

Chapter 18: Health Protection - Pools, Beauty Facilities, Skin Piercing & 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 skin piercing or tattooing 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, tattooists 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, tattooing 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 skin piercing procedures or tattooing are registered and that certain standards of construction and operation are achieved and maintained.

1800. Interpretation

1800.1. This Chapter to be read in conjunction with Chapter 1 – Interpretation.

1801. Licensing of premises

1801.1. No person may operate a Public Pool without holding a current Certificate of Registration for that premises.

1801.2. No person may operate / offer commercial services as a Beautician, Tattooist or Skin Piercer unless a current Certificate of Registration is issued for the premises from which the commercial service is operated / offered.

1801.3. An application for a Certificate of Registration shall be submitted by the owner or operator of the premises on an approved form.

1801.4. 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.

1801.5. On receipt of any application and payment of the required fee a licence may be issued provided the Environmental Health Officer or other suitably qualified 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) Compliance with such parts of Council Codes of Practice that are relevant to the facility for (a) the Management and Operation of Pools; or (b) the Management and Operation of Beauty Facilities and Skin Piercing Premises.
 - d) Such other matters, as Council or the authorised officer considers relevant to the safe operation and maintenance of the facility.
- 1801.6. Every Certificate of Registration shall be prominently displayed in a public part of the premises to which it relates.
- 1801.7. Every Certificate of Registration shall expire at 30 June in every year and may be renewed upon application. No licence shall be for a term of more than one year.
- 1801.8. No Certificate of Registration is transferable to any other premises.
- 1801.9. Every Certificate of Registration 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.
- 1801.10. Council may suspend or cancel any Certificate of Registration 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.
- 1801.11. The above provisions also apply to every application for the renewal of a licence.

1802. Exemptions

- 1802.1. The provisions of clause 1801 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.
- 1802.2. Where the 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.
- 1802.3. Any person wishing to take advantage of the provisions of clause 1802.2 hereof shall require the consent of the authorised officer and shall pay such fee for any inspection required and for the authorised officer's time to consider the matter.
- 1802.4. A record of all exemptions given shall be kept by Council.

1803. Codes of Practice

- 1803.1. All public pools shall comply with the requirements specified in Council's Code of Practice for the Management and Operation of Public Pools.
- 1803.2. All beauty facilities shall comply with the requirements specified in Council's Code of Practice for the Management and Operation of Beauty Facilities and Skin Piercing Premises.
- 1803.3. All tattooing and skin piercing facilities shall comply with the requirements specified in Council's Code of Practice for the Management and Operation of Beauty Facilities and Skin Piercing Premises.
- 1803.4. The Council may make, amend or revoke a code of practice that:
 - (a) relates to the operation of commercial services that pose an associated health risk to any persons using or accessing their services, products or business operation; and
 - (b) establishes minimum standards with regard to the way premises are constructed, equipped and maintained, and in regard to the way operators conduct themselves when providing services; and
 - (c) may include recommendations on the best practice to be observed with regard to the way premises are constructed, equipped and maintained, and in regard to the way operators conduct themselves when providing services.
- 1803.5. Before making, amending or revoking a code of practice the Council shall:
 - (a) consult with the Medical Officer of Health for the Timaru District and any affected operators; and

- (b) be satisfied that the standards are the minimum necessary to ensure that the purpose of the bylaw is given effect; and
- (c) have regard to the feasibility and practicality of effecting transition from current practices to new practices and any adverse effects that may result from such a transition; and
- (d) any other matters considered relevant by the Council.

1804. Cleansing and repair

- 1804.1. 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.
- 1804.2. 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.
- 1804.3. 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.

1805. Appeals

- 1805.1. The licensee of any premises having received notification of a requirement issued under the provisions of clause 1804.1 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.
- 1805.2. This right of appeal is in addition to any other statutory right available to the licensee.

1806. Offences

- 1806.1. 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.