

LOCAL GOVERNMENT ORDINANCE, 1961
(Ordinance No. 11 of 1961)

KOTA KINABALU MUNICIPAL COUNCIL
(ADVERTISEMENT) BY-LAWS, 1983

In exercise of the powers conferred by Section 50 of the Local Government Ordinance, 1961, the Kota Kinabalu Municipal Council hereby makes the following By-laws :-

1. These By-laws may be cited as the Kota Kinabalu Municipal Council (Advertisement) By-laws, 1983, and shall be deemed to have come into force on the 1st day of July, 1983.

Citation and commencement.

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

Interpretation.

“advertisement” means any notice, circular, pamphlet or any document exhibited on any hoarding board, roof, wall, paling, fence, tree, frame, signboard, plate, cloth, bar, pillar, post, wire, casing or other erection or contrivance or any part thereof, on, in or over any land, house, building, structure, footway, street, place or public resort or any vehicle used for the purpose of advertisement and includes sky-sign, directional sign and signboard but does not include any ground or window display;

“Council” means the Kota Kinabalu Municipal Council;

“directional sign” means a display in any manner the registered trade mark or the nature of the trade, business or profession of any person, firm, corporation

or organisation and intended to point the way to the premises where a signboard would not be visible from the street;

“ground floor display” means any display or advertisement within the opening or openings fronting the shop-front on the ground floor of any premises behind the rear line of a footway but does not include any display on the side walls or piers of any shop frontage;

“illuminated advertisement” includes either internal or external illumination;

“licensee” means any person who holds a licence under these By-laws;

“poster stand” means a stand provided by the Council for display of posters;

“signboard” means any board which displays the name or the registered trade mark of any person, firm, corporation or organisation and the nature of the trade, business or profession carried on by such person, firm, corporation, organisation and which is visible from any street or public place and which is fixed to or painted on the façade or street frontage of or in the actual building where such trade, business or profession is carried on but not on side walls, fences or open spaces between the street and the said building; and “window display” means any display or advertisement in a ground floor room of any building designed as a show room with the opening or premises of such room behind the rear line of the footway but does not include any display on the side walls or piers of any such show room;

- (2) In these By-laws, reference to the person exhibiting an advertisement shall be construed as reference to the person who himself or by his servant or agent exhibits or causes to be exhibited such advertisement and shall be deemed to include:
- (a) the owner or occupier of the land on which the advertisement is being exhibited;
 - (b) any person, firm, corporation or organisation to whose goods, trade, business, profession, events or other concerns, publicity given is by advertisement.

3. (1) No person shall exhibit or cause to be exhibited any advertisement other than those exempted under by-law 9 without a licence issued by the Council.
- (2) The Council may impose such conditions as it thinks fit in any licence issued under these By-laws.
- (3) Where the Council approves the retention of any advertisement or signboard which has been exhibited without its prior approval, the annual licence fee at double rate shall be paid in respect of the licence whenever issued.

Licences.

4. (1) An application for licence or the renewal thereof shall be in the form set out in the Second Schedule and shall be accompanied by –

Application
for licences.

- (a) a sketch showing full details of the advertisement and a site plan of a scale of eight metres to one centimetre showing the location of the proposed advertisement; and
- (b) the fees specified in the Third Schedule.

- (2) The Council may require an applicant to deposit a sum equivalent to half the prescribed fee or three hundred ringgit whichever is the lesser but this deposit shall not be less than twenty-five ringgit.
- (3) Unless the deposit or any part thereof is used to defray the expenses incurred under by-law 13 such deposit or the balance thereof shall be refunded to the applicant at the expiry of the licence and after the removal of the advertisement.
- (4) An application for renewal of licence shall be submitted one month before the date of expiry of the licence and shall be accompanied by the prescribed fee.

- | | | |
|----|---|--------------------------------------|
| 5. | A duplicate licence may be issued in the event of loss of the original licence for a fee of ten ringgit. | Issue of duplicate licence |
| 6. | A search fee for any licence shall be ten ringgit and shall be paid in advance. | Search fee. |
| 7. | (1) The Council may refuse to issue any licence or to grant the renewal thereof without assigning any reason thereto. | Power to refuse and revoke licences. |
| | (2) Where the Council refuses to issue a licence or renew a licence, it shall refund the licence fee in full, and the deposit if any. | |
| | (3) If the application for a licence or renewal is withdrawn before approval by the Council, half of the fee prescribed shall be refunded to the applicant. | |
| | (4) The Council may revoke any licence without assigning any reason thereto provided that before revoking the licence the Council shall give one month notice in writing of its intention to the licensee. | |
| | (5) Where a licence is revoked the licensee shall remove the advertisement within fourteen days of the date of such revocation. | |
| | (6) Where a licence is revoked under this by-law, no compensation shall be payable but so much of the licence fees which is proportionate to the unexpired period of the licence shall be refunded to the licensee. | |
| 8. | An advertisement licensed under these By-laws shall only be displayed within the areas as may be approved by the Council. | Areas for advertisement. |
| 9. | (1) No licence shall be required for – | Exemption from licence. |

- (a) an advertisement no exceeding two square metres in size advertising a sale or letting of land or house where the advertisement is exhibited on the land or property for sale or to let:

Provided that not more than one such advertisement of sale or letting shall be exhibited in respect of one property;

- (b) a Building or Civil Engineering Contractor's signboard not exceeding four square metres in size where the signboard is erected on the property upon which any building or civil engineering work is being carried out:

Provided that not more than one such signboard shall be exhibited in respect of any one project;

- (c) any sub-contractor's signboard not exceeding two square metres in size erected in connection with any building or civil engineering projects:

Provided that only one signboard shall be exhibited in respect of any one project which signboard shall not bear any pictorial matter;

- (d) one directional sign not exceeding one square metre bearing the name of the person or firm, corporation or organisation, erected on a site approved by the Council;

- (e) the exhibition of Parliamentary and State election posters, if such posters are exhibited with the prior written permission of the Council and subject to such conditions as the Council may impose.

- (2) Notwithstanding that no licence is required for any advertisement under this by-law such advertisement shall be exhibited in accordance with by-law 10.

10. (a) No advertisement below a height of six meters but not less than three metres measured vertically from the roadway shall project beyond half metre of the building line. Heights and projections of advertisement, etc
- (b) No advertisement above a height of six metres measured vertically from the roadway shall project more than one and a half metre beyond the building line.
- (c) No advertisement shall obscure or obstruct any windows or fume exhaust placed on the outer wall of a building.
- 11.(1) Any structure, together with any fixture to a building or part of a building, erected for the purpose of displaying any advertisement shall be certified structurally sound by a registered architect or a structural engineer for a period of the licence in the form set out in the Fourth Schedule and if required by the Council, such certification shall include the structural stability of the building or part of the building supporting the advertisement. Safety of advertisement structures.
- (2) Any plans submitted under the preceding paragraph shall comply with the requirements of the Building By-laws 1951 [*G.N.S 55/1951. G.N.S 33/1952*]. G.N.S. No 55/1951. G.N.S. No 33/1952.
- (3) The Council may in any particular case exempt the applicant from the requirement of paragraph (1).
12. (1) The Council may by notice in writing order the licensee to repair, repaint or clean any advertisement within the time prescribed in the notice. Maintenance of advertisement.
- (2) If the colours of a licensed illuminated advertisement when illuminated are likely to cause confusion, annoyance or otherwise a nuisance to the public, the Council may require such colours to be changed.
- (3) The licensee shall comply with such order.

13. (1) The Council may order the removal of any advertisement including any structure erected specially for the advertisement displayed without a licence or in contravention of these By-laws or where the display of any advertisement is in furtherance of an illegal trade, business or undertaking. Removal of advertisement.
- (2) The Council or its officers may enter into any premises and execute the removal.
- (3) The expenses for such removal shall be borne by the person displaying such advertisement and the Council may deduct such expenses from any money due to that person under by-law 4 (3) or by-law 7 (6).
- (4) The Council may, for the purpose of repairing, repainting or cleaning any poster stand, remove any poster and notwithstanding that there may be any unexpired period of the licence no amount shall be refunded to the licensee.
14. (1) The responsibility for the collapse or failure of any structure or fixture connected with the displaying of advertisement whether in the course of construction or after its completion, shall be on the licensee. Licensees responsible for the collapse of structure.
- (2) Notwithstanding that an advertisement has been approved by the Council or that the Council has exempted any person from the provisions of by-law 9 (1), the Council shall not be liable for any damage done to any person or property by the collapse or failure of the structure or fixture for the advertisement.
15. The Council shall not be liable for any damage caused by it or its officers in pursuance of the provisions of these By-laws. Damage.
16. The Council may prohibit any advertisement which in its opinion and belief is indecent and immoral in nature. Immoral and indecent advertisement.

17. (1) The Council may grant exemption from any provision of these By-laws, to any person as it thinks fit.

(2) Any person exhibiting or causing to be exhibited any advertisement which is exempted from any licence under the By-laws hereby revoked, shall within six months of the coming into force of these By-laws notify the Council in writing accompanied with a photograph of that advertisement.

18. Any person who contravenes any of the provisions of these By-laws or any condition in a licence shall be guilty of an offence and shall be liable to a fine not exceeding five thousand ringgit and in the case of a continuing offence, a fine not exceeding two hundred ringgit for everyday during which such offence is continued.

Penalty.

18 A. The Mayor may compound any offence under these By-laws by collecting from a person reasonably suspected of having committed the offence a sum of not exceeding RM500.00 and on payment of such sum of money, no further proceedings shall be taken against the person in respect of that offence.

Compoundin
g of offences
(L 2/06)

19. In any prosecution for any offence under these By-laws, it shall be presumed until the contrary is proved that –

Presumption.

- (a) any advertisement displayed on any premises was done by or with the consent of the owner or occupier of such premises;
- (b) any advertisement of any produce was so displayed by the manufacturer of that product or in the case of imported goods the sole agent or distributor;
- (c) any advertisement of any event was displayed by the promoter of that event or where such promoter is unknown the person to whom the proceeds of the sale of any tickets for that event will be made or the person or party who stands to gain by such advertisement.

20. The Kota Kinabalu Municipal Council (Advertisement) By-law, 1966, is hereby
revoked.

Revocation
G.N.L. 24/66.

FIRST SCHEDULE

KOTA KINABALU MUNICIPAL COUNCIL
(ADVERTISEMENT) BY-LAWS 1983

ADVERTISEMENT/SIGNBOARD/POSTER LICENCE

Name:

Address:

is hereby licensed by the Kota Kinabalu Municipal Council to display the following
advertisement/signboard/poster:

(1)

(2)

(3)

(4)

at (exact location/address)

commencing from 19

to 19

.....

President

Kota Kinabalu Municipal Council

Licence fee Ringgit

Receipt No.

File ref:

SECOND SCHEDULE

KOTA KINABALU MUNICIPAL COUNCIL

(ADVERTISEMENT) BY-LAWS 1983

APPLICATION FORM FOR ADVERTISEMENT/SIGNBOARD/

POSTER LICENCE

(By-law 4 (1))

1. Name in full:

(In Capital Letters)

2. Address:

3. Description (illuminated/unilluminated)

4. Size Amount

.....
.....
.....

5. Address at which advertisement/skysign/signboard/poster to be exhibited:

(1)

(2)

(3)

(4)

6. Height from road surface:

7. Period of exhibition. From 19

to 19

I/We affirm that the proposed advertisement/signboard/poster shall not be displayed until a licence has been issued by the Sandakan Municipal Council. I/We attach herewith two copies of drawings for the advertisement/skysign/signboard/poster together with the site plan of the scale of eight metres to one centimetre.

.....

Signature of owner of

Signature of Applicant

Building/Land

* Delete where not applicable.

[Subs. L 19/87.]

THIRD SCHEDULE

KOTA KINABALU MUNICIPAL COUNCIL

(ADVERTISEMENT) BY-LAWS 1983

FIRST COLUMN		SECOND COLUMN	
<i>Types of Advertisement</i>		Fee payable	
		<i>Minimum</i>	<i>Maximum</i>
		<i>Ringgit</i>	<i>Ringgit</i>
(i)	Unilluminated advertisement:	<i>Per annum</i>	
	(a) For area not exceeding ten square metres	125	250
	(b) For every square metre or fraction thereof in excess of ten square metres	15	25
	Illuminated advertisement:		
	(a) For an area not exceeding ten square metres	250	500
	(b) For every square metre or fraction thereof in excess of ten square metres	25	50
(ii)	Where the superficial support exceed the space used for the display of the advertisement, for every square metre or fraction thereof in excess of such space	15	25
(iii)	Small advertisement not exceeding one square metre in size, intended to be exhibited in excess of one advertisement of the same design –		
		<i>Each</i>	
	Not exceeding 100 in number	30	60
	Exceeding 100 but not 500	25	50
	Exceeding 500 but not 1,000	20	40

	Exceeding 1,000	15	30
(iv)	Advertisement on a board projecting more than sixteen centimetres beyond the building, the area of the signboard including framework and where the display is on both sides of the board each face of the advertisement shall be measured:		
		<i>Per annum</i>	
	(a) Unilluminated – area not exceeding two square metres per sign	40	75
	(b) Unilluminated – for every square metre or fraction thereof, in excess of two square metre ..	25	50
	(c) Illuminated – per square metre or fraction thereof	40	75
(v)	Sky-sign: licences for sky-sign measured over the area of the space used for the display of the sky-sign per square metre	40	75
(vi)	Where the superficial supports exceed the space used for the display of the advertisement for every square metre or fraction in excess of such space	20	40
(vii)	Advertisement within Amusement Parks	Half of any fee payable under Third Schedule	
(viii)	Poster displayed on poster stand per square metre per month	15	25

FOURTH SCHEDULE

KOTA KINABALU MUNICIPAL COUNCIL

(ADVERTISEMENT) BY-LAWS 1983

CERTIFICATION OF STRUCTURAL PLANS

(FOR ENDORSEMENT ON PLANS TO BE SUBMITTED FOR APPROVAL)

I being a Registered Architect/Structural Engineer do hereby certify that the above structure is and shall be structurally sound for the period of and I accept full responsibility accordingly.

Certified this day of 1983.

.....

Architect/Engineer.

Dated at Kota Kinabalu, this 24th day of September, 1983.

JOHN LIM GUAN YEE,

President

Kota Kinabalu Municipal Council.

I approve the foregoing By-laws.

Dated at Kota Kinabalu, this 12th day of October, 1983.

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