

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

**LOCAL AUTHORITY (ASSIGNMENT OF FUNCTIONS –
THE PROVISIONS OF PARKING PLACES AND STANDS AND THE
LICENCING OF PRIVATE PARKING PLACES) ORDER 1973
(G.N.S 11 of 1973)**

**LAHAD DATU DISTRICT COUNCIL (PARKING PLACES)
BY-LAWS 1991
(G.N.L 6 of 1991)**

In exercise of the powers conferred by the Local Authority (Assignment of Functions – the Provisions of Parking Places and Stands and the Licencing of Private Parking Places) Order 1973 and all the enabling powers vested by the Local Government Ordinance 1961, the Lahad Datu District Council hereby makes the following by-laws:

Citation and commencement.

1. These by-laws may be cited as the Lahad Datu District Council (Parking Places) By-laws 1991 and shall come into force on the date of its publication in the *Gazette* *.

Interpretation.

2. (1) In these By-laws, unless the context otherwise requires,

"Council" means the Lahad Datu District Council;

* In force on 22nd August 1991.

"controlled hour" means the period specified in column 4 of the First Schedule to these By-laws or such period as the Council may from time to time prescribe, during which the prescribed charge is payable and in relation to the seasonal parking areas, the period during which parking of a motor vehicle by any persons other than persons who are holders of seasonal parking tickets is prohibited;

"hour" includes part of an hour;

"hourly parking" and "half-hourly parking" mean a parking place described in column 3 as the case may be, of the First Schedule to these By-laws, wherein a motor vehicle is allowed to be parked hourly or half-hourly as the case may be, on payment of the prescribed charge;

"length of road" means the entire length of the road as named in the First Schedule to these By-laws;

"motor vehicle" means any vehicle propelled by means of mechanism or adopted as to be capable of being used on a road;

"park" means to stop a motor vehicle but does not include stopping —

- (a) only for such time as is reasonably necessary to take up or set down passengers or load or unload goods;
- (b) in obedience to traffic signs or signals; or
- (c) involuntarily;

"parking" includes waiting in a parking space;

"parking attendant" means any person appointed under by-law 9 and includes a person authorised by or on behalf of the Council to perform or to do any act under these By-laws;

"parking space" means the space marked out in a parking place for the parking of one motor vehicle;

"prescribed charge" means the charge prescribed in column 2 of the First Schedule to these By-laws;

"road" includes any road, street, square, bridge, kerb, sidewalk, pavement, footway or passage, whether a thoroughfare or not, over which the public have a right of way or to which the public have access 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 houses, whether the public have a right of way thereover or not, and all grass verges, islands, road dividers, the channels, drains and ditches at the side of any road;

"seasonal parking place" means any of the parking place, specified in the First Schedule to these By-laws, wherein may be parked only motor vehicle in respect of which a seasonal parking ticket has been purchased;

"season parking (Reserve)" means a parking place in column 3 of the First Schedule hereto, wherein may be parked only motor-vehicle in respect of which a season parking ticket (Reserve) has been purchased for a specified period at a fee of one hundred ringgit a month;

"seasonal parking ticket" means the official receipt issued by the Council showing the registration number of a motor vehicle and the amount of the prescribed charge for the parking of such vehicle in a specified seasonal parking place for any period and upon such conditions as the Council may deem fit to impose;

"taxi" means a taxi cab or hire car which in the usual course of business plies for hire within or without the boundaries of the Lahad Datu District Council area;

"mini bus" means a mini bus which has been licensed as such by the relevant authority and plies between designated destinations within or without the boundaries of the Lahad Datu District Council area;

"lorry" means a lorry which has been licensed as such by the relevant authority either for private use or for hire which in the usual course of

business plies within or without the boundaries of the Lahad Datu District Council area.

Parking places for motor vehicle other than taxis.

3. (1) The Council hereby provides that the road, length of road or place of road or place specified in the First Schedule to these By-laws shall be parking places for motor vehicles other than taxis, mini bus or lorry.

(2) The places specified in the First Schedule to these By-laws for which seasonal parking tickets have been issued shall be seasonal parking places and shall, during the periods specified in column 4 thereof be used exclusively for holders of seasonal parking tickets.

Parking places for taxis, mini buses or lorries.

4. (1) The Council may reserve as parking places any road, length of road or place not specified in the First Schedule to these By-laws for parking by taxis as specified in the Second Schedule, for mini buses as specified in the Third Schedule and for lorries as specified in the Fourth Schedule and any such reservation may be revoked or varied or changed at any time by the Council.

(2) Any road, length of road or place reserved by the Council under paragraph (1) of this by-law shall be marked "*Teksi Sahaja*", "*Bas Mini Sahaja*" or "*Lori Sahaja*" and shall be used exclusively and solely for such purpose subject however to such conditions as the Council may deem fit to impose and no person who is the registered owner or in charge of any taxi, mini bus or lorry shall park any such taxi, mini bus or lorry in any parking place except in a parking place so reserved under the provisions of this by-law.

Restriction of parking other than in a parking place.

5. (1) No person shall at any time park any motor vehicle in any place on any road or length of road within the Council except where such areas or spaces have been specially designated by the Council as parking space.

Parking spaces.

6. (1) A parking place may be divided into parking spaces and for the purpose of determining the parking spaces the Council shall cause each parking space to be indicated by painted lines, studs, signs or other indications.

(2) There shall be erected at a parking place a sign or notice board on which shall be affixed a notice stating the substance of these By-laws and the prescribed charges.

(3) On the application of any individuals, firms, companies, institutions or other organizations, the Council may, at its own discretion reserve parking spaces for such individuals, firms, companies, institutions or other organizations at a charge as may be prescribed by the Council from time to time.

Monthly or quarterly parking in parking space designated for hourly parking.

7. (1) On the application of any owner of a motor vehicle the Council may, upon payment of the fee as hereinafter prescribed, issue to such applicant a monthly or quarterly parking ticket which shall entitle the motor vehicle to which it relates to be parked in any parking space designated for hourly parking which is not reserved under paragraph (3) of by-law 6 without further payment of the prescribed charge during the period for which the ticket is issued.

(2) The monthly or quarterly parking ticket shall be clearly displayed on the left side of the windscreen of the motor vehicle for which it is issued.

(3) Such monthly or quarterly parking ticket shall be valid for the month or the quarter as the case may be for which it is issued.

(4) The fee for a monthly parking ticket shall be seventy ringgit and for quarterly parking ticket two hundred ten ringgit.

(5) The Council is neither bound to ensure that the driver or owner of a motor vehicle to which a monthly or quarterly parking ticket is issued, is able to secure a parking space for parking of the same motor vehicle in a parking place where it is entitled for parking, nor the Council is bound to secure the same for the driver or owner for the same purpose.

Parking spaces for loading and unloading.

8. (1) The Council may at its own discretion reserve any parking space or spaces for the loading and unloading of goods and any such reservation may at any time be revoked by the Council.

(2) Any such parking space or spaces reserved by the Council under paragraph (1) of this by-law shall be marked "*Untuk Muatan dan Punggahan sahaja*" and shall be used exclusively and solely for such purpose subject however to such conditions as the Council may deem fit to impose.

Parking attendants.

9. The Council may appoint one or more parking attendants to be on duty at any parking place.

Method of parking.

10. (1) No person shall park a motor vehicle in a parking space across any line marking the parking space or in such a position that the said vehicle shall not be entirely within the area delineated as parking space.

(2) A person parking a motor vehicle in a parking space shall subject to the provisions of paragraph (1) of this by-law cause such vehicle so far as the lines marking the parking space permit to face the general direction of traffic and shall conform to all signs and signals exhibited in such parking place.

(3) Where any motor vehicle is parked in a parking space in contravention of the foregoing provisions a parking attendant may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions, and the driver or person in charge of such vehicle shall comply with such lawful instructions as a parking attendant or a police officer in uniform may give an order to comply with the provisions of these By-laws.

Payment of prescribed charge and lawful directions by a parking attendant.

11. (1) Any person using any parking space shall —

- (a) obey all lawful directions given to him by a parking attendant;
- (b) pay the prescribed charge as soon as his motor vehicle is parked in any such parking space by handing over the money to the parking attendant who shall issue an official receipt on which shall be written the registration number of the motor vehicle, the amount paid, the date and the time which the motor vehicle is authorised to be parked at such parking space. The parking attendant shall thereupon affix the original copy of such official receipt to the windscreen or any conspicuous part of the motor vehicle.

(2) The provisions of subparagraph (b) of paragraph (1) of this by-law shall not apply to a motor vehicle parked or to be parked in a parking place in respect of which a valid monthly or quarterly parking ticket had been issued under by-law 7.

(3) Any person using a parking space in respect of which a valid monthly or quarterly parking ticket had been issued under by-law 7 or a seasonal parking place shall —

- (a) obey all lawful directions given to him by a parking attendant;
- (b) produce to the parking attendant, if required to do so, the monthly or quarterly or seasonal parking ticket as the case may be in respect of the motor vehicle to be parked.

No parking without receipt.

12. No person shall —

- (1) park or cause or permit to be parked any motor vehicle in any parking place where there is a parking attendant unless the prescribed charge is paid and a receipt is issued by the parking attendant indicating that such payment has been made;
- (2) continue to park or cause or permit to continue to be parked a motor vehicle in a parking space after the expiry of the period during which such motor vehicle is authorised to be parked in such parking space as stated in the

official receipt issued by the parking attendant unless the subsequent additional payment of the prescribed charge is paid to the parking attendant;

- (3) park or continue to park or cause or permit to continue to be parked any motor vehicle in a parking space in respect of which a monthly or quarterly parking ticket issued under by-law 7 has expired.

Advice note.

13. (1) If the motor vehicle for which advice note has been issued remains parked after the expiry of the time of the issue of the previous advice note, the parking attendant shall issue another advice note, and shall continue to do so after each expiry as the case may be.

(2) It shall be the duty of the driver or person in charge of the vehicle for which an advice note or notes have been issued to pay the appropriate parking charge.

Excess charge.

14. Any person who acts in contravention of by-law 13 shall, on being notified in writing of such contravention by the Council or by an officer authorised by the Council on its behalf, pay to the Council, within one week from the date of such notification and at a place specified therein —

- (a) an excess charge of five ringgit or such excess charge as the Council may from time to time prescribe in addition to the prescribed charge for every period thereof during which the motor vehicle has remained parked in the parking place without payment of the prescribed charge; or
- (b) an excess charge of five ringgit or such excess charge as the Council may from time to time prescribe in addition to the prescribed charge for every period thereof during which the motor vehicle has remained parked in the parking place after the expiry of the authorised parking period:

Provided that —

- (i) such excess shall not exceed twenty ringgit on any one occasion and shall be paid to the Council at its office during normal office hours and the Council shall issue an official receipt therefor;
- (ii) this by-law shall not apply if the person acting in contravention of by-law 13 pays not later than seven days from the day such contravention has occurred to the parking attendant on duty or to the Council at its office the prescribed charge in compliance with by-law 13.

Removal of motor vehicle for unpaid excess charge.

15. A failure by any person in charge of a motor vehicle to pay up the excess charge or accumulated excess charge within the prescribed time shall render such motor vehicle subject to removal by the Council at any time in such manner as the Council thinks fit. Such motor vehicle may be subject to the detention of the Council so long as the excess charge is or accumulated excess charges are unpaid.

Restriction against parking second time on original receipt.

16. (1) No person having removed his motor vehicle from a parking space before the expiry of the authorised period for parking of such vehicle shall be entitled to park such vehicle in the same parking space a second time without further payment of the prescribed charge notwithstanding that the original authorised period has not yet expired.

(2) The provisions of paragraph (1) of this by-law shall not apply to a person who is a holder of a valid monthly or quarterly parking ticket issued under by-law 7 or a valid seasonal parking ticket.

Safety of other vehicles.

17. No vehicle shall be drawn, driven or pushed within a parking place otherwise than in an orderly and careful manner and with due regard to the safety of other vehicles and persons within the parking place.

Suspension and limitation of use of parking place or space.

18. (1) The Council may suspend or limit the use of parking place or space whenever it considers necessary.

(2) On any such suspension or limitation the Council shall cause to be affixed an appropriate notice at or near the parking place or space in question and it shall be unlawful for any person to park any motor vehicle in such parking place or space except for the purpose for which the suspension or limitation was made.

Vehicles exempted.

19. These By-laws shall not apply to —

- (a) any ambulance or any fire engine or any vehicle of the Armed Forces of the Federation, Visiting Forces, Police, Post Office or the Government when used on official duty;
- (b) any vehicle in the service of an authority authorised by or under any written law or under any order having the force of any written law, to construct, erect or carry on electricity, water or other public undertaking, in so far as such vehicle is being used in the construction, erection or carrying on of the undertaking; and
- (c) a vehicle which has been directed to a parking space by a police officer in uniform in the course of his duty.

Obstruction by material or object and removal thereof.

20. (1) No person shall obstruct or cause or permit to be obstructed any parking space with any material or object.

(2) A parking attendant may remove any material or object which is the cause of any obstruction aforesaid and the owner of such material or object may reclaim from the Council possession of such material or object upon payment to the Council of the cost of removal and custody of such material or object.

Parking forbidden if obstruction caused.

21. No motor vehicle shall be so parked in any road or parking place that it forms an obstruction to the free passage of vehicular traffic or pedestrians.

No parking.

22. No person shall park any motor vehicle —

- (a) on any part of a road along which double lines (being either continuous or broken) are placed;
- (b) on that part of a road along which a continuous yellow line is placed of the edge thereof;
- (c) abreast of another vehicle; or
- (d) in a road or part of a road or place where a sign indicates that parking is prohibited.

Removal of motor vehicle and payment of removal and pound fees.

23. (1) Where any motor vehicle is —

- (a) parked in contravention of any of the provisions of these By-laws or a cause of obstruction; or
- (b) left in any parking space for more than two days,

the Council may cause such motor vehicle to be removed in such manner as the Council thinks fit to a place of safety (hereinafter referred to as "Pound") designated by the Council for that purpose and to detain such motor vehicle until released by an order of the Council:

Provided that the provisions of subparagraph (b) of paragraph (1) of this by-law shall be subject to the person in charge of such motor vehicle paying to the Council the fees as hereinafter prescribed.

(a) REMOVAL FEE

		<i>RM</i>
(i)	Motor Car ...	100
(ii)	Motor vehicle other than motor car not exceeding 3 tonne in weight ...	150
(iii)	Other motor vehicles exceeding 3 tonne in weight ...	200
(iv)	Motor Cycle (including motor scooter) ...	50

(b) POUND FEE

		<i>RM</i> <i>per day or</i> <i>part thereof</i>
(i)	For motor vehicles other than motor cycles ...	50
(ii)	For motor cycles ...	15

Non-liability of Council for loss in respect of vehicle, material or object removed.

24. The Council shall not be liable for any loss or damage to the motor vehicle, materials or object or to any fittings or contents of such motor vehicle, material or object so removed or detained by the Council under the provisions of these By-laws.

Motor vehicle may be rendered immobile.

25. (1) When any motor vehicle is parked in contravention of any of the provisions of these By-laws, the parking attendant or any person authorised in that behalf by the Council may render such motor vehicle immobile by having the motor vehicle chained and locked by the use of any device as the Council may think fit, and no person shall remove such vehicle or tamper with the chain and lock. On the request of and subject to the owner or person in

charge of such motor vehicle paying to the Council such fees not exceeding fifty ringgit as may be determined by the Council, the Council may remove the chain and lock and release the motor vehicle.

(2) The Council shall not be liable for any damage to the motor vehicle in the course of and whilst it is being chained and locked.

Notification of removal and retention.

26. When a motor vehicle or material or object is removed or detained in pursuance of the provisions of these By-laws, the Council shall with all reasonable despatch give notice in writing to the owner thereof with a copy of such notice to the police if the name and address of such owner be known, of the removal or detention of the same and that if possession or release of such motor vehicle, material or object is not claimed within the period prescribed under paragraph (1) of by-law 27 such motor vehicle, material or object shall be disposed of.

Disposal of motor vehicle or object.

27. (1) If after the expiration of 21 days from the date the notice referred to in by-law 26 was given to the owner of the motor vehicle, material or object so removed or detained and such owner fails to claim for possession or release thereof of such motor vehicle, material or object the Council may dispose of such motor vehicle, material or object by public auction or in such other manner as it thinks fit.

(2) Notwithstanding the provisions of paragraph (1) of this by-law, the Council may dispose of the material or object in question in the manner aforesaid at any time if that material or object is of a perishable nature.

(3) The proceeds of the motor vehicle, material or object so disposed of shall be given to the owner of that motor vehicle, material or object less any costs in connection with such disposal, fees or excess charge due and payable under the provisions of these By-laws.

(4) If the proceeds referred to in paragraph 3 of this by-law are not claimed by the owner within twelve months from the date the motor vehicle, material or object was disposed of, the proceeds shall be credited to the revenue of the Council.

Prohibition of trade or business.

28. No person shall use any motor vehicle parked in a parking space for the purpose of carrying on any trade or business except in the case of goods vehicle for the delivery of goods and on payment of the prescribed fees.

Prohibition of repairs.

29. No person shall repair a motor vehicle or permit a motor vehicle to be repaired in any parking place except in cases where repair is necessary to enable the motor vehicle to be removed from the parking place.

Prohibition of washing or cleaning.

30. No person shall wash or clean or cause or permit to be washed or cleaned any motor vehicle in a parking place.

Persons permitted in parking place.

31. No person other than a parking attendant, driver, person in charge or passenger of a motor vehicle parked in a parking place shall be or remain in such parking place.

Removal of receipt of advice note prohibited.

32. No person other than a person authorised by the Council shall remove or cause to be removed any receipt of advice note issued by a parking attendant and affixed to the windscreen or any conspicuous part of a motor vehicle whilst being parked in any parking place or space.

Provision of signboards.

33. The Council shall provide a signboard at each parking place indicating whether it is a season, all day or hourly parking place and may erect such signs and signals as may be considered necessary for the direction or regulation of motor vehicles within the parking place.

Emergency.

34. In the case of emergency, any person authorised in that behalf by the Council, or any police officer in uniform, may move or cause to be removed to any place he thinks fit any motor vehicle left in any parking place or space.

Council not liable for loss or damage for vehicle parked in a parking place.

35. The Council shall not be liable for any loss or damage to any vehicle or the fittings or contents of any vehicles parked in any parking place.

Penalties.

36. Any person who contravenes any of the provisions of these By-laws shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one hundred fifty ringgit and in addition there shall be paid to the Council any costs, fees or any other charge or charges due and payable under the provisions of these By-laws.

Registered owner's liability.

37. In cases of contravention of or failure to comply with any of the provisions of these By-laws the legal or registered owner of the motor vehicle shall be presumed to have contravened or failed to comply with such provision if the person (not being the registered owner) who actually contravened or failed to comply with such provision is not known or cannot be found.

Compounding of offences.

38. The Council may compound any offence under these By-laws by collecting from a person reasonably suspected of having committed such an offence a sum not exceeding one hundred ringgit and on payment of such sum of money, no further proceedings shall be taken against such person in respect of that offence.

Dated at Lahad Datu this 1st day of November 1990.

MICHAEL EMBAN,
Chairman,
Lahad Datu District Council.

I approve the foregoing By-laws.

Dated at Kota Kinabalu this 9th day of August 1991.

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

FIRST SCHEDULE

MOTOR VEHICLE

<i>No.</i>	<i>Locality</i>	<i>Prescribed Parking Charge</i>	<i>Type of Parking Place</i>	<i>Controlled Hours</i>
1.	Parking places at Lorong 8 behind Building Block No. 27	Nil	Nil	Nil
4.	Parking places at Jalan Seroja ...	"	"	"
5.	Parking places at Jalan Anggrek...	"	"	"
6.	Parking places at Jalan Kenanga	"	"	"
7.	Parking places at Jalan Melati ...	"	"	"
8.	Parking places at Jalan Kastam Lama	"	"	"
9.	Parking places at Jalan Dahlia ...	"	"	"

10.	Parking places at Jalan Kiambang	"	"	"
11.	Parking places at Lorong 1 behind Building Block No. 48	"	"	"
12.	Parking places at Lorong 2 behind Building Block No. 47	"	"	"
13.	Parking places at Jalan Lily ...	"	"	"
14.	Parking places at Jalan Teratai ...	"	"	"
15.	Parking places at Jalan Kemuning	"	"	"
16.	Parking places at Jalan Kekwa ...	"	"	"
17.	Parking places at Jalan Melor ...	"	"	"
18.	Parking places at Jalan Bunga Raya behind Block No. 24	"	"	"
19.	Parking places at Jalan Mawar ...	"	"	"
20.	Parking places in front of Hap Seng Building...	"	"	"
21.	Parking places at Dewan Masyarakat	"	"	"
22.	Parking places at Jalan Matahari in front of Ming Huat Building Block A and B	"	"	"
23.	Parking places at Jalan Tanjong in front of Ming Huat Building Block C ...	"	"	"
24.	Parking places in front of Melody Building	"	"	"
25.	Parking places in front of Hoep Ley Building Block C and D	"	"	"

26.	Parking places in front of Public Villa Shophouse Building	"	"	"
27.	Parking places in front of Taman Hin Nam Shophouse Building ...	"	"	"

SECOND SCHEDULE

TAXI

<i>No.</i>	<i>Locality</i>
1.	Parking places at Jalan Kemuning
2.	Parking places at Jalan Dahlia
3.	Parking places at Jalan Seroja in front of Perdana Hotel
4.	Parking places at Jalan Teratai in front of Mido Hotel
5.	Parking places at Jalan Teratai in front of Ocean Hotel
6.	Parking places at Jalan Teratai in front of Lahad Datu Hotel
7.	Parking places at Air Port Terminal Building

THIRD SCHEDULE

BUS AND MINI BUS

1. The whole parking space at Terminal Bus off Jalan Bunga Raya.

FOURTH SCHEDULE

LORRY

1. The whole parking space at Jalan Terminal Lorry off Km. $\frac{1}{4}$ Tengah Nipah Road.

Sabah LawNet