

## LOCAL GOVERNMENT ACT, 1960-1968.

The Municipality of the Shire of Carnarvon.

## By-laws Relating to Motels.

L.G. 891/60A.

IN pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned municipality hereby records having resolved on the 18th day of September, 1968, to make and submit for confirmation by the Governor the following by-laws:—

1. (1) In these by-laws "motel" means any premises that provide, or are held out as providing, accommodation for the motoring public at large, for reward, and that are denominated by the owner or occupier by the word "motel" or any combination of the word "motor", "auto", or "travel" or any derivation or contraction of those words, with a word, or any derivation or contraction of a word, denoting lodging or accommodation, whether alone or in conjunction with other words.

(2) Without limiting the generality of sub-by-law (1) of this by-law, a motel may be, or comprise, premises licensed under the provisions of the Licensing Act, 1911.

2. (1) No person shall establish or operate a motel unless it is duly registered and otherwise established or operated in accordance with these by-laws.

(2) No person shall use the word "motel" or any combination of the word "motor", "auto", or "travel" or any derivation or contraction of those words, with a word, or any derivation or contraction of a word, denoting lodging or accommodation, whether alone or in conjunction with other words, in connection with any premises of which the occupancy is offered or given for reward, unless those premises are currently registered as a motel with the Council.

## Sites.

3. (1) No motel shall be established or operated upon any site having an area of less than one acre, provided however that in special circumstances, with the consent in writing of the Minister for Local Government and of the Council, a motel may be established on a site of less than one acre.

(2) Any site used for the establishment or operation of a motel shall be provided with means of ingress from, and egress to, a public road by an entry and driveways, properly paved and approved by the Council.

(3) The maximum number of residential units which may be built and operated as a motel shall be such that, after deducting from the area of the land the area of the buildings erected or to be erected as a cafe, cafeteria, restaurant or dining room, kitchen, laundry, flat or residence for the manager or person in charge of the motel and any parking space for use by members of the public, as distinct from persons occupying the motel units, the remaining area of the land is not less than one thousand square feet per unit.

## Distance of Buildings from Boundaries.

4. (1) No motel shall be constructed in such a way that any portion of a building is nearer to the street alignment than is permitted under the provisions of any building line by-laws, building by-laws, town planning scheme or zoning by-laws of the Council or in the absence of such by-laws or scheme, within twenty-five feet of the street alignment.

(2) No motel building shall be so constructed that any portion of the walls of that building is nearer to the side or rear boundary of the site than ten feet, provided however that in special circumstances, with the consent in writing of the Minister for Local Government and of the Council, a motel building may be erected with walls nearer than ten feet to the site or rear boundary of the site.

(3) Notwithstanding the provisions of sub-by-laws (1) and (2) of this by-law, eaves, hoods and ornamental fixtures may be extended a distance of three feet nearer to any boundary than thereby prescribed.

(4) A motel building that comprises more than two storeys shall be so constructed as to incorporate a passenger lift serving each storey and being of a size and standard approved by the Council.

#### Composition of Motels.

5. A motel shall comprise at least—

- (a) ten residential units;
- (b) subject to by-law 9, a cafe, cafeteria or restaurant;
- (c) a common laundry;
- (d) a fiat or residence for the manager or person in charge of the motel,
- (e) parking space as in these by-laws provided; and
- (f) a garden or plantation surrounding the site.

#### Composition of Residential Unit.

6. (1) Each residential unit of a motel shall comprise at least—

- (a) a bed-sitting room;
- (b) a space for storage of luggage;
- (c) a car park; and
- (d) and ablution and toilet unit.

(2) The minimum floor area of any residential unit, exclusive of any patio, covered way or car park, shall be two hundred and fifty square feet where the ceiling height is eight feet but may be reduced to such area as the Council shall specify where the ceiling height is greater than eight feet provided however that a residential unit shall not, in any event, contain less than two thousand cubic feet of space and shall be such as will ensure to the occupants at least the amount of air space as is required by any by-laws made under the Health Act, 1911.

#### Structure.

7. (1) A motel shall be constructed in accordance with the building by-laws of the Council and any provisions of the building by-laws which are applicable to flats shall, as far as practicable, be applicable to motels.

(2) Where provision is made in any building for one residential unit to open into another residential unit, there shall be an intervening door having a fire resistance rating of at least one hour's duration and being capable of being locked from either side.

#### Ablution Units.

8. (1) Each ablution unit shall include—

- (a) a shower cubicle;
- (b) a hand basin; and
- (c) an air lock and water closet.

(2) Hot and cold running water shall be provided to the shower and hand basin of each ablution unit.

(3) Where it is desired to provide baths in addition to showers, those baths may be installed in a common bathroom.

#### Cooking Facilities.

9. (1) Each residential unit shall be provided with one power point.

(2) Where, in any motel, no cafe, cafeteria or restaurant is provided and operating, there shall be a common kitchen having a floor area of at least one hundred square feet.

(3) Any common kitchen shall have installed therein at least one stove and one sink for every ten residential units or part of that number of units.

#### Laundry.

10. A motel shall be provided with a common laundry of a floor area of at least 100 square feet, having therein installed one set of wash troughs and either one copper or one washing machine for every ten residential units or part of that number of units.

#### Car Parking.

11. (1) A motel shall be provided with a car park appurtenant to and within a distance of fifteen feet of each residential unit, unless the Council shall approve of a car park being at a greater distance from any residential unit; and the parking site allotted to each unit shall comprise not less than one hundred and seventy-five square feet in area.

(2) There shall be adequate means of access to and manoeuvring space at each car park.

(3) In a motel where a restaurant, swimming pool, dance floor or other facilities are provided for the use of the public, other than residents, there shall be provided on-site parking space in the ratio of one car space for every three members of the public in addition to the car parks required under sub by-law (1) of this by-law.

(4) In a motel which is licensed under the provisions of the Licensing Act, 1911, there shall be provided, in addition to any parking space hereinbefore required, on-site parking space in the ratio of one car space for every twenty-five square feet of licensed floor space or part of that area, exclusive of floor space devoted to storage, service areas, refrigeration areas and the like utility areas.

#### Furniture.

12. (1) Each residential unit in a motel shall be provided with a suitable complement of bedding and furniture in good order, repair and condition and there shall be in each residential unit at least—

- (a) one spring bedstead for each person occupying the unit;
- (b) one mattress for each bedstead;
- (c) all usual linens, blankets and bedspreads for each bed;
- (d) one easy chair;
- (e) one luggage rack;
- (f) hanging space for clothing;
- (g) one table, desk or dresser or any combination of those articles of furniture; and
- (h) one mirror of an area of at least six square feet.

#### Advertising Sign.

13. No entrance sign or gateway shall be erected on the front boundary of a motel unless that sign or gateway shall first have been approved by the Council.

#### Resident Manager.

14. (1) Where the owner or occupier of a motel is not in residence at that motel he shall appoint a manager or other responsible person to reside at, and be in charge of, the motel.

- (2) No person shall be the manager of, or be in charge of a motel who—
- (a) is an undischarged bankrupt;
  - (b) has been convicted of any indictable offence; or
  - (c) has been or is convicted more than three times of offences against these by-laws, or against regulations or by-laws made pursuant to the provisions of the Health Act, 1911.

Compliance with Other By-laws.

15. Nothing in these by-laws shall be deemed to relieve any person from his obligation to comply with any regulation or by-law made pursuant to the provisions of the Local Government Act, the Town Planning and Development Act, 1928, or the Health Act, 1911.

Registration.

16. (1) Any person desiring to establish or operate a motel shall apply for initial registration of the motel to the Council, and registration, if approved shall operate until the 31st day of December then next following.

(2) An application for renewal of the registration of a motel for the ensuing year shall be made in the month of December and unless that registration is renewed no person shall continue the operation of the subject premises as a motel.

Penalty.

17. Any person who does anything prohibited by or under these by-laws or who fails to do anything which by or under these by-laws he is required or directed to do shall be guilty of an offence.

18. Any person who is guilty of an offence under these by-laws shall be liable to a fine not exceeding \$100 and in addition to a maximum daily penalty of \$10 for each day during which the offence continues.

Repeal.

19. The Motel By-laws of the Shire of Carnarvon published in the Government Gazette on the 9th February, 1961, are hereby repealed.

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Dated this 18th day of September, 1968.

[L.S.]

W. TUCKEY,  
President.

G. WHITELEY,  
Shire Clerk.

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Recommended—

L. A. LOGAN,  
Minister for Local Government.

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Approved by His Excellency the Governor in Executive Council this 19th day of December, 1968.

W. S. LONNIE,  
Clerk of the Council.