

WAITAKERE CITY COUNCIL

BYLAW NO. 31, 1999

HYGIENIC OPERATION OF MASSAGE FACILITIES

The Waitakere City Council, acting in pursuance and exercise of the powers and authorities combined in the Local Government Act 1974 and the Bylaws Act 1910 and any other Act, Regulation or authority in any way enabling the Council on that behalf, **HEREBY CONFIRMS BY SPECIAL ORDER** the following Bylaw:

1 SHORT TITLE

The short title of this bylaw shall be the Waitakere City Council Bylaw No.31, 1999 – Hygienic Operation of Massage Facilities.

2 COMMENCEMENT

This bylaw shall come into force on Thursday, 2 December 1999.

3 APPLICATION OF BYLAW

This Bylaw shall apply to all occupiers, operators or licensees of premises providing or intending to provide facilities for bathing and massage, and shall apply to every Bathhouse and Massage clinic as defined in clause 5 of this Bylaw being operated at the date of the coming into force of this Bylaw and to all such premises intended to be operated thereafter.

4 PURPOSE

The purpose of this bylaw is to control the licensing and promote the healthy operation of Bathhouses and Massage clinics by:

- (a) Imposing standards to ensure proper hygiene practices are maintained on such premises within the District to prevent the spread of skin and infectious diseases; and
- (b) Monitoring the operation of premises providing spa or swimming pools for the use of patrons to ensure minimum standards of construction, filtration, chlorination and chemical treatment are met to prevent the spread of skin, eye and throat infections.

5 INTERPRETATION

In this bylaw unless the context otherwise requires or where otherwise expressly provided -

ACT means the Local Government Act 1974.-

APPROVED means approved by the Council or by any authorised Committee or Officer of the Council.

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BATHHOUSE means any premises where pools, saunas or steam rooms are used or available for use by a person or persons paying a charge for admission to the premises whether by way of membership fee or otherwise or obtaining the use thereof in conjunction with other facilities or services, but does not include private or Council operated swimming pools, or such facilities reserved for the use of guests of a residential institution.

COMMUNICABLE DISEASE has the same meaning as in the Health Act 1956.

CONSENTS MANAGER means any person so appointed or employed by the Council in that regard, and includes any deputy, assistant or other person authorised to discharge any of the duties of such a person.

CONTAMINANT means any substance whether gaseous, liquid, solid, and including micro-organisms, energy and heat that either by itself or in combination with the same, similar or other substances, energy or heat –

- (a) Changes or has the potential when discharged into water to change the physical, chemical or biological condition of water; or
 - (b) Changes or has the potential when discharged on or into land or into air to change the physical, chemical or biological conditions of the land or air into which it is discharged;
- And 'Contaminate' shall have a corresponding meaning.

COUNCIL means the Waitakere City Council.

LICENCE means a licence issued under this Bylaw.

LICENSEE means the holder or holders of a licence issued in terms of this Bylaw.

MASSAGE CLINIC means any premises upon which body massage is offered, with or without bathhouse facilities and for which a charge is made for admission or service, and includes any premises licensed under the Massage Parlours Act 1978, but does not include premises offering facial massage only or any premises used for physiotherapy by registered physiotherapists within the meaning of the Physiotherapy Act 1949. 'Massage Room' shall have a corresponding meaning.

OFFICER means any person appointed or authorised by the Council to carry out or exercise the duties of an officer under this Bylaw.

POOL OR SWIMMING POOL shall have the same meaning as in the Fencing of Swimming Pools Act 1987.

RESIDENTIAL INSTITUTION means a building in which lodging alone or board and lodging are provided for periods in excess of a single night, and includes a boarding house, guest house, rooming house, private hotel, motel, residential club and hostel.

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6 LICENSING

No person shall operate any Bathhouse or Massage clinic unless licensed by the Council and such licence is currently in force.

- 6.1 A licence shall not be issued unless the premises concerned complies with all requirements of this Bylaw and with all other statutory provisions governing its operation or occupancy.
- 6.2 Application for a licence shall be made by the owner or manager of the business on the form provided.
- 6.3 On receipt of an application and payment of the prescribed fee and on being satisfied that the provisions of this Bylaw or any other relevant Act, Regulation or Bylaw have been complied with, the Consents Manager shall issue to the applicant a licence to use the premises for the purposes stated in the application. Every licence shall be personal to the licensee.
- 6.4 Every licence shall be prominently displayed in a public part of the premises to which it relates.
- 6.5 No licence shall be issued for a term of more than 12 months, but may be renewed in accordance with this Bylaw.
- 6.6 Where an annual fee is payable in respect of a licence issued under this Bylaw or any part thereof, such fee shall, where the licence is issued for less than one year be reduced by one-twelfth for every complete month by which the term of the licence is less than one year.
- 6.7 The foregoing provisions shall apply to every application for the renewal of a licence.

7 CONSTRUCTION, CLEANING AND DISINFECTING

No person shall operate or allow any premises to be operated as a Bathhouse or Massage clinic except in accordance with the provisions of this Bylaw.

- 7.1 The premises shall be well constructed in accordance with the Building Act 1991.
- 7.2 The premises shall be maintained in a state of good repair and in a clean and tidy condition.
- 7.3 All floors, walls, ceilings and other surfaces in and around showers, pools, steam rooms and other areas liable to be wetted, including any room containing a water closet pan, bidet or urinal shall be smooth, impervious and capable of being easily cleaned.
- 7.4 The floors, walls, ceilings and fittings of changing rooms shall be constructed of materials capable of being easily cleaned.
- 7.5 All floors and walls that become wet shall be cleaned with a suitable disinfectant at least once in every 24 hours.

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- 7.6 Seating provided within any sauna or steam room shall be so constructed as to allow ready access to the floor beneath for the purposes of cleaning and inspection. All seating shall be impervious and capable of being easily cleaned.

8 DRAINAGE AND VENTILATION

- 8.1 The floors of rooms containing showers and pools, and the floors of steam rooms and any other area which is liable to be wetted shall be adequately graded and drained to an approved outlet.
- 8.2 Drainage of pool surrounds shall be provided in such a manner to prevent water draining back into the pool.
- 8.3 All parts of the premises shall be adequately ventilated to the satisfaction of an Officer.

9 RESTRICTED ACCESS

- 9.1 No person wearing street footwear shall enter upon or be afforded access to areas liable to become wet unless for the purpose of inspection, repair or maintenance of premises or equipment.
- 9.2 No person known or appearing to be suffering from any contagious skin complaint or communicable disease shall be allowed access to or remain upon the premises or use any pool.

10 TOWELS, WASHING AND STORAGE FACILITIES

- 10.1 All patrons using or intending to use any sauna, steam room or pool facility shall be individually issued with a clean suitable towel.
- 10.2 A permanent legible sign shall be displayed at or near:
- (a) Any sauna or steam room, requesting patrons sit or lie on the towel individually issued to each patron when using the sauna or steam room;
 - (b) Any pool, requesting patrons to shower before using the pool.
- 10.3 All towels after being used by patrons shall be placed in an area or receptacle for that purpose, separate from clean laundry.
- 10.4 A wash-hand basin equipped with a piped supply of hot and cold water, soap and adequate hand drying facilities shall be provided at or near water closet pans, bidets or urinals at a ratio of one wash-hand basin to every two water closet pans, bidets or urinals, with a minimum of one wash-hand basin in each toilet area.
- 10.5 A sink supplied with piped hot and cold water shall be provided in a readily accessible position (not in a kitchen) for the cleansing of equipment used on the premises, other than equipment used in association with the preparation or consumption of food.

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- 10.6 Members of staff shall be provided with a separate room or suitable facilities for the storage of clothing and personal effects.
- 10.7 Adequate and separate storage lockers or other facilities shall be provided for the storage of clean and soiled laundry, cleaning equipment, pool chemicals, massage oils, beauty products, and other chemicals, products or materials associated with the running of the premises. Such lockers shall be separate from any area used for the manufacture, storage, preparation or sale of food and drink.

11 **REFRESHMENTS**

Where refreshments are served to customers, single use utensils shall be used unless approved dishwashing facilities are supplied. For the purposes of this clause 'Approved Dishwashing Facilities' means dishwashing facilities of the same standard as is required for eating houses as provided in Regulation 35 of the Food Hygiene Regulations 1974.

12 **LIGHTING**

All parts of the premises shall be provided with a permanently installed illumination system capable of providing illumination of not less than 300 lux at a distance of 900 millimetres above the floor for the purposes of facilitating cleaning and inspection. This shall not prevent the use of subdued lighting at times when cleaning and inspection is not being carried out.

13 **MASSAGE ROOMS**

- 13.1 Massage rooms or cubicles shall be constructed of sound materials capable of being easily cleaned.
- 13.2 A wash-hand basin equipped with a piped supply of hot and cold water, soap and adequate hand drying facilities shall be provided in a readily accessible position close to every massage room or cubicle, for the use of staff.
- 13.3 All mattresses, squabs and cushions used in association with massaging shall be provided with impervious covers that are easily cleaned. All covers shall be in good repair and laundered as frequently as necessary to maintain them in a clean and hygienic condition.
- 13.4 All massaging shall be carried out on a suitably sized towel individually issued to each patron, or on some other approved covering that is either laundered or disposed of after each patron's use.

14 **POOLS**

- 14.1 Pools, pool fittings and equipment shall be properly constructed of suitable materials to maintain hygienic conditions.

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14.2 Pools shall be provided with the following:

- (a) An approved backflow prevention device;
- (b) An outlet capable of removing contaminants from the deepest part of the pool, or some other approved method of cleaning the pool bottom;
- (c) A surface drainage system capable of constantly removing the top layer of water from the pool;
- (d) An adequate filtration system using suitably sized filters and filter media capable of being backwashed or removed for cleaning. The filter shall be backwashed or cleaned at sufficient intervals to ensure its efficient operation.
- (e) Suitable chlorine dosing equipment that will maintain the chlorine levels specified by subclause 15.1 of this Bylaw.
- (f) Notwithstanding the provisions of part (e) of this subclause or those of subclause 15.1 of this Bylaw, alternative water treatment processes or chemicals may be approved by an Officer and subject to such conditions as may be prescribed.

15 POOL MAINTENANCE

15.1 The water in every pool on the premises shall be maintained to the following quality standards:

(a)

Pool Capacity	Less than 5000 litres in volume	More than 5000 litres in volume
Free Available Chlorine (FAC)	4 to 8 grams per cubic metre	2 to 5 grams per cubic metre
pH	7.6 to 8.0	7.4 to 7.8
Cyanuric acid	Less than 50 grams per cubic metre	

- (b) FAC shall not be less than 75% of the total chlorine level;
- (c) Conductivity as a measure of total dissolved solids shall be less than 1000 siemens except when using sodium hypochlorite;
- (d) The bottom of the pool shall be clearly visible when the pool is available for use by patrons.

15.2 The occupier of the premises shall maintain adequate chemicals on the premises for maintaining the chemical standards and adequate equipment on the premises for determining that the correct water quality is being maintained.

15.3 Any pool on the premises shall not be used when the filtration system is not operating, or when the pool concerned does not meet all of the water quality standards.

15.4 The occupier of the premises shall maintain records of the FAC levels, total chlorine levels, pH levels, chemical additions and water changes to all pools on their premises. These records shall be of all tests for the period of the preceding three months. These records shall be available for inspection by an Officer at all times while the premises are open.

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- 15.5 The FAC level of every pool on the premises shall be tested at least twice daily, or more often as the Officer may require.
- 15.6 An Officer may specify the frequency of pH, cyanuric acid and conductivity level tests as appropriate, and the frequency at which the water in any pool must be changed.
- 15.7 An Officer shall have the right to remove a reasonable amount of pool water from the pool and the premises for the purpose of testing, and may carry out tests to ensure compliance with the water quality standards.

16 CLEANSING AND REPAIR

The owner or occupier being the person responsible for the operation of any bathhouse or massage clinic, or any appliance, fitting, fixture, equipment or pool on or in those premises, shall upon receiving a notice issued by an Officer pursuant to this Bylaw cleanse or repair the premises or part of the premises, or any appliance, fitting, fixture, equipment or pool as directed, and within the time specified on such notice.

17 EXEMPTIONS

Where a Consents Manager is satisfied that compliance with any requirements of this Bylaw would be impractical or unreasonable having regard to the premises in question and any relevant qualifications of the licensee, an exemption may be granted in respect of any particular requirement in whole or in part with such modifications as are desirable in the circumstances.

18 OFFICERS

- 18.1 For the purposes of this Bylaw, any Officer or other person duly appointed, employed or authorised by the Council in that regard may at all reasonable times enter upon any land, building or premises in order to carry out an inspection thereof, and may execute thereon any works or actions authorised under or pursuant to this Bylaw.
- 18.2 Every person commits an offence against this Bylaw who impersonates any person charged with the administration of this Bylaw or of any aspect thereof.

19 CHARGES AND FEES

The Council may from time to time by resolution fix and alter fees and charges for the issue of licences and the making of inspections, and for any other services provided by the Council in respect of any of the provisions of this Bylaw.

20 **BREACH OF CONDITION OF LICENCE**

20.1 Except as may be otherwise provided in any enactment or in this Bylaw, should it be brought to the notice of the Council either by way of a report from an Officer or otherwise that the holder of any licence issued under this Bylaw:

- (a) Has acted or is acting in a manner contrary to the provisions of this Bylaw or any part thereof; and/or
- (b) Has failed to comply with any of the conditions of such licence; and/or
- (c) Is in any way unfit to hold such licence,

OR

That any premises licensed under this Bylaw, or any part of such premises:

- (a) Have been or are being used for any purpose other than that stated in such licence; and/or
- (b) Have fallen into a state of disrepair or are not being kept and maintained in the condition required by such licence; and/or
- (c) That in any other manner the provisions of this Bylaw in respect to such premises are not being complied with,

the Council may by notice in writing call upon the holder of any such licence issued under this Bylaw to appear before the Council or a Committee of the Council at a time and place stated in the notice, and show cause why such licence should not be revoked or suspended. The Council or Committee may, if it considers the allegations correct or if there is no appearance by the holder of the licence revoke the licence or suspend the same for such period as it thinks fit.

20.2 Any person whose licence issued under this Bylaw has been suspended, or any premises in respect of which such licence has been suspended shall, during the period of such suspension be deemed to be unlicensed.

21 **OFFENCES**

Every person commits an offence against this Bylaw who does any act in contravention of or fails to comply with any requirements thereof. Every person who commits an offence against this Bylaw is liable on summary conviction to a fine not exceeding \$500, and where the offence is a continuing one to a further fine not exceeding \$50 for every day or part of the day during which the offence continues.

The continued existence of anything in a state contrary to any requirement of this Bylaw shall be deemed to be a continuing offence.

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The Common Seal of the)
WAITAKERE CITY COUNCIL)
was hereunto affixed pursuant to a)
resolution of Council passed on)
24 November 1999 in the presence of:)

CHIEF EXECUTIVE OFFICER

MANAGER: SUPPORT SERVICES