

PITAS DISTRICT COUNCIL (HOTELS AND LODGING HOUSES) BY-LAWS 2010

In exercise of the powers conferred upon him by section 50(1) of the Local Government Ordinance 1961, the Pitas District Council makes the following by-laws:

Citation

1. These by-laws may be cited as the Pitas District Council (Hotels and Lodging Houses) By-laws 2010.

Interpretation

2. In these By-laws –

“Council” means the Pitas District Council;

“hotel” means any building or premises used for the accommodation of the public in which lodgings are provided and provisions are supplied for a payment and includes any resort accommodation and any budget hotel;

“lodging house” means a house or premises or part thereof in which lodgers are accommodated for a payment and –

- (a) in which the sleeping accommodation may be occupied by two or more lodgers though strangers to one another; or
- (b) which may be occupied by four or more lodgers not of the same family:

Provided that it shall not include any house provided by an employer for the accommodation of his employees or any hotel.

Licence for hotel or lodging house

3. No person shall use any building or premises as a hotel or lodging house except in accordance with a licence from the Council.

Issuance of licence

4. The Council may, in its absolute discretion, issue or refuse a licence, or issue a licence subject to such conditions as it thinks fit.

Health certificate

5. If the Council so requires, an applicant for a licence or for a renewal thereof shall forward a certificate of health from a Government Medical Officer or registered medical practitioner.

Duration of licence

6. Every licence shall, subject to the provisions of these By-laws, expire on December of the year in which it is issued.

Licence fee

7. The following fees are payable for licences –

(a) for a hotel, an annual fee at the rate of twenty-four ringgit per bedroom, not being a bedroom ordinarily occupied by any member of the hotel management; and

(b) for a lodging house, an annual fee of seventy-two ringgit:

Provided that the minimum annual licence fee for a hotel shall be not less than one hundred and twenty ringgit.

Cancellation or suspension of licence

8. The Council may cancel or suspend a licence if the licensee or any assistants or any workers of the licensee –

(a) is convicted of any offence under these By-laws; or

(b) if, on the certificate of a Government Medical Officer or a registered medical practitioner, the licensee is suffering from a contagious or infectious disease.

Number of persons in bedroom

9. A licensee shall exhibit conspicuously a notice in each bedroom indicating the number of persons permitted by the Council to occupy the bedroom and that no person in excess of that number be accommodated therein.

Room size

10. No room used as sleeping room in the hotel or lodging house shall be less than 120 square feet.

Cleanliness

11. (1) A licensee of a hotel or lodging house shall keep his hotel or lodging house and all articles for use by the lodgers in a clean and sanitary condition, and shall comply with such direction as may be given by an officer of the Council for the purpose of ensuring the health and safety of the lodgers.

(2) A licensee shall cause every room to be thoroughly cleansed daily before 11.00 a.m. where practicable.

(3) A licensee shall cause every living room, kitchen and bathroom to be thoroughly scraped and white washed or painted once a year or more often as the Council may by notice in writing require.

Hotel registers

12. A licensee of a hotel shall keep a register in which shall be entered the name, sex, nationality, occupation, time and date of arrival and departure of every lodger.

Lodging house registers

13. (1) A licensee of a lodging house shall keep a register in which shall be entered the name and sex of every lodger.

(2) Such entry particulars shall be made at the time the lodger is accommodated in the lodging house.

Inspection

14. Hotel and lodging house registers shall be made available at all times for inspection by any police officer not below the rank of Sergeant, or with the written authority of the Chairman of the Council, by the Health Officer and any Council Inspector who may take extracts therefrom.

Free access for the purpose of inspection

15. The licensee of a hotel or lodging house shall at all times give free access to any member of the Council, Health Officer, Health Inspector, Inspector of enforcement of the Council, any other officer of the Council so authorized by the Chairman in writing in that behalf and all police officer for the purpose of inspection.

Penalty

16. Any person who contravenes any of the provisions of these By-laws commits an offence and shall on conviction be liable to a fine not exceeding twenty thousand ringgit.

Compounding of offences

17. (1) Notwithstanding any provision of these By-laws, any officer of the Council may in his discretion compound any offences under these By-laws by collecting from a person reasonably suspected of having committed the offence a sum not exceeding five hundred ringgit.

(2) On payment of such sum, an official receipt will be issued and no further proceedings shall be taken against the person in respect of such offence.

Made this 9th April 2010.

SAPDIN BIN IBRAHIM,
Chairman,
Pitas District Council.

I approve the foregoing By-laws.

Dated 9th April 2010.

DATUK HAJI HAJIJI HAJI NOOR,
Minister of Local Government and Housing.

Sabah LawNet