

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

**KUDAT TOWN BOARD
(CONTROL OF ANIMALS) BY-LAWS 1981
(G.N.L 33 of 1981)**

In exercise of the powers conferred upon it by section 50 of the Local Government Ordinance 1961, the Kudat District Council has made the following by-laws:

Title and commencement.

1. These by-laws may be cited as the Kudat Town Board (Control of Animals) By-laws 1981 and shall come into operation on the 1st day of October 1981.

Interpretation.

2. In these By-laws —

"animal" includes buffalo, horse, pony, pig, goat, cattle, sheep and any other animal which may be specified from time to time by the Board;

"Board" means the Kudat Town Board.

Permit to keep animal.

3. (1) No person shall keep any animal in any area within the Board's jurisdiction except in accordance with a permit granted by the Board.

(2) An application for a permit shall be made in writing and shall specify the locality where the applicant proposes to keep the animal.

(3) The Board may, in its absolute discretion, grant or refuse a permit, or grant a permit subject to such conditions as it thinks fit.

Prevention of nuisance.

4. (a) If in the opinion of the Board the keeping of any animal on any land has become a nuisance or injurious to health, the Board may by notice require the owner or occupier of such land within a period to be specified in the notice to do all or any of the following —
- (i) to reduce the number of animals kept thereon;
 - (ii) to have the land properly fenced;
 - (iii) to keep such animals continuously penned;
 - (iv) to take such other action as the Board deems necessary to minimise the likelihood of nuisance or injury to health.
- (b) The owner or occupier of such land to whom a notice is given shall without unnecessary delay comply with such notice.

Cancellation of permit.

5. The Board may cancel or suspend a permit if the holder of such permit —
- (a) is convicted of any offence under these By-laws; or
 - (b) has failed to observe any conditions imposed by the Board in such permit.

Stray animal to be impounded.

6. (1) It shall be lawful for the Board or any person to seize any animal found straying on the road, street or thoroughfare or trespassing on any ground or property of any person or of the Government and to confine such animal in any pound established under by-law 7 of these By-laws.

(2) If any animal so impounded shall not be redeemed by the owner thereof within fourteen days after such animal shall have been impounded, by paying to the pound-keeper all pound fees due, such animal shall be sold by public auction by order of the District Officer and the proceeds of such sale, after deducting the expenses thereof and the pound fees due, shall be paid to the owner of the animal upon application being made by him thereof to the Board. In default of such balance being claimed within three months after the sale, it shall be retained by the Board.

(3) Any person taking any animal out of a pound without the knowledge and consent of the pound-keeper shall be liable to a penalty prescribed under by-law 11 of these By-laws.

Pounds to be established.

7. Pounds shall be established at such places as the Board may deem suitable.

Pound-keeper.

8. (1) The keeper in charge of each pound shall be appointed by the Board.

(2) Every such pound-keeper shall be deemed to be a public servant within the meaning of the Penal Code [Act 574].

Pound fees.

9. The following pound fees are prescribed —

	RM <i>per head/per day or part thereof</i>
(a) Buffalo, cattle, horse and pony	10.00
(b) Goat and sheep	5.00

(c)	Pig	...	...	...	...	...	...	8.00
(d)	Other animals	...	...	...	...	...	...	1.00

Liability of owner or person in charge for damage done.

10. (1) The owner or person in charge of the stray animal shall be liable for all damage done by the same arising from such animal not properly penned or tethered as the case may be, or otherwise keep under control.

(2) A certificate by the Chairman of the Board or any person deputed by him in writing for such purpose, shall be *prima facie* evidence of the amount of damage done.

Penalty.

11. Any person contravening or attempting to contravene any of the provisions of these By-laws for breach whereof no penalty is otherwise provided shall be liable upon conviction to a fine of five thousand ringgit.

11A. (a) In the case of a continuing offence a further fine of one hundred ringgit shall be imposed for everyday during which the offence is continued.

(b) In addition to or in substitution for the penalty provided in paragraph 11A (a) of this by-law, any expenses incurred by the Board in consequence of any breach or contravention of these By-laws in 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 Board or by some contractor, together with a surcharge of not more than ten per centum of such expense 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.

Revocation.

12. The Kudat Town Board (Pig Control) By-laws 1978 is hereby revoked.

Dated at Kudat this 18th day of September 1981.

ABDUL AMIT GUYAH,
Chairman,
Kudat District Council.

I approve the foregoing By-laws.

Dated at Kota Kinabalu this 29th day of September 1981.

DATUK YAP PAK LEONG,
Minister of Town and Country Development.

Sabah LawNet