

**MUNICIPAL AND URBAN AUTHORITIES
ORDINANCE
(Cap. 162)**

**SANDAKAN MUNICIPAL COUNCIL
(GENERAL) BY-LAWS 1955
(G.N.S 121 of 1955)**

In exercise of the powers conferred upon it by section 50 of the Municipal and Urban Authorities Ordinance, the Sandakan Town Board has made the following by-laws:

1. Short title.

These by-laws may be cited as the Sandakan Municipal Council (General) By-laws 1955.

1A. Definitions. *[Add. G.N.S 125/57.]*

In these By-laws, the term "Health Officer" means the Medical Officer-in-Charge, Sandakan, or any other officer of the Government Medical Department authorised in writing by the Council with the prior concurrence of the Director of Medical Services to exercise the functions of the Health Officer in the urban area.

**PART I
MARKETS**

2. Market areas.

There shall be established the following markets in the Sandakan Municipal Council area:

- (a) the market buildings and area shown bounded in red and denominated as Market Area on Plan No. 10808 and Plan No. 16093 deposited in the Survey Office *[Sub. G.N.L 27/76.]*;
- (b) the market buildings and area situated at Mile 1½ North Road and denominated as market on Plan No. 9348 deposited in the Survey Office;
- (c) the market buildings and area situated at Tanah Merah and land described in Sandakan Town Lease No. 381 and denominated as Market on Plan No. 9387 deposited in the Survey Office;
- (d) the market buildings and area situated at Berhala Darat on Land marked with Reference No. 4779 and denominated as Market on Plan No. 9069 deposited in the Survey Office;
- (e) the market buildings and areas shown on Survey Lot No. 07200026 on Plan No. 07150111 deposited with the Director of Lands and Surveys *[Add. G.N.L. 17/85.]*

3. Hours of business and prohibition.

- (1) The markets shall be open daily from 5.30 a.m. to 6.00 p.m. and no sale shall be made within the markets except during those hours:

Provided that the President of the Council may allow sales at other hours on occasions specified by him.

- (2) The sale or offer for sale of fresh fish (which shall include crabs and shell fish), fresh beef, fresh mutton, fresh pork, fresh venison, fresh poultry or live poultry is prohibited within the Municipal Council area otherwise than in the markets:

Provided that fresh fish may be sold or offered for sale outside the markets to fish-curers.

- (3) No fresh beef, fresh mutton or fresh pork shall be sold or offered for sale in the markets except beef, mutton, or pork cut from carcasses of animals slaughtered at approved slaughterhouses or at places outside the Municipal Council area approved by the Council on such conditions as it may direct.
- (4) Vegetables may not be sold or offered for sale outside the markets except at premises approved by the Council.
- (5) Eggs, fruit, salt-fish, dried fish and turtle eggs may be sold or offered for sale in the markets or in any shop outside the markets.

4. Sale in the markets.

Commodities shall not be sold within the markets except at stalls or sites allotted by the Council.

5. Classes of stalls.

- (1) Market stalls or sites shall be divided into six classes, namely-
 - (a) fish, for the sale of fresh fish and shell fish;
 - (b) meat, for the sale of beef, mutton and venison;
 - (c) vegetable, for the sale of vegetables, fruit, eggs, turtle eggs, flowers, and such other articles of food as may be approved by the President of the Council from time to time;
 - (d) poultry, for the sale of poultry and poultry eggs;
 - (e) pork, for the sale of pork;
 - (f) sundries, for the sale of other articles approved by the President of the Council.
- (2) No articles classified above shall be sold at a stall of a different class.

6. Rent of stalls.

- (1) The markets shall be divided by the President of the Council or his representative into stalls or sites which shall be let on such condition as the Council may impose for the sale of the commodities specified in the lease.
- (2) No lessee of a stall or site shall sell at such stall or site any commodity other than that for which the stall or site is let.
- (3) No person other than a lessee of a stall or site shall sell any commodity in the markets.
- (4) The Council at its discretion may refuse to lease a stall or site or to renew any lease thereof.
- (5) The lessee of a stall or site shall, on payment of the rental specified in by-law 7, be given a permit in the form of Schedule IV, which the lessee shall display conspicuously at his stall or site. *[Add. G.N.S 53/59.]*

7. Rental.

The amount of rental payable for each stall or site shall be as follows:

- (a) In the market referred to in paragraph (a) of by-law 2 *[Sub. G.N.L 27/76, G.N.L 17/85; am. G.N.L 11/90.]*-

RM
per month

(i)	Vegetable or fruit stalls (front stalls)	... ..	80.00
(ii)	Vegetable or fruit stalls (others)	... ..	30.00
(iii)	Sundry stalls (toys, medicine, cigarettes)	... ..	40.00
(iv)	Sundry stalls (tinned food and others)	... ..	40.00
(v)	Cake/bread/spring rolls stalls (others)	... ..	30.00
(vi)	Rice stalls	... ..	15.00
(vii)	Newspaper stalls	... ..	30.00
(viii)	Curry powder stalls	... ..	30.00
(ix)	Flower stalls	... ..	40.00
(x)	Native tobacco stalls	... ..	30.00
(xi)	Poultry stalls	... ..	45.00
(xii)	Beef stalls	... ..	100.00
(xiii)	Pork stalls	... ..	100.00
(xiv)	Clothing stalls	... ..	80.00
(xv)	Sundry (cosmetic) stalls	... ..	60.00
(xvi)	Cooked food stalls (day or night)	... ..	60.00
(xvii)	Fish stalls	... ..	100.00
(xviii)	Salt fish stalls	... ..	40.00
(xix)	Floor space (per lot)	... ..	20.00
(xx)	Cold box (for fish)	... ..	2.00 per cu. ft.

Rental for sundry and clothing stalls at the extension market shall be half that payable above.

(b) In the market referred to in paragraph (b) of by-law 2-

		RM <i>per month</i>
All stalls for fish, meat, pork, vegetable, poultry, cooked food or sundries	... ..	30.00

(c) In the market referred to in paragraph (c) of by-law 2-

		RM <i>per month</i>
All stalls for fish, meat, pork, vegetable, poultry, cooked food or sundries, etc.	... ..	30.00

(d) In the market referred to in paragraph (d) of by-law 2-

	RM <i>per month</i>
All stalls for fish, meat, pork, vegetable, poultry, cooked food or sundries	30.00
(e) In the market referred to in paragraph (e) of by-law 2-	

	RM <i>per month</i>
All stalls for fish, meat, pork, vegetable, poultry, cooked food or sundries	30.00

8. Payment of rental.

All rents shall be payable in advance on the first day of each month.

9. Prohibition.

No person shall carry on any handicraft or deal in wines or spirits within any public market.

10. Obstructions.

No person shall place or store goods on the pathways and no articles shall be exhibited for sale on the pathways, or over any drain within the markets, and no board, box, basket, or other articles shall be left in, upon, or across any such drain or pathway.

11. Fires and cooking.

No fire or cooking shall be allowed within a market except in places provided or sanctioned by the Council.

12. Sleeping.

No persons, excepting vendors, shall be allowed to remain in the market at night, and not more than one such person to each stall. No woman or children shall be allowed to reside within the limits of the market. No person shall be allowed to lounge or sleep in the market by day or to sit or lie on the tables.

13. Hawking.

- (1) No person shall hawk goods within the market.
- (2) No person shall bring any live pigs, sheeps, goats or cattle into the market.

14. Refuse and cleansing.

No refuse shall be deposited in the market otherwise than in dust-bins provided for the reception of the same, and it shall be the duty of vendors to remove all rubbish and empty cases daily, and every occupier shall cause his tables, the floor below his tables, and the pathways and drains adjoining thereto to be cleaned and washed every evening before six o'clock.

15. Weekly cleansing.

The Council may require all goods to be removed from the stalls at least once a week and the whole of the market to be thoroughly cleansed to the satisfaction of the officer appointed to inspect the same.

16. Water supply.

The watertaps and services in a market shall be under the control of the Council.

17. Sunshades.

No sunshade shall be erected except with the consent of the inspecting officer.

18. Discipline.

The Council may expel from any public market any vendor or servant of a vendor who has been convicted of disobeying any of these By-laws or any local regulation made by the Council and may prevent such person from further carrying on any business in such public market, or occupying any stall therein.

19. Exception.

Nothing in these By-laws shall be held to prohibit the sale of refrigerated fish, beef, mutton, game or poultry from any premises which have been approved by the Council.

PART II
BAKERIES, COOK-SHOPS AND EATING-SHOPS

20. Definitions.

“Bakery” means a place where bread in any form is prepared and baked for sale to the public.

“Cook-shop” means a place where food or drink is prepared or cooked for sale to the public but not for consumption upon the premises.

“Eating-shop” means a place where food or drink is sold to the public for consumption on the premises and includes coffee shop, ice-cream shop and the like but not a place licensed under the Excise Act 1976 [Act 176].

“Keeper” means the person who is in charge of the bakery, cook-shop or eating-shop and includes a proprietor whether he is on the premises or not.

21. Licensing of bakeries, cook-shops and eating-houses.

- (1) No person shall use any building within municipal limits as a bakery, cook-shop or eating-shop for the preparation for sale to the public of any human food or drink except with a licence from the Council which may grant or withhold the same at its discretion.
- (2) Every Licence shall state the situation of the building.
- (3) For every licence a fee shall be charged as follows [Am. G.N.L 27/76; sub. G.N.L 17/85; am. G.N.L 11/90, G.N.L 12/90, G.N.L 3/93.]:

	RM <i>per month</i>
(a) Eating-shop (restaurant)	
1st Class (air-conditioned) 	130.00
2nd Class (air-conditioned) 	100.00
3rd Class 	70.00
(b) Eating-shop (coffee shop) 	70.00
Eating shop (coffee shop)-cum-food stall 	130.00
(c) Side food stall within coffee shop 	19.00

(d)	Cook-shop (including ice-cream and noodle-making)	... ..	30.00
(e)	Bakery (including biscuit and confectionery shop)	... ..	50.00
(f)	Eating-shop having two tables or less	... ..	30.00

22. Lighting, ventilation, etc..

- (1) No building shall be licensed as a bakery, cook-shop or eating-house unless the construction, lighting, ventilation, cleansing, draining, sanitation and water supply thereof are satisfactory in the opinion of the Council.
- (2) All such places shall at any time be open to inspection by any officer of the Council.

23. Employment of persons suffering from disease.

No keeper of any bakery, cook-shop or eating-house shall allow any person suffering from any disease or infectious disorder, or having recently been in contact with a person so suffering, to handle food or take part in or assist in any way in the preparation or sale of food.

24. Exhibition of licences.

Every keeper of a bakery, cook-shop or eating-shop shall exhibit his licence at all times in a conspicuous place so as to be visible to every person entering the premises.

PART III DAIRIES

25. Definitions.

“Dairy” includes any milk-store, milk-shop or other place from which fresh milk is supplied or in which fresh milk is kept for purposes of sale.

26. Licensing of cow-keepers and dairymen.

- (1) No person, whether his cowshed or dairy is situated within or without the Municipal Council area, shall carry on the trade of a cow-keeper, dairyman or purveyor of milk within the Municipal Council area unless licensed in that behalf by the Council, and the conditions of the licence shall apply to cowsheds or dairies wherever situated.
- (2) Licences may be issued by the Council on the conditions set out hereunder, and any licence may be cancelled by the Council 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 [*Mod. Act 160.*].

27. Conditions of licence.

The conditions of the licence shall be as follows:

- (a) the licensee shall furnish to the Council 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;

- (c) all such places shall be freely ventilated and well drained and all filth and refuse shall be removed at least once in every twenty-four hours, and 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 Council;
- (e) the licensee shall permit any officer of the Council to take at any time from any milk offered for sale, or kept in any cowshed, dairy or place for the sale of milk controlled by the licensee, such quantity of such milk as such officer shall require for the purpose of analysis, on his tendering payment thereof;
- (f) the licensee shall give immediate notice in writing to the Council if any animal under his control becomes infected with disease;
- (g) the licensee shall give immediate notice in writing to the Council 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, become ill of cholera, small-pox, bubonic plague, tuberculosis, or any infectious disease.

28. Adulteration of milk.

No person shall sell or offer for sale any fresh milk in uncovered containers or to which any water or other ingredient 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 Council and shall have a plentiful supply of pure water;
 - (b) the licensee shall not allow any persons-
 - (i) to eject water from the mouth or nose on to any clothes received for washing;
 - (ii) to sleep or live in a room where any process of laundering is carried out;
 - (iii) to spit in a room where the process of laundering is carried out;
 - (iv) 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;
- (2) Every licence shall state the situation of the laundry.
- (3) For every licence a fee of thirty ringgit per month shall be charged [*Mod. Act 160; am. G.N.L 27/76; sub. G.N.L 17/85.*].

31. Inspections.

Every approved wash-house shall be open to inspection by the Health Officer and by the officers of the Council, and all orders given by them shall be at once obeyed.

PART V
HOTELS AND LODGING HOUSES
[Sub. G.N.S 176/60.]

32. Meaning of lodging houses.

A "lodging house" means a house or part thereof in which lodgers are accommodated for 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; or
- (c) which is used for the reception of sick or dying persons or for the lying-in of women:

Provided that nothing herein shall include-

- any house provided by an employer for the accommodation of his employees;
- any hotel.

33. Licensing of hotel or lodging house [Am. G.N.L 15/62, G.N.L 17/85, G.N.L 11/90, G.N.L 2/93].

- (1) No person shall carry on the business of a hotel or a lodging house without a valid licence granted by the Council under these By-laws.
- (2) The fee payable for the grant or renewal of a licence under these By-laws shall be ten ringgit per bedroom per annum.
- (3) No licence shall be granted unless the Council is satisfied that the premises are suitable for use and occupation as a hotel or lodging house in respect of which application is made.

34. Sleeping rooms.

- (1) No room used as a sleeping room in the hotel or lodging house shall be less than 120 square feet or less than seven feet six inches wide.
- (2) The licensee shall conspicuously display on the wall of each sleeping room the number of occupants allowed by the Council, and no person in excess of that number shall be accommodated therein.

35. Cleanliness and sanitation.

- (1) The licensee of a hotel or lodging house shall keep the premises and all articles for use by the lodgers in a clean and sanitary condition and shall comply with such instructions as may be given by the Council for the purpose of ensuring the health and safety of the lodgers.
- (2) The licensee shall cause every room to be thoroughly cleansed daily before 11 a.m. and shall cause every living room, kitchen and bathroom to be thoroughly scraped and whitewashed or painted once a year or more often as the President may by notice in writing require.

36. Registers.

- (1) The licensee of a hotel shall keep a register showing the name, sex, nationality, occupation, the time and date of arrival and departure of each lodger and the number of the room allocated.
- (2) The licensee of a lodging house shall keep a register showing the name and sex of each lodger provided that in the case of houses used for the reception of sick or dying persons or for lying-in of women the register shall give in addition the previous residence, the date and time of admission and departure or death of the persons admitted.
- (3) All entries in the register, except the time and date of departure, shall be made as soon as the lodger is

accommodated in the hotel or lodging house.

37. Inspections.

The licensee of a hotel or lodging house shall at all times give free access to any member of the Council, Health Officer, Inspector of the Council, any other officer of the Council so authorised by the President in writing in that behalf and all police officers not below the rank of sergeant for the purpose of inspecting the premises or registers and shall upon the written request of the President furnish within twenty-four hours of such request a free copy of any part of such registers.

PART VI OFFENSIVE OR DANGEROUS TRADES

38. - 45. (Revoked by G.N.L 18 Of 1985).

PART VII STORAGE OF INFLAMMABLE MATERIALS AND LIQUIDS [Sub. G.N.S 125/57.]

46. Definitions.

In these By-laws-

“inflammable liquid” shall not include petroleum as defined in the Petroleum Ordinance 1960 [Ord. 21/60].*

47. Licence to store inflammable materials and liquids.

(1) No person shall without a licence keep in or about any place any inflammable liquid or matches except 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.

48. Licence fees.

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

	<i>RM per annum</i>
(a) Inflammable liquids-	
For the first 8,008 gallons or part thereof	40.00
For every subsequent 8,008 gallons or part thereof	2.00
(b) Matches-	
Not exceeding 10 cases	24.00
Exceeding 10 cases	100.00

49. Production of licence on demand.

(1) The occupier of premises used for the storage of any of the abovementioned articles shall on demand by the Council 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 Council shall direct.

- (2) If the stock be not removed forthwith by the occupier it may be removed by the Council and any expenses thereby incurred shall be recoverable from the occupier in the manner prescribed in section 97 of the Local Government Ordinance 1961 [Ord. 11/61].

50. Provision for cancellation of licences.

If at any time after the issue of any licence it appears to the Council 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 Council to cancel such licence. Six months' notice of cancellation of a licence shall be given except in cases where the public safety is concerned. In such cases the Council may cancel the licence without notice. No compensation shall be payable on the cancellation of any licence.

51. Containers.

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

52. Not applicable to Government goods.

By-laws 46 to 51 inclusive shall not apply to goods belonging to the Government.

52A. Rules for Government stores for public use.

The following rules shall apply to Government stores for public use administered by the Council:

- (i) the store shall be opened daily (Sundays and gazetted holidays excepted) from 7.00 a.m. to 11.00 a.m. 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 Council. A fee of fifty sen per hour or part of an hour may be charged for opening the store on Sundays and gazetted holidays;
- (ii) 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;
- (iii) all goods are stored at owner's risk;
- (iv) 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 materials, oils or liquids.	five sen per package per month or part of a month.

PART VIII BARBERS SHOPS

53. Licences for barbers shops.

No person shall use any building as a barber's shop or for the purpose of hair-cutting, shaving or like occupations for profit, except with a licence from the Council which may grant or withhold the same at its discretion.

54. Conditions.

- (1) No building shall be licensed as a barber's shop unless the construction, lighting, ventilation, drainage,

sanitation and water supply thereof have been inspected by the Health Officer or Deputy Health Officer and approved by the President or the Council.

- (2) No keeper of a barber's shop shall allow any person suffering from an infectious or contagious disorder or having recently been in contact with a person so suffering, to work or assist in any way in a barber's shop.
- (3) No alteration in any manner affecting the matters referred to in this by-law shall be made without the prior approval of the President or the Council.

55. Special requirements.

The following special requirements shall apply to all barber shops:

- (a) buckets shall be provided for cut hair and refuse;
- (b) wash basins and soap shall be provided;
- (c) every such shop shall have a sterilizer for boiling or steaming towels;
- (d) every customer shall be provided with fresh and clean towel;
- (e) suitable receptacles and sterilizers shall be provided and used for the sterilization of razors, brushes, combs, clippers, and scissors;
- (f) all combs and brushes shall be washed in disinfectant every evening;
- (g) customers suffering from diseases of hair or skin shall be refused service.

56. Definition.

Disinfectant for the purpose of the preceding by-law shall consist of half a tea-spoonful of lysol or dettol to a pint of water.

57. Licence fee.

For every such licence the following fees shall be charged [*Am. G.N.L 27/76, G.N.L 17/85, G..N.L 11/90.*]

					RM <i>per seat/ per month</i>
(i)	Hair dressing saloon with limb massage	...	...	...	60.00
(ii)	Unisex Saloon	...	...	...	30.00
(iii)	Barber Shop	...	...	...	10.00

PART IX HAWKERS

58. Definitions.

In these By-laws, "hawker" includes any pedlar or other itinerant trader, and also any person who habitually sells goods from a place other than an established market or a place held on a title or a temporary occupation licence under the Land Ordinance [*Cap. 86.*].

59. Licensing of hawkers.

No person shall ply as a hawker in the Sandakan Municipal Council area unless he is the holder of a hawker's

licence issued under these By-laws.

60. Issue of licence [*Sub. G.N.S 125/56.*].

The Council may issue to any person applying therefor a licence to hawk goods or commodities in the Municipal Council area. Such licence shall be in the form set out in Schedule III.

61. Conditions.

- (1) A licence issued under these By-laws shall be valid for a period not exceeding three months and shall expire at the end of the quarterly period in which it is issued, that is to say on 31st March, 30th June, 30th September and 31st December, as the case may be.
- (2) The fee shall be thirty ringgit per month [*Mod. Act 160; sub. G.N.S 125/56, G.N.L 17/85.*].
- (3) (a) The holder of a licence issued under these By-laws-
 - (i) shall display such licence conspicuously whilst engaged in hawking;
 - (ii) shall not whilst engaged in hawking remain stationary in any place except for the purpose of serving a particular customer or customers then present;
 - (iii) shall not conduct any sale within thirty feet of any street corner;
 - (iv) shall not ply between twelve midnight and six a.m.;
 - (v) shall dispose of any rubbish or litter only in receptacles provided or approved by the Council.
- (b) In addition, if licensed to hawk edible goods, the holder of a licence issued under these By-laws-
 - (i) shall not use any stall unless such stall has been approved by the Council;
 - (ii) shall use only such utensils as may be approved by the Council;
 - (iii) shall keep his person and clothes and any utensils used in a clean and hygienic condition as may be approved by the Council;
 - (iv) shall whilst engaged in hawking edible goods carry a supply of clean water sufficient to enable any utensils used to be kept in a clean and hygienic condition;
 - (v) shall after serving any edible goods to a customer not sell or attempt to sell any unconsumed portion of such goods to another customer.
 - (vi) shall be medically examined by the Health Officer at least once in each year or as often as required by the Council;
 - (vii) shall prepare edible goods in a clean and hygienic manner to the satisfaction of the Health Officer;
 - (viii) shall, if the edible goods are prepared elsewhere than at the stall from which they are sold, declare to the President of the Council the place of preparation of the goods, which place shall be open at all times to inspection by the Health Officer.

PART X
LICENCES

62. Applications [*Am. G.N.S 176/60.*].

- (a) Applications for licences under these By-laws shall be made in writing to the Council, and shall in the case of licences for bakeries, cook-shops, and eating-shops, dairies, laundries, barbers shops and hawkers be accompanied by two photographs of the applicant.

- (b) If so required by the Council, an application shall be accompanied by a certificate of good health from the Medical Officer.

63. Issue of licences [Am. G.N.S 176/60.].

The President may in his discretion issue to any person applying therefor a licence under these By-laws. Every such licence shall if for a bakery, cook-shop, dairy, laundry, or barbers shop be in the form in Schedule I to the By-laws; if for an offensive or dangerous trade or for the storage of explosives, inflammable liquids, fireworks, matches or cartridges, be in the form in Schedule II, and if to ply as hawker be in the form in Schedule III.

64. 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) be subject to such conditions as the Council may think fit to impose.

65. 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.

66. Prohibition of transfer.

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

67. 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, unless otherwise expressly stated, be revocable at the discretion of the Council on one month's notice being given to the holder thereof, and in any case all licences or permits shall expire on the 31st of December in each year.

PART XI
NUISANCES

68. Hoardings and advertisements.

Except as provided in by-law 69, no person shall display or cause to be displayed any advertisement or notice of any description within the Municipal Council area without the prior written sanction of the President of the Council.

69. Exemption.

The following advertisements or notices may be displayed without prior sanction:

- (a) public notices issued by the Government of Sabah or the Sandakan Municipal Council [Mod. G.N.S 87/65.];
- (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 shop advertising goods sold within that shop or affixed to the outside of a cinema advertising cinema shows being or to be shown in that cinema, provided that these By-laws shall be in addition to and not derogation from the provisions of *Gazette* Notification No. 106 of 1921 or any subsequent notification in lieu thereof;

- (d) notices not larger than 13" x 8" in size notifying sports meetings or functions in aid of or arranged by charitable institutions:

Provided that the Council may, in its discretion, order the person in charge of such advertisement or notice or the owner of any premises on which such advertisement or notice appears to obliterate or remove it, and any person failing to obliterate or remove any advertisement when ordered to do so shall be guilty of an offence against these By-laws.

70. Noise.

No owner or occupier of a building whether temporary or permanent or of premises in which is carried on any business or occupation for profit shall, except with permission in writing of the President, cause or permit the playing of music or the making of other sound or noise by means of radio broadcast, loudspeaker, gramophone or other mechanical device for the production of sound for entertainment in such a manner that such music, sound or noise is directed or deflected outwards from such building or premises into the road, street or adjacent property:

Provided that nothing in this by-law shall prohibit the production of music, sound or noise of sufficient volume for the exclusive entertainment of the persons inside the building or premises.

70A. No flower pot or other object on sunshade or canopy [Add. G.N.L 49/81.].

No person shall place or hang or cause to be placed or hung any flower pot or any object or thing of whatever nature, whether for decorative purposes or otherwise, on any sunshade or canopy of any building within the town brick area.

71. Permission to keep certain animals.

No person shall keep any horses, ponies, cattles, sheep, goats, pigs or poultry within the municipal limits, except with the permission in writing of the President.

72. 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 its death or if death occurs at night within four hours after daylight, remove and bury the carcass at a depth of not less than four feet and at a place to be reported to and finally approved by an officer of the Council.

73. 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 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 to be there 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 of not longer than seven days.

74. Construction of stables, pigsties, etc..

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

75. Objectionable animal.

No person shall keep an animal that is a nuisance or injurious to health.

PART XII
SLAUGHTERHOUSES

76. Approval of slaughterhouses.

No place shall be used as a slaughterhouse unless approved by the Council. Such approval may be withdrawn at any time if in the opinion of the President the premises are found to be unfit for use as a slaughterhouse.

77. Cleanliness.

Every slaughterhouse together with the yards, pens and appurtenances thereto shall be kept in complete repair and in an efficient sanitary condition and all filth or refuse shall be removed forthwith by the slaughterer to the satisfaction of the Council.

78. Disposal of refuse.

All filth or refuse shall be deposited and disposed of only in such places and in such manner as the Council may from time to time direct.

79. Diseased animals.

- (1) No diseased animals shall be admitted for slaughter, and the Health Officer may refuse to allow the slaughter of any animal or the dressing of any carcase which by reason of emaciation is unfit in his opinion for food for man.
- (2) The Health Officer or any person authorised by the President shall have power to examine any carcase or any animal intended to be slaughtered.
- (3) On such examination the Health Officer or other authorised person may order any animal found to be unfit for food for man to be killed, and may order any carcase so found to be unfit to be so disposed of as to prevent it being used as food for man.

80. Detention in pens.

No animal brought for slaughter shall be kept in the pens for a period exceeding 12 hours and no animals shall be admitted except those brought for slaughter.

81. Fees.

The following fees shall be levied:

For the slaughter of cattle	... ..	RM1.00 a head
For slaughter of goats, sheep or pigs	... ..	RM0.50 a head

PART XIII
FOOD UNFIT FOR CONSUMPTION

82. 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 man in a tainted, adulterated, diseased or unwholesome condition.

83. Protection of foodstuffs from contamination.

No person shall offer for sale in any market, street-stall, bakery, eating-house or shop any foodstuffs not adequately protected from flies.

84. Seizure of unfit food.

Any officer or member of the Council may seize any such food and shall thereupon bring the same forthwith before the Health Officer, or in his absence the President, who may order it to be destroyed or to be so disposed of as to prevent it from being used as food for man.

PART XIV
CONSERVANCY AND HYGIENE

85. Construction of latrines.

Every owner or occupier of a building shall, within one month from the receipt of a notice requiring him to do so, cause to be provided on his premises a latrine to the satisfaction of the Council, which shall be so situated as to be easily reached from a back lane if such exists and so constructed as to give due facilities for cleansing the same.

86. Removal of latrines.

The owner or person having control of any cesspool or latrine may at any time be required to disinfect, alter or remove the same within ten days from the receipt of a notice from the Council requiring him to do so.

87. Access to latrines.

Every occupier of a building shall if so required give to the servants of the Council free access to his latrine for the removal of nightsoil, within such hours as may be fixed by the Council.

88. Litter [*Mod. G.N.S 87/65.*].

No person shall dispose of, other than in receptacles provided by the Council for the purpose, any paper, cardboard, refuse, litter, wrappings or like material, on any public road or on any reserve on State land within the Municipal Council area.

89. Removal of refuse.

Every owner or occupier of a building shall provide and use suitable receptacles of metal for collecting within his premises all refuse and rubbish, and once at least daily shall cause the contents thereof to be removed and placed in the dust-bins carts provided by the Council. No refuse or rubbish shall be deposited on any street, reserve or drain.

90. Collecting of refuse.

The Council shall have the exclusive right to collect and remove, and to delegate to others the right to collect and remove, all refuse and rubbish from such dust-bins and all nightsoil from latrines, and all matter so collected shall be the property of the Council which may sell or otherwise dispose of it.

91. Carrying nightsoil.

Persons carrying nightsoil, liquid manure, or other offensive substances on any public road or place shall use covered buckets of an approved pattern and shall conduct the removal between the hours of 11 p.m. and 8 a.m. only.

92. Paving of floors.

Every owner or occupier of a building shall, within one month from the receipt of a notice requiring him to do so, have the floors of kitchens, bathrooms, latrines, outhouses, yards and the surface immediately round the walls, paved with an impervious material and sloped so as to carry away all liquid to a drain, and shall maintain the same at all times in good condition.

93. Wells, streams, etc..

- (1) The owner or person having control of any well within the municipal limits shall, if so required by the Council, cause the mouth thereof to be surrounded by a wall at least two feet high and provided with a suitable cover.

- (2) No person shall-
 - (a) pollute any well, reservoir or stream ordinarily used for drinking purposes or injure any watercourse or drain;
 - (b) use offensive manure on any field or garden within the Municipal Council area.
- (3) If, after examination by the Health Officer, any well is found to be polluted the owner or person having control thereof shall close the same forthwith on receipt of an order in writing from the Council to do so.

94. Maintenance of private drains.

Every owner or occupier shall be responsible for the maintenance in good order and repair, subject to the satisfaction of the Council, of all private drains on his premises and land.

95. Drainage of outhouses.

Where a public drain exists within 100 feet of a house or building, the Council may require the owner to provide the outhouses and kitchen of such house or building with an impervious floor to prevent the soakage of foul water and other offensive liquids into the soil, and with suitable drains or pipe communications to lead the same into the public drain.

96. Removal of noxious matter, etc..

Where it appears to any officer of the Council that any accumulation of weeds, undergrowth, manures, refuse or other noxious matter ought to be removed, the owner or occupier of the premises or land on which such accumulation occurs, on receipt of a notice from the President requiring him to do so, shall remove the same within 48 hours.

97. Arcades.

Every owner or occupier shall maintain clean and in good order and free from obstruction the arcade in front of or abutting on his premises.

98. Filthy premises.

- (1) When, on the certificate of a Health Officer or in his absence the President, it appears to the Council that any house or part thereof is in such a filthy, overcrowded or unwholesome condition that the health of any person is affected or endangered thereby, the owner or occupier of such house on receipt of a notice from the Council shall whitewash, cleanse, purify, alter or destroy the same or take such other steps as the notice may require.

When a house to be deemed overcrowded.

- (2) For the purposes of this by-law a house shall be deemed to be so overcrowded as to be dangerous or prejudicial to the health of the inhabitants thereof if it or any room therein is found to be inhibited in excess of the proportion of one adult to every three hundred and fifty cubic feet of clear internal space and in such calculation every person over ten years of age shall be deemed an adult and two children not exceeding ten years of age shall be counted as an adult and in measuring such space no space at the height of more than ten feet shall be taken into consideration.

Council may remove partitions, etc..

- (3) The Council may cause to be removed any partition, gallery, loft, roof, ceiling or other structure which in the opinion of the Health Officer, or in his absence the President, is unhygienic and injurious to the welfare of the inmates.

99. Corpses.

- (1) No person shall throw or deposit, or cause to be deposited, any corpse or carcase, or any part of a corpse or carcase, upon any road or in any drain, river or watercourse, or on the banks of any river or

watercourse.

- (2) No person shall carry a corpse along any road unless it be decently covered and concealed from public view.

100. Spitting in public places.

No person shall spit into or on any public thoroughfare public place or vehicle, school, or any place where the public have access.

100A. Animals and birds prohibited in certain premises [Add. G.N.S 125/57.].

No person shall keep or harbour any live animal or bird on any premises used for the production, handling or sale of any foodstuffs (other than premises on which the only foodstuffs handled or sold are tinned foodstuffs) except with the written approval of the Council on the recommendation of the Health Officer.

PART XV STREETS AND PUBLIC PLACES

101. Prohibition of removal of barriers [Corr. G.N.S 128/55.].

No unauthorised person shall take down, alter or remove any lights placed or fixed across or in any street for purposes of public safety or to prevent the passage of vehicles or animals.

102. Mutilation of trees, etc..

No unauthorised person shall damage or remove any trees, shrubs or turf growing in any public ground.

103. Private walls and posts.

- (1) The owner or occupier of any premises on which there is a wall, fence, gate-post or gate bordering on any public road shall cause the same to be kept in a good state of repair and to be properly painted or whitewashed from time to time as the President may direct in writing.
- (2) The owner or occupier of any premises on which there is a hedge bordering on any public road shall cause such hedge to be kept in a good state of repair and to be properly trimmed from time to time as the President may direct in writing.

104. Lines and poles across street.

No unauthorised person shall without the approval of the President in writing-

- (a) place any line or pole along or across any public street;
- (b) place any clothes or other articles on any line, pole, fencing or post in any public street or any ornamental open space.

104A. No parking on open space [Add. G.N.L 36/63.].

- (1) No persons other than a person authorised in that behalf by the Council or the agent of the person so authorised shall drive on to or allow any vehicle to remain stationary on any open space.
- (2) The owner or driver of any vehicle left standing on an open space shall on demand by any authorised officer of the Council forthwith remove such vehicle.

For the purpose of this by-law, an "open-space" shall mean any place not being a road or street to which the public has access.

104B. No servicing or repairs to vehicle on any road or street [Add . G.N.L 36/63.]

No person shall use any road or street for the purpose of servicing or carrying out any repairs to any vehicle:

Provided that this by-law shall not apply so as to prevent the carrying out of such repairs as may be necessary for making any vehicle mobile for continuing its journey after such vehicle has, by reason of some mechanical defect or other cause, broken down or stopped on any road, or street, and provided that such repairs shall be carried out as expeditiously as possible.

PART XVI SERVICE OF NOTICES

105. Definitions.

In by-laws 106 to 109 inclusive-

“document” means any notice or other process issued under the provisions of the Ordinance;

“holding” means any land, with or without buildings thereon, which is held under a separate document of title.

106. 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 may be made on any adult member of his family who is residing with him 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 service.

107. Alternative modes of services.

- (1) When it appears to the President that service in the manner prescribed in by-law 106 cannot be effected or if the person required under the provisions of paragraph (2) of by-law 106 to sign an acknowledgment refuses to do so, the President may order that service be effected either by-
 - (a) affixing a copy of the document in some conspicuous position upon the holding which is affected; or
 - (b) affixing a copy thereof to some part of the house or building in which the person to be served ordinarily resides or has his place of business; or
 - (c) affixing a copy thereof at the mosque, market or other common place of resort in the town or village in which the person to be served ordinarily resides or last resided.
- (2) The President 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.

108. Endorsements on documents.

In every case of service of any document the serving officer or President 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.

109. 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 XVII
MISCELLANEOUS

110. Conduct of meetings.

Discussion at any meeting of the Council 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 72 hours before the time of the meeting at which they are to be discussed:

Provided that this by-law shall not apply to subjects the discussion of which is considered by the majority of the Council to be a matter of immediate urgency.

111. Definition of municipal limits.

In these By-laws, the expression "municipal limits" shall mean the whole Municipal Council area, except-

- (a) for the purposes of by-law 93 (1) where that expression shall mean the area of approximately 1,790 acres delineated on Survey Department Plan No. 9384 as Survey Lot No. 2445 and on the said Plan delineated in blue; and
- (b) for the purposes of by-law 71 where that expression shall mean the area of approximately 76 acres delineated on Survey Department Plan No. 9384 as Survey Lot No. 2446 and on the said Plan delineated in green.

112. Fee prescribed for objections to valuations [Mod. Act. 160].

The prescribed fee for the purpose of section 78 of the Local Government Ordinance 1961 [Ord 11/61.] to accompany notices of objections to valuations is five ringgit in respect of each separate lease or licence granted under the Land Ordinance [Cap. 68.] of which the valuation is being objected to.

113. Penalty [Mod. Act. 160; am. G.N.L 17/85].

Any person who contravenes the provisions of these By-laws shall on conviction be liable to a fine not exceeding five thousand ringgit and in the case of a continuing offence shall be liable to a fine not exceeding two hundred ringgit for every day during which such offence is continued.

113A Compounding of offences [Add. G.N.L 25/62; mod. Act 160; am. G.N.L 17/85].

The President or the Vice-Chairman or any officer of the Council duly authorised in writing by the Council in such behalf may compound any offence committed under these By-laws by accepting from the offender a sum of money not exceeding one hundred ringgit and no person having made such payment shall be thereafter prosecuted for the same offence:

Provided that no person shall be deprived of his right to claim trial in Court under this by-law if he so wishes.

114. Revocation.

The following By-laws and Rules are hereby revoked:

The Sanitary Board General By-laws 1931, published as G.N. 482 of 1931 and amended by G.N. 183 of 1947, G.N.S. 14 of 1948, G.N.S 117 of 1949, G.N.S 89 of 1950, G.N.S 96 of 1952, G.N.S 39 of 1953, G.N.S 56 of 1953 and G.N.S 148 of 1953, as far as they apply to Sandakan.

By-laws 1 to 8 inclusive, 8A to 8G inclusive, and 35 of the Sandakan Sanitary Board Special By-laws 1931 published as G.N. 486/31 and amended by G.N.S 6 of 1949, G.N.S 85 of 1954 and G.N.S 25 of 1955.

The Sandakan Sanitary Board By-laws published as G.N. 455 of 1941.

The Sandakan Sanitary Board (Hoardings and Advertisements) By-laws 1948 published as G.N.S 136 of 1948.

The Sandakan Sanitary Board (Litter) By-laws 1952 published as G.N.S 89 of 1952.

The Sandakan Town Board (Hawkers) By-laws 1954 published as G.N.S 164 of 1954.

G.N.S 157 of 1953 prescribing the meaning of "Town Limits".

SCHEDULE I
(By-law 63)

SANDAKAN MUNICIPAL COUNCIL
LICENCE FOR BAKERY/COOK-SHOP/DAIRY/LAUNDRY/BARBER'S SHOP*

Licence No.....

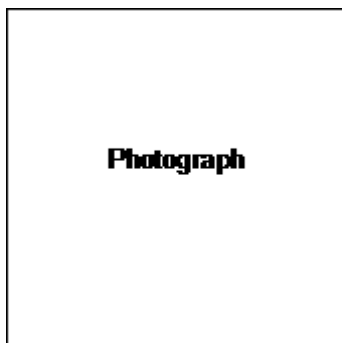
Description:.....

Name:.....

Address:.....

.....

Valid from:..... to



Shop No:.....

Amount paid
RM.....

Treasury Receipt
No.....

(Signed).....
Secretary

(Date).....

(This must be displayed conspicuously)

*Delete where not applicable.

SCHEDULE II
(By-laws 63)

SANDAKAN MUNICIPAL COUNCIL
LICENCE FOR OFFENSIVE OR DANGEROUS TRADE/ STORAGE OF EXPLOSIVES,
INFLAMMABLE LIQUIDS, FIREWORKS, MATCHES OR CARTRIGES*

Licence No.....

Description:.....

Name:.....

Address:.....

Premises:.....

Valid from:..... to

Treasury Receipt No..... for RM.....

(Date).....

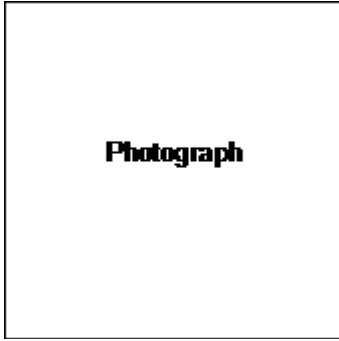
(Signed).....

Secretary

*Delete where not applicable.

SCHEDULE III
(By-laws 63)

SANDAKAN MUNICIPAL COUNCIL
HAWKER'S LICENCE



Right Thumb/Signature

Name:.....

Address:.....

.....

Goods to be hawked:.....

Licence fee RM..... per month.

Signature of Licensing Officer.

Receipt No.....

Valid until

.....

.....

.....

[Add. G.N.S 53/59.]

SCHEDULE IV
(By-law 6)

SANDAKAN MUNICIPAL COUNCIL
MARKET STALL/SITE PERMIT

Permit No.

.....
Right Thumb Print/Signature

Name:

Address:

Stall No:

<i>Rental Paid</i>	<i>Receipt No.</i>	<i>Valid Until</i>
RM.....
RM.....
RM.....
RM.....

(Signed)
Secretary

Dated19.....

(This permit must be displayed conspicuously)

The Governor has been pleased to approve the foregoing By-laws.

J. F. G. DINGLE,
Chairman.
Sandakan Town Board.

19th July 1955.

March 2008

* **Ord. 21/1960 has been repealed by Petroleum (safety Measures) Act 1984 (Act 302).**