

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

## PENSIANGAN DISTRICT COUNCIL (CONTROL OF ANIMALS) BY-LAWS 1983 (G.N.L 7 of 1984)

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

### 1. Title and commencement.

These by-laws may be cited as the Pensiangan District Council (Control of Animals) By-laws 1983 and shall be deemed to have come into operation on the 1st day of January 1983.

### 2. Interpretation.

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 Council;

"Council" means the Pensiangan District Council.

### 3. Permit to keep animal.

- (1) No person shall keep any animal in any areas within the Council's jurisdiction except in accordance with a permit granted by the Council.
- (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 Council may, in its absolute discretion, grant or refuse a permit, or grant a permit subject to such conditions as it thinks fit.

### 4. Prevention of nuisance.

- (a) 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 —
  - (i) to reduce the number of animal kept thereon;
  - (ii) to have the land properly fenced;
  - (iii) to keep such animals continuously penned;
  - (iv) to take such other action as the Council 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 delay comply with such notice.

### 5. Cancellation of permit.

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.

## 6. Stray animal to be impounded.

- (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 be redeemed by the owner thereof within fourteen (14) 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 to the Council; in default of such balance being claimed within three (3) 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 guilty of an offence and liable to a penalty prescribed under by-law 11.

## 7. Pounds to be established.

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

## 8. Pound-keeper.

- (a) The keeper in charge of each pound shall be appointed by the Council.
- (b) Every such pound-keeper shall be deemed to be a public servant within the meaning of the Penal Code [Act 574.].

## 9. Pound fees.

The following pound fees are prescribed —

|     |                                 |     |     |     |     |     | RM<br>per head/per day or<br>part of a day |
|-----|---------------------------------|-----|-----|-----|-----|-----|--|
| (a) | Buffalo, cattle, horse and pony | ... | ... | ... | ... | ... | 10.00                                      |
| (b) | Goat and sheep                  | ... | ... | ... | ... | ... | 5.00                                       |
| (c) | Pig                             | ... | ... | ... | ... | ... | 8.00                                       |
| (d) | Other animals                   | ... | ... | ... | ... | ... | 1.00                                       |

## 10. Liability of owner or charge for damage done.

- (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 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.

## 11. Penalty.

Any person contravening or attempting to contravene any of the provision of these By-laws whereof no penalty is otherwise provided shall be guilty of an offence and liable upon conviction to a fine not exceeding five thousand ringgit and to imprisonment for six months.

Dated at Nabawan Pensiangan this 1st day of February 1983.

BOBBEY A SUAN,  
*Chairman,*  
*Pensiangan District Council.*

I approve the foregoing By-laws.

Dated at Kota Kinabalu this 15th day of December 1983.

STEPHEN WONG SOON YU,  
*Acting Minister of Town and Country Development.*

August 2007