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TOWN COUNCILS ACT (CHAPTER 329A)

TOWN COUNCIL OF SEMBAWANG-NEE SOON (COMMON PROPERTY AND OPEN SPACES) BY-LAWS 2012

ARRANGEMENT OF BY-LAWS

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In exercise of the powers conferred by section 24 of the Town Councils Act, the Town Council for the Town of Sembawang-Nee Soon hereby makes the following By-laws:

Citation and commencement

1. These By-laws may be cited as the Town Council of Sembawang-Nee Soon (Common Property and Open Spaces) By-laws 2012 and shall come into operation on 1st February 2012.

Definitions

2.—(1) In these By-laws, unless the context otherwise requires —

“common property” and “open space” mean any common property and any open space, respectively, within the Town of Sembawang-Nee Soon;

“housing estate” means a housing estate of the Board within the Town of Sembawang-Nee Soon;

“park” means to bring a vehicle to a stationary position and cause it to remain for any purpose;

“parking place” has the same meaning as in the Parking Places Act (Cap. 214);

“sign” includes all signals, warning sign posts, direction posts, banners, notices and advertisements;

“vehicle” means a vehicle, whether mechanically propelled or not, intended or adapted for use on the road.

(2) Nothing in these By-laws shall prohibit officers or employees of the Town Council or any person authorised by the Town Council from doing any act that is reasonably necessary or expedient in the enforcement of these By-laws.

Dumping and renovation debris

3. No person shall —

(a) place, deposit, keep or leave, or cause or permit to be placed, deposited, kept or left, any object, material, article or thing on any common property or in any open space, except on such

common property or in such open space designated by the Town Council for that purpose; or

- (b) transport any renovation debris or other building material in any lift in a building in any housing estate, or over any other common property or open space, except with the prior written permission of the Town Council.

Obstruction of common property

4.—(1) No person shall obstruct or cause or permit the obstruction of the lawful use of any common property with any object, fixture or thing.

(2) The Town Council may remove and detain any object, fixture or thing obstructing the lawful use of any common property.

(3) The Town Council shall immediately give written notice to the owner or person having lawful possession of the object, fixture or thing removed and detained by the Town Council that he may, on payment of the expenses incurred by the Town Council in the removal or detention, claim possession of it from the Town Council within 30 days after the date of its removal and detention.

(4) If the object, fixture or thing removed and detained by the Town Council is not claimed by the owner or person having lawful possession thereof within the period specified in paragraph (3), the Town Council may —

- (a) dispose of it by public auction or otherwise; and
- (b) apply the proceeds of the sale to the expenses incurred by the Town Council in the removal and detention, and the surplus, if any, shall be paid to such owner or person having lawful possession of the object, fixture or thing when it was removed and detained.

Damage to common property

5.—(1) No person shall remove, destroy, damage or deface, or remove any earth or soil from, any common property.

(2) The costs and expenses (including administrative costs) incurred by the Town Council in restoring any damaged common property to

its condition before such damage or destruction or in replacing earth, soil or any other property that has been removed shall constitute a debt due to the Town Council and shall be recoverable as such.

Damage to soil, turf, plant, shrub or tree

6.—(1) No person shall remove, cut, damage or dispose of any soil, turf, plant or tree or part thereof situated on any common property or in any open space.

(2) No person shall pick a shrub or plant or any part thereof situated on any common property or in any open space.

Unlawful parking, etc.

7. No person shall —

(a) park any vehicle on any common property or in any open space except in a parking place; or

(b) use, ride or drive on any common property or in any open space any vehicle other than a perambulator, a child's toy vehicle used solely by a child, a wheel-chair used solely for the conveyance of persons suffering from some physical defect or disability, or any vehicle authorised by the Town Council.

Power to detain or remove vehicles

8.—(1) Where a vehicle is parked on any common property or in any open space in contravention of any by-law, or appears to have been abandoned on any common property or in any open space, the secretary may, in his discretion and by himself or by an officer authorised by the Town Council (referred to in this by-law as the authorised officer) —

(a) remove the vehicle to a place of safety or any other place and detain the vehicle thereat; or

(b) prevent the removal of the vehicle without his consent by fixing an immobilisation device to the vehicle.

(2) Where the secretary or the authorised officer has removed any vehicle to a place of safety or any other place under paragraph (1)(a)

or fixed an immobilisation device to the vehicle under paragraph (1)(b), the secretary or the authorised officer shall give notice in writing to the owner of the vehicle as to the procedure by which he may secure the release of the vehicle.

(3) The notice referred to in paragraph (2) shall be served on the owner of the vehicle —

- (a) by post where the vehicle has been removed to a place of safety or any other place under paragraph (1)(a); or
- (b) by affixing the notice onto the windscreen or any conspicuous part of the vehicle where an immobilisation device has been fixed to the vehicle under paragraph (1)(b).

(4) No vehicle which has been removed and detained by the secretary or the authorised officer or to which an immobilisation device has been fixed in accordance with this by-law shall be released to the owner of the vehicle except —

- (a) by or under the direction of the secretary or the authorised officer; and
- (b) upon the owner of the vehicle having paid all expenses incurred by the Town Council in the removal and detention, and all fines and composition sums payable by the owner for any offence under these By-laws in respect of that vehicle.

(5) Any person who, without the authority of the secretary or the authorised officer, removes or tampers with any notice affixed to a vehicle under paragraph (3)(b) shall be guilty of an offence.

(6) Any person who, without being authorised to do so in accordance with this by-law, removes or attempts to remove —

- (a) any vehicle from any place at which it is being detained under this by-law; or
- (b) an immobilisation device fixed to a vehicle in accordance with this by-law,

shall be guilty of an offence.

(7) Where any vehicle which has been removed and detained by the secretary or the authorised officer or to which an immobilisation

device has been fixed in accordance with this by-law is not claimed by the owner within one month after the date of its detention or immobilisation, the secretary may, after giving one month's notice in the *Gazette* of his intention to do so, sell the vehicle by public auction or otherwise dispose of the vehicle in any manner as he thinks fit.

(8) The proceeds from the sale or disposal of any such vehicle shall be applied —

- (a) firstly, in payment of any expenses incurred in carrying out the provisions of this by-law; and
- (b) thereafter in payment of all fines and composition sums payable by the owner for any offence under these By-laws in respect of that vehicle, and the surplus, if any, shall be paid to the owner of the vehicle.

(9) In this by-law, “immobilisation device” means any device or appliance designed or adapted to be fixed to any part of a vehicle for the purpose of preventing the vehicle from being driven or otherwise put in motion, being a device or an appliance of such type approved by the secretary or an officer authorised by the Town Council in that behalf.

Repairing, painting, etc., of vehicles

9.—(1) No person shall repair, paint, spray, test or service or cause or permit to be repaired, painted, sprayed, tested or serviced any vehicle on any common property or in any open space.

(2) Paragraph (1) shall not apply to such repairs as may be reasonably necessary to enable the vehicle to be removed from the common property or open space.

Playing of games, etc.

10. No person shall roller-skate, ride a skateboard or play or take part in any game on any common property or in any open space, except on such common property or in such open space designated by the Town Council for that purpose.

Entertainment and sale of goods on common property and open spaces

11. No person shall, without the prior written permission of the Town Council —

- (a) hold or stage or cause the holding or staging of any show, play, wayang or other entertainment or any reception or formal party on any common property or in any open space; or
- (b) sell or offer or expose for sale any commodity or article on any common property or in any open space.

Display of signs

12. No person shall display or cause or permit to be displayed any sign on any common property or in any open space except with the prior written permission of the Town Council.

Unauthorised structures

13.—(1) No person shall erect or install any fixture, structure or thing on any common property or in any open space except with the prior written permission of the Town Council.

(2) The Town Council may, by notice in writing, request the owner or person having lawful possession of any fixture, structure or thing erected or installed in contravention of paragraph (1) to remove at his expense that fixture, structure or thing and repair any damage to the common property or open space, within the time specified by the Town Council in the notice, in default of which the Town Council may remove that fixture, structure or thing and repair any such damage caused.

(3) Where, in the opinion of the Town Council, any fixture, structure or thing erected or installed on any common property or open space within the Town in contravention of paragraph (1) is an imminent danger to life or person or may intrude the privacy of any person, the Town Council may remove that fixture, structure, or thing and repair any damage caused to the common property or open space without any notice under paragraph (2).

(4) The amount of expenses incurred by the Town Council in removing the fixture, structure or thing and performing the repairs under paragraph (2) or (3) shall be recoverable by the Town Council from the owner or person having lawful possession of that fixture, structure or thing.

Diversion of water or electricity

14. Except with the prior written permission of the Town Council, no person shall draw, divert or take —

- (a) any water from any tap, pipe or water service installation for the supply of water situated on any common property or in any open space; or
- (b) any electricity from any socket, electrical supply line or electrical installation for the supply of electricity situated on any common property or in any open space.

Obstruction of refuse chutes

15. No person shall throw or deposit or cause or permit to be thrown or deposited into any refuse chute in a building in any housing estate within the Town any object, material, thing, article or substance which will or is likely to choke, clog or obstruct the free fall of refuse in the chute or cause any nuisance, annoyance or inconvenience to other owners and occupiers of the building.

Throwing objects, etc., from buildings and dangerously positioned objects

16.—(1) No person shall endanger the life of, or cause injury to, any person, or cause damage to any property within the Town by throwing, or allowing to fall, from his flat or any part of the building in a housing estate within the Town, any object, material, thing, article or substance.

(2) No person shall place any pot, plant, ornament, article, object or substance on or at any window-sill, corridor or other part of the common property within the Town in such manner which, in the opinion of the Town Council, is likely to —

- (a) endanger the life of any person;

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- (b) cause injury to any person; or
 - (c) cause damage to any common property within the Town or the property of any other person.

(3) The Town Council may, by notice in writing, direct any owner or occupier of a flat within the Town to remove, within the time specified by the Town Council in the notice, any pot, plant, ornament, article, object or substance placed on or at any window-sill, corridor or other part of the common property outside the flat in contravention of paragraph (2).

(4) Where, in the opinion of the Town Council, any pot, plant, ornament, article, object or substance placed on or at any window-sill, corridor or other part of the common property within the Town in contravention of paragraph (2) is an imminent danger to life or person, the Town Council may remove and detain such pot, plant, ornament, article, object or substance without any notice under paragraph (3).

(5) Where the owner or occupier of a flat fails to comply with the notice of the Town Council under paragraph (3), the Town Council may remove and detain the pot, plant, ornament, article, object or substance, as the case may be.

(6) Any expenses incurred by the Town Council in removing and detaining any pot, plant, ornament, article, object or substance under paragraph (4) or (5) shall be recoverable from the owner or occupier of the flat.

(7) The Town Council shall immediately give written notice to the owner or occupier of the flat or other person having lawful possession of the pot, plant, ornament, article, object or substance removed and detained by the Town Council under paragraph (4) or (5) that he may, on payment of the expenses incurred by the Town Council in such removal and detention, claim possession of such pot, plant, ornament, article, object or substance from the Town Council within 30 days after such removal and detention.

(8) If the pot, plant, ornament, article, object or substance removed and detained by the Town Council under paragraph (4) or (5) is not claimed by the owner or occupier of the flat or other person having

lawful possession thereof within 30 days after such removal and detention, the Town Council may —

- (a) dispose of such pot, plant, ornament, article, object or substance by public auction or otherwise; and
- (b) apply the proceeds of the sale to the expenses incurred by the Town Council in the removal and detention, and the surplus, if any, shall be paid to such owner, occupier or other person.

Bathing, etc., in fountains

17. No person shall —

- (a) bathe, wade or wash in; or
- (b) cause or permit any animal belonging to him or in his charge to enter or remove anything from,

any pond or fountain which is within the Town and maintained by the Town Council.

Trespassing onto lift motor rooms, etc.

18. Except with the prior written permission of the Town Council, no person shall enter any lift motor room, pump room, switch room, roof top or any other common property, being a fenced enclosure, building or room, in which any installation for the use or supply of water or electricity may be situated.

Service of documents

19. Except insofar as these By-laws otherwise expressly provide, any document required by these By-laws to be served on any person may be served on the person —

- (a) by delivering the document to the person or to some adult member or employee of his family or household at the usual or last known place of residence;
- (b) by leaving the document at his usual or last known place of residence or place of business in an envelope addressed to the person;

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- (c) by sending the document by registered post to the person at his usual or last known place of residence or place of business; or
- (d) in the case of an incorporated company, a partnership or a body of persons —
- (i) by delivering the document to the secretary or other like officer of the company, partnership or body of persons at its registered office or principal place of business; or
 - (ii) by sending the document by registered post addressed to the company, partnership or body of persons at its registered office or principal place of business.

Compoundable offences

20. Every offence under these By-laws shall be a compoundable offence in accordance with section 49 of the Act.

Revocation

21. The Town Council of Sembawang (Common Property and Open Spaces) By-laws (By 40) are revoked.

Made this 4th day of January 2012.

HAWAZI DAIPI
*Chairman,
The Town Council for
the Town of Sembawang-Nee Soon,
Singapore.*

[AG/LLRD/SL/329A/2011/8 Vol. 1]