

PUBLIC HEALTH ORDINANCE, 1960

(Ordinance No. 7 of 1960)

KOTA KINABALU MUNICIPAL COUNCIL

(CONSERVANCY AND HYGIENE) BY-LAWS, 1984

In exercise of the powers conferred upon it by section 132 of the Public Health Ordinance, 1960, the Kota Kinabalu Municipal Council (hereinafter called the Council) has made the following By-laws:-

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| <p>1. These By-laws may be cited as the Kota Kinabalu Municipal Council (Conservancy and Hygiene) By-laws, 1984 and shall be deemed to have come into force on the 1st day of January, 1984.</p> | <p>Title and Commencement.</p> |
| <p>2. (1) Every owner or occupier of any premises shall provide one or more dustbins as may be necessary, to contain the refuse therefrom, and every such dustbin shall be:—</p> <p>(a) provided with a tight, securely fitting cover or lid;</p> <p>(b) made from sheet metal or other approved material;</p> <p>(c) of a capacity of not less than one and a half cubic feet and not more than three cubic feet;</p> <p>(d) of a shape, size and design approved by the Council;</p> | <p>Provision of dustbin and collection of refuse.</p> |

- (e) kept in good repair and replaced, if necessary by such owner or occupier; and
- (f) placed, as early as possible each morning but not later than 8 a.m., either on concrete bases in the back lane, if any, adjoining such premises or on the edge of the footway or at the gate of such premises or in some suitable and accessible position to enable it to be readily emptied and the contents thereof removed by the workers of the Council.

- (2) The occupier of any premises shall not deposit or cause, or permit to be deposited any dust, filth, ashes or refuse, discarded therefrom anywhere other than collected in a plastic bag. the Council shall remove them only where such bag is properly tied up and neatly placed in a dustbin referred to in Sub By-law (1) of this By-law.

Provision of covered receptacles.

3. (1) The owner or occupier of any building or land which, by the nature of the trade, manufacture or business at any time being carried on therein produces trade refuse, shall provide for the reception thereof one or more sound and sufficiently covered receptacles, as may be necessary, made of sheet metal or other approved material and of a shape, size and design approved by the Council. Every such receptacle shall be kept in good repair and replaced, if necessary, by such owner or occupier.

Trade refuse.

- (2) The owner or occupier of any building or land shall not deposit or cause or permit to be deposited any trade refuse discarded therefrom anywhere other than in a receptacle referred to in sub by-law (1) of this by-law.
- (3) Every receptacle containing trade refuse shall be placed in such position and between such hours as the Council or its authorised officer may require when it will be emptied and the contents thereof removed by the workers of the Council.

4. The owner or occupier of any building or premises used for tyre, timber or rice milling trade shall cause all unwanted tyres, sawdust, wood, woodchips or padi husk to be removed or disposed of, to a specified point or in such other manner, as the Council may direct.

5. If the owner or occupier of any building or premises fails, within seven days after receiving a written notice from the Council or its authorised officer, to provide one or more dustbins or receptacles in accordance with these By-laws, the Council shall thereupon supply to such owner or occupier one or more such dustbins or receptacle as may be necessary, at the expense of such owner or occupier. Provision of bins by the Council if any person fails to comply with notice.
6. No person shall carry nightsoil, liquid manure or other offensive substance in any public place unless in a covered receptacle and at times approved by the Council. Carrying of offensive substance.
7. The owner or occupier of any building or premises in which any animal is found dead shall as soon as practicable cause such dead animal to be removed and buried. Dead animal.
8. (1) No person shall keep any animal or bird within the Council area or within a specified place within the Council area except as may be authorised in writing by the Council. Keeping of animal or bird.
- (2) Every place in which horses, ponies, cattle or pigs are kept shall be constructed, fenced and drained to the satisfaction of the Council. Such place shall be provided with such supply of water as the Council may direct. The owner or the keeper of such place shall cause them to be thoroughly cleaned out daily.
9. (1) Any person who contravenes any of the provisions of these By-laws shall be guilty of an offence and shall on conviction, be liable to a fine not exceeding five hundred ringgit and where the offence is a continuing offence to a further fine not exceeding **five thousand** ringgit for everyday during which the offence continues. Penalty.
- (2) In addition to or in substitution for the penalty provided in sub by-law (1), of this by-law any expense incurred by the Council in consequence of any breach or contravention of these By-laws or in the execution of any work directed by

these By-laws to be executed by any person and not executed by such person, whether performed by the Council or some contractor, together with a surcharge of not more than ten per centum of such expense shall be paid by the person committing such breach or failing to execute such work and may be recovered as if such sum were a civil debt.

9A. “The Mayor may compound any offence under these By-laws by collecting from a person reasonably suspected of having committed such an offence a sum not exceeding RM500.00 and on payment of such sum of money, no further proceedings shall be taken against such person in respect of that offence”.

10. The Kota Kinabalu Municipal Council (Conservancy and Hygiene) By-laws, 1970 are hereby repealed.

Repeal. [G.N.L 11
of 1970.

Dated at Kota Kinabalu, this 6th day of March, 1984.

JOHN LIM GUAN YEE,

President,

Kota Kinabalu Municipal Council.

I approve the foregoing By-laws.

Dated at Kota Kinabalu, this 26th day of March, 1984.

STEPHEN WONG SOON YU,

*Acting Minister of Town and
Country Development.*

