

**MBHASHE LOCAL MUNICIPALITY CURRENTLY
DOES NOT HAVE THIS BY-LAW AND GIVEN
CURRENT NUMBER OF
HOSTELS/DOMITORIES/ACCOMMODATION
ESTABLISHMENTS UNDER ITS JURISDICTION, THIS
BY-LAW IS A NECESSITY.**

PROPOSED BY-LAW

PROPOSED BY-LAW ON ACCOMMODATION ESTABLISHMENTS

Definitions

“**accommodation establishment**” means any place in which accommodation is provided for gain to four or more people, with or without meals;

“**dormitory**” means a sleeping room in which sleeping accommodation is provided for four or more persons.

Permit requirement

No person may operate an accommodation establishment except in terms of a permit authorizing that activity.

Requirements for premises of accommodation establishments

No person may operate accommodation establishments on premises which do not comply with the following requirements:

a) No room wholly or partly used by persons for sleeping in may be occupied by a greater number of persons that will allow-

(i) less than 11,3m³ of free air space and 3,7 m² of floor space for each person over the age of 10 years; and

(ii) less than 5,7m³ of free air space and 1,9 m² of floor space for each person under the age of 10 years;

(b) no latrine, passage, staircase, landing, bathroom, cupboard, stable, tent, storeroom, lean-to, shed, kitchen, dining room, food preparation area or cellar may be used as sleeping accommodation;

(c) if a dormitory is provided on the premises –

(i) a bed, manufactured of metal or some other durable material and equipped with a mattress, must be provided for every person housed in the dormitory;

(ii) a separate locker must be provided for every person making use of the dormitory for safeguarding the person’s clothing and other possessions;

(iii) every bed in a dormitory must be so placed that its sides are at least one meter away from any part of any other bed;

(iv) double bunker beds may be used provided that they are manufactured of metal or some other durable and safe material and should have a ladder and safety side rail;

(v) not more than one person per bed shall be permitted to sleep in a dormitory

(d) an accommodation establishment must be provided with -

(i) an area for the preparation and cooking of food, adequate for the use of and easily accessible to any occupier residing in the accommodation establishments;

(ii) adequate separate wash-up facilities; and

(iii) where meals are provided to persons housed in the accommodation establishment, a dining-room or adequate dining area with tables and chairs or benches and unobstructed floor area, including the area occupied by tables, chairs and benches, of at least 1,2 m² for every seat provided for dining purposes; (Such establishment to comply with the provisions of R918 of the National Building Regulations and Building Standards Act.).

(e)

(i) an accommodation establishment must be provided with one or more showers, each suitably placed in a separate compartment, easily accessible to every occupier, and fitted with waste pipes which comply with the provisions of the National Building Regulations and Building Standards Act.

(ii) a bath fitted with a waste pipe may be substituted for each shower referred to in subparagraph (i)

(iii) the facilities referred to in subparagraphs (i) and (ii) must be designated for the different sexes;

(f) an accommodation establishment must be provided with sanitary fixtures as prescribed in the National Building Regulations and Building Standards Act and such fixtures must be designated for the different sexes;

- (g) an accommodation establishment must be provided with an adequate supply of hot and cold running potable water;
- (h) all rooms and passages must be provided with adequate ventilation and lighting as prescribed in the National Building Regulations and Building Standards Act;
- (i) openings such as doors, windows or fanlights may not be obstructed in a manner that interferes with the lighting or cross ventilation they provide;
- (j)
 - (i) a separate room with approved containers must be provided for the storage of dirty articles used in connection with an accommodation establishment, pending removal to be laundered; and
 - (ii) if articles used in connection with an accommodation establishment are laundered on the premises, separate approved washing, drying and ironing areas equipped with the necessary facilities for this purpose must be provided.
- (k) a store-room for the storage of furniture and equipment and a separate linen room with cupboards or shelves for the storage of clean bed and other linen, towels, blankets, pillows and other articles used in connection with an accommodation establishment, must be provided;
- (l)
 - (i) all walls and ceilings must have a smooth finish and be painted with a light-coloured washable paint, or have some other approved finish;
 - (ii) the floor surface of every kitchen, scullery, laundry, bathroom shower, ablution room, toilet and sluice room must be constructed of concrete or some other durable, impervious material brought to a smooth finish; and
 - (iii) the floor surface of every habitable room must be constructed of an approved material;

- (m) the following facilities must be provided for people who are employed and also reside on the premises:
 - (i) Sleeping quarters equipped with a bed, mattress and locker which comply with the provisions of paragraphs (a), (b) and (c) for each employee; and
 - (ii) if employees are not provided with meals in the accommodation establishment, food preparation and dining facilities that comply with the provisions of paragraph (d).
- (n) adequate changing facilities must be provided for non-resident employees;
- (o) adequate ablution and sanitary facilities, which comply with the provisions of paragraphs (e) and (f), must be provided for resident and non-resident employees;
- (p) an adequate refuse holding area must be provided and an approved refuse removal system must be maintained,
- (q) all walls, floors and roofs must be constructed in a manner which prevents wind or rain entering an accommodation establishment or dampness entering the interior surfaces of any wall or floor;
- (r) All accesses to an accommodation establishment must have a door which when closed, prevents the wind or rain entering the premises; and
- (s) All windows must be constructed in a manner that prevents rain entering the accommodation establishment when the windows are closed.
- (t) In cases where a residential establishment is converted to accommodation for gain and this results in the number of people to be accommodated to exceed the normal number of persons in an average family, the sewer pipes must be upgraded to a size designed to accommodate the additional traffic.

(u) **Permit Application**

(i) An application for the permit must be submitted to the council in writing.

(ii) The applicant shall give the municipality a period of 30 days to process the application.

(iii) The applicant must arrange a date with the municipality for inspection of the premises before the expiry of the 30 days.

(iv) A permit shall not be granted unless the accommodation establishment is housed in a facility that is properly zoned for such commercial purpose.

Duties of operators of accommodation establishments

Every person who conducts an accommodations establishment must -

- (a) keep the premises and all furniture, fittings, appliances, equipment, containers, curtains, covers, hanging and other soft furnishings, table linen, bed linen, and other bedding, towels and cloths of whatever nature used in connection with the accommodation establishment, in a clean, hygienic and good condition at all times;
- (b) clean and wash any bed linen, towel, bath mat or face cloth after each use by a different person;
- (c) take adequate measures to eradicate pests on the premises;
- (d) provide a container made of a durable and impervious material, equipped with a close-fitting lid, in every toilet used by females;
- (e) provide towel rails or hooks in every bathroom and in every room in which there is a wash-hand basin or shower;
- (f) store all dirty linen, blankets, clothing, curtains and other articles used in connection with an accommodation establishments in the manner provided in section 62 (j);
- (g) store all clean linen, towels, blankets, pillows and other articles used in connection with the accommodation establishment in the manner provided in section 62 (k);

- (h) keep all sanitary, ablution and water supply fittings in good working order;
- (i) keep every wall, surface and ceiling, unless constructed of materials not intended to be painted, painted at the intervals to ensure that the area painted, remains clean and in a good state of repair; and
- (j) handle refuse in the manner provided in section 62(p).
- (k) must ensure compliance with R918 of the National Building Regulations and Building Standards Act if food is provided to the occupants.

Inspection of operating establishments

The Municipality may from time to time, dispatch inspectors to inspect the conditions of the establishment.

The inspection shall be done with or without prior notice to the operator of the establishment.

Cancellation of Permit

- (a) The establishment operator may apply in writing that the permit be cancelled.
- (b) Upon inspection and the outcome of such inspection is that there has been a violation of this by-law, the municipality will notify the owner in writing to:
 - (i) Remedy the violation within a period specified in the Remedy Note
 - (ii) Give reasons why the permit should not be cancelled or withdrawn

© Upon expiry of the Remedy Period, and if the operator has failed to remedy the violation, the municipality reserves the right to summarily cancel the permit and order the closure of the establishment