

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

LABUAN MUNICIPAL COUNCIL (ANTI-LITTER)
BY-LAWS 1992

IN exercise of the powers conferred by section 50 (1) of the Local Government Ordinance 1961 [*Sab. Ord. 11/61.*], as modified by the Federal Territory of Labuan (Modification of Local Government) Order 1984, the Labuan Municipal Council, with the approval of the Minister, makes the following by-laws:

Citation and application.

1. These By-laws may be cited as the **Labuan Municipal Council (Anti-Litter) By-Laws 1992** and shall apply only to the area of the Council.

Interpretation.

2. In these By-Laws, unless the context otherwise requires –

“Council” means the Labuan Municipal Council;

“garden refuse” means the refuse from garden and agricultural operation;

“litter” means anything that is likely to cause or contribute to the defacement or defilement of the place where it is left and includes any sand, earth, laterite, gravel, clay, stone, paper, carcase, refuse, leaves and branches, grass, straw, boxes, barrels, bales, shavings, hairs, feathers, sawdust, garden refuse, stable refuse, trade refuse, manure, bottles, glass, can, food container, food wrapper, particles of food or other things or articles;

“President” means the President of the Council appointed under the Labuan Municipal Council Instrument 1983 [*G.N.S. 34/83.*];

“public place” means any street, park, garden, promenade, fountain, traffic islands or circus, playground, riverbank, wharf, jetty, quay, place of public resort or any place to which the public has access;

“stable refuse” means the dung or urine of any domestic animal or the sweepings or drainage from any stable or cattle-shed;

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

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

Littering, etc. in public place.

3. (1) Any person who –

(a) places, deposits or throws, or causes or allows to be placed, deposited or thrown, any litter in, into or from any public place;

(b) drops, spills, throws, scatters, or in any manner causes to be dropped, spilled, thrown or scattered, any litter in any public place, whether from a moving or stationary vehicle;

- (c) throws, places, spills or scatters any blood, brine, swill, noxious fluid or other offensive or filthy matter of any kind in such manner as to run or fall into any public place;
- (d) dries any particle of food or other article or thing in any public place; or
- (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 wind to any public place,

shall be guilty of an offence.

(2) Paragraph 1 (a) or (b) shall not apply if the litter is placed, deposited or thrown or dropped –

- (a) in a litter receptacle that has been provided by –
 - (i) the Council; or
 - (ii) the owner or occupier of the premises upon which it is situated; or
- (b) at a litter dump that is maintained by the Council.

Presumption as to offender.

4. If in any case it is shown that –

- (a) any litter has been deposited in any place in close proximity to any land or building; or
- (b) any offensive or filthy matter has been run or drained from any building or land,

in contravention of by-law 3, it shall be presumed, unless the contrary is proved, that the offence was committed by, or with the permission of, the owner or occupier of such land or building.

(2) For the purposes of paragraph (1) (b) of by-law 3 –

- (a) where any litter is dropped, spilled or thrown from a vehicle, or drops or spills therefrom, the driver or the person having the charge or control of the vehicle shall, unless the contrary is proved, be deemed to have committed the offence;
- (b) where the driver or the person having the charge or control of the vehicle at or about the time of the alleged offence cannot be established, such vehicle shall, unless the contrary is proved, be deemed to be under the charge or control of its owner.

Depositing of building material in public place.

5. (1) Any person who, during the construction, alteration or demolition of any building or erection, or at any time whatsoever –

- (a) deposits, drops, leaves, or places or causes to be deposited, dropped, left or placed, in or onto any public place, any stone, cement, earth, sand, wood or other building material, thing or substance; or
- (b) fails to take reasonable precautions to prevent danger to the life, health or well-being of persons using any

public place from flying dust, falling fragments or any other material,

shall be guilty of an offence.

(2) Paragraph (1) (a) shall not apply if such depositing, leaving or placing was authorised by law or was done with the consent of the Council.

Obstruction.

6. (1) Any person who –

- (a) builds, erects, sets up or maintains, or permits to be built, erected, set up or maintained, any wall, fence, rail, post, or any accumulation of any substance, or other obstruction in any public place;
- (b) without the prior permission of the Council, covers or obstructs any open drain, sewer or aquaduct along any street;
- (c) deposit or causes to be deposited any box, bale or packed merchandise, utensil, crockery or other article or thing in any public place for a longer time than is necessary for loading or unloading such merchandise or article;
- (d) deposits or causes to be deposited any goods, article or thing used for or in connection with his trade in any public place; or
- (e) causes or allows any vehicle to rest on any footway or backlane,

shall be guilty of an offence.

(2) If it is shown in any case that any article or thing has been deposited in or upon any public place from any building or land in contravention of this by-law, it shall be presumed, unless the contrary is proved that the offence was committed by, or with the permission, of the occupier of such building or land.

Power to remove obstruction, and recovery of expenses.

7. (1) The President or any officer of the Council authorised in writing by the President may cause any obstruction to be moved or removed to a suitable place, there to remain at the risk of the owner or the person offending, and may detain the same until the expenses of removal and detention are paid.

(2) The President shall certify such expenses to the owner or the person offending and the certificate of the President shall be conclusive proof of the sum due.

(3) If the expenses of removal and detention remains unpaid at the expiration of fourteen days after a notice has been served by the Council to the owner or the person offending calling him to pay the same, such expenses, together with a surcharge of not more than ten per centum, shall be recoverable by the Council from the owner or the person offending as if such sum were a civil debt.

Temporary obstruction on occasion of festivals.

8. Nothing in these by-Laws shall prevent the Council from allowing any temporary erections in any public place on occasion of festivals or ceremonies.

Offences and penalty.

9. Any person who contravenes any provisions of these By-Laws shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding two thousand ringgit, and in the case of a continuing offence, a fine not exceeding two hundred ringgit for each day during which the offence is continued after conviction.

Compounding of offences.

10. The President or any officer of the Council duly authorised in writing by the President 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 money not exceeding one hundred ringgit.

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

(3) The making of an offer to compound shall be in the form set out in the Schedule.

Amendment to Labuan Municipal Council (Street and Public Places) By-Laws 1968 [G.N.L. 15/68.J.

11. The Labuan Municipal Council (Street and Public Places) By-Laws 1968 are amended by deleting by-laws 8 and 9 thereof.

SCHEDULE

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

LABUAN MUNICIPAL COUNCIL (ANTI-LITTER) BY-LAWS 1992
(By-law 10)

OFFER TO COMPOUND AN OFFENCE

To:
.....
.....
.....

Sir/Madam,

Reference

It appears to me, on* information/complaint received, that you have committed an offence under by-law of the Labuan Municipal Council (Anti-Litter) By-Laws 1992. The particulars of the offence are as follows:

Date Time
Place.....
Particulars of offence

2. You are hereby informed that by virtue of the authority conferred on me by the Labuan Municipal Council (Anti-Litter) By-Laws 1992. I am prepared, and hereby offer,

to compound the offence for the sum of \$..... (Ringgit.....).
 If this offer is accepted, payment must be made in cash or by money order, cashier's order, banker's order, or banker's draft made payable to the President of the Labuan Municipal Council and crossed "Account Payee Only". Payment by post must be addressed to the President of the Labuan Municipal Council, and an official receipt will be issued upon payment.

3. This offer will lapse on the
 If full payment of the sum stated above is not received by or before the close of business on that date, proceedings by summons will be instituted against you without further notice.

Dated this day of 19

.....
 President/authorised officer*

*Delete where not applicable

President of Labuan Municipal Council,

I refer to the offer to compound an offence bearing reference
 and dated I accept the offer and enclose herewith money order/cashier's order/banker's draft No. for the sum of in full settlement of the compound.

Signature
 Name (Block Letters)

 Address

Made the 14th April 1992.
 [JPM. BKWP/1/9 Kit. 3; PN. (PU²) 328/A. Pt. III.]

ABDUL RAHMAN BIN HAJI ALI,
President
Labuan Municipal Council.

Approved the 14th July 1992.

DR. MAHATHIR BIN MOHAMAD,
Prime Minister.

November 2008