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THE KUCHING MUNICIPAL ORDINANCE
THE CITY OF KUCHING NORTH (DOG LICENCE) BY-LAWS, 1991
(Made under section 100)

In exercise of the powers conferred by section 100 of the Kuching Municipal Ordinance as extended to apply to the City of Kuching North under subsection (2) of section 4 of the City of Kuching Ordinance, 1988, the Commissioner of the City of Kuching North has, in compliance with the provisions of Part XI of the Kuching Municipal Ordinance and with the approval of the Chief Minister, made the following By-laws:

*Cap. 116.
Ordinance
No. 2/1988.*

1.—(1) These By-laws may be cited as the **City of Kuching North (Dog Licence) By-laws, 1991**, and shall come into force on the 1st day of August, 1991.

*Citation,
application
and com-
mencement.*

(2) These By-laws shall not apply to any dog—

(a) belonging to the Armed Forces, Police, Customs Department or the Government Veterinary Department;

(b) under the temporary care of the Society for the Prevention of Cruelty to Animals or a person whose building, premises or holding is licensed under by-law 11 or any other body recognised and approved by the Commissioner; or

(c) within any area exempted by the Commissioner by notification in the *Gazette*.

Interpretation.

2. In these By-laws—

“Commissioner” means the Commissioner of the City of Kuching North;

“dog” includes the male and female animal of any age;

“owner” in relation to a dog means the person having possession, custody or control of the dog; but in any case of doubt concerning the ownership of a dog, the owner or occupier of the premises frequented by the dog, or the person who habitually feeds the dog shall, unless the contrary is proved, be deemed to be its owner;

Act 147.

“veterinary surgeon” means a veterinary surgeon as defined in section 2 of the Veterinary Surgeons Act, 1974, and includes a Government Veterinary Officer.

Licences.

3.—(1) No person shall own, keep, harbour or maintain a dog over the age of five months except under and in accordance with a licence from the Commissioner.

(2) A licence taken out under these By-laws shall be in force from the time it is taken out until the expiration of the period of twelve months beginning with the first day of the month in which it is taken out.

(3) In any proceedings for an offence under these By-laws, it shall rest on the accused to prove the age of the dog to which the proceedings relate.

Dog licence and tag.

4.—(1) The Commissioner shall, on application by the owner of a dog and on payment of the fee set out in the Schedule, register the dog and issue the owner with a licence. The Commissioner shall also issue a metal identification label (hereinafter referred to as “the dog tag”) bearing the registered number of the dog in respect of which the licence fee is paid.

(2) The Commissioner may, on application and payment of a fee of five ringgit, issue a replacement licence or dog tag which shall be so marked, to replace the licence or dog tag which the Commissioner is satisfied has been defaced, lost or destroyed.

Change of ownership of licensed dog.

5. Where there has been a change of ownership of a licensed dog, the new owner shall, within one month thereof, notify the Commissioner of the change, and the Commissioner shall register free of charge the name and address of the new owner.

Wearing of dog collar and tag.

6. The owner of a licensed dog shall provide a suitable collar to be worn by the dog, to which the current dog tag shall be securely fastened in such manner as to be visible when the collar is worn by the dog.

7. The owner of a dog shall—

Duties of
owner.

(a) maintain the kennel in which the dog is housed in a clean and sanitary condition; and

(b) take reasonable steps to ensure that the dog is not a nuisance, by reason of incessant barking or otherwise, to his neighbours.

8.—(1) No owner or person having the custody, control or care of any dog shall allow such dog, whether licensed or not, to roam at large in any public place unless it is on the lead or is otherwise under control. Dogs not
to be let
out in
public
places.

(2) A breach of this by-law shall be deemed to have occurred if any dog is found at large in a public place and is not on the lead or otherwise under control.

(3) In every such case, the owner of such dog or, if the owner is absent from the State, the person having the custody or care of such dog shall be guilty of such breach, notwithstanding that such breach occurred without his knowledge or without any default on his part.

(4) Any person authorised by the Commissioner may seize and impound any dog which is not on the lead or otherwise under control in accordance with this by-law.

(5) A notice in respect of any dog so seized and impounded, stating—

(a) a description of the dog;

(b) place of seizure;

(c) time and place of impounding; and

(d) a warning that if the dog is not claimed within forty-eight hours from the time of impounding it may be destroyed,

shall be displayed as soon as possible after the impounding at the office of the Commissioner and at the Police Station nearest to the place where the dog was seized, and the owner of the dog, if known, shall, if possible, be notified.

(6) A dog impounded under this by-law shall, if the owner thereof is licensed to keep the dog, be released upon payment by him of an impounding fee of thirty ringgit.

(7) A dog impounded under this by-law may, if the owner thereof is not licensed to keep the dog, be released upon payment by him of such fine as may be imposed under by-law 12, together with the licence fee as set out in the Schedule and an impounding fee of thirty ringgit.

(8) A dog impounded and not released as provided in paragraphs (6) and (7) within a period of forty-eight hours from the time of impounding may be destroyed or otherwise dealt with as the Commissioner may deem fit.

Number
of dogs
permitted.

9. No person shall—

(a) keep more than three dogs over the age of five months on his property; or

(b) keep any dog above the ground floor of any building;

unless otherwise approved by the Commissioner in any particular case.

Diseased
dog.

10.—(1) Any person who keeps or harbours a dog suffering from a contagious disease which is not under treatment at the Government Veterinary Clinic or by a veterinary surgeon shall be guilty of an offence and the dog whether licensed or not may be seized and impounded by the Commissioner.

(2) Any person authorised in writing by the Commissioner may at all reasonable times enter any land or premises other than a dwelling house for the purpose of searching for, securing, impounding or destroying any diseased dog.

(3) The dog impounded under this by-law may be destroyed if the owner or a representative of the owner fails, within a period of forty-eight hours from the time of impounding, to show cause to the satisfaction of the Commissioner why the dog should not be destroyed.

(4) A dog impounded under this by-law shall, subject to paragraph (3), be released upon payment by the owner of such fine as may be imposed under by-law 12 and an impounding fee of thirty ringgit.

Licensing
of premises
where dogs
are kept
for
commercial
purposes.

11.—(1) No person shall use any building, premises or holding to keep dogs for sale or for breeding purposes or as a veterinary kennel or clinic except under and in accordance with the terms and conditions of a licence granted by the Commissioner.

(2) An application for a licence shall be made in such form as may be provided by the Commissioner and shall be accompanied by a licence fee of one hundred ringgit per annum.

Penalties.

12. Any person who contravenes by-law 3(1), 5, 6, 7, 8, 9, 10 or 11 shall be guilty of an offence: Penalty, a fine of five hundred ringgit for the first offence and in the case of a second or subsequent offence, a fine of one thousand ringgit.

13. The Kuching Municipal Council (Dog Licence) By-laws and the Kuching Rural District Council (Dog Licence) By-laws in so far as they relate to the City of Kuching North by virtue of section 13 of the City of Kuching North Ordinance, 1988, are revoked:

Revocation.
Laws of
Sarawak 1963.
Vol. X, p. 85
and Vol. XI,
p. 741.
Ordinance
No. 3/1988.

Provided that any licence issued or granted under any of the By-laws revoked above affecting that part of the City of Kuching North immediately before the commencement of the City of Kuching North (Dog Licence) By-laws, 1991, and still in force shall, during the currency thereof and until the date of expiry, have effect in the City of Kuching North.

Swk. L.N.
39/91.

SCHEDULE

(By-law 4)

LICENCE FEES

<i>First Column</i> <i>Type of Licence</i>	<i>Second Column</i> <i>Per Year</i>
Licence to keep a dog	\$10.00

(Provided that if more than three dogs over the age of five months are kept on the same premises as approved by the Commissioner under by-law 9, the licence fee for each additional dog shall be \$30.00)

Made this 4th day of March, 1991.

DR. YUSOFF BIN HAJI HANIFAH,
Commissioner,
City of Kuching North

Approved this 15th day of June, 1991.

DATUK PATINGGI
TAN SRI HAJI ABDUL TAIB MAHMUD,
Chief Minister

DICETAK OLEH JABATAN PERCETAKAN NEGARA, KUCHING, SARAWAK,
ROBERT TEH ONG CHAI, P.I.S., PENGARAH PERCETAKAN WILAYAH