

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

**PENAMPANG DISTRICT COUNCIL  
(CONTROL OF ANIMALS) BY-LAWS 1987  
(G.N.L 2 of 1987)**

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

**Citation and commencement.**

1. These by-laws may be cited as the Penampang District Council (Control of Animals) By-laws 1987 and shall apply to the whole area under the jurisdiction of the Council and shall be deemed to have come into operation on the 1st day of June 1986.

**Interpretation.**

2. In these By-laws —

“Council” means the Penampang District Council;

“animal” includes buffalo, horse, pony, pig, goat, cattle, sheep and any other animal which may be specified from time to time by the Council.

**Permit to keep animal.**

3. (1) No person shall keep any animal in any scheduled areas within the Council’s jurisdiction except in accordance with a permit granted by the Council.

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

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

**Prevention of nuisance.**

4. (1) If in the opinion of the Council the keeping of any animal on any land has become a nuisance or injurious to health, the Council 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 —

- (a) to reduce the number of animals kept thereon;
- (b) to have the land properly fenced;
- (c) to keep such animals continuously penned;
- (d) to take such other action as the Council deems necessary to minimise the likelihood of nuisance or injury to health.

(2) the owner or occupier of such land to whom a notice is given shall comply with such notice.

**Cancellation of permit.**

5. The Council 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 Council in such permit.

**Stray animals to be impounded.**

6. (1) It shall be lawful for the Council 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 auctions 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 Council. In default of such balance being claimed within three months after the sale, it shall be retained by the Council.

(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 Council may deem suitable.

**Pound-keeper.**

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

(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 any 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 kept under control.

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

**Penalties.**

11. (1) Any person who commits a breach or contravenes any of the provisions of these By-laws shall be liable to a fine not exceeding five thousand ringgit and in the case of a continuing offence to a further fine of two hundred ringgit for every day during which the offence continues.

(2) In addition to or in substitution for the penalty provided in paragraph (1) of this by-law, any expense incurred by the Council in consequence of any breach or contravention of these By-laws or in the 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 Council or some contractor, together with a surcharge of not more than ten per centum of such expense shall be paid by the person committing such breach or failing to execute such work and may be recovered as if such sum were a civil debt.

**Compounding of offences.**

12. (1) Any officer of the Council duly authorised in writing may in his discretion compound any offence under these By-laws by collecting from such person reasonably suspected of having committed the offence a sum not exceeding one hundred ringgit.

(2) On payment of such sum of money no further proceedings shall be taken against the person in respect of such offence.

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

**Power of arrest.**

13. (1) Any officer of the Council duly authorised by it in writing or any police officer may arrest without warrant any person who commits in his presence or whom he reasonably believes to have committed any offence under these By-laws —

(a) if the name and address of the person is unknown to the officer and the person declines to give his name and address; or

(b) if there is reason to doubt the accuracy of his name or address.

(2) A person arrested under this by-law shall be detained and shall be brought before a Magistrate's Court within twenty four hours unless his name and address are sooner ascertained.

Dated at Penampang this 22nd day of April 1986.

EBIN SABIN,  
*Chairman,*  
*Penampang District Council.*

I approve the foregoing By-laws.

Dated at Kota Kinabalu this 30th day of December 1986.

DATUK AHMAD BAHAROM BIN DATUK  
HJ. ABU BAKAR TITINGAN,  
*Minister of Local Government and Housing.*

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