

## THE KUCHING MUNICIPAL COUNCIL (STORAGE OF PETROLEUM) BY-LAWS

[1st January, 1962]

**Citation**

1. These By-laws may be cited as the Kuching Municipal Council (Storage of Petroleum) By-laws.

**Interpretation**

2. In these By-laws—

\*“dangerous petroleum” means petroleum which, when tested in the manner specified in the First Schedule, gives off an inflammable vapour at a temperature of less than seventy-three degrees Fahrenheit;

“filling shed” means any place in which packages are filled with petroleum;

“filling station” means any premises or place used or intended to be used by way of trade or for purposes of gain for fuelling motor vehicles with petroleum, and includes any building, advertisement, pump or other apparatus in, or used in connection with, any such premises;

“installation” means any premises within which any place has been specially prepared for the storage of petroleum in bulk;

“licensed premises” means any installation, storage shed, filling shed or filling station licensed under these By-laws;

†“non-dangerous petroleum” means petroleum other than dangerous petroleum;

“package” means any case, barrel, drum or container, other than a vessel or vehicle, having a capacity of more than 4.5 litres and not more than 225 litres;

“petroleum” includes crude petroleum, oil made from petroleum, or from coal, shale, peat or other bituminous substances, and other products of petroleum;

“petroleum in bulk” means petroleum stored in a quantity exceeding 4,500 litres;

“storage shed” means a building used for the storage of petroleum otherwise than in bulk, whether or not it forms part of an installation;

“tank vehicle” means a motor vehicle or trailer upon which is mounted a tank for the purpose of haulage of petroleum, the tank being built in as a part of the vehicle, and includes a semi-articulated tank vehicle.

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\* Motor Gasolines (petrol), Aviation Gasolines, Special Boiling Point Spirits, Liquid Petroleum Gases, etc., fall within the definition of dangerous petroleum.

† Kerosenes, Aviation Turbino Fuels, Gas Oils, Diesel Fuels, Fuel Oils and Lubricants fall within the definition of non-dangerous petroleum.

**Licences required**

3.—(1) No person shall store, otherwise than in the tank of a motor vehicle or vessel, any petroleum in excess of—

(a) in the case of dangerous petroleum, 18 litres; and

(b) in the case of non-dangerous petroleum, 205 litres.

in any premises within the Municipal Area save under and in accordance with the terms of a licence granted by the Council.

*[Paragraph (1) amended by G.N. L. 76 of 1962]*

(2) Where the amount of petroleum to be stored in any one place is to exceed 45000 litres, no such licence shall be granted unless and until there has been furnished to the Council a certificate by a person authorized in that behalf by the Governor certifying that the premises to be used for such storage are in every way suitable therefor.

(3) All applications for licences under these By-laws shall be made in writing to the Municipal Secretary; and, if the application for a licence is approved, a licence shall be issued by the Municipal Secretary on payment of the appropriate fees and charges set out in the Second Schedule.

(4) Fees payable under these By-laws shall be in addition to any fees which may be payable under any written law relating to buildings.

**Licences to store four hundred litres of non-dangerous petroleum or less**

4. Where application is made for a licence to store less than 400 litres of non-dangerous petroleum in or about any building, the following conditions shall apply to any licence granted—

(a) the petroleum shall, subject to paragraph (d), be contained in drums or tins and shall be stored in an iron, brick or stone compartment constructed to the satisfaction of the Council;

(b) where the use of a tank exceeding ninety gallons in capacity is permitted, such tank shall either be buried in the ground or securely bricked in, and so fitted that such petroleum can only be drawn off by means of a pump fitted with a valve;

(c) no other goods whatsoever shall be stored in any compartment containing such petroleum;

(d) between seven o'clock in the morning and seven o'clock in the evening, a quantity not exceeding 225 litres of such petroleum contained in sealed tins may be exposed for sale or placed outside the storage chamber at one time; but after seven o'clock in the evening no such petroleum shall be kept outside the storage compartment;

(e) such petroleum shall not be drawn off from any drum or tin between sunset and sunrise except by the light of a properly guarded electric bulb or by a gastight electric hand-torch;

(f) adequate precautions shall be taken by the provision of drip trays to prevent spillage of such petroleum while dispensing.

#### **Storage of large quantity on licensed premises**

5. No licence shall be granted for the storage of more than two hundred gallons of non-dangerous petroleum or four gallons of dangerous petroleum save in accordance with the following conditions—

(a) when the petroleum is contained in packages, the packages shall be sealed, shall not exceed 2250 litres in the case of dangerous petroleum and shall be stored—

- (i) in a fire-proof compartment inside another building;
- (ii) in a fireproof store not less than 7.5 metres from any other building; or
- (iii) in a shed or outhouse not less than 30 metres from any building which is fireproof construction;

Provided that, if the packages are stored in a fireproof store which is not less than 30 metres from any other building, the abovementioned limits as to the quantity of petroleum which may be stored shall not apply;

(b) when the petroleum is contained in steel drums not exceeding fifty gallons capacity which are stored in the open air, they shall be stored not less than 15 metres from any building;

(c) when the petroleum is stored in an underground tank situated—

- (i) under another building with the top of the tank below floor level, the quantity which may be stored shall not exceed 4500 litres;
- (ii) under another building with the top of the tank below all floor levels within six metres, the quantity which may be stored shall not exceed 22,500 litres; and
- (iii) in the open air, it shall be situated not less than twenty-five feet from any building and the top of the tank shall be below all floor levels within thirty metres;

(d) when the petroleum is stored in an above-ground tank which is situated at a distance from any building used or intended to be used for human habitation or occupation of not less than—

- (i) 7.5 metres, the quantity which may be stored shall not exceed 45,000 litres ;
- (ii) 15 metres, the quantity which may be stored shall not exceed 110,000 litres;
- (iii) 22.5 metres, the quantity which may be stored shall not exceed 135,000 litres; and
- (iv) 30 metres, the quantity which may be stored shall be unlimited.

### Underground tanks

6.—(1) Every underground tank shall be provided with a vent pipe, the end of which shall be not less than 3 metres above ground and not less than 98 centimetres from any window, door, chimney, smoke stack or other opening.

(2) The tops of every underground tank shall be not less than 60 centimetres below ground and shall be provided with secure gastight fittings.

(3) Every underground tank shall, if situated under a building, be covered with reinforced concrete not less than 15 centimetres thick.

(4) Every underground tank shall be set in firm foundations:

Provided that, where, with the approval of the Council, the tank is placed in a chamber constructed of concrete or masonry, the space between the tank and the chamber shall be filled with dry or dry clay.

### Above-ground tanks

7.—(1) Every above-ground tank for storing dangerous petroleum shall be completely surrounded by a main oil-retaining wall; and in such case, separate walls around each tank shall not be necessary:

Provided that—

(a) the total capacity of tanks in any one walled enclosure shall not without the written permission of the Council, exceed forty thousand water tonns;

(b) where one tank is in one enclosure, the capacity of such enclosure shall be one hundred per cent of the tank capacity;

(c) where two or more tanks are in one walled enclosure, the capacity of the enclosure shall be one hundred per cent of the largest tank plus ten percent of the combined or aggregate capacity of the remaining tanks; and

(d) the distance between such tanks shall not be less than the diameter of the smaller tank or 15 metres whichever is the less.

(2) Every above-ground tank for storing non-dangerous petroleum shall, if so required by the Council, be completely surrounded by an oil-retaining wall of a height required by the Council, shall be so constructed as to collect spillage and prevent the escape of such non-dangerous petroleum from an installation and shall be not less than 3 metres distance from any other such tank.

(3) Except for the necessary pipes and valves, the space within an oil-retaining wall not occupied by tanks shall be kept entirely clear and unoccupied, and no water shall be allowed to accumulate therein.

### Construction of tanks

8.—(1) Every storage tank shall be constructed of iron, steel or other approved material, and shall be designed and erected according to standards approved by the Council, and shall, together with all pipes and fittings, be so constructed and maintained as to prevent the leakage therefrom of petroleum.

(2) Every storage tank shall be electrically connected effectively with suitably rated conductors to individual earth connections at not less than two separate points placed at opposite extremities of such tank.

(3) Every storage tank, other than a floating roof tank, shall be fitted with one or more effective vent pipes, not less than 2.5 centimetres in diameter, the upper ends of which shall be protected by non-corroding metal wire gauze, having a mesh of not less than six openings to the centimetre or by such other type of flame trap as may be approved by the Council.

#### **Conditions applicable to all licensed premises**

9.—(1) No person shall, in or near any licensed premises, do any act which is likely to cause danger from fire or explosion.

(2) No person shall smoke within any licensed premises, or have in his possession therein any articles of a highly inflammable or explosive nature except as permitted by these By-laws:

Provided that this provision shall not apply to—

(a) smoking in offices and living quarters if so situated as to preclude danger from fire; and

(b) the possession of any of such of the abovementioned articles as are authorized by the Council.

(3) There shall be posted in a conspicuous place at the entrance to every licensed premises a notice in Bahasa Malaysia, Chinese and English to the effect that smoking is prohibited.

(4) All operations within any licensed premises shall be conducted under the supervision of the licensee or a responsible agent of the licensee.

(5) An adequate supply, of dry sand or dry earth, together with an implement for its convenient application, or other efficient means of extinguishing petroleum fires, shall be kept ready for immediate use in or about all licensed premises for the purpose of extinguishing fire; and, in addition, there shall be kept in such premises, in efficient working order, such other fire-fighting equipment as may be specified in the licence.

(6) No petroleum shall be allowed to escape into any drain, sewer, harbour, river or watercourse:

Provided that this paragraph shall not apply to any drain specially constructed for the sole conveyance of petroleum.

(7) The ground inside all licensed premises shall be kept clean and free from all inflammable material, waste vegetation and rubbish.

(8) All reasonable precautions shall be taken to prevent unauthorized persons from having access to any licensed premises.

(9) No licensed premises shall, without the permission in writing of the Council, be used for any purpose other than that for which it has been licensed and purposes directly connected therewith.

(10) No structural alterations shall be carried out in any licensed premises without the previous sanction in writing of the Council.

#### **Conditions applicable to storage sheds**

10.—(1) Every storage shed shall be constructed entirely of non-inflammable material.

(2) The threshold of the doorways and other openings in a storage shed shall, be constructed of concrete and shall be not less than 15 centimetres in height above the level of the floor of such storage shed, or such greater height as shall be necessary to ensure that petroleum cannot flow out from such storage shed in the case of its escape from the container or containers in which it is contained.

(3) Every storage shed shall be adequately ventilated near the ground and near or in the roof, and all ventilators below the eaves shall be covered with fine non-corroding wire gauze having a mesh of not less than six openings to the centimeter.

(4) No fire or naked lights shall be allowed in, or within 6 metres of a storage shed.

(5) No container containing petroleum shall be opened or breached and no petroleum shall be drawn from any container within a storage shed in which petroleum is stored.

(6) The provisions of this by-law shall apply to all storage sheds, whether within an installation or otherwise.

#### **Petroleum pipelines**

11.—(1) No petroleum pipeline shall, except within the limits of a licensed installation, be installed or operated without the written approval of the Council.

(2) All pumping mains and pipes connected with tanks shall be furnished with a means of stopping flow from such tanks in the event of any damage to the pipelines.

(3) Pumping mains used to convey dangerous petroleum outside an installation shall be kept filled with water when not in use.

#### **Electrical apparatus**

12.—(1) In those parts of any licensed premises where petroleum is stored or handled, all electrical apparatus and the associated wiring installed or used in such parts shall be of such flame-proof construction as may be approved by the Chief Electrical Inspector, and shall be maintained to retain that quality of flame-proofness.

(2) In any licensed premises, all portable hand lamps and associated cables, plugs and sockets shall be of flame-proof construction, and such lamp fittings shall not be fitted with bulbs above the wattage for which the fittings are certified.

(3) A fireman's emergency switch controlling all electrical apparatus in the licensed premises shall be installed, to the satisfaction of the Council, in all licensed premises where more than 4,500 litres of petroleum are authorized to be stored.

**Who may operate filling shed**

13. No person shall operate a filling shed unless—

(a) such filling shed is at least 22.5 metres distance from the nearest building;

(b) he is the holder of a licence to store petroleum in an installation or storage shed and the filling shed is constructed in accordance with by-law 14; or

(c) he operates the filling shed under and in accordance with the terms and conditions of a permit granted by the Council.

**Construction of filling sheds**

14.—(1) Every filling shed shall be constructed entirely of non-inflammable material and shall have not less than two separate doorways and either sliding doors or doors opening outwards.

(2) The thresholds of the doorways and other openings in a filling shed shall be constructed of concrete and shall be not less than 15 centimetres in height above the level of the floor of such filling shed, or such greater height as shall be necessary to ensure that petroleum cannot flow out from such filling shed in the case of its escape from the receptacle in which it is contained.

(3) Every filling shed shall be adequately ventilated near the ground and near or in the roof, and all ventilators below the eaves shall be covered with fine non-corroding wire gauze having a mesh of not less than sixty openings to the centimetre.

(4) A filling shed shall be used only for the keeping of petroleum and the filling of containers with petroleum.

**Static electricity**

15. Adequate provision shall be made by means of bonding and earthing of metal-clad electrical appliances and equipment forming part of the electrical installation so as to prevent the accumulation in every filling shed of dangerous static charges of electricity.

**Petroleum vapour**

16. All empty vessels in a filling shed which have contained petroleum and have not been rendered free from the vapour thereof shall be kept securely closed.

**Storage and filling shed in one building**

17.—(1) A storage shed and a filling shed shall not form part of the same building unless they are separated by a fire resisting wall of metal sheeting, masonry or concrete.

(2) No such wall shall contain a doorway giving direct communication between the storage and filling sheds unless the doorway is of a type which may be immediately closed by a fire-proof door in case of emergency.

**Soldering tins**

18.—(1) The soldering of packages shall not be carried out in a filling shed but in a separate building not less than fifty or in the case of non-dangerous petroleum 6 metres distance therefrom.

(2) Soldering irons, unless electrically heated, shall not be heated in the same building as that in which the soldering takes place unless each operation is carried on in a separate compartment divided by a fireproof partition of metal or concrete containing an opening not less than 90 centimetres from the ground, the opening to be furnished with an iron shutter which can be closed at once in case of emergency; and each compartment shall be adequately ventilated.

(3) Fires used for heating solder bolts shall be at least 90 centimetres above ground level.

(4) Adequate means of extinguishing such fires shall be maintained at all times within a reasonable distance of such fires.

**Who may operate filling stations**

19. No person shall operate a filling station except under and in accordance with the terms and conditions of a license issued by the Council to store the appropriate amount of petroleum for the purpose of the filling station, and unless, in the case of a filling station erected after the commencement of these By-laws, the plans and specifications of the filling station have first been approved by the Council.

**Tanks**

20.—(1) No dangerous petroleum shall be stored in a filling station except in such underground tanks as are approved by the Council.

(2) There shall be no opening in such tanks other than those necessary for filling, ventilating and dipping the tanks.

(3) The filling and dipping pipes, shall be carried down to within 5 centimetres of the bottom of the tanks.

**Removal of petroleum from tanks**

21.—(1) No dangerous petroleum shall be removed from the tanks save by means of a pump forming part of the filling station, except during the periodical cleaning of the tanks or the repair of equipment used in a filling station.

(2) The pumps together with the connections and fittings shall be so constructed and maintained as to prevent leakage of dangerous petroleum.

**Times of delivery to filling stations**

22. Dangerous petroleum shall only be delivered into a storage tank in a filling station between the hours of sunrise and sunset except where electric lighting approved in accordance with by-law 12 is exclusively used.



**Precautions while filling or removing petrol from vehicle**

23. Dangerous petroleum shall not be placed in or removed from, any motor-vehicle, other than a tank vehicle, at a filling station while its engine is running; and no person shall smoke in or near any such motor vehicle.

**Signs**

24. There shall be displayed in a prominent position in the vicinity of the pumps at a filling station the following notice in Bahasa Malaysia, Chinese and English.

"No Smoking. Switch off engine. Extinguish vehicle lights."

**Discontinuance of tank**

25. The holder of a storage licence shall, at least ten days before discontinuing the use of any tank on the premises to which his licence relates, give to the Council notice of his intention so to do and shall, immediately upon discontinuing so to use it, take all such steps as may be necessary to render it immune from danger of fire or explosion, including all steps which the Council may require him to take for that purpose:

Provided that the provisions of this by-laws shall not apply where the use of any tank is discontinued for a period of not less than three days for the purpose of cleaning or repairing the tank.

**Notice to employees**

26. The provisions of these By-laws which impose any obligation on the employees of a licensee shall be posted on the premises to which they relate in the form of a notice which shall be displayed in such a manner and in such languages as to be easily read and understood by such employees.

**Council's officers and agents to have access**

27. Every officer of the Council, and any person authorized by the Council in writing in that behalf, shall, at all reasonable times, be allowed free access to all premises to which such licence relates for the purpose of ascertaining that the provisions of these By-laws are duly observed.

**Application for licenses**

28.—(1) Every application for a licence to store petroleum shall specify—

(a) the description, quantity and manner of storage of the petroleum to be stored;

(b) the name or description and the locality of the premises in which the petroleum is to be stored; and

(c) the maximum quantity of petroleum to be kept in each tank or storage shed.

(2) In any case where the maximum quantity of petroleum to be stored exceeds 45,000 litres, there shall, in addition, be furnished—

(a) a plan showing all premises within 3 metres of the boundary of the installation; and

(b) any other particulars which may be required by the Council.

(3) Every licence to store petroleum shall be in the form set out in the Third Schedule.

**Penalties**

29.—(1) Any person who, in contravention of these By-laws or of the terms and conditions of any licence granted hereunder—

(a) stores any petroleum in any premises; or

(b) operates a filling station, filling shed or petroleum pipeline.

shall be guilty of an offence: Penalty, a fine of five hundred dollars, or in the case of a continuing offence imprisonment for six months and a fine of fifty dollars for every day during which the offence continues.

(2) Any person who contravenes by-law 9 or 13 shall be guilty of an offence: Penalty, a fine of two hundred dollars.

*[By-law 30 omitted by virtue of section 10(7) of Ordinance No. 4 of 1956]*

**FIRST SCHEDULE**

(By-law 2)

**TESTING OF PETROLEUM**

(1) The testing of the flashpoint of petroleum for the purposes of these By-laws shall be determined by the Pensky-Martin closed cup test apparatus, and all other tests shall be carried out with the Abel Standard closed cup test apparatus.

(2) The Council may accept as having been examined and tested for flashpoint any petroleum covered by a certificate as to the flashpoint issued by an authority within or without Sarawak which the Council deems competent to issue such a certificate:

Provided that the Council may require a test to be made of any petroleum at any time.

**SECOND SCHEDULE**

(By-law 3(3))

**FEEES AND CHARGES**

Licence for storing not more than 75 litres of petroleum	\$ 10.00
Licence for storing more than 750 litres but not more than 180,000 litres	\$100.00
For every additional 180,000 litres or part thereof	\$100.00 subject to a maximum of \$1,700.00

When a certificate is granted under by-law 3(2), there shall be payable, in addition to the appropriate fees under this Schedule, such charges to cover the expenses incurred by the person issuing the certificate as may be approved by the Chief Secretary.

**THIRD SCHEDULE**

(By-law 28)

**LICENCE TO STORE PETROLEUM**

**THE KUCHING MUNICIPAL COUNCIL (STORAGE OR PETROLEUM) BY-LAWS**

..... is hereby licensed to store Petroleum not in excess of ..... in an installation/storage shed at .....

This licence is issued subject to the provisions of the Kuching Municipal Council (Storage of Petroleum) By-laws, and to the following further conditions:—

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.....  
.....

This licence expires on 31st December, 19 .....

This licence is not transferable.

Licence Fee: \$ .....

Date of issue: ..... 19 .....

.....  
*Municipal Secretary*