

MUNICIPAL ORDINANCE (S.S. CAP. 133)

- **MUNICIPAL (SELANGOR)(AMENDMENT)
ENACTMENT 9/1959 (BI)**
- **MUNICIPAL (SELANGOR)(AMENDMENT)
ENACTMENT 3/1960 (BI)**
- **MUNICIPAL (SELANGOR)(AMENDMENT)
ENACTMENT 15/1960 (BI)**

amended by 25/38, 30/39, 45/40; 52/40; 31/41; 9/41, 30/46, 36/48

Title of Government Council altered to High Commission in Nominated Council

Hud. En. 3/58 Act 7/167

" 12/59

" 14/59

" 1/60

" 9/60

Act 7/167

CHAPTER 133.

MUNICIPAL.

" 3/60
" 15/60

Act 1/13

Am. Act. 48/65

" 1/68

1/19/58
1/2/60
1/1/60

FM Ord. 30/49, 53/50, 57/51

Am. Ord. 1/48

65/50

O 20/51

O 26/54

O 27/55

O 45/56

O 82/57

1/2/58

- Murson, No. 135
- Ordinances Nos. 8 of 1911, 22 of 1914, 23 of 1914, 9 of 1915, 10 of 1918, 22 of 1919, 18 of 1920, 27 of 1920, 29 of 1920, 14 of 1921, 26 of 1921, 17 of 1922, 37 of 1922, 28 of 1923, 13 of 1925, 17 of 1925, 8 of 1927, 20 of 1927, 1 of 1929, 11 of 1931, 14 of 1934, 19 of 1935

25/37
23/38

Short title.

Continuance of by-laws and officers.

his induction

Interpretation.

Act: O. 4/58

To amend and consolidate the law with regard to Municipalities.

[1st June, 1913.]

Part I.

PRELIMINARY.

1. This Ordinance may be cited as the Municipal Ordinance.

2.—(1) Any by-law, rule, regulation, budget, assessment-list, scheme, licence, contract, permission or document made or granted under any previous Municipal Ordinance shall continue in force as if it had been made or granted under this Ordinance so far as the same ~~are~~ applicable to the provisions hereof.

(2) Any officer or servant appointed, any body elected or constituted and any office established under any previous Municipal Ordinance or under the Jirrikisha Ordinance, 1900, or the Hackney Carriage Ordinance, 1879, shall, except where hereinafter otherwise expressly provided, continue and be deemed to have been appointed, elected, constituted or established, as the case may be, under this Ordinance.

(3) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 5 of the Interpretation Ordinance (Chapter 2) with regard to the effect of repeals.

3. In this Ordinance and in any rules or by-laws made thereunder, unless there is something repugnant in the subject or context—

"President" means the officer for the time being lawfully performing the duties of the office of President of the Commissioners and includes a Deputy President;

- "Health Officer" means the officer for the time being performing the duties of Health Officer to the Municipality and includes Assistant Health Officer;
- "Street" includes any road, square, footway or passage, whether a thoroughfare or not, over which the public have a right of way, and also the way over any public bridge, and also includes any road, footway or passage, open court or open alley, used or intended to be used as a means of access to two or more houses, whether the public have a right of way thereover or not; and all channels, drains and ditches at the side of any street shall be deemed to be part of such street;
- "Public street" means any street over which the public have a right of way which is or has been usually repaired or maintained by the Commissioners or which has been conveyed to them or has become vested in them under this Ordinance or under other the Municipal Ordinance for the time being in force or in any other manner;
- "Footway" includes five-foot-ways and verandahs at the sides of streets;
- "Arcade" includes verandah;
- "Premises" includes messuages, buildings, lands, easements and hereditaments of any tenure, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority;
- "Building" includes any house, hut, shed or roofed enclosure, whether used for the purpose of a human habitation or otherwise, and also any wall, fence, platform, staging, gate, post, pillar, paling, frame, boarding, slip, dock, wharf, pier, jetty, landing-stage or bridge, or any structure connected with the foregoing;
- "House" includes dwelling-house, warehouse, office, counting-house, shop, school, and any other building in which persons are employed;

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"A place of public resort" means a building used or constructed or adapted to be used either ordinarily or occasionally as a church, chapel, mosque, temple or other place where public worship is or religious ceremonies are performed, not being merely a dwelling-house so used, or as a theatre, public hall, public concert room, public ballroom, public lecture room, or public exhibition room, or as a public place of assembly for persons admitted thereto by ticket or otherwise, or used or constructed or adapted to be used either ordinarily or occasionally for any other public purpose;

"Sky-sign" means any erection consisting of a frame, hoarding, board, bar, pillar, post, wire or any combination of such things, or any erection of a like nature, or any visible object which floats or is kept in position by wire or other flexible attachment, displayed for the purposes of trade or professional advertisement, in such a position as to be conspicuously visible against the sky above the general level of the roofs of surrounding buildings from any street or public place;

"Annual value", as used of a house or building or land or tenement, not being a wharf, pier, jetty or landing-stage, means the gross amount at which the same can reasonably be expected to let ~~in average years~~, the landlord paying the expenses of repair, insurance, maintenance or upkeep and all public rates and taxes; and, as used of a wharf, pier, jetty or landing stage, means the gross amount at which the same can reasonably be expected to let ~~in average years~~, the tenant paying the expenses of repair and maintenance or upkeep.

from year to year and

from year to year and

Provided that in estimating the annual value of any premises in or upon which there is any machinery used for the following purposes or any of them:—

- (a) the making of any article or part of an article; or

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“Owner” means the person for the time being receiving the rent of the premises in connection with which the word is used whether on his own account or as agent or trustee for any other person or as receiver or who would receive the same if such premises were let to a tenant, and shall, for the purposes of sections 145 and 148 and of Part XIV., include a mortgagee not in possession;

“Occupier” means the person in occupation of the premises in respect of which the word is used or having the charge, management or control thereof either on his own account or as agent of another person, but does not include a lodger;

“Horse” includes pony;

“Dairy” includes any cowshed, milk-store, milk-shop or other place from which milk is supplied or in which milk is kept for purposes of sale;

“Trade refuse” means the refuse of any trade, manufacture or business or of any building materials;

“Garden refuse” means the refuse from garden and agricultural operations;

“Stable refuse” means the dung or urine of horses, cattle, sheep, goats or swine, and the sweepings or refuse or drainage from any stables, or cattle-sheds or places for keeping sheep, goats, swine or poultry;

“Nuisance” means any act, omission or thing occasioning or likely to occasion injury, annoyance, offence, harm, danger or damage to the sense of sight, smell or hearing, or which is or is likely to be injurious or dangerous to health or property;

“The Commissioners” means the ~~Municipal Commissioners of their respective Municipalities appointed under section 6;~~

“Port” means a port within the meaning of the Merchant Shipping Ordinance (*Chapter 150*);

“Secretary” means the Secretary to any Municipality.

“State University” 442

subs by F.M. 3/50

Subs: C. 45/56

L.V. 298, 299

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ABI

MUNICIPAL.

Part II.

CONSTITUTION AND ORGANIZATION OF MUNICIPALITIES.

4.—(1) From and after the first day of June, 1913, the Municipalities then constituted and existing in the Colony shall be subject to the provisions hereof.

Existing Municipalities continued.
L.N. 299/57
Creation of new Municipalities.
045/56

(2) The ~~Governor in Council~~ may, by notification in the *Gazette*, create a Municipality by such name as he thinks fit in any local area outside the limits of any existing Municipality and by the same or any subsequent notification may apply and extend to such Municipality all or any of the provisions of this Ordinance, and thereupon the several provisions of this Ordinance or such of them as are for the time being specified in any such notification as aforesaid shall apply and extend to and may be enforced within any such local area.

(3) The Municipalities existing at the said date shall, subject to any order of the ~~Governor in Council~~ under section 5, remain constituted as heretofore in respect of the limits of the Municipality and the places within such limits exempt from the operation of the Municipal Ordinance.

State Authority
L.N. 298/57
1/25
267/56
L.N. 298/57

5.—(1) The ~~Governor in Council~~ may, by notification in the *Gazette*, define for the purposes of this Ordinance the limits of any Municipality and divide each Municipality into districts, and may in like manner alter or vary such limits or districts.

State Authority
L.N. 298/57
Council may declare limits and districts of Municipalities.

(2) The ~~Governor in Council~~ may, by notification in the *Gazette*, exempt from the operation of this Ordinance any place or places within the Municipal limits in such notification to be specified.

Exemptions may be made.
State Authority
L.N. 298/57

(3) Such exemption shall not exempt any person residing within any such place from the operation of so much of Part VII as relates to taxes.

State Authority
L.N. 298/57
Municipal Commissioners.

6.—(1) The Municipal affairs of every Municipality shall be administered by such number of Commissioners as is in each case determined by the ~~Governor in Council~~ but so that such number in each case shall not be less than five.

sub. by Ed. 30/27

Commissioners to be appointed by the Governor.

(2) Such Commissioners shall be appointed by the Governor and so that the majority of the Commissioners in every Municipality shall be ratepayers of their respective Municipalities holding no office of emolument under the Government or the Municipality.

sub. 30/29

(2A) Commissioners to be a corporation.

(3) Such Commissioners shall be styled the Municipal Commissioners of the Town of Singapore or of George Town or of the Town and Fort of Malacca or of other their Municipality, as the case may be, and shall by such name be a body corporate and shall have perpetual succession and a common seal and power, subject to this Ordinance, to acquire, hold and sell property, and may by such name sue and be sued.

sub. by Ed. 30/29

(4) For the purposes of this section a person shall be deemed to be a ratepayer when he has paid or is liable for rates solely or jointly with another or other persons.

(5) No person who is—

- (a) unable to speak and read the English language;
- (b) an officer in His Majesty's Navy, Army or Air Force on full pay or in active employment;

or

(c) a regular minister of a religious body;

shall hold office as a Commissioner.

sub. by Ed. 33/50

Commissioner to make a declaration.

7.—(1) A Commissioner shall not act in the office of Commissioner until he has made and subscribed before a Magistrate a declaration in form A in Schedule A.

(2) Such declaration shall be free from stamp duty.

Disqualifications of Commissioners.

8.—(1) No person shall be qualified to be or continue to be a Commissioner who has been sentenced to imprisonment for any offence or who is or becomes bankrupt or who, without the written permission of the Governor, is concerned or interested in any contract or work made with or done for the Commissioners or who without such permission as aforesaid becomes so concerned or interested.

Repealed by Ed. 33/50

Disqualified Commissioner shall vacate office.

(2) Any Commissioner so sentenced as aforesaid or being or becoming bankrupt or so concerned or interested as aforesaid shall *ipso facto* cease to be a Commissioner.

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(3) Any Commissioner who, without the permission in writing of the Governor, becomes concerned or interested in any contract or work made with or done for the Commissioners shall be liable to a fine not exceeding five hundred dollars.

Penalty for a Commissioner being concerned or interested in contracts with Commissioners.

(4) If any Commissioner without some sufficient cause to be allowed by the Commissioners and entered among the proceedings of the Commissioners--

(a) fails to attend three consecutive ordinary meetings of the Commissioners, or

(b) fails during a period of three consecutive months to attend at least one meeting of any Standing Committee to which he may be appointed,

Repealed by F 11 52/20

the Commissioners may by ordinary resolution, declare his seat to be vacant, and thereupon he shall cease to be a Commissioner. [Substituted by Ordinance 1 of 1929, S. 2.]

(5) For the purposes of this section a person shall not be deemed to be concerned or interested in any contract or work made with or done for the Commissioners merely by reason of his being a shareholder in or a director (other than the chairman or managing director) of a joint stock company which has a contract with or executes work for the Commissioners, and the provisions

(6) If he is a director, he shall not vote in respect of any such contract or work or in respect of any matter in which his company is directly interested nor be present whilst any such contract or work or matter is being discussed by the Commissioners.

9. No Commissioner, so long as he is a Commissioner, nor Deputy President shall be summoned to serve on any jury whatsoever.

Commissioner and Deputy President exempt from service on jury.

10. The Governor may at any time permit a Commissioner to resign his office.

Resignation of Commissioner.

11.—(1) In case of a vacancy in the office of Commissioner the President shall immediately notify the Governor.

Vacancy in the office of Commissioner.

(2) Such vacancy shall forthwith be filled by the Governor.

Repealed by FH 23/50

(3) The person appointed to supply such vacancy shall vacate his office at the date on which the person whose place he fills would have gone out of office if he had continued to be a Commissioner.

subs. by FH 23/50

Act not invalidated by deficiency in number of Commissioners.

12. Nothing done under this Ordinance shall be deemed to be invalid by reason only that the number of Commissioners is less than the number determined by the ~~Governor in Council~~. *H. C. in Municipal Co.*

President of Commissioners to be allowed salary.

Repealed by FH 53/50

13. (1) The Governor shall appoint a Commissioner to be the President of the Commissioners and may remove such person from office and appoint another in his stead.

(2) In the Municipalities of Singapore and George Town, no appointment of a Government Officer as President or Deputy President of the Commissioners shall be made except after consultation between the Governor and the Commissioners.

(3) The Commissioner for the time being performing the duties of President shall receive such salary or allowance out of the Municipal Fund as is fixed by the ~~Governor in Council~~ after consultation with the Commissioners.

H. C. in Municipal Co. 1/48

Deputy in absence of President.

(4) The Governor may, in the event of the absence of the President from duty through illness or in the event of his absence on leave, appoint an officer of the Municipality or such other person as he deems fit to be Deputy President and may remove such officer or other person from such office and appoint another officer or person in his stead.

(5) The Deputy President shall, by virtue of his appointment, have all the powers of the President under this Ordinance or under any by-laws made thereunder except the powers of a Commissioner.

(6) The Governor may appoint as a Commissioner in place of the President during his absence the Deputy President or any person qualified to be a Commissioner.

One-third of the Commissioners to retire annually.

14. (1) On the thirty-first day of December in every year one-third of the Commissioners who have been longest in office shall retire.

(2) If the number of Commissioners is not divisible by three, the proportion to go out of office in each year

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Repealed by Ord. 5150

shall be regulated by the Commissioners so that, as nearly as may be, one-third shall go out of office in each year.

(3) The Commissioners to retire in each year shall be determined on such day in the first week in the month of November immediately preceding their retirement as is appointed by the President for that purpose.

(4) Any retiring Commissioner may be re-appointed.

15.—(1) The common seal of the Commissioners shall be in the custody of the President and shall not be affixed to any instrument except in the presence of the President and one Commissioner and the Secretary, nor until such Commissioner and the Secretary have signed their names to such instrument in token of their presence. *[Substituted by Ordinance 11 of 1932, S. 2.]*

Common Seal

(2) Section 13 of the Registration of Deeds Ordinance (*Chapter 121*) shall not apply to any instrument purporting to have been executed under subsection (1).

Officers and Servants.

16.—(1) The ~~President~~ shall, once in every year before or at the time of the submission to the Governor of the Municipal Budget under section 47, submit to the Commissioners for their approval a list of the offices which he thinks necessary for the purpose of this Ordinance with the salaries and allowances, if any, proposed to be attached to such offices respectively.

0.45/56
Appointment and removal of officers.

(2) Subject to the provisions of subsection (4), such list shall, when approved by the Commissioners, continue in force until a new list is approved in like manner.

(3) The ~~President~~ may at any time submit to the Commissioners for their approval any alterations and additions in and to such list, and such alterations and additions when approved shall have the same force as if they had been included in such list.

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(4) All offices in such list or such amended list carrying a commencing salary of ~~three~~ ^{five} hundred dollars a month or over shall be subject to confirmation by the Governor.

(K. 1/64)
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1. v. 1/6

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x ^{Secretary}
 (5) The ~~President~~ may appoint such persons as he thinks fit to the offices shown on the list so approved as aforesaid and may remove such persons from office and appoint others in their stead, provided that the appointment and removal of persons to or from an office carrying a commencing salary of ~~two hundred~~ ^{three hundred} dollars a month and over shall be subject to the approval of the Commissioners.

three hundred and fifty

[Substituted by Ordinance 59 of 1935, S. 2.]

Rules for maintaining good conduct.

17.—(1) The Commissioners may from time to time make, and when made, amend, add to or rescind, rules for the purpose of maintaining good conduct and discipline among municipal officers and servants, and may impose any one or more of the following punishments upon any such officer or servant who, in the opinion of the President, is guilty of misconduct or breach of duty in the exercise of his official functions but does not merit dismissal:—

- (a) remove him to an office of lower rank;
- (b) require him to serve in his original office at a reduced salary, either permanently or for a stated period; or
- (c) deduct a portion of salary due, or about to become due, to him.

(2) The Commissioners may suspend from duty any municipal officer or servant who is accused of misconduct or breach of duty in the exercise of his official functions, and if such officer or servant while so suspended is removed from office there shall be paid to him in respect of the period of his suspension such portion only of the salary of his office not being less than one-half as the Commissioners may think fit.

[Substituted by Ordinance 59 of 1935, S. 2.]

Commissioners to grant leave to and make arrangements for absent officers and servants.

18.—(1) Subject to such regulations as are made in that behalf by the Commissioners, the ^{Secretary} ~~President~~ may grant such leave of absence to municipal officers and servants as he thinks fit.

(2) He shall in such case make due provision for the performance of the duties of the officer or servant so absent, and may direct the payment of such portion as he thinks proper of the salary of such officer or servant on leave to the person so appointed to perform his duties.

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(3) In exceptional cases where the Commissioners deem it necessary to make special provision in order to enable any municipal officer or servant to take leave of absence, the salary or allowance of the person performing the duties of such officer or servant while absent on leave may, except so far as the same is provided out of the salary or allowance of the officer or servant so absent, be payable out of the Municipal Fund.

d/o 45/56

~~(4) The Governor may grant leave of absence to the President for such period and upon such terms as the Governor after consultation with the Commissioners determines.~~

*Provisionally
leave of
absence.*

(nd: 20/59)

20. (1) ~~The~~ ^{*State*} Commissioners, with the approval of ~~the Governor in Council~~ ^{*the Council*}, may make rules for the establishment of a Superannuation and Provident Fund for the provision of payments or other allowances on death, superannuation, resignation, retirement or discharge to persons who have been in the employment of the Municipality, and the contribution of moneys out of the Municipal Fund for such Superannuation or Provident Fund.

Superannuation and Provident Fund.

*1/4. Council
Investment Fund Co.*

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L. 298/58*

(2) No payments or other allowances on death, superannuation, resignation, retirement or discharge made or granted to persons out of a Superannuation and Provident Fund nor the rights of any contributor acquired thereunder shall be assignable or transferable or liable to be attached, sequestrated or levied upon for or in respect of any debt or claim whatsoever.

*subs
Act. 48/65*

43/64

⁽³⁾ ~~(3)~~ ⁽⁴⁾ All moneys paid out of a Superannuation and Provident Fund on the death of any person shall be deemed to be impressed with a trust in favour of the objects entitled thereto under the will or intestacy of such deceased person, but shall not be deemed to form part of his or her estate or be subject to his or her debts.

⁽⁵⁾ Any person may by a memorandum under his or her hand appoint a trustee or trustees of the monies payable on his or her death out of a Superannuation and Provident Fund and may make provision for the appointment of a new trustee or new trustees of such monies and for the investment thereof.

(6) (5) If at the time of the death of any person or at any time afterwards there is no trustee of such monies or it is expedient to appoint a new trustee or new trustees then and in any such case a trustee or trustees or a new trustee or trustees may be appointed by the High Court or a Judge thereof.

(7) (6) The receipt of a trustee or trustees duly appointed or in default of any such appointment and of written notice thereof to the Commissioners the receipt of the legal personal representative of a deceased person shall be a discharge to the Commissioners for any monies payable on his death out of a Superannuation and Provident Fund.

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Secretary Contracts.

21.--(1) The ~~President~~ *Secretary* may on behalf of the Commissioners make such contracts as are necessary for carrying into execution any work or duty authorized in a municipal budget previously sanctioned to the extent of the sum provided for the said work or duty in such budget, and the Commissioners may from time to time by resolution decide that certain municipal officers, other than the ~~President~~, may, with his approval, make on behalf of the Commissioners any such contract as aforesaid which involves the expenditure by the Commissioners of not more than ~~one~~ thousand dollars. Every such contract which involves the expenditure by the Commissioners of more than five hundred dollars shall be reduced to writing and be signed by the officer making it. [Amended by Ordinance 1 of 1929, S. 3.]

(2) Every such contract which involves the expenditure by the Commissioners of more than five thousand dollars shall specify--

- (a) the work or duty to be done;
- (b) the materials to be used;
- (c) the price to be paid for such work, duty or materials;
- (d) the time or times within which the work or duty is to be done or the materials are to be furnished; and
- (e) the damages for breaches of the contract by the contractor;

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President may make contracts for works provided for in the budget.

O. 45/56

Secretary
O. 45/56

Secretary
O. 45/56

Mode of executing contracts exceeding five thousand dollars. Contract what to specify.