

**RURAL GOVERNMENT ORDINANCE
(Cap. 132)**

PAPAR (TOWNSHIPS) (GENERAL) BY-LAWS 1958

(G.N.S 93 of 1956)

In exercise of the powers conferred upon it by subsection (1) of section 15 of the Rural Government Ordinance, the Papar Local Authority has made the following by-laws:

1. Short title and application. [Sub. G.N.S 101/58.]

- (1) These by-laws may be cited as the Papar (Townships) (General) By-laws 1958 and shall apply only to those areas within the jurisdiction of the Papar District Council which have been declared townships.
- (2) These By-laws shall be construed in all respects as if the expression "Built-Up Areas" were deleted therefrom and there were substituted therefor reference to the townships or any township, as the case may be, within the jurisdiction of the Papar District Council.

PART 1
MARKETS

2-19 (Revoked by G.N.L 54 of 1977).

PART II
BAKERIES. COOK SHOPS AND EATING-SHOPS

20-24 (Revoked by G.N.L 50 of 1977).

PART III
DAIRIES

25. Definition.

"Dairy" includes any milk store, milk-shop or other place from which fresh milk, or pasteurised milk is supplied or in which fresh milk is kept for purposes of sale and or distribution.

26. Licensing of cow-keepers and dairymen.

- (1) No person, whether his cowshed or dairy is situated within or without the township areas, shall carry on the trade of a cow-keeper, dairyman or purveyor of milk within the township areas unless licensed in that behalf by the Authority, and the conditions of the licence shall apply to cowsheds or dairies wherever situated.
- (2) Licences may be issued by the Authority on the conditions set out hereunder, and any licence may be cancelled by the Authority at any time on proof that any of the conditions of the licence or any by-law have not been observed.
- (3) Every licence shall state the situation of the premises.
- (4) For every licence a fee of five ringgit per annum shall be charged.

27. Conditions of licence.

The conditions of the licence shall be as follows-

- (a) the licensee shall furnish to the Local Authority full information regarding his place of abode, the place where his cows are kept and where the milk is kept for sale;
- (b) all cowsheds, dairies and places for the sale of milk controlled by the licensee shall have a plentiful supply of pure water, and the premises and all utensils used in connection therewith shall be kept clean and sterilized to the satisfaction of the Health Officer or Medical Officer;
- (c) all such place shall be freely ventilated and well drained and all filth and refuse shall be so disposed of as not to be productive of any nuisance. Before milking, every milker shall wash his hands and the udder of the cow;
- (d) all such places shall at all times be open to inspection by any officer of the of the Authority;
- (e) the licensee shall permit any officer of the Authority to take at any time from the milk offered for sale or intended for sale, such quantity of such milk as such officer require for the purpose of analysis, on his tendering payment therefor;
- (f) the Chairman shall have authority to request the Veterinary Officer to carry out at the expense of the Authority, such inspections of or tests on dairy herds which the Authority may at any time consider necessary. The owner of the herd shall give the Veterinary Officer every facility necessary for carrying out the inspections or tests, and the owner shall pay such proportion of the cost thereof as the Authority may direct. The owner shall carry out the instructions of the Veterinary Officer regarding the destruction or isolation from the herd of any diseased animal subject to appeal to the Chairman of the Local Authority within twenty-four hours of the issuing of such instruction. Pending the Chairman's decision the owner shall isolate any such diseased animal, and its milk shall not be supplied to the public;
- (g) the licensee shall give immediate notice in writing to the Authority if any person residing in his house or in any cowshed, dairy or place for the sale of milk controlled by the licensee or in his employment, contacts tuberculosis, or any other infectious disease.

28. Adulteration of milk.

No person shall sell or offer for sale any fresh or pasteurized milk in uncovered containers or to which anything has been added.

PART IV
LAUNDRIES

29. Licensing of washermen.

No person carrying on the trade of a washerman shall receive clothes for the purpose of washing the same unless and until he be licensed as such.

30. Conditions of licence.

(1) The conditions of the licence shall be as follows-

- (a) the building shall be approved by the Authority and shall have a plentiful supply of pure water;
- (b) the licensee shall not allow any person-
 - (i) to eject water from the mouth or nose into any clothes received for washing;

- (ii) to sleep or live in a room where any process of laundering is carried out;
 - (iii) to wear or use any clothes received for washing;
 - (c) the licensee shall not allow any person suffering from any disease or infectious disorder, or having recently been in contact with a person so suffering to assist in any way in the laundering of clothes;
 - (d) a licensee shall refuse to accept any clothes for laundering from any person known to be suffering from any infectious or contagious disease.
- (2) Every licence shall state the situation of the laundry.
- (3) For every licence a fee of twelve ringgit per annum shall be charged.

31. Inspection.

Every approved laundry shall be open to inspection by the Authority at any time during working hours.

PART V COMMON LODGING HOUSES

32-37. (Revoked by G.N.L 53 of 1977).

PART VI OFFENSIVE OR DANGEROUS TRADES

38-43. (Revoked by G.N.L 58 of 1977).

PART VII SALE OF PETROL

44. Sale from pump.

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 Authority.

45. Conditions.

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-
 - (i) 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 a brass or bronze adapter;
 - (ii) the area is cordoned by rope or other barrier to a distance of at least five feet outside the perimeter of the installation;
 - (iii) no unauthorised persons or vehicle are allowed inside the cordoned area;

- (iv) a notice is displayed in Malay, Chinese and English as a warning to the public, e.g. "DANGER-FILLING IN PROGRESS"; and
- (v) 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 vehicles are carried out in the immediate of the filling point.

46. Fire extinguishers.

Every owner or lessee of a petroleum installation shall comply with the written instructions of the O.C.P.D. Papar.

47. Bulk storage installation.

- (1) Every owner or lessee of any bulk storage installation for petroleum shall keep such fire fighting equipment as the O.C.P.D. Papar may require, to be available at the installation for immediate use.
- (2) Any owner or lessee of any petroleum installation shall not allow petroleum from such installation to flow to waste except through a trap of an approved design.

48. Construction of installation.

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 Authority.

49. Transport of drums.

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

50. Definition.

In these By-laws-

"inflammable liquid" shall not include petroleum as defined in the Petroleum Ordinance [Cap. 98.]^{*}.

51. Licence to store explosives etc.

- (1) No person shall without a licence keep in or about any place any inflammable liquid, explosives, matches, fireworks, calcium or cartridges other than those 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.

52. Licence fees.

The following fees shall be payable for licences to store the articles in the quantities specified-

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

53. Production of licence on demand.

- (1) The occupier of premises used for the storage of any of the above mentioned articles shall on demand by the Authority 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 Authority shall direct.
- (2) If the stock be not removed forthwith by the occupier it may be removed by the Authority and any expenses thereby incurred shall be recoverable from the occupier in the manner prescribed in section 50 of the Rural Government Ordinance [Cap. 132.f].

54. Proviso for cancellation of licences.

If at any time after the issue of any licence it appears to the Authority 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 Authority 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 Authority may cancel the licence without notice. No compensation shall be payable on the cancellation of any licence.

55. Containers.

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

56. Government goods exempted.

By-laws 52 shall not apply to goods belonging to or stored by the Government.

57. Rules for Government stores for public use.

The following rules shall apply to Government stores for public use administered by the Authority-

- (a) the store shall be opened daily (Sundays and gazetted holidays excepted) from 7.00 a.m. to 11.00 am. and from 1.00 p.m. to 5.00 p.m. on previous notification to the storekeeper. On Sundays and gazetted holidays the store may be opened by arrangement with the Secretary of the Authority. A fee of fifty sen per hour or part of an hour may be charged for opening the store on Sundays and gazetted holidays;
- (b) 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 separate transactions of each person using the store. These books shall be balanced by the storekeeper at least once in every week and shall be compared with the stock;

(c) all goods are stored at owner's risk;

(d) the charges for storage shall be as follows-

For dangerous and
non-dangerous petroleum

One sen per gallon per month or
part of a month.

For other inflammable oil, liquids
or explosives

Five sen per package per month or
part of a month.

PART IX BARBER'S SHOPS

58-61 (Revoked by G.N.L 51 of 1977).

PART X DEALING IN SCRAP

62. Definition.

In these By-laws, "dealing in scrap" means the purchasing of scrap materials including metal of all kinds, but excluding rubber scrap.

63. Licences for scrap dealers.

No person shall deal in scrap otherwise than in accordance with a valid licence in the form of Schedule III.

64. Application for licence.

Any person desiring to deal in scrap shall make an application in writing to the Authority for a licence, stating his name, age and description, and also the place or places in which he proposes to carry on business and the kinds of scrap in which he proposes to deal.

65. Fee.

The authority may upon payment of a fee of twenty-five ringgit issue a licence to any applicant upon such conditions as shall be specified therein.

66. Registers.

Every person so licensed as aforesaid shall maintain a register of purchases made by him and such register shall state the name and address of the person from whom any scrap was purchased and a full description thereof including the quantity thereof and the price paid therefor.

67. Inspection of register.

Such register shall be open to inspection by any duly appointed officer of the Authority at any time during business hours.

68. Inspection.

The Authority may in its discretion direct that any particular scrap purchased by a licensee shall be held for inspection by the Authority before being exported, sold, treated or dealt with in any way.

PART XI
HAWKERS

69-73. (Revoked by G.N.L 52 of 1977).

PART XII
PUBLIC WEIGH-BRIDGES AND WEIGHING MACHINES

74. Provision by the Authority.

- (1) The Authority may provide public weigh-bridges and weighing machines in proper and convenient situations within the township areas.
- (2) The Authority may charge such fees for the use of any such weigh-bridges and weighing machines as may be approved by the Authority 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 Rural Government Ordinance [Cap. 132.].

PART XIII
LICENCES

75. Application.

- (1) Applications for licences under these By-laws shall be made in writing to the Authority, and shall in the case of licences for bakeries, cook-shops, eating-house, dairies, laundries, common lodging houses, barber shops and hawkers be accompanied by two photographs of the applicant.
- (2) If so required by the Authority, an application shall also be accompanied by a certificate of good health from the Health Officer or Medical Officer.

76. Issue of licences.

The Chairman may with the approval of the 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, common lodging house or barber shop be in the form of Schedule II 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 III, and if to ply as a hawker be in the form of Schedule IV, and if to sell goods in a market shall be in the form of Schedule V.

77. Details of licences.

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 Authority may impose.

78. Quarterly fees.

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.

79. Prohibition of transfer.

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

80. Revocation and expiry.

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 Authority at any time. The Authority in its discretion may order a proportionate refund of any licence cancelled under these By-laws.

PART XIV
NUISANCES

81. Hoardings and advertisements.

- (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 Township areas without the prior written sanction of the Chairman of the Local Authority.
- (2) The Authority may charge a fee not exceeding five hundred ringgit per annum for any such advertisement, notice or sign sanctioned under this by-law.

82. Exemption.

The following advertisements, notices or signs may be displayed without prior sanction-

- (a) public notice issued by the Government of Sabah or the Local Authority;
- (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 thirteen inches by eight inches in size notifying sports, meetings or functions in aid of or arranged by charitable institutions:

Provided that the Authority may, in its discretion, order the person in charge of such advertisement, notice or sign of 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 so ordered, shall be guilty of an offence against these By-laws.

83. Animals and birds.

The Authority may forbid any person to keep any animal or bird within the township areas.

84. Removal of carcasses.

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 day-light, 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 Authority.

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

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 there to be 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.

86. Construction of slaughter-houses.

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

PART XV
SLAUGHTERHOUSES

87-92. (Revoked by G.N.L 59 of 1977).

PART XVI
FOOD UNFIT FOR CONSUMPTION

93. Food unfit for consumption.

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 tainted, adulterated, diseased, or unwholesome condition.

94. Seizure of unfit food.

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

PART XVII
CONSERVANCY AND HYGIENE

95-109B. (Revoked by G.N.L 57 of 1977).

PART XVIII
STREETS AND PUBLIC PLACES

110-114. (Revoked by G.N.L 55 of 1977).

PART XIX
SERVICE OF NOTICES

115. Definition.

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 building thereon, which is held under a separate document or title.

116. Mode of service.

- (1) The service of any document may be effected-
 - (a) by tendering or delivering to the person to be served or his authorised agent a 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 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 authorised 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 notice.

117. Alternative mode of service.

- (1) When it appears to the Authority 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 Chairman may order that the service be effected either by-
 - (a) affixing a copy of the document in some conspicuous position upon the building or holding which is effected;
 - (b) affixing a copy thereof to some part of the house or building in which the person to be served ordinarily resides or has place of business; or
 - (c) affixing a copy thereof at any mosque, market or other common place or resort in the town or village in which the person to be served ordinarily resides or last resided.
- (2) The Chairman 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.

118. Endorsements on documents.

In every case of service of any documents the serving officer or Chairman 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.

119. Costs.

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

120. Conduct of meetings.

Discussion at any meeting of the Authority 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 Authority to be a matter of urgency.

121. Employees to have certificate of health.

- (1) On any premises licensed under these By-laws and in any market or other place where food is manufactured, prepared or handled for sale to the public within the township areas, the Local Authority may require that all employees shall be in possession of a certificate of good health in the form of Schedule VI.
- (2) Such good health certificates shall be endorsed annually by the Health Officer or Medical Officer or his deputy, or more often if required by the Authority, and shall be readily available for inspection by the Health Officer or Medical Officer or any other person duly authorised by the Authority. 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 paragraph (1) above, shall be responsible for carrying out the requirements of the Authority and failure to do so may at the discretion of the Authority, result in the cancellation of any such licence

122. References to Council.

In these By-laws, all references to the Local Authority shall include any duly authorised officer of the Local Authority.

123. Penalty.

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 ten ringgit for every day during which such offence is continued. [*Mod. Act 160.*]

SCHEDULE I

(Revoked by G.N.S 101 of 1958)

SCHEDULE II

(By-law 76)

PAPAR LOCAL AUTHORITY

Licence No.

Description

Name

Address

.....

Valid from to

Shop No.

PHOTOGRAPH

Amount Paid RM

Receipt No.

(Signed)

Secretary

SCHEDULE III

(By-laws 63 and 76)

PAPAR LOCAL AUTHORITY

Licence No.

Description

Name

Address

.....

Premises

Valid from to

Receipt No. for RM

Date

(Signed)

Secretary

SCHEDULE IV

(Revoked by implication)

SCHEDULE V

(By-laws 76)

PAPAR LOCAL AUTHORITY

Licence No.

Licence is granted to

Of under by-law No.

.....

in the premises known as

PHOTOGRAPH

Subject to the rules and regulations governing the said trade.

This licence expire on

..... 19

Fee paid RM

Vide Receipt No.

.....

Licensing Officer

PAPAR LOCAL AUTHORITY,
PAPAR

(Date)

(This licence must be displayed conspicuously)

SCHEDULE VI

(By-law 121)

PAPAR LOCAL AUTHORITY

PHOTOGRAPH Right Thumb Print/Signature

Name Sex..... Age

Address

.....

Place of employment

Type of work performed

Licence Fee RM per annum

Receipt No.

Signature of Medical Officer of Health

.....

SCHEDULE VII

(Revoked by implication)

Dated at Papar this 2nd day of July 1956.

D.W. EISENHAUER,
President,
Papar Local Authority.

I have approved the above By-laws and direct that they shall be published in the *Gazette*.

R.G.P.N. COMBE,
Resident, West Coast.

December 2007

* - Cap. 98 has been repealed by Petroleum Ordinance 1960 which was later repealed by the Petroleum (Safety Measures) Act 1984 (Act 302).

- Section 50 of Rural Government Ordinance has been repealed by section 109 (2) (c) of Local Government Ordinance 1961.