

TIMARU DISTRICT CONSOLIDATED BY-LAW 2007 CHAPTER 23 - HEALTH PROTECTION – POOLS, BEAUTY FACILITIES, SKIN PIERCING AND TATTOOING

Scope

The purpose of this chapter of the bylaw is to apply rules to prevent the transfer of communicable diseases and infections in Public swimming and Spa Pool facilities or from Beauty Facilities or Skin Piercing practices. Where relevant this includes jewellers, Beauty Therapists, hairdressers and other businesses that offer Skin Piercing Services.

Persons managing Public swimming and Spa Pool facilities must ensure facilities are operated at a suitable level of quality. Beauticians and other Skin Piercers must be fully aware of the potential hazards and wider effects of their procedures on Public health. It is essential that both categories of operation (Pools, Beauty Facilities and Skin Piercing businesses) understand the precautions that must be taken to minimise the likelihood of infection or spread of disease.

This chapter of the bylaw requires that Premises which provide Public swimming Pool facilities, Beauty Facilities or Skin Piercing procedures are registered and that certain standards of construction and operation are achieved and maintained.

2301 Licensing of Premises

2301.1 No Person shall permit or allow to be used any

- (a) Public Pool; or
- (b) Beauty Facility

unless the Premises on which that Pool or Beauty Facility is located are registered with Council and a current Licence is issued.

2301.2 An application for a licence shall be submitted by the Owner or Operator of the Premises on an Approved form.

2301.3 For every registration there shall be paid to Council a fee as will be decided from time to time by way of the appropriate Council fee setting process.

2301.4 On receipt of any application and payment of the required fee a licence may be issued provided the Authorised Officer is satisfied in respect of the following matters:

- (a) The Premises on or in which the Pool or Beauty Facility is located shall comply with the provisions of all Acts and Regulations that govern its occupancy; and
 - (b) The provisions of this chapter of the bylaw; and
 - (c) Such parts of Council Codes of Practice for the management and operation of Pools and Beauty Facilities that are relevant to the facility.
 - (d) Such other matters, as Council or the Authorised Officer considers relevant to the safe operation and maintenance of the facility.
- 2301.5 Every licence shall be prominently displayed in a Public part of the Premises to which it relates.
- 2301.6 Every licence shall expire at the 30th June in every year and may be renewed upon application. No licence shall be for a term of more than one year.
- 2301.7 No license is transferable to any other Premises.
- 2301.8 Every licence shall be Personal to the licensee. The licensee shall be responsible for ensuring that the provisions of this chapter of the bylaw are complied with and that all Persons working on the Premises are adequately trained and supervised to prevent as far as is practicable any breach of the requirements of this chapter of the bylaw.
- 2301.9 Council may suspend or cancel any licence either wholly or for such period as it thinks fit if satisfied that all or any of the provisions of this chapter of the bylaw have not been complied with.
- 2301.10 The above provisions also apply to every application for the renewal of a licence.

2302 Exemptions

- 2302.1 The provisions of clause 2301.1(b) of this chapter of the bylaw shall not apply to:
- (a) A Health Practitioner registered pursuant to the Health Practitioners Competence Assurance Act 2003.
 - (b) A Person acting under the direction or supervision of any such Medical Practitioner, Nurse, Physiotherapist, Podiatrist or Dentist, where the purpose is the practice of medicine, physiotherapy, podiatry, nursing or dentistry, respectively, or

- (c) Any Premises occupied by a registered pharmacist in which only the Skin Piercing process of ear piercing is carried out however the provisions of this chapter of the bylaw shall otherwise apply to such Premises and ear piercing operations carried out in those Premises, or
- (d) The carrying out of acupuncture where any Person wishing to undergo acupuncture is unable to attend the licensed Premises because of injury, infirmity or medical emergency provided that the acupuncture is carried out in compliance with the procedures specified in Council's Code of Practice for the Management and Operation of Beauty Facilities as they relate to acupuncture, or
- (e) Practitioners of traditional Maori or Pacific Island Tattoo art, provided that they comply with the codes of practice as set out from time to time by Council, in consultation with the local Iwi authorities, or Pacific Island community.

2302.2 Where an Authorised Officer is satisfied that compliance with all or any of the requirements of this chapter of the bylaw would be impracticable or unreasonable having regard to the Premises in question or the process being undertaken, an exemption may be granted with such modifications, and subject to such conditions as are in the interests of Public health and as the Authorised Officer may deem desirable in the circumstances.

2302.3 Any Person wishing to take advantage of the provisions of clause 2302.2 hereof shall require the consent of an Authorised Officer and shall pay such fee for any inspection required and for the Authorised Officer's time to consider the matter.

2302.3 A record of all exemptions given shall be kept by Council.

2303 Codes of Practice

2303.1 All Public Pools and Beauty Facilities shall comply with the requirements specified in Council's Code of Practice for the Management and Operation of Public Pools or Council's Code of Practice for the Management and Operation of Beauty Facilities and Skin Piercing Premises, as the case may be.

2304 Cleansing and Repair

- 2304.1 In any case where any Premises, equipment or procedure used is of a standard or condition whereby users or staff may be exposed to contamination or communicable disease, the licensee shall, on receipt of a notice signed by an Authorised Officer, alter, cleanse, reconstruct or repair the Premises, equipment or procedures as directed within the time specified in the notice, or cease using the Premises until any such time as agreed by the Authorised Officer.
- 2304.2 An Authorised Officer may close any Pool on a Premises if its filtration system is not operating or if it does not meet all of the water quality standards specified above.
- 2304.3 A re-inspection fee will be imposed in any situation where an Authorised Officer is required to re-inspect a Public Pool or Beauty Facility after a notice referred to in Clause 2304.1 hereof has been issued.

2305 Appeals

- 2305.1 The licensee of any Premises having received notification of a requirement issued under the provisions of Clause 2304.1 hereof may appeal against the notification of requirement to the Medical Officer of Health within 14 working days of the date of notification of the decision or requirement. The appeal shall be in writing.
- 2305.2 This right of appeal is in addition to any other statutory right available to the licensee.

2306 Offences

- 2306.1 Failure to comply with the provisions of this chapter of the bylaw is an offence and the offender is liable under Section 239 of the Local Government Act 2002.