

CHBDC:Part 3:2008

# **CENTRAL HAWKE'S BAY DISTRICT COUNCIL BYLAWS**



## **Part 3 – Hostels**

Superseding Model General NZS 9201:Part 3:1999

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### **Explanatory Note**

This Bylaw is based on the Model General Bylaw NZS9201:Part 3:1999 Hostels as compiled by Standards New Zealand. This Bylaw amends that Standard as necessary to meet the requirements of the Central Hawke's Bay District Council.

### **Copyright**

The copyright of the Model General Bylaw NZS9201:Part 3:1999 Hostels is the property of the Standards Council. The copying and amendment of the Model Bylaw has been carried out by a Territorial Authority in the process of preparing its local bylaw, as permitted by the Standards Council.

### **Referenced Documents**

Reference is made in this document to the following:

#### **New Zealand Legislation**

- Building Act 2004
- Children and Young Persons Act 1974
- Disabled Persons Community Welfare Act 1975
- Education Act 1989
- Health Act 1956
- Hospital Act 1957
- Local Government Act 1974
- Local Government Act 2002
- Sale of the Liquor Act 1989.

**Foreword**

The CHBDC Bylaws series covers various matters under local authority jurisdiction. Local authorities are empowered under a variety of Acts including the Local Government Act 2002 to make Bylaws.

This CHBDC Bylaw is based on the Model General NZ Standard Hostels Bylaw prepared by Standards New Zealand. The Model General has been reviewed by technical staff and with a Building Act legislation update it has been deemed to currently meet the requirements of the Central Hawke's Bay District Council.

This CHBDC Bylaw enables Council to monitor the operation of hostels and similar accommodations so that the health and safety of tenants or the community at large are not threatened. It sets operational and management criteria for these premises defined as hostels with regard to safety, ventilation, sanitary conditions and overcrowding. It also addresses issues which are not covered in the Building Act.

The definition of "Hostel" has been broadened to include a backpacker's accommodation. Reference should be made to CHBDC: Part 1 Introductory for any other definitions not included in this Part.

## CHBDC BYLAWS

### Part 3 - HOSTELS

#### 300 SCOPE

The general purpose of the CHBDC Bylaw Part 3 is to enable Council to monitor the operation of hostels, guest houses, boarding houses, private hotels, motels and residential clubs, except where these are licensed under the Sale of Liquor Act 1989 or by any other Act to ensure that conditions do not arise that may threaten the health and safety of tenants, neighbours or the community at large.

This 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. It applies to all buildings defined as hostels but it is considered that it will not be regarded as onerous by owners / landlords who maintain their premises at a reasonable standard. The thrust of the bylaw is toward low cost budget accommodation.

This bylaw is made under the provisions of the Local Government Act 2002 and pursuant to section 64 of the Health Act 1956.

#### 301 DEFINITIONS

For the purposes of this bylaw the following definitions 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 (5) 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:

- (a) any premises in respect of which a licence under the Sale of Liquor Act 1989 is in force;

- (b) any premises in respect of which an on-licence or an off-licence is deemed to be in force pursuant to sections 240 and 241 of the Sale of Liquor Act 1989;
- (c) any hospital as defined in section 2 of the Hospitals Act 1957;
- (d) any home for aged persons required to be licensed under section 120A of the Health Act 1956;
- (e) any private hospital required to be licensed under Part V of the Hospitals Act 1957;
- (f) any institution licensed under section 9 of the Mental Health Act 1969;
- (g) any home that is required to be registered or deemed to be registered under Part IX of the Children and Young Persons Act 1974;
- (h) any child care centre required to be licensed by regulations made under the provisions of the Education Act 1989;
- (i) any home required to be registered under Part II of the Disabled Persons Community Welfare Act 1975;
- (j) any camping ground required to be licensed under regulations made under section 120B of the Health Act 1956.

### **302 COMPLIANCE**

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.

### **303 APPOINTMENT OF MANAGER**

**303.1** 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".

**303.2** 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.

### **304 RESPONSIBILITIES OF MANAGER**

**304.1** The owner or manager of a hostel shall:

- (a) maintain all of the building and 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 section 100 of the Building Act 2004 for the hostel.

**304.2** 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.

**304.3** 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 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**

<b>AREA OF BEDROOM</b>	<b>NUMBER OF PERSONS</b>
Under 4.5 m <sup>2</sup>	Nil
4.5 m <sup>2</sup> or more but less than 6 m <sup>2</sup>	½ in an existing building but nil in a new building
6.0 m <sup>2</sup> or more but less than 10 m <sup>2</sup>	1
8.0 m <sup>2</sup> or more but less than 10 m <sup>2</sup>	1 ½
10 m <sup>2</sup> or more but less than 12 m <sup>2</sup>	2
12 m <sup>2</sup> or more but less than 14 m <sup>2</sup>	2 ½
14 m <sup>2</sup> or more but less than 17 m <sup>2</sup>	3
17 m <sup>2</sup> or more but less than 20 m <sup>2</sup>	3 ½
20 m <sup>2</sup> or more	4 persons and 1 additional person for each additional complete 5 m <sup>2</sup>

**NOTE -**

- (1) 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.
- (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.

**305 KITCHEN STANDARDS**

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 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;
- (b) 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;
- (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 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;
- (f) a hand wash basin supplied with piped hot and cold water shall be located within the kitchen or within close proximity to the kitchen. The hand wash 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;
- (j) 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;
- (k) 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;
- (m) adequate tables and chairs and utensils in the dining room for the consumption of food.

**306 EXEMPTIONS**

Where an authorised officer is satisfied that compliance with the requirements of this Part of the 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.

**307 FEES**

Council by resolution, publicly notified, may set inspection fees.

**308 BYLAW APPROVAL DATE**

The Common Seal of the Central Hawke's Bay District Council was attached, under Resolution (*Reference - CHBDC:Part3:2008*) passed at a meeting of the Central Hawke's Bay District Council held on ..... (Day) ..... (Month) ..... (Year).

*DATE CONFIRMED* : \_\_\_\_/\_\_\_\_/\_\_\_\_