

LOCAL GOVERNMENT ORDINANCE 1961 (No. 11 of 1961)

SANDAKAN MUNICIPAL COUNCIL (EARTHWORKS) BY-LAWS 1981 (G.N.L 2 of 1982)

In exercise of the powers conferred upon it by subsection (1) of section 50 of the Local Government Ordinance 1961, the Sandakan Town Board, with the approval of the Minister, has made the following by-laws:

1. Citation and commencement.

These by-laws may be cited as the Sandakan Municipal Council (Earthworks) By-laws 1981 and shall come into force on the 1st day of January 1982.

2. Interpretation.

“Council” means the Sandakan Municipal Council;

“duly qualified engineer” means a professional engineer registered under the Registration of Engineers Act 1967 [Act 138] and practising with the written approval of the Board of Engineers;

“earthworks” shall have the same meaning as that given to it in the Local Government Ordinance 1961;

“minor earthworks” means any earthworks which the Council through the Engineer to the Council by direction exempts from the provisions of these By-laws, or on an application, certifies as minor earthworks.

3. Permit for earthworks.

No person shall carry out any earthworks without a permit from the Council.

4. Application for permit.

An application for a permit shall be made in writing and shall be accompanied by a plan or plans as referred to it in by-law 6.

5. Grant of permit.

The Council may, in its absolute discretion, grant or refuse a permit or grant a permit subject to such conditions as it thinks necessary.

6. Submission of plans.

Whenever any earthworks are required to be carried out by any person or persons such person or persons shall submit such plan or plans in triplicate as the Council may require for the purpose, and such plan or plans shall be drawn and signed by a duly qualified engineer who shall be responsible for the proper execution of the earthworks.

7. Council may direct, amend plans or impose conditions for execution of earthworks.

The Council may give such directions or make such amendments to the plans or impose such further conditions for the execution of the earthworks if it deems fit and such directions, amendments or conditions shall be complied with.

8. Fee.

A fee of fifty ringgit shall be paid at the time when a plan is submitted to the Council for consideration under these By-laws.

9. Exemption.

These By-laws shall not apply to minor earthworks.

10. Penalties [Mod. Act 160.].

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

11. Council may recover cost of repairing damage.

- (1) The Council acting through its President may direct any person who contravenes any provisions of these By-laws to repair at his expense any damage caused by him in consequence of such contravention and if he fails to do so, the Council shall engage a contractor to do the same and the cost shall be charged to the person who committed such breach together with a surcharge of not more than ten per centum of such cost.
- (2) The cost of repairs shall be in addition to or in substitution for the penalty imposed under by-law 10.

12. Compounding of offences.

- (1) The President of the Council may in his discretion compound any offence under these By-laws by collecting from a person reasonably suspected of having committed the offence a sum not exceeding one hundred ringgit.
- (2) On payment of such sum, no further proceedings shall be taken against the person in respect of such offence.
- (3) The payment shall be evidenced by a receipt issued by the Council.

Dated at Sandakan this 28th day of November 1981.

DATUK THIEN THAU KIEW,
*Commissioner,
Sandakan Town Board.*

I approve the foregoing By-laws.

Dated at Kota Kinabalu this 30th day of November 1981.

DATUK YAP PAK LEONG,
*Minister of Town and Country
Development.*

March 2008