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## No. S 140

### TOWN COUNCILS ACT (CHAPTER 329A)

#### TOWN COUNCIL OF JALAN BESAR (COMMON PROPERTY AND OPEN SPACES) BY-LAWS 2016

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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 Jalan Besar makes the following By-laws:

### **Citation and commencement**

1. These By-laws are the Town Council of Jalan Besar (Common Property and Open Spaces) By-laws 2016 and come into operation on 1 April 2016.

### **Definitions**

2. In these By-laws, unless the context otherwise requires —
- “building” means a building in a housing estate of the Board in the Town;
  - “common property” means any common property in the Town;
  - “open space” means an open space in the Town that is common property;
  - “park” means to bring a vehicle to a stationary position and cause the vehicle to remain in that position for any purpose;
  - “parking place” has the same meaning as in section 2 of the Parking Places Act (Cap. 214);
  - “sign” includes a signal, warning sign post, direction post, banner or notice, or an advertisement;
  - “Town” means the Town of Jalan Besar;
  - “Town Council” means the Town Council of the Town;
  - “vehicle” means a vehicle, whether mechanically propelled or not, intended or adapted for use on a road.

### **Dumping and renovation debris**

3. A person must not —
- (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 an open space not designated by the Town Council for that purpose; or

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- (b) transport renovation debris or other building material in any lift in a building, or over any other common property or an open space, without the prior written permission of the Town Council.

### **Littering on common property and open spaces**

4. A person must not throw or deposit, or cause or permit to be thrown or deposited, any dust, dirt, ash, refuse, rubbish or other matter or thing into or onto any common property or open space other than in a refuse chute or any other refuse or litter container or receptacle designated by the Town Council for that purpose.

### **Throwing items from buildings and dangerously positioned items**

5.—(1) A person (*A*) must not endanger the life of, or cause injury to, another person, or cause damage to any property in the Town by throwing an item, or allowing an item to fall, from *A*'s flat or any part of a building onto any common property or an open space.

(2) A person must not place any item on or at any window-sill, corridor or other part of the common property in a manner that, in the opinion of the Town Council, is likely to —

- (a) endanger the life of any person;
- (b) cause injury to any person; or
- (c) cause damage to any common property or the property of another person.

(3) Where an item is placed on or at a window-sill of a flat in the Town in contravention of paragraph (2), the Town Council may, by a written notice, direct the owner or occupier of the flat to remove the item within the time specified in the notice.

(4) Where an item is placed on or at a corridor or other part of the common property in contravention of paragraph (2), the Town Council may, by a written notice, direct —

- (a) the person who placed the item; or
- (b) the person who has lawful possession of the item,

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to remove the item within the time specified in the notice.

(5) If the person notified under paragraph (3) or (4) fails to comply with the notice under that paragraph, the Town Council may remove and detain the item.

(6) Where any item placed on or at any window-sill, corridor or other part of the common property poses, in the opinion of the Town Council, an imminent danger to life or person, the Town Council may, without giving any notice under paragraph (3) or (4), remove and detain the item.

(7) The Town Council must, as soon as practicable after the removal and detention of the item under paragraph (5) or (6), serve a written notice on —

- (a) where the item is placed on or at the flat's window-sill, the owner or occupier of the flat; or
- (b) where the item is placed on or at a corridor or other part of the common property, the person who placed the item or had lawful possession of the item prior to its removal,

that he or she (called the notified person) may, on payment of the expenses incurred by the Town Council in removing and detaining the item, claim possession of it from the Town Council.

(8) If the item is not claimed by the notified person within 30 days after its removal and detention, the Town Council may —

- (a) dispose of it by public auction or otherwise; and
- (b) apply the proceeds of the disposal to meet the expenses incurred by the Town Council under this by-law and then pay the balance (if any) of the proceeds to the notified person.

(9) The Town Council may recover from the notified person —

- (a) any expenses incurred by the Town Council under this by-law; and
- (b) where the item is disposed of under paragraph (8) and the proceeds are insufficient to meet the expenses, the balance of the expenses.

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(10) In this by-law, “item” means any pot, plant, ornament, article, object or substance.

### **Obstruction of common property**

6.—(1) A person must not, with an object, fixture or thing, obstruct, or cause or permit the obstruction of, the lawful use of any common property.

(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 must, as soon as practicable, give a written notice to —

(a) the owner of the object, fixture or thing so removed and detained; or

(b) if the owner cannot be found or ascertained, any other person who had lawful possession of the object, fixture or thing prior to its removal,

stating that he or she (called the notified person) may, on payment of the expenses incurred by the Town Council in removing and detaining the object, fixture or thing, claim possession of it from the Town Council.

(4) If the object, fixture or thing is not claimed by the notified person within 30 days after its removal and detention, the Town Council may —

(a) dispose of it by public auction or otherwise; and

(b) apply the proceeds of the disposal to meet the expenses incurred by the Town Council under this by-law, and then pay the balance (if any) of the proceeds to the notified person.

(5) The Town Council may recover from the notified person —

(a) any expenses reasonably incurred by the Town Council under this by-law; and

- (b) where the object, fixture or thing is disposed of under paragraph (4) and the proceeds are insufficient to meet the expenses, the balance of the expenses.

### **Damage to common property**

7.—(1) A person must not remove, destroy, damage or deface any common property, or remove any earth, soil or property from the common property.

(2) If a person contravenes paragraph (1), the Town Council may recover from the person, as a debt due to the Town Council, the costs and expenses (including administrative costs) reasonably incurred by the Town Council —

- (a) in replacing or restoring the common property to its condition before the removal, destruction, damage or defacement; or
- (b) in replacing the earth, soil or property removed from the common property.

### **Damage to turf, plant, shrub or tree**

8. A person must not, without prior written permission of the Town Council —

- (a) remove, cut, damage or dispose of any turf, plant, shrub or tree (or any part of it), situated on any common property or in an open space; or
- (b) pick a shrub or plant (or any part of it) situated on any common property or in an open space.

### **Unlawful parking, etc.**

9.—(1) A person must not, without prior written permission of the Town Council —

- (a) park a vehicle on any common property or in an open space that is not a parking place; or
- (b) use, ride or drive a vehicle on any common property or in an open space.

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- (2) Paragraph (1)(b) does not apply to —
- (a) a perambulator;
  - (b) a toy vehicle used solely by a child; or
  - (c) a wheelchair used solely for the conveyance of a person suffering from a physical defect or disability.

### **Power to remove and detain vehicles**

- 10.**—(1) Paragraph (2) applies in respect of a vehicle that —
- (a) is parked on any common property or in an open space in contravention of by-law 9(1)(a); or
  - (b) appears to have been abandoned on any common property or in an open space.
- (2) The secretary or an officer authorised by the Town Council (called the authorised officer) may —
- (a) remove the vehicle and detain it at a place of safety or any other suitable place; or
  - (b) immobilise the vehicle by affixing an immobilisation device to the vehicle to prevent the removal of the vehicle without the consent of the secretary or the authorised officer.
- (3) The secretary or the authorised officer must, as soon as practicable after the detention or immobilisation of the vehicle, serve a written notice on the owner of the vehicle as to the procedure by which the owner may secure its release.
- (4) The notice must be served on the owner —
- (a) in the case where the vehicle has been removed and detained, in accordance with by-law 19; or
  - (b) in the case where the vehicle has been immobilised, by affixing the notice on the windscreen or a conspicuous part of the vehicle.
- (5) The vehicle must not be released by any person to the owner of the vehicle unless —

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- (a) the secretary or the authorised officer has directed the release of the vehicle to the owner; and
- (b) the owner has paid all the expenses incurred by the Town Council in the removal and detention, or the immobilisation, of the vehicle and all the fines and composition sums payable by the owner for an offence under by-law 9(1)(a) in respect of the vehicle.
- (6) A person must not, without the authorisation of the secretary or the authorised officer —
- (a) remove or attempt to remove —
- (i) the vehicle from the place at which the vehicle is detained; or
- (ii) the immobilisation device affixed to the vehicle; or
- (b) remove or tamper with the notice affixed on the vehicle under paragraph (4)(b).
- (7) If the owner of the vehicle does not claim the vehicle within 30 days after the date of its detention or immobilisation, the Town Council may, after giving one month's notice in the *Gazette* of the Town Council's intention to do so, sell the vehicle by public auction or otherwise dispose of the vehicle in such manner as the Town Council thinks fit.
- (8) The Town Council may apply the proceeds of the sale or disposal of the vehicle —
- (a) to meet the expenses reasonably incurred by the Town Council under this by-law; and
- (b) in payment of the fines and composition sums payable by the owner for an offence under by-law 9(1)(a) in respect of the vehicle,
- before paying the balance (if any) of the proceeds to the owner of the vehicle.
- (9) The Town Council may recover from the owner —
- (a) any expenses reasonably incurred by the Town Council under this by-law; and

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(b) where the vehicle is disposed of under paragraph (7) and the proceeds are insufficient to meet the expenses, the balance of the expenses.

(10) In this by-law —

“immobilisation device” means any device or appliance —

(a) that is designed or adapted to be fixed to a part of a vehicle for the purpose of preventing the vehicle from being driven or otherwise put in motion; and

(b) that is of such type approved by the secretary or the authorised officer for the purposes of this by-law;

“secretary” means the secretary to the Town Council appointed under section 20(1) of the Act.

### **Repairing, painting, etc., of vehicles**

**11.—**(1) A person must not repair, paint, spray, test or service or cause or permit to be repaired, painted, sprayed, tested or serviced, a vehicle on any common property or in an open space.

(2) Paragraph (1) does not apply to repairs that are reasonably necessary for the removal of the vehicle from the common property or open space.

### **Playing of games, etc.**

**12.—**(1) The Town Council may designate a part of any common property or an open space (called the designated area), as described in a notice board affixed on or set up in a conspicuous place in the designated area, as an area where a person may —

(a) roller skate;

(b) ride a skateboard; or

(c) play or take part in a game specified in the notice board.

(2) A person must not roller skate, ride a skateboard, or play or take part in any game, on or in any common property or open space, except in the designated area for that activity.

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**Entertainment and sale of goods or services on common property and open spaces**

**13.** A person must not, 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 an open space; or
- (b) sell, or offer or exhibit for sale, goods or services on any common property or in an open space.

**Display of signs**

**14.—(1)** A person must not, without the prior written permission of the Town Council, display, or cause or permit to be displayed, a sign on any common property or in an open space.

(2) A person who displays a sign, or causes or permits a sign to be displayed in contravention of paragraph (1) must, within 7 days after the Town Council has served a written notice on the person —

- (a) remove the sign at the person's expense; and
- (b) repair any damage to the common property or open space caused by the display or removal of the sign.

(3) If the person does not comply with paragraph (2), the Town Council may —

- (a) remove the sign;
- (b) repair the damage to the common property or open space caused by the display or removal of the sign; and
- (c) recover from the person the expenses reasonably incurred by the Town Council under this by-law.

**Unauthorised works**

**15.—(1)** A person must not, without the prior written permission of the Town Council, carry out any works (including the erection or installation of a fixture, structure or thing) on any common property or in an open space.

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(2) A person who intends to carry out any works on common property must, before the commencement of the works, pay to the Town Council a deposit of such amount (not exceeding \$5,000) as may be required by the Town Council.

(3) Any person who carries out any works in contravention of paragraph (1) must, within 7 days after the Town Council has served a written notice on the person —

- (a) where the works involve the erection or installation of a fixture, structure or thing, remove, at the person's expense, the fixture, structure or thing; and
- (b) repair any damage to the common property or open space caused by the works.

(4) If the person does not comply with paragraph (3), the Town Council may —

- (a) where the works involve the erection or installation of a fixture, structure or thing, remove the fixture, structure or thing;
- (b) replace the common property or repair any damage to the common property or open space caused by the works; and
- (c) recover from the person the expenses reasonably incurred by the Town Council under this by-law.

(5) The Town Council may use any deposit received from a person under paragraph (2) to —

- (a) defray the costs incurred by the Town Council in supervising the works carried out by the person in restoring the common property; or
- (b) defray the expenses incurred by the Town Council under this by-law.

### **Diversion of water or electricity**

**16.** A person must not, without the prior written permission of the Town Council, draw, divert or take —

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

### **Obstruction of refuse chutes**

**17.** A person must not throw or deposit, or cause or permit to be thrown or deposited, into a refuse chute in a building, any object, material, thing, article or substance that will or is likely to —

- (a) choke or clog the refuse chute;
- (b) obstruct the free fall of refuse in the refuse chute; or
- (c) cause nuisance, annoyance or inconvenience to other occupiers of the building.

### **Trespassing onto lift motor rooms, etc.**

**18.** A person must not, without the prior written permission of the Town Council, enter —

- (a) a lift motor room, pump room, switch room or roof top; or
- (b) any common property that —
  - (i) is a fenced enclosure, building or room; and
  - (ii) contains an installation for the use or supply of water or electricity.

### **Service of documents**

**19.—(1)** Unless otherwise expressly provided in these By-laws, a notice or document required by these By-laws to be given to or served on a person may be given to or served on the person —

- (a) by delivering the notice or document to the person or to an adult member or employee of the person's family or household at the person's usual or last known place of residence;

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- (b) by leaving the notice or document at the person's usual or last known place of residence or place of business in an envelope addressed to the person;
  - (c) by sending the notice or document by registered post addressed to the person at the person's 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 notice or 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 notice or document by registered post addressed to the company, partnership or body of persons at its registered office or principal place of business.

(2) A notice or document sent by registered post to a person in accordance with paragraph (1) is deemed to be duly served on the person at the time when the notice or document would in the ordinary course of post be delivered and, in proving service of the notice or document, it is sufficient to prove that the envelope containing the same was properly addressed, stamped and posted by registered post.

### **Compoundable offences**

**20.** Any offence under these By-laws (read with section 24(9) of the Act) may be compounded by the Town Council in accordance with section 49 of the Act.

### **By-laws not to prevent officers of Town Council, etc., from enforcing By-laws**

**21.** These By-laws do not prevent an officer or employee of the Town Council, or a person authorised by the Town Council, from doing an act that is reasonably necessary or expedient to enforce these By-laws.

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**Cessation**

**22.** The following By-laws cease to have effect with respect to the areas in the former Towns of Moulmein-Kallang, Potong Pasir and Tanjong Pagar that are now comprised in the Town of Jalan Besar:

- (a) the Town Council of Moulmein-Kallang (Common Property and Open Spaces) By-laws 2011 (G.N. No. S 741/2011);
- (b) the Town Council of Potong Pasir (Common Property and Open Spaces) By-laws 2013 (G.N. No. S 162/2013);
- (c) the Town Council of Tanjong Pagar (Common Property and Open Spaces) By-laws 2002 (G.N. No. S 267/2002).

Made on 28 March 2016.

LILY TIRTASANA NEO  
*Chairman,  
The Town Council for  
the Town of Jalan Besar,  
Singapore.*

[JBTC-CPOS-01; AG/LEGIS/SL/329A/2015/16 Vol. 1]