and wholesome condition and free from vermin;
- (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 the approved beds sufficient for all occupants but not exceeding the limits of 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 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.

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

- (a) Except in the case of emergency, use or permit to be used in any part of the premises 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 constructed, protected and secured as not to involve risk of fire to the building or its contents.
- (b) 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;
- (c) 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;
- (d) At any time permit a greater number of persons to be accommodated in any bedroom in the hostel than the number assessed in accordance with Table 1;
- (e) Permit any room that is not approved for use as a bedroom to be occupied or used for that purpose;
- (f) Permit equipment for the cooking or heating of food to be provided or used in any room except a kitchen.

Table 1 – Number of persons permitted to sleep in a bedroom

Area of bedroom	Number of persons
Under 4.5m ²	Nil
4.5m ² or more but less than 6m ²	½ in an existing building but nil in a new building
6.0m ² or more but less than 10m ²	1
8.0m ² or more but less than 10m ²	1½
10m ² or more but less than 12m ²	2
12m ² or more but less than 14m ²	2½
14m ² or more but less than 17m ²	3
17m ² or more but less than 20m ²	3½
20m ² or more	4 persons and 1 additional person for each additional complete 5m ²

NOTE

- (1) For the purpose 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.
- (2) For the purposes of this table ½ a person means a child who has attained the age of one year and is under 10 years of age.

8. Kitchen Standards

- 8.1 Every hostel shall have a kitchen and a dining room to the following minimum standards for the preparation of meals for guests or where guests can provide their own individual meals;
- (a) All floors, walls and the ceiling 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.
 - (b) All parts of the kitchen and dining room shall be adequately lit by daylight and artificial lighting as the circumstances required to facilitate cleaning and inspection;
 - (c) All parts of the kitchen and dining room shall be adequately ventilated;
 - (d) All parts of the kitchen and dining room shall be maintained in a clean, hygienic and tidy condition, free from foul odours and vermin;
 - (e) The kitchen shall be provided with a sufficient number of sinks and other sanitary fittings reasonably necessary for the cleaning 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.
 - (f) 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.
 - (g) All benches, shelves, tables, cupboards, appliances and equipment shall be constructed and finished so that they are capable of being easily cleaned;
 - (h) 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;
 - (i) 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 (minus) - 18°C or below.
 - (j) Adequate space for the storage of food shall be provided, so placed, fitted and ventilated so as to protect the food from flies, dust and other contamination and from the direct rays of the sun;
 - (k) Adequate tables and chairs and utensils in the dining room for the consumption of food.

9. Fees and Charges

- 9.1 Council may set inspection fees and charges as prescribed in the Council's Annual Plan Fees and Charges.

10. Notices

- 10.1 The Council may give notice to any person in breach of the provisions of this Bylaw to carry out any remedial action in order to comply with the Bylaw and every such notice shall state the time within which the remedial action is to be carried out, and may be extended from time to time.

11. Dispensing Powers

- 11.1 Where in the opinion of the Council full compliance with the provisions of this Bylaw would needlessly or injuriously affect any person, or the course or operation of the business of, or bring loss or inconvenience to any person without any corresponding benefit to the community, the Council may, on the special application of that person, dispense

with the full compliance with the provisions of this Bylaw; provided that any other terms or conditions (if any) that the Council may deem it fit to impose shall be complied with by that person.

12 Serving of Orders and Notices

- 12.1 Except as otherwise provided for in any other enactment, where any notice, order, or other document is required to be served on any person for the purposes of this Bylaw, service may be effected by delivering it personally to the person or by sending it by registered post to that person's last known residential or business address.
- 12.2 If the person is absent from New Zealand the order, notice, or other document may be served on the person's agent in the manner referred to in 12.1.
- 12.3 If the order, notice, or other document relates to land or buildings, then the order, notice, or other document should be served on the person who owns that land or buildings. However, if that person is not known or is absent from New Zealand, or has no known agent in New Zealand, the order or notice may be:
- (a) Served on the person who is occupying the land or buildings; or
 - (b) If there is no person in occupation, put up on some conspicuous part of the land or buildings.
- It is not necessary in that notice to name the occupier or the owner of that land or buildings.
- 12.4 Where an order or notice is sent by registered post, the order or notice shall be sent so as to arrive no later than the latest time on which such order or notice is required to be served.
- 12.5 Any order or notice issued shall state the time within which the remedial action is to be carried out, and may be extended from time to time by written authority of an authorised officer.

13. Offences and Breaches

- 13.1 Any person commits a breach of this Bylaw who:
- (a) Does, or causes to be done, or knowingly permits or suffers to be done anything whatsoever contrary to or otherwise than as provided by this Bylaw;
 - (b) Omits or neglects to do, or knowingly permits or suffers to remain undone, anything which according to the true intent and meaning of this Bylaw, ought to be done by that person at the time and in the manner provided by this Bylaw;
 - (c) Does not refrain from doing anything which under this Bylaw they are required to abstain from doing;
 - (d) Knowingly permits or suffers any condition of or things to exist contrary to any provision contained in this Bylaw;
 - (e) Refuses or neglects to comply with any notice given to that person under this Bylaw;
 - (f) Obstructs or hinders any authorised officer of Council in the performance of any duty to be discharged by that officer under or in the exercise of any power conferred upon that officer by this Bylaw; or
 - (g) Fails to comply with any notice or direction given under this Bylaw.
- 13.2 Where it is suspected that any person has committed a breach of this Bylaw, that person shall, on the direction of an authorised officer, provide their full name and address.

14 Removal of Works

- 14.1 Where the notice served under Section 10 has not been complied with, the Council or any authorised officer or agent of the Council, may pull down, remove or alter any work, material or thing erected or being in contravention of this Bylaw.

- 14.2 The Council may recover from any person responsible for the breach of any part of this Bylaw, all expenses incurred by it in connection with such pulling down, removal or alteration. This includes the cost of debt collecting and legal fees.
- 14.3 The exercise of this authority does not relieve any such person from liability for any penalty for erecting or permitting the continued existence of any such work, material or thing.
- 14.4 If however the breach is such that public health, or safety considerations or risk of consequential damage to Council assets is such that delay would create unacceptable results, the Council may take immediate action to rectify the defect and recover all reasonable costs (as set out in 14.2).
- 14.5 On payment of all Council's costs, including storage where applicable, the lawful owner may claim any object, material or thing removed under 14.1.
- 14.6 If not claimed within a reasonable time the Council may dispose of any object, material or thing as it sees fit and apply the proceeds to meet any outstanding costs. The lawful owner shall be entitled to claim any residual sum.

15 Penalties for Breach of Bylaw

- 15.1 Every person who commits an offence against this Bylaw is liable to:
- (a) The penalty set out in the Local Government Act 2002.
 - (b) Where another enactment specifies the penalty for a breach of the Bylaw, that other penalty.
- 15.2 In accordance with the Local Government Act 2002 the Council may apply to the District Court for an injunction to restrain a person from committing a breach of this Bylaw.

This Bylaw was duly made by the Opotiki District Council by Resolution passed on the 11th day of March 2008 and was confirmed following consideration of community submissions during a special consultative procedure by a resolution {No 461} passed on the 17th day of June 2008.

The Common Seal of the Opotiki
District Council was here to

affixed in the presence of.....

_____ MAYOR

_____ CHIEF EXECUTIVE