

TOWN COUNCILS ACT
(CHAPTER 329A, SECTIONS 24 AND 49)

TOWN COUNCIL OF MARINE PARADE
(COMMON PROPERTY AND OPEN SPACES) BY-LAWS

ARRANGEMENT OF BY-LAWS

By-law

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[1st July 1992]

Citation

1. These By-laws may be cited as the Town Council of Marine Parade (Common Property and Open Spaces) By-laws.

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 Marine Parade;

“housing estate” means a housing estate of the Board within the Town of Marine Parade;

“mobility aid” means any of the following carrying an individual who is unable to walk or has difficulty in walking:

(a) a wheelchair (motorised or otherwise);

(b) a mobility scooter as defined by the Active Mobility Act 2017 (Act 3 of 2017);

[S 593/2019 wef 01/09/2019]

“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);

“public path” means a path declared under section 6 of the Active Mobility Act 2017 as a public path;

[S 593/2019 wef 01/09/2019]

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

“vehicle” means a vehicle, whether mechanically propelled or not, intended or adapted for use on the road, such as (but not limited to) a bicycle, power-assisted bicycle or personal mobility device as defined by the Active Mobility Act 2017, but excludes any mobility aid.

[S 593/2019 wef 01/09/2019]

(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.

(3) These By-laws do not affect the rights of the public to pass along a public path within the Town of Marine Parade in accordance with the Active Mobility Act 2017.

[S 593/2019 wef 01/09/2019]

No parking, dumping and erection of fixtures, etc.

3.—(1) No person shall —

- (a) park any vehicle on any common property or in any open space except in a parking place or with the prior written permission of the Town Council;
- (b) use, ride or drive on any common property or in any open space any vehicle, not being a perambulator, a child's toy vehicle used solely by a child or a mobility aid, except with the prior written permission of the Town Council;

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- (c) place, deposit, keep or leave, or cause or permit to be placed, deposited, kept or left, any material, article, object or thing on any common property or in any open space except in such places designated by the Town Council for that purpose;
- (d) erect or install or cause or permit to be erected or installed any fixture, structure or thing on any common property or in any open space except with the prior written permission of the Town Council; or
- (e) permit any dog, cat or other animal belonging to him or in his charge to urinate, defecate or otherwise soil any common property or open space.

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(2) Paragraph (1)(b) does not apply to —

- (a) a perambulator;
- (b) a child's toy vehicle used solely by a child;
- (c) a mobility aid; or

- (d) any common property or open space that is a public path within the Town of Marine Parade.

[S 593/2019 wef 01/09/2019]

Power to remove and detain vehicles

4.—(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 it 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 pursuant to paragraph (1)(a) or fixed an immobilisation device to the vehicle pursuant to paragraph (1)(b), he shall, with reasonable despatch, give notice in writing to the owner of the vehicle as to the procedure by which he may secure the release of the vehicle, and such notice shall be served on the owner of the vehicle —

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

(3) 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 secretary or the authorised officer, and such other charges as may be imposed under these By-laws.

(4) 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 (2)(b) shall be guilty of an offence.

(5) 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.

(6) 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 30 days after the date notice is given under paragraph (2) of the removal or immobilisation (as the case may be), the Town Council may sell the vehicle or otherwise dispose of it.

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(7) Where any vehicle has been sold or otherwise disposed of under paragraph (6), the proceeds of the sale or disposal of the vehicle shall —

(a) be applied in payment of any expenses incurred in carrying out the provisions of this by-law; and

(b) thereafter in payment of all charges and fines payable under these By-laws,

and the surplus, if any, shall be paid to the owner of the vehicle.

[S 593/2019 wef 01/09/2019]

(8) 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 appliance of such type approved by

the secretary or an officer authorised by the Town Council in that behalf.

Repairing, painting, etc., of vehicles

5.—(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

6. Where the Town Council has set apart any part of any common property or open space described in a notice board affixed or set up in some conspicuous position in that part of the common property or open space for the purpose of —

(a) roller skating;

(b) riding of skateboards; or

(c) any game specified in the notice which may, by reason of the rules or manner of playing, or for the prevention of damage, danger or discomfort to any person on or in the common property or open space, necessitate at any time during the continuance of the game the exclusive use by the players of any space in such part of the common property or open space,

no person shall on or in any common property or open space elsewhere roller skate, ride a skateboard or play or take part in any game so specified.

Obstruction of common property

7.—(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 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, claim possession from the Town Council within 30 days of such removal and detention.

(4) If the object, fixture or thing removed and detained by the Town Council is not claimed within 30 days of such removal and detention by the owner or person who had lawful possession thereof when it was removed and detained, the Town Council may —

- (a) sell by public auction or otherwise dispose of such object, fixture or thing; and
- (b) the proceeds of the sale or disposal shall be applied firstly to the expenses incurred by the Town Council in the removal, detention and sale or disposal, and the surplus, if any, shall be paid to such owner or person.

Entertainment and sale of goods on common property and open spaces

8. 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; or
- (b) sell or offer to expose for sale any commodity or article,

on any common property or in any open space.

Obstruction of refuse chutes

9. 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 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 occupiers of the building.

Trespassing onto lift motor rooms, etc.

10. No person shall, except with the prior written permission of the Town Council, enter any lift motor room, pump room, switch room or any 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.

Littering on common property and open spaces

11. No person shall throw or deposit, cause or permit to be thrown or deposited any dust, dirt, ashes, refuse, rubbish or other matter or thing into or onto any common property or open space other than in a refuse chute or other refuse or litter container or receptacle designated for that purpose.

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

12.—(1) No person shall endanger life or property or cause any nuisance, annoyance or inconvenience to any person within the Town by throwing, or allowing to fall, from his flat or any part of the building in a housing estate, 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 common property within the Town in such manner which, in the opinion of the Town Council, is likely to cause injury or cause damage to any common property 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 7 days of the date of such notice, any pot, plant, ornament, article, object or substance placed on or at any window-sill, corridor or common property outside the flat in contravention of paragraph (2).

(4) 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, and the amount of the expenses

incurred by the Town Council in such removal and detention shall be recoverable from that owner or occupier.

(5) 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).

(6) 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 from the Town Council within 30 days of such removal and detention.

(7) If the pot, plant, ornament, article, object or substance removed and detained by the Town Council under paragraph (4) or (5) is not claimed within 30 days of such removal and detention by the owner or occupier of the flat or other person who had lawful possession thereof when it was removed and detained, 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.

Damage to turf, plant, shrub or tree

13. No person shall remove, cut, damage or dispose of any turf, plant, shrub or tree or part thereof situated on any common property or in any open space.

Diversion of water or electricity

14. No person shall draw, divert or take —

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

except with the prior written permission of the Town Council.

Display of signs

15. 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 approval of the Town Council.

Bathing, etc., in fountains

16. 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 any thing,

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

Damage to common property

17.—(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 removal, destruction, damage or defacement or in replacing earth or soil or any other property that has been removed shall constitute a debt due to the Town Council and shall be recoverable as such.

Service of notices

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

- (a) delivering the notice to that person or delivering the notice at the usual or last known place of residence of that person to some adult member or servant of his family;
- (b) sending the notice by registered post to the usual or last known place of residence or business of the person; or
- (c) affixing the notice to some conspicuous part of the usual or last known place of residence or business of the person.

Composition of offences

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

[G.N. Nos. S 336/2000]

LEGISLATIVE HISTORY
TOWN COUNCIL OF MARINE PARADE
(COMMON PROPERTY AND OPEN SPACES) BY-LAWS
(CHAPTER 329A, BY 28)

This Legislative History is provided for the convenience of users of the Town Council of Marine Parade (Common Property and Open Spaces) By-laws. It is not part of these By-laws.

- 1. G. N. No. S 305/92 — Town Council of Marine Parade (Common Property and Open Spaces) By-laws 1992**

Date of commencement : 1 July 1992
- 2. 1993 Revised Edition — Town Council of Marine Parade (Common Property and Open Spaces) By-laws**

Date of operation : 1 April 1993
- 3. G. N. No. S 300/94 — Town Council of Marine Parade (Common Property and Open Spaces) (Amendment) By-laws 1994**

Date of commencement : 1 August 1994
- 4. 1998 Revised Edition — Town Council of Marine Parade (Common Property and Open Spaces) By-laws**

Date of operation : 15 June 1998
- 5. G. N. No. S 336/2000 — Town Council of Marine Parade (Common Property and Open Spaces) (Amendment) By-laws 2000**

Date of commencement : 1 August 2000
- 6. 2001 Revised Edition — Town Council of Marine Parade (Common Property and Open Spaces) By-laws**

Date of operation : 31 January 2001
- 7. G.N. No. S 593/2019 — Town Council of Marine Parade (Common Property and Open Spaces) (Amendment) By-laws 2019**

Date of commencement : 1 September 2019