

LOCAL GOVERNMENT ORDINANCE 1961

(Ordinance No. 11 of 1961)

UNIFORM (SEGREGATION AND DISPOSAL OF ORGANIC WASTE) BY-LAWS 2016

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In exercise of the power conferred by section 50A of the Local Government Ordinance 1961, the Minister of Local Government and Housing makes the following By-laws:

PART I PRELIMINARY

Short title, application and commencement

1. (1) This By-laws may be cited as the Uniform (Segregation and Disposal of Organic Waste) By-laws 2016 and shall be deemed to have come into force on the date of its publication in the *Gazette*. [c.i.f. 15.12.2016]

PART II

Interpretation

2. (1) In this By-laws, unless the context otherwise requires -

"Minister" means the Minister for the time being in charge of the responsibility for matters relating to local authority;

"Local Authority" means any District Council, Town Board or Municipal Council established under the provision of Section 3 of the Local Government Ordinance 1961;

"owner" means as defined in Section 4 of the Sabah Land Ordinance and any person occupying land by virtue of any licence granted under the provisions of any written law relating to land tenure;

"occupier" includes any person in actual occupation of property without regard to the title under which he occupies and, in the case of property

subdivided and let to various tenants and lodgers, the person receiving rent payable by the tenants or lodgers whether on his own account or as an agent for any person entitled thereto or interested therein;

“person” includes individuals, corporate bodies and all other types of organization or entities;

“disposal” means the disposal of any organic waste by any means including destruction, incineration, deposit or decomposing;

“organic waste” means putrescent animal or vegetable resulting from handling, preparation, cooking, serving or consumption of food;

“Authorised officer” means any officer appointed by the local authority;

“segregation” means to separate the organic waste from the non organic waste;

“premises” means any food factories, residential, any food outlets or any other types of building which the local authority shall specified from time to time.

PART III

Power to order segregation and disposal of the organic waste

3. (1) The Local Authority shall have the power to order any owner or occupier of premises to do segregation and disposal of organic waste and the owner or occupier shall be obliged to comply with such order.

(2) Pursuant to the abovementioned by-laws 3 (1), the Local Authority shall have the power to determine types of equipment, machinery or any other technology to be used in the process of segregation and disposal of the organic waste.

(3) The costs of purchasing, installation and maintenance of such equipment, machinery or any other technology as ordered by the Local Authority to be used shall be solely borne by the owner or occupier of a premises.

PART IV

Authorised officer

4. The Local Authority may, in writing authorised any of its officers to exercise the powers of enforcement under this By-laws.

Power of enforcement

5. An authorised officer may, for the purpose of enforcing this by-laws:
- (a) visit, enter, inspect and examine with or without previous notice any premises at any time to ensure that the order made by the Local Authority under by-laws 3 (1) are being complied with,
 - (b) if an inspection by the authorised officer, any owner or occupier failed to comply with the order of the Local Authority, the authorised officer may compound any offence committed under the provisions of this by-laws.

Obstruction

6. Any person who –
- (a) refuses any authorised officer access to any premises which the authorised officer is entitled to have under this by-laws or in the execution of any duty imposed or power conferred by this by-laws;
 - (b) assaults, obstruct, impede or interferes with any authorised officer in the execution of his duty or power by this by-laws;
 - (c) refuses to give any authorised officer any information relating to an offence or suspected offence under this by-laws or any of the information which may reasonably be required of him and which he has in his knowledge or power to give,

has committed an offence under this by-laws.

Compounding of offences

7. (1) The Local Authority or its authorised officer, may compound any offence committed by any person under this by-laws by making a written offer to the person suspected of committing the offence a sum not exceeding five hundred ringgit within the time specified in the offer.

(2) An offer under by-laws 7 (1) may be made at any time after the offence has been committed, but before any prosecution for it has been instituted, and if the amount specified in the offer is not paid within the time specified in the offer or within such extended period as the Local Authority may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer is made.

(3) If an offence has been compounded under by-law 7 (1) and paid, no prosecution shall after that be instituted at any time after that against that person to whom the offer to compound was made and paid.

Penalty

8. Any person who contravenes the provision of these by-laws shall on conviction be liable to a fine not exceeding ten thousand ringgit or an imprisonment not exceeding one year or both and in the case of a continuing offence not exceeding two hundred ringgit for every day during which such offence is continued.