

LOCAL GOVERNMENT ORDINANCE, 1961

(No. 11 of 1961)

KOTA KINABALU MUNICIPAL COUNCIL (REGISTRATION AND CONTROL OF DOGS)

BY-LAWS, 1963

(G.N.L 32 of 1964)

In exercise of the powers conferred upon it by subsection (1) of section 50 of the Local Government Ordinance, 1961, and all other powers thereunto it enabling, the Jesselton Town Board has made the following By-laws-

1. These By-laws may be cited as the Kota Kinabalu Municipal Council (Registration and Control of Dogs) By-laws, 1963.

2. In these By-laws-

Interpretation.

"owner" in relation to any dog includes every person who :-

- (a) keeps or harbours the dog or has the dog in his care for the time being whether the dog is at large or in confinement; or
- (b) occupies any house or premises in which the dog is usually kept or permitted to remain.

“dog” shall include a bitch.

“Council” means the Kota Kinabalu Municipal Council;

“public place” other than a street includes every footway, court, padang, alley, land, access-way service land and thoroughfare of a public nature or open to or used by the public and every place of public resort or place to which the public have access.

3. (1) No person shall keep any dog of a greater age than six months unless the dog is for the time being registered under the provisions of this by-law. Registration and fees.

(2) Any person who commits a breach of paragraph (1) of this by-law shall be guilty of an offence and shall be liable to a fine not exceeding one hundred ringgit. *[Mod. Act 160.]* [Mod. Act 160.]

(3) On or before the 31st day of January in each and every year the owner of any dog shall apply for such dog to be registered at the office of the Council.

(4) The registration fee shall be as follows :-

(a) for every dog or spayed bitch ... \$ 5.00 per year

(b) for every bitch \$10.00 per year

Provided that in respect of every registration made after the month of July in any year, only half the amount of the prescribed fee shall be payable.

(5) Any person claiming to register a spayed bitch shall produce to the Council a certificate from a Government Veterinary Officer that the bitch has been spayed.

- (6) On payment of the prescribed registration fee, the owner shall be supplied with a printed licence in such form as may be prescribed by the Council containing a description of the dog and its sex and with a metal label bearing the registered number of the dog and the year of licence. Duplicate labels may be issued on payment of one quarter of the cost of the full registration fee on affirmation that the original has been lost or stolen.
- (7) The label supplied as aforesaid shall be worn at all times on the neck of the dog to which it relates and shall be prima facie evidence that such dog is duly registered.

4. (1) The name and address of every person who registers a dog shall be entered in a register to be kept for that purpose at the office of the Council and opposite the name shall be entered the number of each label supplied to that person and a description and the sex of the dog by which the label is to be worn.

Register to be kept.

(2) The register may be examined by any person during office hours free of charge.

5. (1) Every registration of a dog shall be made by the owner thereof or by some person on his behalf delivering at the registration office a description of the dog, together with the particulars hereinbefore required to be entered in the register and paying the registration fee.

Mode of registering dogs.

(2) Any person who knowingly inserts or omits or knowingly causes or permits to be inserted or omitted in any such description any matter or thing contrary to or for the purpose of concealing the truth shall be guilty of an offence and shall be liable to a fine not exceeding one hundred ringgit. *[Mod. Act 160.]*

(3) Until payment of the appropriate fee the registration shall be deemed not to have been duly made.

(4) Every such registration when duly made shall be deemed to be in force on the day on which it is made and shall continue in force until the 31st day of

January, then next ensuing, and registration shall be again made in the like manner from year to year.

- (5) Where a registered dog dies, or is sent from the district, the Council office should be notified and in the case of death the label should be returned.
6. (1) Where the ownership of a dog registered under these By-laws is changed the registration of the dog shall continue in force but the new owner shall within fourteen days inform the Council in writing of the change of ownership and the register shall be amended accordingly. Change of ownership.
- (2) Any person who fails to comply with the provisions of this by-law shall be guilty of an offence and shall be liable to a fine not exceeding fifty ringgit. *[Mod. Act 160.]*
7. In any proceedings under these By-laws, the onus of proof that a dog has been duly registered, or is not over the age of six months, shall be on the defendant. Burden of proof owner of dog.
8. Any dog not wearing a collar having a proper registration label attached thereto shall until the contrary is proved be deemed to be unregistered. Dogs not wearing proper label deemed unregistered.
9. (1) Where any dog over the age of six months not wearing a collar having the appropriate registration label attached is found on any land, street or public place, any person or persons authorised by the Council, or any Police Officer, may destroy the dog.
- (2) Any dog over the age of six months not wearing a collar having the appropriate registration label attached may, instead of being destroyed be seized and kept by any person or persons duly authorised by the Council or any Police Officer, and if it is not claimed by the owner within 48 hours from the time of seizure may be sold or destroyed.

10. The fee for keeping any dog under the provisions of by-law 9 shall be \$4 per day or part thereof, half of which fee may be paid over to the pound keeper. Fee for keeping dog.

11. Any person who :-

(1) falsely makes or counterfeits or knowing the same to be false or counterfeit purchases, uses or has in his possession any label resembling or apparently intended to resemble or pass for a label supplied at the registration office under these By-laws; or Offences connected with registration.

(2) after the 31st day of January in any year has in his following or keeping any dog wearing a label issued in respect of any previous year which dog has not been registered for the then current year; or

(3) has in his following or keeping any dog wearing a label issued in respect of another dog,

shall be guilty of an offence and shall be liable to a fine not exceeding fifty ringgit. [Mod Act 160.]

12. Any person who wilfully or maliciously removes from the neck of any dog the label required by these By-laws to be worn by that dog shall be guilty of an offence and shall be liable to a fine of fifty ringgit, and if any dog is destroyed or sold under by-law 9 hereof in consequence of the removal of that label may be ordered to pay to the owner the full value of the dog as determined by the Council. [Mod. Act 160.] Removing label

13. (1) Every person being the owner of a dog shall keep and prevent the same from wandering or being at large without proper control in or upon any street or public place. Dogs wandering at large.

(2) No person shall keep or suffer to be kept any dog on any premises so as to be or become a nuisance or cause annoyance or inconvenience to residents in the neighbourhood by barking or howling.

14. (1) No person shall cause or permit or suffer any dog belonging to him or in his charge to enter or remain in or in any part of any street or public place within the brick area as defined by the Council from time to time, unless such dog is kept in continuous control while thereon by an effectual lead, container or other efficient contrivance or by being carried in a vehicle.

Dogs in the brick area.

(2) Any person having the custody of any dog found on any part of any street or public place in breach of the conditions described in paragraph (1) shall unless the contrary is proved be deemed to have permitted such dog to have entered or remained thereon.

(3) Any dog found wandering at large or not under proper control within the brick area as required by paragraph (1) of this by-law may be seized and dealt with under the provisions of by-law 9.

14A. Any member of the Department of Civil Aviation or any Police Officer may shoot or cause to be shot or otherwise destroy any dog within the boundaries of the aerodrome at Kota Kinabalu and-

Dogs on aerodrome.
[Add. G.N.L.
111/65; mod. EN.
11/67.]

(a) is not under the apparent control of any person; or

(b) is, by its presence, endangering the safety of any aircraft.

15. (1) No person shall use or permit to be used any premises for or in connection with manufacture, preparation, packing, storage, offering or display of food for sale in premises unless there is maintained in some conspicuous place in the premises a notice to be supplied by the Council and printed in plain capital letters with the following or similar words :-

Dogs on food premises.

“DOGS”

“DOGS ARE NOT PERMITTED ON THESE PREMISES”

- (2) No person being the occupier or for the time being in charge of any premises used for any such purpose as aforesaid, shall permit any dog to enter or to be in or upon the premises.
- (3) No owner of any dog shall permit the dog to enter or to be in or upon any such premises as aforesaid.

- 16. (1) The owner or occupier of any premises wherein any dog or dogs are customarily kept shall take adequate precautions to prevent the keeping of such dogs from becoming a nuisance

Prevention of nuisance.

- (2) If in the opinion of the Council the keeping of such dogs on such premises has become or is likely to become a nuisance or injurious to health, the Council may ;-

- (a) by notice, require the owner occupier of such premises to do all or any of the following :-

- (i) to reduce the number of dogs kept thereon;
 - (ii) to alter, restrict or otherwise improve the kennels or other buildings used to house or contain such dogs;
 - (iii) to require the dog or dogs to be tied up or otherwise confined during specified periods;
 - (iv) to take such other action as the Council deems necessary to minimise the likelihood of nuisance or injury to health;

(b) apply to a Court of any Magistrate for an order that the dog or dogs be destroyed.

17. No person shall establish or maintain any hospital, home or breeding kennel for dogs except on a site approved by the Council and subject to such conditions as the Council may impose.

Breeding kennels.

18. (1) Where complaint is made to the Council that a dog whether at large or not is dangerous and is not kept under proper control, the Council if it is satisfied that the dog is dangerous and is not kept under proper control may order that the dog be kept by the owner under proper control or may apply to a Court of any Magistrate for an order that the dog be destroyed.

Dangerous dogs may be destroyed.

(2) Any person who fails to comply with an order made under paragraph (1) shall be guilty of an offence and shall be liable to a fine not exceeding twenty ringgit for every day during which such offence is continued. *[Mod. Act 160.]*

19. (1) Where any dog on any street or public place attacks any person or any stock, the owner of the dog shall be guilty of an offence and shall be liable to a fine not exceeding one hundred ringgit in addition to any liability he may incur for any damage caused thereby and the Council may apply to a Court of any Magistrate for an order that the dog be destroyed.

Dogs attacking persons, etc.

(2) Where any dog on any street or public place rushes at or startles any person or any stock or rushes at any vehicle in such a manner as to cause or be likely to cause an accident, the owner of the dog shall be guilty of an offence and shall be liable to a fine not exceeding one hundred ringgit in addition to any liability he may incur by any damage caused thereby and the Council may apply to a Court of any Magistrate for an order that the dog be kept by the owner under proper control or that the owner cause it to be destroyed.

(3) Any person who fails to comply with an order made under this by-law shall be guilty of a further offence and shall be liable to a fine not exceeding twenty ringgit for every day during which such offence is continued. *[Mod. Act 160.]*

20. (1) The owner of any dog suffering from mange or bitch in season shall keep such dog or bitch in confinement, and any person contravening the provisions of this by-law shall be guilty of an offence.

Dogs to be confined.

(2) Any dog suffering from mange or bitch in season found wandering at large and not under proper control may be destroyed by any person or persons authorised by the Council or any Police Officer.

21. If rabies appear in the area of the Council, the Executive Officer may publish an order in such manner as he thinks fit requiring that all dogs be tied up or otherwise confined for such period as is stated therein. Any dog found at large shall be destroyed and the owner of such dog shall be guilty of an offence and shall be liable to a fine of five hundred ringgit. *[Mod. Act 160.]*

Rabies.

22. There may be established by the Council a pound or pounds for the retention of dogs under the provisions of these By-laws.

Pounds.

23. Any person committing an offence against any provisions of these By-laws for which no penalty is expressly provided shall be liable to a fine not exceeding **five thousand** ringgit. *[Mod. Act 160.]*

Penalties.

23A. “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”.

Dated at Jesselton, this 9th day of March, 1964.

LAI EN KONG,
Chairman,
Jesselton Town Board.

I approve the foregoing By-laws.

Dated at Jesselton, this 16th day of March, 1964.

HARRIS BIN MOHD. SALLEH,
Minister for Local Government.