

**MUNICIPAL AND URBAN AUTHORITIES  
ORDINANCE  
(Cap. 162)**

**KOTA KINABALU MUNICIPAL COUNCIL  
(GENERAL) BY-LAWS, 1956  
(G.N.S 29 of 1956)**

In exercise of the powers conferred upon it by section 50 of the Municipal and Urban Authorities Ordinance [*Cap. 162.*], the Jesselton Town Board has made the following By-laws :-

**Short title.**

1. These By-laws may be cited as the Kota Kinabalu Municipal Council (General) By-laws, 1956.

**Definition.**

**1A. In these By-laws:-**

“Health Officer” means the Deputy Director of Medical Services or any other of the Government Medical Department authorised in writing by the Council with the prior concurrence of the Director of Medical Services to perform the functions of the Health Officer in the urban area.

PART I  
MARKETS

2-19. (Revoked by G.N.L. 30 of 1966)

PART II  
BAKERIES, COOK-SHOPS AND EATING-SHOPS

20-24. (Revoked by G.N.L. 25 of 1966)

PART III  
DAIRIES

25-28. (Revoked by G.N.L. 33 of 1966)

PART IV  
LAUNDIRES

29-31. (Revoked by G.N.L. 29 of 1966)

PART V  
COMMON LODGING HOUSES

32-37. (Revoked by G.N.L. 28 of 1966)

PART VI  
OFFENSIVE OR DANGEROUS TRADES

38-43. (Revoked by G.N.L. 34 of 1966)

PART VII  
SALE OF PETROL

**Sale from pump.**

44. No petrol may be sold to the public except from a pump with an underground storage tank unless permission to use other means has been obtained from the Council.

**Conditions.**

**45.** Every owner or lessee of a petrol pump or other means of selling petrol to the public shall ensure that-

- (a) no smoking or naked lights are permitted on the premises within the immediate vicinity of the installation at any time, that all vehicle engines are switched off when filling is being carried out, and that notices to this effect in Malay, Chinese and English are prominently displayed;
- (b) when the filling of the storage tank is being carried out proper bonding is made from the drum or tanker to the tank, using armoured hose screwed on to the drum or tanker and on to the tank by means of brass or bronze adapter; the area is cordoned by rope or other barrier to a distance of at least five feet outside the perimeter of the installation; no unauthorised persons or vehicles are allowed inside the cordoned area; a notice is displayed in Malay, Chinese and English as a warning to the public, e.g. "**DANGER-FILLING IN PROGRESS**"; and when filling from drums no other drum than that in use is allowed near the tank;
- (c) immediately on completion of filling, all empty drums are removed to an approved dump;
- (d) no mechanical repairs of any description on any vehicle are carried out in the immediate vicinity of the filling point.

**Fire Extinguishers.**

**46.** Every owner or lessee of a petroleum installation shall comply with the written instructions of the O.C.P.D. Kota Kinabalu.

**Bulk storage installation.**

**47.** (1) Every owner or lessee of any bulk storage installation for petroleum shall keep such fire fighting equipment as the O.C.P.D. Kota Kinabalu may require, to be available at the installation for immediate use.

(2) Any owner or lessee of any petroleum installation shall not allowed petroleum from such installation to flow to waste except through a trap of an approved design.

**Construction of installation.**

48. Every installation constructed and licensed for the sale of petroleum by retail to the public shall, after these By-laws come into force, be of permanent materials, and where an underground storage tank is filled from drums, shall have a ramp which will enable such drums to be unloaded from any vehicle without danger. Such ramp shall be of a design approved by the Council.

**Transport of drums.**

49. Every driver of any vehicle carrying drums of petrol to a petrol pump shall be responsible for ensuring that the vehicle carries no other goods.

PART VIII

STORAGE OF INFLAMMABLE MATERIALS AND LIQUIDS

**Definition.**

50. In these By-laws :-

“inflammable liquid” means any substance other than petroleum as defined by the Petroleum Ordinance, 1960 [Ord. 21/60.] which at any temperature between 32F and 150F is a liquid and which will after application of heat and flame burn and continue thereafter to burn of itself and without outside inducement.

**Licence to store explosives, etc.**

51. (1) No person shall without a licence keep in or about any place any inflammable liquid or matches except as specified hereunder :-

Inflammable liquids not exceeding four gallons;

Matches not exceeding one case containing not more than two million sticks.

(2) Nothing in this by-law shall apply to inflammable liquids in course of transit in any vehicle.

**Licence fees.**

**52.** The following fees shall be payable for licences to store the articles in the quantities specified :

<i>(a)</i> Inflammable Liquids-	<i>Per annum</i>
For the first 10,000 gallons or part thereof ... ..	\$ 50.00
For every subsequent 10,000 gallons or part thereof ...	\$ 2.00
<i>(b)</i> Matches-	
Not exceeding 10 cases of matches ... ..	\$ 24.00
Exceeding 10 cases of matches ... ..	\$ 100.00

**Production of licence on demand.**

**53.** (1) The occupier of premises used for the storage of any of the above mentioned articles shall on demand by the Council produce his licence for the use of the premises for such storage and in default of the occupier producing proof that the premises are so licensed he may be directed to remove the stock to such place as the Council shall direct.

(2) If the stock be not removed forthwith by the occupier it may be removed by the Council and any expenses thereby incurred shall be recoverable from the occupier in the manner prescribed in section 97 of the Local Government Ordinance, 1961 [*Ord. 11/61.*].

**Proviso for cancellation of licences.**

**54.** If at any time after the issue of any licence it appears to the Council that the place licensed has become unfit for the purpose for which it was licensed by reason of the increase

of buildings or of population in its neighbourhood or that from any other cause any licence should for the public safety be cancelled, or if the person to whom such licence is granted commits a breach of any of the conditions of such licence, it shall be lawful for the Council to cancel such licence. Six months' notice of the cancellation of a licence shall be given except in cases where the public safety is concerned. In such cases the Council may cancel the licence without notice. No compensation shall be payable on the cancellation of any licence.

**Containers.**

55. No matches other than safety matches shall be stored in a quantity exceeding one case except in proper tin-lined cases.

56. By-laws 50 to 55 inclusive shall not apply to goods belonging to the Government.

**Rules for Government stores for public use.**

57. The following rules shall apply to Government stores for public use administered by the Council.

- (i) The store shall be opened daily (Sundays and gazetted holidays excepted) from 7.00 a.m. to 11.00 a.m. and from 1.00 to 5.00 p.m. on previous notification to the Store-keeper. On Sundays and gazetted holidays the store may be opened by arrangement with the Secretary of the Council. A fee of 50 sen per hour or part of an hour may be charged for opening the store on Sundays and gazetted holidays.
- (ii) All goods stored or taken out of the store shall be entered in a general stock book and also in a personal stock book, showing the separated transactions of each person using the store. These books shall be balanced by the Store-keeper at least once in every week and shall be compared with the stock.
- (iii) All goods are stored at owner's risk.
- (iv) The charges for storage shall be as follows :-

For dangerous and nondangerous

One sen per gallon per month or part

petroleum	of a month.
For other inflammable material, oil or liquids.	Five sen per package per month or part of a month.

PART IX  
BARBER'S SHOPS

58-61. (Revoked by G.N.L. 26 of 1966).

PART X  
DEALING IN SCRAP

62-68. (Revoked by G.N.L. 27 of 1966).

PART XI  
HAWKERS

69-73. (Revoked by G.N.L. 27 of 1966).

PART XII  
PUBLIC WEIGH-BRIDGES AND WEIGHING MACHINES

- 74.** (1) The Council may provide public weigh-bridges and weighing machines in proper and convenient situations within the Municipal Council area.
- (2) The Council may charge such fees for the use of any such weigh-bridges and weighing machines as may be approved by the Council from time to time.
- (3) Any person found to cause damage to or misuse any such weigh-bridges or weighing machines is deemed to have contravened these By-laws and may be prosecuted in accordance with the provisions of the Local Government Ordinance, 1961 [No. 11/66].

PART XIII  
LICENCES

**Applications.**

**75.** (a) Applications for licences under these By-laws shall be made in writing to the Council, and shall in the case of licences for Bakeries, Cook-shops, Eating houses, Dairies, Laundries, Barber Shops and Hawkers be accompanied by two photographs of the applicant.

(b) If so required by the Council, an application shall also be accompanied by a certificate of good health from the Health Officer.

**Issue of licences.**

**76.** The President may with the approval of a Licensing Committee issue to any person applying therefor a licence under these by-laws. Every such licence shall if for a Bakery, Cook-shop, Eating-shop, Dairy, Laundry, or Barber's Shop be in the form in Schedule I to the By-laws; and if for dealing in scrap or an offensive or dangerous trade or for the storage of explosives, inflammable liquids, fireworks, matches or cartridges be in the form of Schedule II, and if to ply as a hawker be in the form of Schedule III, and if to sell goods in a market shall be in the form of Schedule IV.

**Details of licences.**

**77.** Every licence shall :-

- (a) specify the name and address of the licensee and the premises licensed;
- (b) state the trade, business or profession licensed or the articles and the maximum quantity thereof storable, and the fee paid;
- (c) unless otherwise provided, be valid only until 31st December in the year of issue;
- (d) be subject to such conditions as the Council may impose.



**Quarterly fees.**

**78.** Where these By-laws specify an annual fee to be payable for the issue of a licence, a quarterly licence may be issued on payment of one-fourth of the annual fee, or a monthly licence at one-twelfth of the annual fee.

**Prohibition of transfer.**

**79.** No licence or permit issued under these By-laws shall be transferable.

**79A.** No licensee holding either a hawker's licence to sell edible goods issued under by-law 72 or a food stall licence as classified in paragraph (a) of Schedule VI shall allow any person to assist him in the conduct of his licensed business other than one person who shall have been approved by the Council and whose name and photograph shall be endorsed upon the licence of the licensee. Such assistant shall be subject to the provisions of by-law 121 and shall not himself be deemed to be a licensee, nor upon surrender, cancellation or expiry of the licence or of the endorsement thereon shall he have any claim to any further licence or endorsement. No fee shall be charged for any endorsement under this by-law.

**Revocation and expiry.**

**80.** It shall be a condition of every licence or permit issued under these By-laws that every such licence or permit shall be revocable at the discretion of the Council at any time. The Council in its discretion may order a proportionate refund of any licence cancelled under this by-law.

**Late fees.**

**80A.** A late fee shall be charged upon the renewal of a licence issued under these By-laws at a rate one-tenth of the monthly fee subject to a minimum of one ringgit, when the renewal of such licence becomes overdue for any period exceeding one week. Any licence falling overdue for a period exceeding one month shall be cancelled.

PART XIV  
NUISANCES

**Hoardings and advertisements.**

**81.** (1) Except as provided in by-law 82, no person shall display or cause to be displayed any advertisement, notice or sign of any description within the Municipal Council area without the prior written sanction of the President of the Council.

(2) The Council may charge a fee not exceeding \$500.00 per annum for any such advertisement, notice or sign sanctioned under this by-law.

**Exemption.**

**82.** The following advertisements, notices or signs may be displayed without prior sanction :-

- (a) public notices issued by the Government of Sabah or the Council;
- (b) signs displaying on business premises or shops the name of the proprietor (including any firm or company) and the nature of the trade carried on therein;
- (c) advertisements or posters affixed to the outside of a cinema advertising shows being or to be shown in the cinema;
- (d) notices not larger than 13" x 8" in size notifying sports meetings or functions in aid of or arranged by charitable institutions :

Provided that the Council may, in its discretion, order the person in charge of such advertisement, notice or sign or the owner of any premises on which such advertisement, notice or sign appears to obliterate or remove it, and any person failing to obliterate or remove any advertisement, notice or sign when ordered to, shall be guilty of an offence against these By-laws.

**Animals and birds.**

**83.** The Council may forbid any person to keep any animal or bird within the Municipal Council area.

**Removal of carcasses.**

**84.** The occupier of any premises on which any horse, pony, buffalo, bullock, cow, sheep, goat, or pig may die shall, within four hours after death or if its death occurs at night, within four hours after daylight, remove and bury the carcass at a depth of not less than four feet at a place to be reported to and finally approved by the Council.

**Stables, cattlesheds, and places for keeping sheep, goats and swine.**

**85.** The occupier of any land on which there is or shall be erected any stable, cowyard, cattleshed, pigsty, or other place for keeping horses, cattle, sheep, goats, or pigs shall :-

- (a) cause such premises to be thoroughly cleansed daily ;
- (b) cause all dung, soil, or manure produced or accumulated thereon to be collected in one place in the yard of such premises, and to be there kept in an inoffensive condition and so as not to be productive of any nuisance;
- (c) cause such dung, soil or manure to be removed from such premises at intervals so as not to cause a nuisance or danger to health.

**Construction of stables, etc.**

**86.** Every place in which horses, cattle, sheep, goats or pigs are kept shall be constructed, fenced in and drained to the satisfaction of the Council. Such places shall be provided with such supply of water as may be approved by the Council.

**86A.** No person may ride a motor-cycle or pedal cycle along any catwalks built by the Council over the sea or swamp in the Kampung Ayer or Kampung Sembulan Area.

PART XV  
SLAUGHTER HOUSES

**Approval of slaughter houses.**

87. No place shall be used as a slaughter house unless approved by the Council. Such approval may be withdrawn at any time if in the opinion of the Council the premises are found to be unfit for use as a slaughter house.

**Cleanliness.**

88. Every slaughter house together with the yards, pens and appurtenances thereto shall be kept in complete repair and in an efficient sanitary condition and all filth or refuse shall be removed forthwith by the slaughterer to the satisfaction of the Council.

**Disposal of refuse.**

89. All filth or refuse shall be deposited and disposed of only in such places and in such manner as the Council may from time to time direct.

**Diseased animals.**

90. (1) No diseased animals shall be admitted for slaughter, and the Council may refuse to allow the slaughter of any animal or the dressing of any carcase which by reason of emaciation is unfit for humans.

(2) The Council shall have power to examine any carcase or any animal intended to be slaughtered.

(3) On such examination the Council may order any animal found to be unfit for human consumption to be killed, and may order any carcase so found to be so disposed of as to prevent it being used for humans.

**Detention.**

91. Only animals brought for slaughter shall be admitted to pens at any slaughter house. The Council may regulate the period for which such animal may be kept therein.

**Fees.**

**92.** The following fees shall be levied :-

For slaughter of pig and goat ...	\$ 8.00 per head
For slaughter of cattle and buffalo ...	\$ 15.00 per head

PART XVI  
FOOD UNFIT FOR CONSUMPTION

**Food unfit for consumption.**

**93.** No person shall sell or expose for sale or bring into any market or have in his possession without reasonable excuse any food for human consumption in a tainted, adulterated, diseased or unwholesome condition.

**Seizure of unfit food.**

**94.** The Council may seize any such food and shall thereupon bring the same forthwith before the Health Officer, who may order it to be destroyed or to be disposed of as to prevent it from being used as food for human consumption.

PART XVII  
CONSERVANCY AND HYGIENE

95-109A. (Revoked by G.N.L. 32 of 1966)\*

PART XVIII  
STREET AND PUBLIC PLACES

110-114. (Revoked by G.N.L. 31 of 1966)

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\* G.N.L. 32 of 1966 was subsequently revoked by G.N.L. 11 of 1970.

PART XIX  
SERVICE OF NOTICES

**Definitions.**

115. In by-laws 115 to 118 inclusive :-

“document” means any notice or other process issued under the provisions of the Ordinance;

“holding” means any land, with or without buildings thereon, which is held under a separate document or title.

**Mode of service.**

116. (1) The service of any document may be effected :-

(a) by tendering or delivering to the person to be served or his authorized agent copy of the document or by sending a copy thereof by registered post if the address of such person or such agent be known and there be postal communication with such place;

(b) when the person to be served cannot be found and has no agent empowered to accept service on his behalf service may be made on any adult member of his family who is residing at his last known place of residence, but not on any servant or other person on the premises.

(2) The serving officer may require the person to be served, his authorized agent or any adult member of his family on whom a copy of the document is served personally to sign or affix his right thumb mark on the original document as an acknowledgment of such service.

**Alternative modes of service.**

**117.** (1) When it appears to the Council that service in the manner prescribed in by-law 116 cannot be effected or if the person required under the provisions of paragraph (2) of by-law 116 to sign an acknowledgment refuses to do so, the President may order that service be effected either by :-

- (a) affixing a copy of the document in some conspicuous position upon the building or holding which is affected;
- (b) affixing a copy thereof to some part of the house or building in which the person to be served ordinarily resides or has his place of business;  
or
- (c) affixing a copy thereof at any mosque, market or other common place of resort in the town or village in which the person to be served ordinarily resides or last resided.

(2) The President may in addition to or in substitution for the provisions of the preceding paragraph make an order for substituted service by advertisement of such document in the *Gazette* or in any local newspaper.

**Endorsements on documents.**

**118.** In every case of service of any document the serving officer or President shall enter on the back of the original of the document to be served a statement of the time, place and manner or method in which the service or publication was effected, or why service was not effected, and shall sign the same.

**Costs.**

**119.** The cost of service of any document issued under the provisions of these By-laws shall be paid by the person to be served.

PART XX  
MISCELLANEOUS

**Conduct of meetings.**

**120.** Discussion at any meeting of the Council shall be confined to subjects appearing on the agenda for that meeting. All subjects for inclusion in the agenda shall be submitted to the Secretary in writing not less than seventy-two hours before the time of the meeting at which they are to be discussed, and the agenda shall be circulated to members not less than forty-eight hours before the time of such meeting:

Provided that this by-law shall not apply to subjects the discussion of which is considered by the majority of the Council to be a matter of urgency.

**Employees to have certificate of health.**

**121.** (1) All persons engaged in the manufacture, preparation or sale of food within the Municipal Council area, other than persons engaged in the sale of tinned food only, shall be in possession, of a certificate of good health in the form of Schedule V.

(2) Such good health certificates shall be endorsed annually by the Health Officer or his deputy, or more often if required by the Council, and shall be readily available for inspection by the Health Officer or any other person duly authorized by the Council. The annual medical examination shall include a chest X-ray.

(3) All such employees shall adhere to the following requirements whilst engaged in their work :-

- (a) the skin to be clean and free from any disease;
- (b) fingernails to be cut short and kept clean;
- (c) hair to be clean and tidy;
- (d) shall not smoke whilst at work; and
- (e) shall wear clean clothes which cover the body to the elbows, neck and knees.



(4) The licensee of any premises or market stall or other place referred to in (1) above, shall be responsible for carrying out the requirements of the Council and failure to do so may, at the discretion of the Council, result in the cancellation of any such licence.

**122.** In these By-laws, all references to the Council shall include any duly authorized officer of the Council.

**122A.** The fee to accompany a notice of objection referred to in subsection (1) of section 78 of the Local Government Ordinance, 1961 shall be \$5.00.

**Penalty.**

**123.** Any person who contravenes the provisions of these By-laws shall on conviction be liable to a fine not exceeding five hundred ringgit and in the case of a continuing offence shall be liable to a fine not exceeding fifty ringgit for every day during which such offence is continued.

**Revocation.**

**124.** The following by-laws and rules are hereby revoked :-

The Sanitary Board General By-laws, 1931, published as G.N. 482 of 1931 and amended by G.N. 183 of 1947, G.N.S. 14 of 1948, G.N.S. 16 of 1949, G.N.S. 117 of 1949, G.N.S. 56 of 1950, G.N.S. 89 of 1950, G.N.S. 59 of 1951, G.N.S. 68 of 1951, G.N.S. 96 of 1952, G.N.S. 14 of 1953, G.N.S. 39 of 1953, G.N.S. 56 of 1953, G.N.S. 111 of 1953, G.N.S. 150 of 1953, G.N.S. 148 of 1953, and G.N.S. 68 of 1955, as far as they apply to Jesselton.

SCHEDULE 1  
(By-law 76)

KOTA KINABALU MUNICIPAL COUNCIL

Licence No. ....

Description .....

Name .....

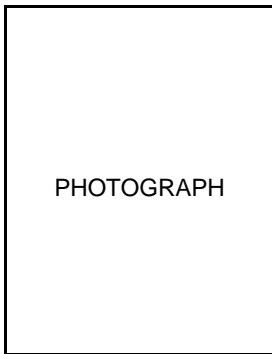
Address .....

Valid from ..... to .....

Shop No. ....

Amount paid \$ .....

Receipt No. ....



(Signed) .....

*Secretary*

(This must be displayed conspicuously).

SCHEDULE II

(By-law 76)

KOTA KINABALU MUNICIPIAL COUNCIL

Licence No. ....

Description.....

Name .....

Address .....

Premises.....

Valid from ..... to .....

Receipt No. .... for \$ .....

Date .....

(Signed) .....

*Secretary.*

SCHEDULE III

(Omitted by virtue of G.N.L. 27 1966)

SCHEDULE IV

(By-law 76)

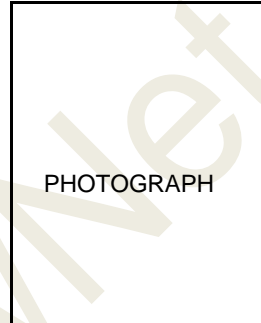
LICENCE

LICENCE is granted to .....  
of ..... under By-law No. ....  
of ..... to .....  
.....  
in the premises known as .....  
Subject to the Rules and Regulation governing the said trade.

This Licence expires on .....  
....., 195 .....

Free paid \$ .....

Vide Receipt No. ....



.....  
*Licensing Officer.*

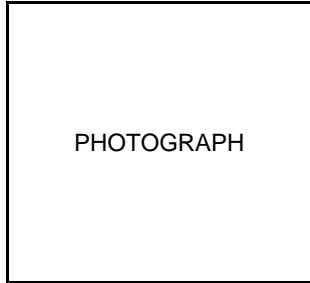
(Date) .....

(This Licence must be displayed conspicuously)

SCHEDULE V

(By-law 121)

KOTA KINABALU MUNICIPAL COUNCIL



*Right Thumb Print/Signature*

Name ..... Sex ..... Age .....

Address .....

Place of employment .....

Type of work performed .....

Licence Fee \$ ..... per annum.

Receipt No. ....

Signature of Medical Officer of Health.

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

Sabah LawNet

SCHEDULE VI

(Omitted by virtue of G.N.L. 30 of 1966.)

Dated at Jesselton, this 10th day of February, 1956.

G. F. Douglas,  
*for Chairman*  
*Jesselton Town Board.*

The Governor has been pleased to approve the foregoing By-laws.