

## **Wellington City Council Proposed Local Public Health Bylaw 2008**

### **Part 1 Introduction**

The Wellington City Council is empowered to make bylaws for the improvement, promotion, protection, and maintenance of public health and safety. The authority for the Council to make such bylaws can be found in the Local Government Act 2002 and the Health Act 1956. The Council finds cause to make this bylaw in the interests of public health and safety. The bylaw is made subordinate to and in support of the Acts noted above. The need for a bylaw covering these matters is founded upon addressing perceived problems that are not effectively controlled by any statute or regulation.

This bylaw is made pursuant to Part 8 of the Local Government Act 2002.

#### **1.1 Commencement, Review and Termination**

- 1.1.1 The bylaw shall be operative from 1 July 2008.
- 1.1.2 Unless revoked or reviewed sooner, it shall be reviewed no later than 30 June 2018. If not reviewed by 30 June 2018, this bylaw terminates on 1 July 2020.
- 1.1.3 The bylaws specified in schedule 1 are revoked or amended.

## Part 2 Food Premises

### 2.1 Interpretation

**‘Certificate of Registration’** also means the Certificate of Hygiene or such term as Council decides on from time to time and has the same meaning as in the Food Hygiene Regulations 1974.

**‘Food’** means anything that is used or represented for use as food or drink for human beings.

**‘Food Premises’** has the same meaning as in the Food Hygiene Regulations 1974

**‘Food Premises Operator’** has the same meaning as ‘Occupier’ in the Food Hygiene Regulations 1974.

**‘Grading’** means the allocated grade resulting from an inspection of the Food Premises by the Council assessed according to the grading system determined by the Council.

**‘Utensils’** means all utensils (such as cutlery, dishware and glassware) and equipment used in the storage, processing, preparation or serving of food and drink intended for human consumption, with which food or drink comes into contact during such use.

### 2.2 Grading

2.2.1 The Council shall grade food premises annually following an inspection for grading.

2.2.2 A new food premises or a food premises that has had a change of owners and is registered with the Council will not receive a grading until 3 months of continuous operation has elapsed.

2.2.3 A food premises operator can request a regrading, but not within 2 months of issue of the current grading.

2.2.4 The Council can regrade premises at its discretion, following an inspection of the premises.

2.2.5 Where the Council has a certificate for a grading classification, it shall be issued to the food premises together with an annual certificate of registration where the applicant meets the requirements for the certificates of registration and grading.

2.2.6 The food premises operator shall clearly display in a public area of the premises, the current certificate of registration issued for the premises and the current grading certificate, where such a certificate has been issued for the premises.

2.2.7 A grading certificate is voided and shall not be displayed when a change of occupier occurs or where the food premises fails to maintain the qualifying standard prescribed for that Grading Certificate as determined by the Council from time to time.

2.2.8 No food premises operator shall display a grading certificate or certificate of registration after the expiration date shown on the certificate.

## **2.3 Food hygiene training**

2.3.1 The Council will not issue a certificate of registration unless there is working on the premises

- a) a staff member that has been trained in food safety to NZQA level or equivalent or such other training approved by the Council and has been issued with an appropriate food safety training certificate, and/or;
- b) a manager or staff member who is responsible for training others has been trained to NZQA level or equivalent or such other training approved by the Council and has been issued with an appropriate food safety training certificate; and/or;
- c) a manager or staff member who has undergone trade training or other training which has a food safety component equivalent to NZQA level or other suitable training approved by the Council

## **2.4 Food Utensil Hirers**

2.4.1 Any premises or place for the hire of any utensil or appliance used in the service or consumption of food shall comply, to the Council's satisfaction, with the requirements of the Health Act 1956 and the Food Hygiene Regulations 1974.

2.4.2 Any utensil or appliance that is let for hire for use in the service or consumption of food must be effectively cleansed and rendered hygienic by one of the methods in the Food Hygiene Regulations 1974 or some other method approved by the Council.

## Part 3 Public Pools

### 3.1 Interpretation

**‘Actively supervised’** means watching your child at all times and being able to provide immediate assistance.

**‘Certificate of Registration’** means a certificate issued in accordance with 3.2 of this bylaw.

**‘Operator’** means the person whose name appears in the record of registration kept by the Council.

**‘Premise’** and **‘Public Pool Premises’** has the same meaning as public pool

**‘Public Pool’** means any swimming pool, plunge pool, spa pool, tank, or similar structure with the primary purpose of holding a person or persons and includes school pools, Council pools, and commercially operated pools (including but not limited to hotels, motels, and other places of accommodation, fitness centres, gymnasiums, massage parlours) whether or not the primary purpose of the premises is the operation of a public pool, it does not include pools used in conjunction with private residential accommodation.

### 3.2 Premises to be registered

3.2.1 No premises shall be used for the operation of a public pool unless the operator has obtained a certificate of registration from the Council. The certificate shall be displayed in accordance with 3.3.1.

3.2.2 Every application for annual registration of a public pool shall be made on the form provided by the Council for that purpose and include all information required and be signed by the operator.

3.2.3 The Council shall, following an inspection, issue a certificate of registration, provided the premises comply with this bylaw.

3.2.4 The certificate of registration shall remain in force until the date shown on the certificate

3.2.5 Where the operator of a public pool changes, the new operator shall apply to the Council for registration within 14 days. If no application for registration is received by the Council the registration is deemed void and the public pool shall not be used or operated until such time as the premises comply with this bylaw.

3.2.6 The Council may suspend the registration of a public pool premise in accordance with Part 4.2 of this bylaw.

3.2.7 The Council, at its discretion, may waive the requirement to be registered.

### **3.3 Certificates to be displayed**

- 3.3.1 The registered operator of the public pool shall clearly display the certificate of registration in a public area of the premises. Certificates of registration shall not be displayed after the expiration shown on the certificate or if the Council has issued a notice to suspend or cancel the certificate.

### **3.4 Clean premises and equipment**

- 3.4.1 All public pool areas and associated facilities and equipment shall be maintained in a clean and hygienic condition.

### **3.5 Compliance with Pool Water Quality Standard**

- 3.5.1 All public pool premises shall comply with the New Zealand Standard on Pool Water Quality (NZS 5826:2000) and any updates, additions or amendments to that Standard.

### **3.6 Training**

- 3.6.1 Any certificate of registration to operate a public pool is conditional upon the operator and person(s) involved in water treatment and testing holding NZQA Unit Standards in swimming pool water quality or equivalent qualification that is to a standard approved by the Council.

### **3.7 Supervision**

- 3.7.1 Children under 8 years are not permitted in public pool premises unless actively supervised by a caregiver at least 16 years of age.

### **3.8 Signage**

- 3.8.1 Signage related to conditions of entry and use of the public pool premises covering behaviour, supervision, safety and disease prevention shall be clearly displayed in a public area of the public pool premises.



## **Part 4 Administration and Enforcement**


### **4.1 Fees**

- 4.1.1 The Council may from time to time set fees and charges to be payable on demand, for functions undertaken by the Council under this bylaw. Fees and charges shall be made by resolution of Council.
- 4.1.2 The Council may for such reasons as it thinks fit, refund, remit or waive any fee or portion of fee.

### **4.2 Notice to cleanse, repair or cease use of premises**

- 4.2.1 Where any premises, that are subject to this bylaw, by reason of their situation, construction, defect, or state is unsanitary or unhygienic so as to present risks to public health, the Council may serve a notice in writing on the occupier/operator or owner/proprietor requiring:
- a) The premises to be cleaned and/or repaired in a manner and timeframe specified in the notice; or
  - b) Cessation from using the premises until the premises are cleaned and/or repaired to the satisfaction of the Council.
- 4.2.2 All such notices provided under this section shall state particulars of any corrective action required to ensure that any risk to public health is removed.

### **4.3 Objections**

- 4.3.1 Any operator of a public pool premises or food premises who has been issued with a notice by a duly authorised Council officer may object to the requirements of the notice. Objections must be in writing and submitted within 14 days of being issued with the notice.
- 4.3.2  ere an objection to a notice is made, the notice remains in force, until complied with or until the recipient is notified that the notice is cancelled or changed following the Council's consideration of the objection, whichever is earlier.
- 4.3.3 The Council may, on considering the objection, confirm or cancel or change the original requirements of the notice issued by the Council officer.

### **4.4 Offences**

- 4.4.1 Everyone commits an offence against this bylaw who :
- a) Does, or causes to be done, or permits or suffers to be done, or is concerned in doing, anything whatsoever contrary to or otherwise than as provided by this bylaw; or
  - b) Omits, or neglects to do, or permits, or suffers to remain undone, anything which according to the true intent and meaning of this

Bylaw, ought to be done at the time and in the manner therein provided; or

- c) Refuses or neglects to comply with any notice duly given under this Bylaw; or
- d) Obstructs or hinders any officer of the Council in the performance of any duty to be discharged by such officer under or in the exercise of any power, conferred by this Bylaw.

## **Schedule 1**

### **Bylaws revoked and amended**

From 1 July 2008 the following parts of the Wellington Consolidated Bylaw 1991 are revoked:

- Part 9 Commercial Pools and Saunas
- Part 22 Food Premises

From 1 July 2008, the following part of the Wellington Consolidated Bylaw is amended:

- Part 16 Reserves and Swimming Pools
  - Title is amended to Part 16 – (Reserves)
  - Clauses 16.1 (clauses related to swimming pools only) 16.9, 16.10, 16.11, 16.12, 16.13, 16.14 and 16.15 are revoked