

LOCAL GOVERNMENT ORDINANCE, 1961

(No. 11 of 1961)

KOTA KINABALU MUNICIPAL COUNCIL

(CONTROL OF ANIMAL) BY-LAWS, 1981

(G.N.L. 43 of 1981)

In exercise of the powers conferred upon it by section 50 of the Local Government Ordinance, 1961, the Kota Kinabalu Municipal Council has made the following By-laws:

Ord. No 11 of
1961.

1. These By-Laws may be cited as the Kota Kinabalu Municipal Council (Control of Animal) By-laws, 1981, and shall come into operation on the 1st day of October, 1981.

2. In these By-laws:-

Interpretation.

"Council" means the Kota Kinabalu Municipal Council.

"Animal" includes buffaloes, horse, pony, pig, goat, cattle, sheep and any other animal which may be specified from time to time by the Council.

3. (1) No person shall keep any animal in any area within the Council's jurisdiction except in accordance with a permit granted by the Council.

Permit for animal
keeping application and
grant.

(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. (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 —

Prevention of nuisance.

(i) to reduce the number of animals 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 unnecessary delay comply with such notice.

5. The Council may cancel or suspend a permit if the holder of such permit:-

Cancellation of 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. (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.

Stray animal to be impounded.

(2) If any animal so impounded shall not be redeemed by the owner thereof within fourteen 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 President of the Council and the proceeds of such sale, after deduction the expenses thereof and the pound fees due, shall be paid to the owner of the animal upon application being made by him thereof to the Council. In default of such balance being claimed within three 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 liable to a penalty prescribed under by-law 11 of these By-laws.

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

Pounds to be established.

8. (1) The keeper in charge of each pound shall be appointed by the Council.

Pound keeper

(2) Every such pound-keeper shall be deemed to be a public servant within the meaning of the Penal Code. *[F.M.S. Cap 45]*

F.M.S. Cap 45.

9. The following pound fees are prescribed —

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

10. (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.

Liability of owner or person in charge for damage done.

- (2) A certificate by the President 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.

10A. "The Mayor may compound any offence under these By-laws by collecting from a person reasonably suspected of having committed such an offence a sum not exceeding RM500.00 and on payment of such sum of money, no further proceeding shall be taken against such person in respect of that offence".

11. Any person contravening or attempting to contravene any of the provisions of these By-laws for breach whereof no penalty is otherwise provided shall be liable upon conviction to a fine of **five thousand** ringgit and to imprisonment for six months.

Dated at Kota Kinabalu, this 21st day of September, 1981.

DATUK HAJI BISTARI BIN

DATUK HAJI JINURAN,

President,

Kota Kinabalu Municipal Council.

I approve the foregoing By-laws.

Dated at Kota Kinabalu, this 30th day of September, 1981.

DATUK YAP PAK LEONG,

*Minister of Town and Country
Development.*