



THE
SARAWAK GOVERNMENT GAZETTE
PART IV

Published by Authority

Vol. LXV

28th January, 2010

No. 3

Swk. L.G. 25

THE LOCAL AUTHORITIES ORDINANCE, 1996

THE CITY OF KUCHING NORTH (CARWASH CENTRES) BY-LAWS, 2010

(Made under section 91(o))

In exercise of the powers conferred by section 91(o) of the Local Authorities Ordinance, 1996 [*Cap. 20*], the Commission of the City of Kuching North has, with the approval of the Yang di-Pertua Negeri, made the following By-laws:

Citation and commencement

1. These By-laws may be cited as the **City of Kuching North (Carwash Centres) By-laws, 2010**, and shall come into force on the 1st day of February, 2010.

Interpretation

2. In these By-laws—

“carwash centre” means any premises or place where motor vehicles are washed, polished, waxed, vacuumed and any other services related with car washing;

“carwash effluent” means any liquid water containing soap and detergents, residues from exhaust fumes, gasoline, motor oils and other contaminated effluent, waste water, any other substance whether in solid,

semi-solid or liquid form or in a mixture of any of the above substance, any liquid or substance containing chemical in solution which are discharged by reason of the processes taking place at any carwash centre;

“Commission” means the Commission of the City of Kuching North established under section 4 of the City of Kuching North Ordinance, 1988 [Cap. 49];

“company” means any company incorporated under the Companies Act 1965 [Act 125];

“inland waters” means any public drain, water closet, reservoir, pond, lake, river, stream, canal, spring, well, channel or any watercourse meant for the free flow of water;

“licence” means a licence granted to a person under these By-laws;

“licensed premises” means any premises in the permitted area licensed under these By-laws;

“licensee” means a person licensed under these By-laws;

“motor vehicle” means a vehicle of any description, propelled by means of mechanism contained within itself and constructed or adapted so as to be capable of being used on roads, and includes a trailer;

“permitted area” means any premises or place permitted by the Commission to operate as a carwash centre, and includes a commercial and industrial area.

Licence

3. No person shall operate a carwash centre except in a permitted area and with a valid licence issued by the Commission.

Application for and grant of a licence

4.—(1) Every application for a licence to operate a carwash centre shall be made in writing to the Commission in such form as the Commission may determine.

(2) Every licence shall be in such form as the Commission may determine.

(3)(a) Where a licence is granted to an individual, the Commission shall require the applicant to submit three recent passport size photographs of the applicant which shall portray a recognizable likeness of the applicant.

(b)(i) Where a licence is granted to a company, the Commission shall require the company to name and appoint a person who shall be in charge of the management and control of the carwash centre and require three recent passport size of his photograph to be submitted.

(ii) A licensee shall, not during the period of the licence, change the person having the management and control of the carwash centre without the prior written approval of the Commission.

(4)(a) Where an application for a licence or a renewal of it is approved by the Commission, a licence shall be issued on payment of the fee prescribed in the Schedule.

(b) Every licence shall—

(i) specify the name and address of the licensee and the address and description of the licensed premises;

(ii) specify the period of the licence;

(iii) specify the terms, conditions and restrictions as the Commission may think fit to impose;

(iv) have fixed to it a recent photograph of the licensee or the person having the management and control of the company, as the case may be; and

(v) specify such other particulars as the Commission may consider necessary.

(5) The licence fees for a carwash centre are as prescribed in the Schedule.

(6) Any person whose licence has been lost, stolen, destroyed or defaced may apply to the Commission for the issue of a duplicate licence on payment of the a fee of one hundred ringgit.

Duration of licence

5.—(1) A licence issued under these By-laws shall be valid for a period of one year from the date of issuance of it or on such earlier date as may be determined by the Commission.

(2) The Commission may at its discretion refuse to grant or renew a licence.

Suspension, cancellation or revocation of licence

6.—(1) The Commission may at any time by notice suspend, cancel or revoke a licence issued under these By-laws if it is satisfied that—

(a) the licensee has breached any of the provisions of these By-laws or any condition or restriction lawfully imposed in the licence; or

(b) the licensee has assaulted, abused or harassed any officer of the Commission who is exercising his powers or performing his duties under these By-laws:

Provided that nothing in these By-laws shall exempt the licensee from being liable to prosecution for such an offence.

(2) A licensee shall surrender his licence upon its expiry, revocation, cancellation or suspension to the Commission.

(3) No trade or business or any activity covered by the licence shall be carried out during the period of suspension of it.

Licence to be exhibited

7. Every person to whom a licence has been granted shall exhibit his licence at all times in some prominent place at his place of business or premises and shall produce such licence if required to do so by any person authorized by the Commission.

Licence not transferable

8.—(1) A licensee shall not transfer his licence to any other person without the prior written approval of the Commission.

(2) For the purpose of these By-laws, a licence shall be deemed to have been transferred in the case where the licensee is a company, if there has been a change in the ownership of more than fifty percent of the issued and paid up capital of the company.

(3) A licensee shall not—

(a) change the licensed premises in which he carries on the business covered by the licence; or

(b) conduct any business other than that stipulated in the licence.

Restriction on issue of licence

9. A licence may not be issued to any person who is under 18 years of age.

Prohibition of discharge of carwash effluent

10. A licensee shall not discharge or cause or permit to be discharged any carwash effluent into any inland waters.

Carwash effluent

11. A licensee shall not cause the carwash effluent to be discharged or drained onto the gravel or landscaping or into any sanitary sewage system within the vicinity of the licensed premises.

Permitted area

12.—(1) No person shall operate a carwash centre except in a permitted area as determined by the Commission.

(2) The business of a carwash centre must be carried out or operated in an open space with an enclosure set up.

Cleanliness and environmental control

13. A licensee shall keep and maintain the licensed premises in a state of cleanliness at all times and must ensure that environmental surroundings are preserved and maintained.

Power of closure

14. Any authorized officer of the Commission may, without prejudice to the exercise of any other powers conferred under these By-laws, order the closure of the licensed premises—

(a) where the licence to operate the carwash centre has been suspended or cancelled or revoked; or

(b) where there has been a breach of any of the provisions of these By-laws or any condition or restriction lawfully imposed in the licence; or

(c) where the licensed premises is found to be prejudicial to public health, environmental pollution or is a source of nuisance to people residing in the area.

Service of notices, etc.

15. Every notice, order, demand or document required or authorized by these By-laws to be served shall be effected by—

(a) serving a copy of it on the licensee or the person having the management and control of the carwash centre;

(b) in the case where the licensee and the person referred to in paragraph (a) is not the same person, serving a copy of it on the owner of the licensed premises;

(c) affixing a copy of it on the licensed premises; or

(d) if any of the above means of service cannot be effected, then the Commission may effect service of the notice by publication of it in a newspaper circulating in the area of jurisdiction of the Commission.

General penalty

16. Any person who contravenes any of the provisions of these By-laws shall be guilty of an offence, and shall on conviction be liable to a fine not exceeding three thousand ringgit or to an imprisonment for a term not exceeding six months or both; and in the case of a continuing offence, to a fine not exceeding one hundred ringgit for each day during which such offence is continued.

SCHEDULE**FEEs FOR CARWASH CENTRES**

(By-law 4(5))

<i>No.</i>	<i>Outlet size</i>	<i>Floor area (per square metres)</i>	<i>Fees per annum</i>
1.	Small outlet	Less than 1011 square metres	RM400
2.	Medium outlet	From 1011 square metres to 2023 square metres	RM600
3.	Large outlet	More than 2023 square metres	RM800

Dated this 25th day of January, 2010.

HAJI MOHAMAD ATEI BIN ABANG MEDAAN,
Commissioner,
Commission of the City of Kuching North

