

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

UNIFORM (ANTI-LITTER) BY-LAWS 2010

In exercise of the power conferred by section 50A of the Local Government Ordinance 1961, the Minister of Local Government and Housing makes the following By-laws:

Citation and commencement

1. (1) These by-laws may be cited as the Uniform (Anti-litter) By-laws 2010.
- (2) These By-laws shall come into operation on the date of its publication in the *Gazette*.

Application

2. These By-laws shall apply to the whole area under the jurisdiction of the Local Authority.

Interpretation

3. In these By-laws –

“abandoned vehicle” means where any vehicle is left in any public place for more than seven days after written notice to remove such vehicle from such public place was dispatched by the Local Authority to the owner if the name and address of such owner known, or to the police if the name and address of such owner were not known;

“building” includes any premise, house, hut, stall, shed or roofed enclosure, whether used for the purpose of human habitation or otherwise, and also any wall, fence, platform, staging, gate, post, pillar, paling, frame, boarding, slip, dock, wharf, pier, jetty,

landing-stage or bridge or any structure, support or foundation connected to the foregoing;

“garden refuse” includes any refuse from garden and agricultural operations;

“litter” means any dust, sand, earth, gravel, clay, stone, cement, paper, ashes, carcase, refuse, leaves and branches, grass, straw, boxes, barrels, bales, shavings, sawdust, garden refuse, stable refuse, trade refuse, manure, garbage, bottles, glass, can, food container, food wrapper, particles of food or other things, articles or materials;

“Local Authority” means an Authority as defined under section 2 of the Local Government Ordinance 1961;

“occupier” includes any person in actual occupation of any premises or having the charge, management or control thereof, and in the case of property subdivided or let to various tenants or lodgers, the person who for the time being receiving the rent payable by the tenants or lodgers whether on his own account or as agent for any person entitled thereto or interested therein;

“owner” shall have the same meaning assigned to it in the Local Government Ordinance 1961;

“place of public resort” includes any building or defined or enclosed place used or constructed or adapted to be used either ordinarily or occasionally as a church, chapel, mosque, temple or other place where public worship or religious ceremony are performed (not being merely a dwelling house so used), or as a cinema, theatre, public hall, public concert room, public ballroom, public lecture room or public exhibition room, or as a public place of assembly for persons admitted thereto by ticket or otherwise, or used or constructed or adapted to be used either ordinary or occasionally for any other public purposes;

“premise” includes any house or building with its outbuildings, land, surroundings the premises;

“public place” includes every public highway, street, road, sub-way, sea beach, sea front, bridge, square, court, lane, alley or passage, bridle way, footway, parade, wharf,

jetty, quay, public/park, garden or open space (enclosed or unenclosed), building or premises, every theatre, place of public entertainment of any kind or any place of public resort to which admission is obtained or to which the public have access, whether on payment or otherwise;

“stable refuse” means the dung or urine of horses, cattle, sheep, goats, buffaloes, pigs, poultry or other domesticated animals and the sweepings or refuse of drainage from any stables or sheds for keeping horses, cattle, sheep, goats, buffaloes, pigs, poultry or other domesticated animals;

“street” means any road, square, footway, back lane or passage whether a thoroughfare or not, over which the public have a right of way, also the way over any public bridge, and also includes any road, footway, or passage, open court or open alley used or intended to be used as a means of access to two or more holdings, whether the public have a right of way thereover or not; and all channels, drains, ditches and reserves at the side of any street shall be deemed to be part of such street;

“trade refuse” means the refuse of any trade, manufacture or business, industry or of any building operation;

“vehicle” means any vehicle whether mechanically propelled or otherwise.

Offences under these By-laws

4. Any person who —

- (a) places, deposits or throws or causes or allows to be placed, deposited or thrown any litter in any public place;
- (b) dries or desiccate any article of food or any article or thing in any public place;
- (c) throws, places, spills or scatters any blood, brine, swill noxious liquid or other offensive or filthy matter of any kind in such manner as to run or fall into public place;

- (d) drops, spills or scatters any dirt, sand, earth, gravel, clay, loam, stone, grass, straw, shavings, sawdust, ashes, garden refuse, stable refuse, trade refuse, manure, garbage or any other thing or matter in any public place, whether from a moving or stationary vehicle or in any other manner;
- (e) sieves, shakes, cleans, beats or otherwise agitates any lime, ashes, sand, coal, hair, waste paper, feathers or other substances in such manner that it is carried or likely to be carried by the wind to any public place;
- (f) throws or leaves behind any bottle, glass, can, food container, food wrapper, particles of food or other articles or things in any public place;
- (g) during the construction, alteration or demolition of any building or erection or at any time whatsoever, deposits, drops, leaves in any public place, any stone, cement, earth, sand, wood or other building material, thing or substance, or who fails to take reasonable precautions to prevent danger to the life, health or well-being of persons using any public place from flying dust or falling fragments or any other material;
- (h) places or deposits or causes or allows to be placed or deposited any abandoned vehicle, water tank, cement mixer or any abandoned object or scrap metal in any public place,

commits an offence under these By-laws.

Order to remove

5. (1) The Local Authority may direct any person reasonably suspected being place, deposit or causes or allows to be placed or deposited any litter, abandoned vehicle, abandoned objects or scrap metals in any public place to remove such litter, abandoned vehicle, abandoned object or scrap metals from such public place to a proper place.

(2) Where such person fails to remove such litter, abandoned vehicle, abandoned objects or scrap metals after being directed by the Local Authority, the Local Authority shall execute such removal to such proper place and any expenses incurred shall be borne by such person and may be recovered as if such amount were a civil debt.

Presumption as to offender

6. For the purposes of by-law 4(d), where the thing is dropped, split or thrown from a vehicle or drops, or spills or throws therefrom, the driver or the owner of the vehicle shall be deemed to have committed the offence unless the contrary is proved.

Occupier of land or building liable

7. If in any case it is shown that any dust or other substance in these By-laws mentioned has been deposited in any public place in contravention of these By-laws from any building or land or that any such water or any offensive matter has run, drained or been thrown or put upon into any street or drain in contravention of these By-laws, it shall be presumed that the offence was committed by or by the permission of the occupier of such building or land.

Occupier to keep footways, backyard and canopies clean

8. The owner or occupier of any premises shall cause the immediate vicinity of his premises, including the footways and backyards abutting thereon and canopies projecting from any building over the footways, to be swept and kept clean.

Occupier to keep private street clean

9. The owner or occupier of any premises abutting on a private street shall cause such portion of the street as fronts, adjoins or abuts on his premises and up to the centre thereof to be kept clean.

Penalties

10. (1) Any person who contravenes any of the provisions of these By-laws commits an offence and shall on conviction be liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding one year or both.

(2) In the case of a continuing offence to a further fine of not exceeding five hundred ringgit for everyday during which the offence is continued.

(3) In addition to or in substitution for the penalty provided in paragraph (1) any expenses incurred by the Local Authority in consequence of any contravention of these By-

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

Compounding of offences

11. (1) Any officer of the Local Authority duly authorised by it in writing may compound any offence committed by any person and prescribed to be compoundable offence by making a written offer to the person reasonably suspected of having committed the offence to compound the offence upon payment to the Local Authority of an amount not less than thirty ringgit but not exceeding five hundred ringgit within the time specified in the offer.

(2) An offer under paragraph (1) may be made at any time after the offence has been committed but before any prosecution for it has been instituted, and if the amount specified in the offer is not paid within the period specified in the offer or within such extended period as the Local Authority may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer was made.

(3) If an offence has been compounded under paragraph (1), no prosecution shall be instituted after that in respect of the offence against the person to whom the offer to compound was made.

(4) An offer to compound shall be in such form as specified under the Schedule.

Power of arrest

12. (1) Any officer of the Local Authority duly authorised by the Local Authority or any police officer may arrest without warrant any person who commits in his presence or whom he reasonably believes to have committed any offence under these By-laws —

(a) if the name or address of the person is unknown to him and the person declines to give his name and address; or

(b) if there is reason to doubt the accuracy of his name or address.

(2) Any person arrested under this by-law shall be detained and shall be brought before a Magistrate within twenty four hours unless his name and address are sooner ascertained.

Repeal

13. The following By-laws are hereby repealed:

- (a) *Sandakan Municipal Council (Anti-Litter) By-Laws 1984*
(G.N.L. 98 of 1984);
- (b) *Tawau Municipal Council (Anti-Litter) By-Laws 1984*
(G.N.L. 73 of 1984);
- (c) *Kudat Town Board (Anti-Litter) By-Laws 1984*
(G.N.L. 77 of 1984);
- (d) *Ranau District Council (Anti-Litter) By-Laws 1984*
(G.N.L. 67 of 1984);
- (e) *Keningau District Council (Anti-Litter) By-Laws 1984*
(G.N.L. 68 of 1984);
- (f) *Lahad Datu District Council (Anti-Litter) By-Laws 1984*
(G.N.L. 9 of 1984);
- (g) *Tenom District Council (Anti-Litter) By-Laws 1984*
(G.N.L. 43 of 1984);
- (h) *Penampang District Council (Anti-Litter) By-Laws 1984*
(G.N.L. 66 of 1984);
- (i) *Sipitang District Council (Anti-Litter) By-Laws 1984*
(G.N.L. 17 of 1984);
- (j) *Tambunan District Council (Anti-Litter) By-Laws 1984*
(G.N.L. 4 of 1984);

- (k) *Papar District Council (Anti-Litter) By-Laws 1984*
(G.N.L. 83 of 1984);

SCHEDULE
UNIFORM (ANTI LITTER) BY-LAWS 2010
(By-Law 11)

MUNICIPAL COUNCIL/TOWN BOARD/DISTRICT COUNCIL*

.....

NOTICE TO COMPOUND AN OFFENCE

To:

.....
.....
.....

Sir/Madam*

A report has been made against you alleging/you have been seen and found committing the following offence/offences* under these By-Laws:

Date: Time: a.m./p.m.*

Place:

.....

Offence/offences+

.....

.....

2. You are hereby informed that by virtue of the authority vested in me by by-law 11, I prepared and offer to compound this offence for a sum of RM

(Ringgit Malaysia).

3. If this offer is accepted, payment must be made at the office of the Local Authority office during office hours within seven (7) days (inclusive of Saturday, Sunday and public holidays).

4. If no payment received within the stipulated period, prosecution may be instituted against you at any time.

Date:

Signature:

.....
(Compounding Officer)

* Delete whichever is inapplicable.

+ Give details.

Dated at Kota Kinabalu this 22nd day of July, 2010.

DATUK HAJI HAJIJI HAJI NOOR,
Minister of Local Government and Housing0.