

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

TAWAU MUNICIPAL COUNCIL
(GENERAL) BY-LAWS 1956
(G.N.S 99 of 1956)

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

TAWAU MUNICIPAL COUNCIL
(GENERAL) BY-LAWS 1956
(G.N.S 99 of 1956)

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

Short title.

1. These by-laws may be cited as the Tawau Municipal Council (General) By-laws 1956.

Definitions.

- 1A. In these By-laws, unless the context otherwise requires-

“Health Officer” means the Medical Officer, Tawau, 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;

“Licensing Committee” means the Standing Committee appointed by the Council to consider applications for licences under the By-laws and to advise the Council thereon.

PART I
MARKETS

Market areas.

2. The following markets shall be established in the Tawau Municipal Council area -

- (a) the market buildings and areas shown bounded in pink and/or white and denominated as Market Areas on Tawau Town Plan No. 9383 deposited with the Director of Lands and Surveys;
- (b) *(Deleted)*.

Hours of business and prohibition.

3. (1) The markets shall be open daily from 5.30 a.m. to 6 p.m. and no sale shall be made within the markets except during those hours:

Provided that the President of the Municipal 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 or fresh prawns may be sold or offered for sale outside the markets to 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 Municipal 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 Municipal Council.

Sale in the markets.

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

Classes of stalls.

5. (1) Market stalls or sites shall be divided into sixteen classes, namely -

- (a) Vegetable: for the sale of vegetable, eggs and other commodities as may be approved by the President of the Tawau Municipal Council from time to time.
 - (b) Fruits: for the sale of fruits, candies and such other commodities as may be approved by the President of the Tawau Municipal Council from time to time.
 - (c) Sundry: for the sale of toys, tin food and cosmetic.
 - (d) Cake: for the sale of cakes, bread and other bakery products.
 - (e) Rice: for the sale of rice.
 - (f) Newspapers: for the sale of newspapers, books and stationery.
 - (g) Curry powder: for the sale of curry powder and spices.
 - (h) Flower: for the sale of flowers and decorative plants.
 - (i) Native tobacco: for the sale of native tobacco.
 - (j) Poultry: for the sale of poultry.
 - (k) Beef: for the sale of beef.
 - (l) Pork: for the sale of pork.
 - (m) Roasted pork: for the sale of roasted pork.
 - (n) Clothing: for the sale of clothings.
 - (o) Cooked food: for the sale of cooked food and drinks.
 - (p) Fish: for the sale of fish and frozen fish, shell fish and sea mammals.
- (2) No articles classified above shall be sold at a stall of a different class.

Rent of stalls.

6. (1) The markets shall be divided by the President of the Municipal Council or his representative into stalls or sites which shall be let on such conditions as the Municipal Council may impose for the sale of the commodities specified in the licence.

(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) The Municipal Council at its discretion may refuse to lease a stall or site or to renew any lease thereof.

Rental.

7. The amount of rental payable for each stall or site shall be as set out in Schedule I.

Payment of rental.

8. All rents shall be payable in advance on the first day of the period covered by the licence.

Prohibition.

9. No person shall carry on any handicraft or deal in alcoholic liquors within any public market.

Obstructions.

10. 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.

Fires and cooking.

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

Sleeping.

12. No person, except a vendor, shall be allowed to remain in the market at night, and not more than one such person to each stall. No woman or child shall be allowed to remain at night 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 at any time.

Animals.

13. No person shall bring any live animal into the market except for sale under licence.

Refuse and cleansing.

14. No refuse shall be deposited in the market otherwise than in dustbins provided for the reception of the same, and it shall be the duty of vendors to remove all rubbish and empty containers daily, and every occupier shall cause his tables, the floor below his tables, and the pathways, drains and walls adjoining thereto to be cleaned and washed every evening within half an hour after closing down.

Weekly cleansing.

15. 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.

Water supply.

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

Sunshades.

17. No sunshade shall be erected except with the consent of the Council.

Discipline.

18. 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.

Exception.

19. Nothing in these By-laws shall be held to prohibit the sale of refrigerated foodstuffs from any premises which have been approved by the Municipal Council.

PART II
BAKERIES, COOK-SHOPS AND EATING-SHOPS

Definitions.

20. "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 prepared and/or sold to the public for consumption on the premises and includes coffee shop, ice-cream shop and the like.

"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.

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

21. (1) No person shall use any building within town 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) The fees payable for the licences shall be as set out in Schedule VI.

Lighting, ventilation, cleanliness, etc..

22. (1) No building shall be licensed as a bakery, cook-shop or eating-shop unless the construction, paint work, lighting, ventilation, cleansing, draining, sanitation and water supply thereof and utensils used therein are satisfactory in the opinion of the Council.

(2) All such places shall be whitewashed or painted in the months of March and October of each year and also at any other time when the President may by notice in writing so require.

(3) All such places shall at all times be open to inspection by any officer of the Council.

Employment of persons suffering from disease.

23. No keeper of any bakery, cook-shop or eating-shop 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 or drink.

Exhibition of licences.

24. 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

Definition.

25. "Dairy" includes any milk-store, milk-shop or other place from which fresh milk or pasteurised milk is supplied or in which fresh milk is kept for purposes of sale and/or distribution.

Licensing of cow-keepers and dairymen.

26. (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-laws 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.

Conditions of licence.

27. The conditions of the licence shall be as follows -

(a) the licensee shall furnish to the Municipal 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, and sterilized to the satisfaction of the Health Officer;

(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, or by any person authorised by the President;

(e) the licensee shall permit any officer of the Council to take at any time from any milk offered or intended for sale, or from any milk 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 President shall have authority to request the Veterinary Officer to carry out, at the expense of the Council such inspections or tests on dairy herds which the Council may at any time consider necessary. The owner of the herd shall give the Veterinary Officer every facility necessary for carrying out the inspections or tests, and the owner shall pay such proportion of the cost thereof as the Council may direct. The owner shall carry out the instructions of the Veterinary Officer regarding the destruction or isolation from the herd of any diseased animal subject to appeal to the President of the Municipal Council within twenty-four hours of the issuing of such instruction. Pending the President's decision the owner shall isolate any such diseased animal, and its milk shall not be supplied to the public;
- (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, contracts cholera, small-pox, bubonic plague, tuberculosis, or any other infectious disease.

Adulteration of milk.

- 28. No person shall sell or offer for sale any fresh milk or pasteurised milk in unhygienic or uncovered containers or to which any water or other ingredient has been added.

PART IV
LAUNDRIES

Licensing of washermen.

- 29. 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.

Conditions of licence.

30. (1) The conditions of the licence shall be as follows -
- (a) the building shall be approved by the Municipal Council and shall have a plentiful supply of pure water and suitable provisions for the disposal of all waste;
 - (b) the licensee shall not allow any person-
 - (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;
 - (d) the licensee shall refuse to accept any clothes for laundering from any person known to be suffering from any infectious or contagious disease.
- (2) Every licence shall state the situation of the laundry.
- (3) For every licence a fee of twelve ringgit per annum shall be charged.

Inspections.

31. Every approved wash-house shall be open to inspection by the Health Officer and by any authorised officer of the Council at any reasonable time.

PART V
HOTEL AND LODGING HOUSES

Meaning of hotel and lodging house.

32. In these by-laws -

“hotel” means any building or premises used for the accommodation of the public in which lodgings are provided and provisions are supplied by the keeper or manager thereof;

“lodging house” means a house or part thereof in which lodgers are accommodated for a 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.

Licences.

33. (1) The owner of a hotel or lodging house shall take out a licence from the Council.

- (2) The fees payable for hotel or lodging house shall be as follows-

		RM <i>per room/ per month or part thereof</i>
First Class	...	150.00
Second Class	...	100.00
Third Class	...	20.00

(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.

Sleeping rooms.

34. (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.

Cleanliness and sanitation.

35. (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 purposes 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.

Registers.

36. (1) The licensee of a hotel shall keep a register in English or Romanised Malay showing the name, sex, nationality, occupation and the time and date of arrival and departure of each lodger.

(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.

Inspections.

37. The licensee of a hotel or lodging house shall at all times give free access to any member of the Council, Health Officer, Health Inspector, 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 register 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 register.

PART VI

OFFENSIVE OR DANGEROUS TRADES

List of offensive trades.

38. (1) The trades listed in section 59 of the Municipal and Urban Authorities Ordinance as amended from time to time are offensive trades, viz -

A knacker or of blood-boiling or cleaning, tallow melting, fat melting or fat extracting, skin storing, skin curing, blood drying, gutscraping, fish drying, leather dressing, tanning, glue making, size making, charcoal burning, brick burning, lime burning, soap boiling, tyre processing, manure making, manure storing, bone storing, sauce manufacture, a foundry,

blacksmithy, sago factory or any other occupation, trade business or industry which the Yang di-Pertua Negeri may declare to be an offensive trade for the purposes of this section.

(2) The following shall be deemed to be dangerous trades -

Cinema operation, match manufacture, distilling and brewing, and retreading of tyres.

Licensing of offensive or dangerous trades.

39. (1) No offensive or dangerous trade shall be permitted within the Municipal Council area except with a special licence in writing from the Council and on the conditions hereinafter set out.

(2) For every licence a fee of fifty ringgit per month shall be charged.

Construction, drainage, etc..

40. No building shall be licensed for use in any offensive or dangerous trade unless the situation, construction, drainage and water supply are satisfactory and proper in the opinion of the Council.

Cleanliness.

41. All premises licensed for use in an offensive or dangerous trade shall be kept clean and wholesome so as not to be offensive or prejudicial to public health.

Exhibition of licenses.

42. Every owner or occupier of premises licensed for use in an offensive or dangerous trade shall exhibit his licence at all times in a conspicuous place so as to be visible to every person entering the premises.

Articles near dwelling-house.

43. No articles which in the opinion of the Council are offensive shall be spread or hung up to dry in any place within fifteen yards of any dwelling-house. The Council may in its discretion increase this minimum distance.

Storage of offensive or dangerous materials.

44. Every person carrying on any offensive or dangerous trade shall cause all materials which have been received upon the premises where his trade is carried on, and which are not immediately required for use, to be stored in such a manner and in such a situation as to prevent risk or danger to health.

Removal of refuse.

45. All refuse from the process of carrying on any offensive trade and all fat, offal and other offensive matter shall be removed, if so required by the Council, from the premises daily, and deposited in such place as may be approved by the Council.

PART VII
SALE OF PETROL

Sale from pump.

46. No petrol may be sold to the public except from a pump with an underground storage tank unless permission to use other means has been obtained from the Council.

Conditions.

47. Every owner or lessee of a petrol pump or other means of selling petrol to the public shall ensure that -

- (a) no smoking or naked lights are permitted on the premises within the immediate vicinity of the installation at any time, that all vehicle engines are switched off when filling is being carried out, and that notices to this effect in Malay, Chinese and English are prominently displayed;
- (b) when the filling of the storage tank is being carried out-
 - (i) proper bonding is made from the drum or tanker to the tank, using armoured hose screwed on to the drum or tanker and on to the tank by means of brass or bronze adapter;

- (ii) the area is cordoned by rope or other barrier to a distance of at least five feet outside the perimeter of the installation;
 - (iii) no unauthorised persons or vehicles are allowed inside the cordoned area;
 - (iv) a notice is displayed in Malay, Chinese and English as a warning to the public, e.g. "DANGER-FILLING IN PROGRESS"; and
 - (v) when filling from drums no other drum than that in use is allowed near the tank;
- (c) immediately on completion of filling, all empty drums are removed to an approved dump;
- (d) no mechanical repairs of any description on any vehicle are carried out in the immediate vicinity of the filling point.

Fire extinguishers.

48. Every owner or lessee of a petroleum installation shall comply with the written instructions of the O.C.P.D., Tawau.

Bulk storage installation.

49. (1) Every owner or lessee of any bulk storage installation for petroleum shall keep such fire fighting equipment as the O.C.P.D., Tawau may require to be available at the installation for immediately use.

(2) Any owner or lessee of any petroleum installation shall not allow petroleum from such installation to flow to waste except through a trap of an approved design.

Construction of installation.

50. Every installation constructed and licensed for the sale of petroleum by retail to the public shall, after these By-laws come into force, be of permanent materials, and where an

underground storage tank is filled from drums, shall have a ramp which will enable such drums to be unloaded from any vehicle without danger. Such ramp shall be of a design approved by the Council.

Transport of drums.

51. Every driver of any vehicle carrying drums of petrol to a petrol pump shall be responsible for ensuring that the vehicle carries no other goods.

PART VIII
STORAGE OF EXPLOSIVES AND INFLAMMABLE MATERIALS

Definitions.

52. In these By-laws -

“explosive” shall have the same meaning as that assigned to it by the Arms and Explosives Ordinance;*

“inflammable liquid” shall not include petroleum as defined in the Petroleum Ordinance.‡

Licence to store explosives, etc..

53. (1) No person shall without a licence keep in or about any place any inflammable liquid, explosive, matches, fireworks, calcium carbide or cartridges other than those specified hereunder -

inflammable liquids not exceeding four gallons;

matches not exceeding one case containing not more than two million sticks;

fireworks not exceeding five katties;

* Cap 8 was repealed by the Arms and Explosives Ordinance No. 17/56) which was subsequently repealed by the Arms and Explosives (Extension) Order 1997 (P.U. (A) 260/77).

‡ Cap. 98 was repealed by the Petroleum Ordinance (No. 21/60) which was subsequently repealed by the Petroleum (Safety Measures) Act 1982 (Act 302).

calcium carbide not exceeding five katties;

cartridges not exceeding 300 in number.

(2) Nothing in this by-law shall apply to inflammable liquids and explosives in course of transit in any licensed vehicle, nor to inflammable liquids for the propulsion of licensed motor vehicles, provided that it is contained in tanks fitted to motor vehicles by the manufacturer thereof for the purpose of carrying fuel necessary for the propulsion of such motor vehicles.

(3) Nothing in this by-law shall apply to dynamite, gunpowder, detonators and other explosives removed from a licensed store for immediate use in mining or other industrial purposes:

Provided that the previous permission of the Council for such removal shall have first been obtained, and that the removal shall be carried out in accordance with such conditions as the President of the Council may impose.

Licence fees.

54. The following fees shall be payable for licences to store the articles in the quantities specified -

		RM <i>per annum</i>
(a)	Inflammable liquids	
	For every first 8,008 gallons ...	40.00
	For every subsequent 8,008 gallons or part ... thereof	2.00
(b)	Matches and Fireworks	
	Not exceeding ten cases of matches or 100 ... katties of fireworks	24.00

Exceeding ten cases of matches or 100 katties of fireworks	...	100.00
For a special licence to store for festivals or other special occasions in quantities not exceeding twenty-five katties	...	0.25 a day
(c) Other explosives		
Not exceeding 100 katties	...	24.00
Exceeding 100 katties	...	100.00

Production of licences on demand.

55. (1) The occupier of premises used for the storage of any of the abovementioned articles shall on demand by any officer of 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 officer 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 108 of the Municipal and Urban Authorities Ordinance.

Proviso for cancellation of licences.

56. 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.

Containers.

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

(2) No fireworks or other explosives shall be stored in quantities exceeding five katties in weight except in containers previously approved by the Council.

Government goods exempted.

58. By-laws 52 to 57 inclusive shall not apply to goods belonging to or stored by the Government.

Rules for Government stores for public use.

59. The following rules shall apply to Government stores for public use administered by the Council -

(a) the store shall be opened daily (Sundays and Holidays excepted) from 7.00 a.m. to 11.00 a.m. and from 1.00 pm. to 5.00 p.m. on previous notification to the store-keeper. 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;

(b) 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 store-keeper at least once in every week and shall be compared with the stock;

(c) all goods are stored at owner's risk;

(d) 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 oils, liquids or explosives.	Five sen per package per month or part of a month.
--	--

PART IX
BARBER'S SHOPS AND BEAUTY PARLOURS

Licences for barber shops.

60. No person shall use any building as a barber's shop or beauty parlour 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.

Conditions.

61. (1) No building shall be licensed as a barber's shop or beauty parlour unless the construction, lighting, ventilation, drainage, sanitation and water supply thereof have been inspected and approved by the Council.

(2) No keeper of a barber's shop or beauty parlour 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 or beauty parlour.

Special requirements.

62. The following special requirements shall apply to all barber's shops and beauty parlours -

- (a) suitable covered containers 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 a fresh and clean towel;
- (e) suitable receptacles and sterilizers shall be provided and used;

- (f) all combs, brushes, clippers, razors and other equipment shall be either sterilized or thoroughly cleaned before use;
- (g) customers suffering from disease of hair or skin shall be refused service.

Definition.

63. Disinfectant used for sterilization as required in the preceding by-law shall consist of half a teaspoonful of Lysol or dettol to a pint of water.

Licence fee.

64. The fees payable for the licences shall be as follows -

		RM
		<i>per seat</i>
		<i>per month</i>
(a)	Hairdressing saloon with limb massage ...	60.00
(b)	Unisex Hairdressing saloon ...	30.00
(c)	Barber shop ...	15.00

PART X
DEALING IN SCRAP

Definition.

65. In these by-laws, "dealing in scrap" means the purchasing of scrap materials including metal of all kinds, but excluding rubber scrap.

Licences for scrap dealers.

66. No person shall deal in scrap otherwise than in accordance with a valid licence in the form of Schedule III.

Application for licence.

67. Any person desiring to deal in scrap shall make an application in writing to the Council for a licence, stating his name, age and description, and also the place or places in which he proposes to carry on business and the kind of scrap in which he proposes to deal.

Fee.

68. The Council may upon payment of a fee of fifty ringgit per month issue a licence to any applicant upon such conditions as shall be specified therein.

Registers.

69. Every person so licensed as aforesaid shall maintain a register of purchases made by him and such register shall state the name and address of the person from whom any scrap was purchased and full description thereof including the quantity thereof and the price paid therefor.

Register shall be open.

70. Such register shall be open to inspection by any duly appointed officer of the Council at any time during business hours.

Inspection.

71. The Council may in its discretion direct that any particular scrap purchased by a licensee shall be held for inspection by the Council before being exported, sold, treated or dealt with in any way.

PART XI
HAWKERS

Definition.

72. "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.

Licensing of hawkers.

73. No person shall hawk any goods or commodities in the Tawau Municipal Council area unless he is the holder of a valid licence issued to him under by-law 80.

Period of licence.

74. (1) A licence issued under this Part 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.

Fee.

(2) The fee for a full quarter shall be ten ringgit payable in advance, provided, however, that the fee payable for a period of less than three months shall be calculated at the rate of four ringgit for each month or part of a month during which the licence is to be in force.

Conditions of issue.

75. The holder of a licence issued under these by-laws -

- (a) shall display conspicuously such licence while engaged in hawking;
- (b) shall not while engaged in hawking remain stationary in any place except for the purpose of serving a particular customer or customers then present:

Provided that this paragraph shall not apply to any hawker who remains stationary between such hours as may be stated on his licence in any place within such areas as may be specified on his licence;

- (c) shall not conduct any sale within thirty feet of any street corner;
- (d) shall not hawk goods within the market or within a distance of 100 feet from any part of the market;
- (e) shall not ply between 12.00 midnight and 6.00 a.m.;
- (f) shall dispose of any rubbish or litter only in receptacles provided or approved by the Council.

Additional conditions for hawking edible goods.

76. In addition, if licensed to hawk edible goods, the holder of a licence issued under these by-laws -

- (a) shall not use any stall unless such stall has been approved by the Council;
- (b) shall, if required by the Council, furnish his stall and any receptacle for containing any edible goods or commodities used on any such stall with flyproof covers;
- (c) shall use only such utensils as may be approved by the Council;
- (d) shall keep his person and clothes and any utensils used in a clean and hygienic condition;
- (e) 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;
- (f) shall after serving any edible goods to a customer not sell or attempt to sell any unconsumed portion of such goods to another customer;

- (g) shall prepare edible goods in a clean and hygienic manner to the satisfaction of the Health Officer;
- (h) shall, if the edible goods are prepared elsewhere than at the stall from which they are sold, declare to the President of the Municipal Council the place of preparation of the goods, which place shall be open at all times to inspection by the Health Officer.

Cancellation.

77. The Council may at any time cancel any licence issued under these by-laws if in its opinion the holder fails to comply with these by-laws or is capable of performing any other trade than hawking.

PART XII

PUBLIC WEIGH-BRIDGES AND WEIGHING MACHINES

Provision by the Authority.

78. (1) The Council may provide public weigh-bridges and weighing machines in proper and convenient situations within the Municipal Council area.

Fees.

(2) The Council may charge such fees for the use of any such weigh-bridges and weighing machines as may be approved by the Council from time to time.

Prosecution.

(3) Any person who causes damage to or misuses any such weigh-bridges or weighing machines shall be deemed to have contravened these by-laws and may be prosecuted in accordance with the provisions of the Municipal and Urban Authorities Ordinance.

PART XIII
LICENCES

Applications.

79. (1) 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, eating-shops, dairies, laundries, barber's shops and hawkers be accompanied by two photographs of the applicant.

(2) Every licensee or employee engaged in the businesses enumerated under (1) shall be medically examined every six months, and an X-ray photograph of his chest shall be taken not less than once a year.

(3) Where the issue of a licence is contingent upon the production of a satisfactory medical certificate or certificates, such certificate or certificates shall be issued by the Health Officer and shall accompany the application for such licence.

Issue of licences.

80. (1) The President may with the recommendation of the Licensing Committee issue to any person applying therefor a licence under these By-laws.

(2) Every such licence shall -

(a) if it is for a bakery, cook-shop, dairy, laundry, barber's shop or beauty parlour, be in the form in Schedule II to the By-laws;

(b) if it is for an offensive or dangerous trade or for the storage of explosives, inflammable liquids, fireworks, matches or cartridges, be in the form in Schedule III;

(c) if it is to ply as a hawker, be in the form in Schedule IV; and

(d) if it is to sell goods in the market, be in the form of Schedule V.

Details of licences.

81. 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.

Quarterly fees.

82. 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.

Prohibition of transfer.

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

Revocation and expiry.

84. (1) 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. The Council in its discretion may order a proportionate refund of the fee paid in respect of any licence cancelled under these By-laws.

(2) It shall be a condition of a licence issued in respect of any premises required to be licensed under these By-laws that the licence holder shall display constantly and prominently for the duration of the licence a notice stating in English, Chinese and Romanised Malay, the purpose for which the premises are licensed. Such notice shall be placed beside or near the main entrance to such licensed premises and shall be maintained in a clean and legible condition.

(3) Unless otherwise provided, all licences shall expire on the 31st of December in the year of issue.

PART XIV
NUISANCES

Hoardings and advertisements.

85. (1) Except as provided in by-law 86, no person shall display or cause to be displayed any advertisement, notice or sign of any description within the Municipal Council area without the prior written sanction of the President of the Council.

(2) The Council may charge a fee to be determined by the President for any such advertisement, notice or sign sanctioned under this section.

Exemption.

86. The following advertisements, notices or signs may be displayed without prior sanction -

- (a) public notices issued by the Government of Sabah or the Tawau Municipal Council;
- (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;
- (d) notices not larger than 13" x 8" in size notifying sports meeting or functions in aid of or arranged by charitable institutions;
- (e) notices displayed under by-law 84 (2):

Provided that the Council may, in its discretion, order the person in charge of such advertisement, notice or sign, or the owner of any premises on which such advertisement, notice or sign appears, to obliterate or remove it, and any person failing to obliterate or

remove any advertisement, notice or sign when so ordered, shall be guilty of an offence against these B-laws.

Noise.

87. 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, unless permission has been obtained in writing from the President of the Council, 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 manner that such music, sound or noise is directed or deflected outwards from such buildings 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.

Animals and birds.

88. The Council may forbid any person to keep any animal or bird within the Municipal Council area.

Removal of carcasses.

89. 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 the Council.

Stables, cattlesheds, and places for keeping sheep, goats and swine.

90. The occupier of any land on which there is or shall be erected any stable, cow-yard, cattleshed, pigsty, or other place for keeping horses, cattle, 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 so as not to cause a nuisance or danger to health.

Construction of stables, pigsties, etc..

91. 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.

Objectionable animal.

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

PART XV
SLAUGHTERHOUSES

Approval of slaughterhouses.

93. 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 Council the premises are found to be unfit for use as a slaughterhouse.

Cleanliness.

94. 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.

Disposal of refuse.

95. 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.

Diseased animals.

96. (1) No diseased animals shall be admitted for slaughter and the Council may refuse to allow the slaughter of any animal or the dressing of any carcass which by reason of emaciation is unfit for human consumption.

(2) The Health Officer or any person authorised by the President shall have power to examine any carcass 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 human consumption to be killed, and may order any carcass so found to be so disposed of as to prevent it being used for human consumption.

Detention in pens.

97. (1) No animal brought for slaughter shall be kept in the pens for a period exceeding twelve hours, and no animals shall be admitted except those brought for slaughter.

(2) Every animal brought for slaughter shall be in the pens for a minimum period of two hours before slaughter.

(3) Any animal rejected for slaughter shall be removed immediately.

(4) Whilst in the pens each animal shall have access to an adequate supply of fresh drinking water.

(5) The number of animals kept in the pens at one time shall not exceed 12 pigs and 3 cattle.

Fees.

98. The following fees shall be levied-

	RM
For the slaughter of cattle	... 2.00 a head

For the slaughter of goats or sheep50 a head
For the slaughter of pigs	...	2.00 a head

Health certificates.

98A. (1) No person shall slaughter any animal for human consumption unless he is in possession of a valid certificates of fitness for such purpose signed by the Health Officer.

(2) No such certificate shall be valid after six months from the date of the certificate.

PART XVI

FOOD UNFIT FOR HUMAN CONSUMPTION AND PROTECTION OF FOODSTUFFS
FROM CONTAMINATION

Food unfit for consumption.

99. No person shall sell or expose for sale or bring into any market or have in his possession without reasonable excuse any food of human consumption in a tainted, adulterated, diseased or unwholesome condition.

Protection of food stuffs from contamination.

100. No person shall offer for sale in any market, street-stall, bakery, eating-house or shop any foodstuffs not adequately protected from flies, insects and rodents, or not in a properly constructed container.

Seizure of unfit food.

101. Any authorised 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 human consumption.

PART XVII
CONSERVANCY AND HYGIENE

102. - 117. (Repealed by G.N.L 15 of 1984).

PART XVIII
STREETS AND PUBLIC PLACES

118. - 121. (Repealed by G.N.L 83 of 1983).

PART XIX
PUBLIC GAMES AND AMUSEMENTS

Powers of Council.

122. The control, management and upkeep of children's playgrounds, public tennis courts, public swimming pools and public playing fields shall be vested in the Municipal Council.

Charges.

123. The Council may fix such charges as it thinks fit for the use of such places.

Control.

124. The Council may appoint caretakers to be in charge of such places and to enforce any regulations made for the control of such places.

Notices.

125. The Council may by display of notice, order any such places or part thereof to be closed to all or any section of the public, and any person disregarding such notice shall commit an offence against these By-laws.

Disorderly behaviour.

126. Any person guilty of drunken or disorderly behaviour in any such place shall commit an offence against these By-laws.

Wilful damage.

127. Any person wilfully damaging any premises or fittings in any such place, shall in addition to any penalty, be liable to pay all expenses incurred in necessary repairs.

Litter, etc..

128. Any person depositing filth, litter, bottles, glass or any article which may cause inconvenience to the public, in such places, shall be guilty of an offence against these By-laws.

Public swimming pool.

129. All persons using public swimming pools shall bathe in the fresh water showers, and wash their feet in the foot-paths provided, before using the pools and any person failing to do so shall be guilty of an offence against these By-laws.

Disease.

130. No person shall enter a public swimming pool while suffering from any infectious or contagious disease.

Eviction of offenders.

131. The caretaker or any member of the Police force shall have power to evict from any such places any person offending against these By-laws.

PART XX
SERVICE OF NOTICES

Definitions.

132. In by-laws 132 to 135 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.

Mode of service.

133. (1) The service of any document may be affected -

(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 at his last known place of residence, 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.

Alternative modes of services.

134. (1) When it appears to the Council that service in the manner prescribed in by-law 133 cannot be affected or if the person required under the provisions of paragraph (2) of

by-law 133 to sign an acknowledgment refuses to do so, the President may order that service be affected either by -

- (a) affixing a copy of the document in some conspicuous position upon the building or 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.

Endorsements on documents.

135. 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.

Costs.

136. 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 XXI
MISCELLANEOUS

Conduct of meetings.

137. 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 seventy-two hours before the time of the meeting at which they are to be discussed, and the agenda shall be circulated to members not less than forty-eight hours before the time of such meeting:

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.

Definition of town limits.

138. In these by-laws, the expression "Town limits" shall mean the whole Municipal Council area, except -

- (a) for the purposes of by-law 110 (1) where that expression shall mean the area of approximately 1,125 acres delineated on Survey Department Plan No. 9360 as Survey Lot No. 1107, Munkim of Tawau and Tinagat;
- (b) for the purposes of by-law 88 where that expression shall mean the area covered by Tawau Town Plan No. 9324 as deposited with the Director of Lands and Surveys.

References to Municipal Council.

139. In these by-laws, all references to the Municipal Council shall include any duly authorised officer of the Municipal Council.

Fee prescribed for objections to valuations.

140. The prescribed fee for the purpose of section 90 of the Municipal and Urban Authorities Ordinance to accompany notice of objection to valuations is five ringgit in respect of each separate lease or licence granted under the Land Ordinance, of which the valuation is being objected to.

Penalty.

141. Any person who contravenes any provision of these By-laws shall on conviction be liable to a fine not exceeding five hundred ringgit and in the case of a continuing offence shall

be liable to a fine not exceeding fifty ringgit for every day during which such offence is continued.

Revocation.

142. The following by-laws and rules are hereby revoked -

- (1) 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 Tawau.
- (2) The Tawau Market By-laws published as G.N. 203 of 1933, Tawau Sanitary Board (Hoardings and Advertisements) By-laws 1950, published as G.N.S 42 of 1950 and the Tawau Town Board (Hawkers) By-laws 1955, published as G.N.S 107 of 1955.

SCHEDULE I
(By-law 7)

TAWAU MUNICIPAL COUNCIL
MARKET STALL RENTAL

		RM <i>per month</i>
(1)	Vegetable stall ...	120.00
(2)	Sundry stall	
	toys ...	120.00
	tin food ...	120.00
	cosmetic ...	120.00
(3)	Cake stall ...	30.00

(4)	Rice stall	...	30.00
(5)	Newspaper stall	...	30.00
(6)	Curry powder stall	...	60.00
(7)	Flower stall	...	30.00
(8)	Native tobacco stall	...	60.00
(9)	Poultry stall	...	90.00
(10)	Beef stall	...	150.00
(11)	Pork stall	...	150.00
(12)	Roasted pork stall	...	150.00
(13)	Clothing stall	...	60.00
(14)	Fish stall	...	120.00
(15)	Fruit stall	...	120.00
(16)	Food stall	...	60.00

SCHEDULE II

(By-law 80)

TAWAU MUNICIPAL COUNCIL

LICENCE FOR BAKERY/COOK-SHOP/DAIRY/LAUNDRY/BARBER'S SHOP/
BEAUTY PARLOUR*

Licence No.....

Description:

Name:

Address:

.....

Valid from: to

Shop No.....

Amount paid RM.....

Receipt No.....

(Signed)

President,

Tawau Municipal Council.

(Date):



*Delete where not applicable.

SCHEDULE III
(By-laws 66 and 80)

TAWAU MUNICIPAL COUNCIL
LICENCE FOR DEALING IN SCRAP/OFFENSIVE OR DANGEROUS
TRADE/ STORAGE OF EXPLOSIVES, INFLAMMABLE LIQUIDS, FIREWORKS,
MATCHES OR CARTRIGES*

Licence No.....

Description:

Name:

Address:

Premises:

Valid from: to

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

(Date):

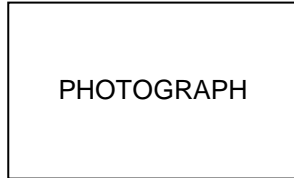
(Signed)

President,
Tawau Municipal Council.

*Delete where not applicable.

SCHEDULE IV
(By-laws 73 and 80)

TAWAU MUNICIPAL COUNCIL
HAWKER'S LICENCE



Right Thumb/Signature

Name:

Address:

Goods to be hawked:

Permitted area: Not static/static

Place of preparation of food:

Licence fee RM..... per month/quarter.

Signature of Licensing Officer.

Receipt No.....

Valid until

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

SCHEDULE V
(By-law 80)

TAWAU MUNICIPAL COUNCIL
LICENCE TO SELL GOODS IN THE MARKET

Licence is granted to
of under by-law No
of to
.....
in the premises known as



subject to the Rules and Regulations governing the said trade.

.....
Licensing Officer.

This licence expires on: 19.....
Fee paid RM Vide Receipt No
Municipal Council Tawau.
Date:

(This licence must be displayed conspicuously).

SCHEDULE VI
(By-laws 21 (3))

Restaurant	<i>RM</i> <i>per month</i>
First Class - Restaurant which is air-conditioned and situated within the rating area of the Tawau Municipal Council	190.00
Second Class - Restaurant which is non air-conditioned and situated within the rating area of the Tawau Municipal Council	142.00
Third Class - Restaurant which is non air-conditioned and situated outside the rating area of the Tawau Municipal Council	60.00
Coffee Shop	95.00
Slide Stall within Coffee Shop	20.00 each
Bakery	50.00
Aerated Water and Sweets Factory	50.00