



CORPORATION OF THE CITY OF ADELAIDE

By-law made under the Local Government Act 1999

LODGING HOUSES BY-LAW 2018

By-law No. 9 of 2018

For the controlling, licensing, inspecting and regulating of lodging houses.

Part 1 - Preliminary

1. Short title

This by-law may be cited as the *Lodging Houses By-law 2018*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the Gazette in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

- 3.1 **Authorised Person** means a person appointed by Council as an authorised person or officer under the *Local Government Act 1999*, the *Development Act 1993* or the *South Australian Public Health Act 2011*;
- 3.2 **Building** has the same meaning as in the *Development Act 1993*;
- 3.3 **Flat** includes any self-contained suite of rooms designed, intended or adopted, for separate occupation including bathroom and sanitary conveniences provided for that occupation;
- 3.4 **Licence** means a licence issued under this by-law;
- 3.5 **Lodging House** includes any building or part thereof of a building providing accommodation where the occupants share facilities (toilets, ablutions and kitchens) for individual use, but shall not include any building which comes within the definition of flat nor any motel, hotel, health care facility or any premises licenced under the *Supported Residential Facilities Act 1992*;
- 3.6 **Long Term Accommodation** means where lodgings are provided for ten or more consecutive days;
- 3.7 **Short Term Accommodation** means where lodgings are provided for less than ten consecutive days;
- 3.8 **Proprietor** in relation to a Lodging House means the owner of the undertaking carried on at the Lodging House.

4. Licences

- 4.1 A person must not let any building for lodgings or for the purpose of board or lodging without a Licence.
- 4.2 A Licence may be issued at the discretion of the Council, or such other person authorised by resolution of the Council for that purpose, and entitles the holder to conduct the business of a Lodging House at the Building specified in the Licence and on the conditions set out in the Licence.

5. Licence Application Requirements

- 5.1 Any person who wishes to operate a Lodging House, or renew the Licence of an existing Lodging House, must make application to the Council.
- 5.2 A fire safety survey of the Lodging House shall be undertaken:
 - 5.2.1 prior to the issuing of a Licence pursuant to this by-law; and
 - 5.2.2 each year that the Lodging House is Licensed under this by-law, in order to determine the current fire safety standard of the Lodging House.
- 5.3 Subject to subparagraph 5.5, every application for renewal of a Licence of a Lodging House must, subject to any determination to the contrary by the Council, or such other person as the Council may authorise by resolution for that purpose, be deposited in the office of the Council on or before 30 September in each year.
- 5.4 Subject to subparagraph 5.5, a Lodging House Licence expires on 31 October in each year.
- 5.5 The Council, or such other person as the Council may authorise by resolution for that purpose, may, if in its discretion it sees fit, renew a Licence for a period not exceeding two years.

6. Fees

A person licensed under this by-law must pay to the Council an annual Licence fee fixed by the Council, payable upon the granting of an application for Licence or renewal of existing Licence.

7. Licence Conditions, Revocation and Suspension

- 7.1 A Lodging House Licence is subject to the conditions set out in the Licence and as the Council, or such other person authorised by resolution of the Council for that purpose, deems appropriate.
- 7.2 Conditions may be imposed, varied or deleted from such Licence by the Council, or such other person authorised by resolution of the Council for that purpose, at any time by notice in writing to the Licence holder.
- 7.3 A Licence holder must at all times comply with Licence conditions.

7.4 The Council, or such other person authorised by resolution of the Council for that purpose, may at any time, by notice in writing, revoke or suspend a Licence:

7.4.1 if the Council considers that the building in respect of which the Licence holder is licensed is, by reason of its condition, unsuitable to continue to be used as a Lodging House including, but not limited to the fire safety of the premises;

7.4.2 if the Council has reasonable cause to believe that the Licence holder has committed an offence against this by-law, the *Local Government Act 1999*, the *South Australian Public Health Act 2011*, the *Food Act 2001*, the *Development Act 1993*, the *Planning, Development and Infrastructure Act 2016* or the *Supported Residential Facilities Act 1992*;

7.4.3 if the Council considers that the Licence holder is unsuitable to continue as the proprietor of the Lodging House;

7.4.4 if the Licence holder breaches a condition of the Licence; or

7.4.5 for any other reason the Council may deem necessary.

8. Alterations

A person must not, without the permission of the Council or an Authorised Person:

8.1 add to or alter any Lodging House; or

8.2 use any part of a Lodging House in any other manner contrary to its permitted use or the terms of the Licence.

9. Inspections

9.1 An Authorised Person may at any reasonable time enter and inspect a Lodging House for the purposes of undertaking an inspection of the Lodging House.

9.2 The proprietor of a Lodging House or any person in a Lodging House must not hinder or obstruct any Authorised Person either alone or in the company of another person for the purposes of making an inspection of a Lodging House.

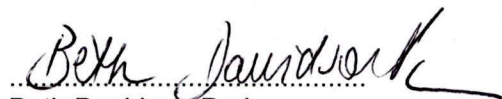
9.3 Every lodger must allow access to his or her room to any Authorised Person of the Council for the purposes of inspecting the room.

Part 2 – Miscellaneous

10. Revocation

Council's *By-law No.9 – Lodging Houses By-law*, published in the *Gazette* on 9 June 2011, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Corporation of the City of Adelaide held on 14 AUGUST 2018 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

A handwritten signature in black ink, appearing to read "Beth Davidson-Park", written over a dotted line.

Beth Davidson-Park
Acting Chief Executive Officer