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THE LOCAL GOVERNMENT ORDINANCE, 1961
(Ordinance No. 11 of 1961)

THE KOTA KINABALU MUNICIPAL COUNCIL
(BUILDING) (AMENDMENT) BY-LAWS, 1987

In exercise of the powers conferred upon it by section 50 (1) of the Local Government Ordinance, 1961 the Kota Kinabalu Municipal Council (hereinafter called the Council), hereby makes the following By-laws :-

1. (1) These By-laws may be cited as the Kota Kinabalu Municipal Council (Building) (Amendment) By-laws, 1987 and shall be read as one with the Building By-laws, 1951 (hereinafter referred to as "the principal By-laws") as applicable to the Kota Kinabalu Municipal area.

(2) These By-laws shall be deemed to have come into force on the date the Gazette wherein they are published.

2. By-law No. 4 (1) of the principal By-laws is amended by substituting the figures '\$500' and "\$10' with 'M\$5,000' and 'M\$100' thereof respectively.

3. The principal By-laws are amended by inserting new By-laws immediately after By-law No. 4 as follows :-

(i) 4A Notwithstanding any provision under these By-laws prescribing the penalty for contravention of any provision of the same and for failure by the owner or occupier of any land or building (hereinafter called the owner) to comply with any notice issued or order made by the Council and notwithstanding By-law No.43 the Council may at its absolute discretion summarily :-

(a) close, seal or physically lock up any building or eject any person therefrom or remove any equipment, machinery, article or anything whatsoever therefrom where the owner has erected, re-erected occupied or used the building in contravention of any provision of these By-laws or any written law or any order, direction or notice issued by the Council thereunder; or

(b) close, seal or physically barricade any land which is the site of any building or eject any person therefrom or remove any equipment, machinery, article or anything whatsoever therefrom, where the owner is in the course of erecting, re-erecting, occupying or using the building in contravention of any provision of these By-laws or any written law or any order, direction or notice issued by the Council thereunder :

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Provided that the Council may lift the closure, sealing, locking up or barricading a building or building site :

(1) upon the owner complies with the provision of these By-laws or any written law or any order, direction or notice issued by the Council thereunder ; and

(2) upon a written application with building plan if necessary, submitted to the Council for purpose of the lifting, and

(3) upon payment of a lifting fee by the owner at an amount not exceeding RM 5,000 , to be determined by the Council from time to time and on case to case basis, and

(4) upon the owner executes a disclaimer on behalf of himself, his successor or executor to recover the lifting fee through a suit.

(ii) 4B

The Council may delegate to the President of the Council one or all aspects of its powers and discretion under the provision of By-laws No. 4A either generally or for any particular occasion :

Provided the President may delegate the powers and discretions that he derived from the Council to one or more officers or servants of the Council as he deems fit.

(iii) 4C The Council shall not be liable to any damages caused in the course of action taken under By-law No.4A of these By-laws.

(iv) 4D (1) Any officer of the Council duly authorised by it in writing may in his discretion compound any offence under these By-laws by collecting from a person reasonably suspected of having committed the offence a sum of not exceeding one hundred ringgit.

(2) On payment of such sum of money, no further proceedings shall be taken against the person in respect of such offence.

(3) The payment shall be evidenced by a receipt issued by the officer so authorised to compound the offence.

4. By-law No.38c(2) of the principal By-laws is amended by substituting the wording 'on conviction be liable to a fine of not exceeding \$500.00' with be liable to penalties as provided under By-law No.4(1).

Dated at Kota Kinabalu, this 8th day of June, 1987.

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DATUK PETER D.CHEONG
President ,
Kota Kinabalu Municipal Council

I approve the foregoing By-laws.

Dated at Kota Kinabalu, this 9th day of November, 1987.

DATUK AHMAD BAHAROM BIN
DATUK HAJI ABU BAKAR TITINGAN.
Minister of Local Government
and Housing.