

**LOCAL GOVERNMENT ORDINANCE 1961
(No. 11 of 1961)**

**LAHAD DATU DISTRICT COUNCIL
(EARTHWORKS) BY-LAWS 1984
(G.N.L 34 of 1984)**

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

Citation and commencement.

1. These by-laws may be cited as the Lahad Datu District Council (Earthworks) By-laws 1984 and shall be deemed to have come into force on the 1st day of January 1984.

Interpretation.

2. In these By-laws —

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

"Council" means the Lahad Datu District Council;

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

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

Permit for earthworks.

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

Application for permit.

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

Grant of permit.

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

Submission of plans.

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

Council to give directions or to make amendments to the plans.

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

Fee.

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

Non-application to minor earthwork.

9. These By-laws shall not apply to minor earthworks.

Penalties.

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

Further consequences of contravention of these By-laws.

11. (1) The Council acting through its Chairman may direct any person who contravenes any provisions of these By-laws to repair at his expense any damage caused by him in consequence of such contravention and if he fails to do so, the Council shall engage a contractor to do the same and the cost shall be charged to the person who committed such breach together with a surcharge of not more than ten per cent of such cost.

- (2) The cost of repairs shall be in addition to or in substitution for the penalty imposed under by-law 10.

Compounding of offences.

12. (1) The Chairman of the Council may in his discretion compound any offence under these By-laws by collecting from a person reasonably suspected of having committed the offence a sum not exceeding one hundred ringgit.

- (2) On payment of such sum, no further proceedings shall be taken against the person in respect of such offence.

- (3) The payment shall be evidenced by a receipt issued by the Council.

Dated at Lahad Datu this 8th day of March 1984.

DATUK HAJI AMIT GUYAH,
Chairman,
Lahad Datu District Council.

I approve the foregoing By-laws.

Dated at Kota Kinabalu this 11th day of April 1984.

STEPHEN WONG SOON YU,
Acting Minister of Town and Country Development.

Sabah LawNet