
First published in the *Government Gazette*, Electronic Edition, on 20th July 2016 at 5:00 pm.

No. S 343

TOWN COUNCILS ACT (CHAPTER 329A)

TOWN COUNCIL OF SEMBAWANG (COMMON PROPERTY AND OPEN SPACES) BY-LAWS 2016

ARRANGEMENT OF BY-LAWS

By-law

1. Citation and commencement
 2. Definitions
 3. Unlawful dumping
 4. Obstruction of common property
 5. Damage to common property
 6. Damage to turf, plant, shrub or tree
 7. Unlawful parking, etc.
 8. Power to detain or remove vehicles
 9. Repairing, painting, etc., of vehicles
 10. Playing of games, etc.
 11. Entertainment and sale of goods or services on common property and open spaces
 12. Display of signs
 13. Unauthorised structures
 14. Diversion of water or electricity
 15. Obstruction of refuse chutes
 16. Throwing items from buildings and dangerously positioned items
 17. Bathing, etc., in fountains
 18. Trespassing onto lift motor rooms, etc.
 19. Service of documents
 20. Compoundable offences
 21. By-laws not to prevent officers of Town Council, etc., from enforcing By-laws
 - 21A. Public paths not affected
 22. Revocation
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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 makes the following By-laws:

Citation and commencement

1. These By-laws are the Town Council of Sembawang (Common Property and Open Spaces) By-laws 2016 and come into operation on 1 August 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;

“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 596/2019 wef 01/09/2019]

“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);

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

[S 596/2019 wef 01/09/2019]

“sign” includes a signal, warning sign post, direction post, banner, notice or an advertisement;

“Town” means the Town of Sembawang;

“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, 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 596/2019 wef 01/09/2019]

Unlawful dumping

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

Obstruction of common property

4.—(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 after removing and detaining the object, fixture or thing, serve a written notice on —

- (a) a person who appears, to the satisfaction of the Town Council, to be the owner of the object, fixture or thing; or
- (b) if such a person cannot be found after reasonable inquiry, the person who appears, to the satisfaction of the Town Council, to have had lawful possession of the object, fixture or thing before its removal.

(4) The written notice in paragraph (3) must inform the person notified —

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- (a) that the object, fixture or thing has been removed and where it is being detained; and
- (b) that the person may claim possession of the object, fixture or thing within 7 days after the notice is served and upon payment to the Town Council of expenses reasonably incurred by the Town Council in removing or detaining the object, fixture or thing.
- (5) If the object, fixture or thing is not claimed by the person notified under paragraph (3) within 7 days after service of the written notice, 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 reasonably incurred by the Town Council under this by-law, and pay the balance (if any) of the proceeds to that person.
- (6) The Town Council may recover from the person notified under paragraph (3) —
- (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 (5) and the proceeds are insufficient to meet the expenses, the balance of the expenses.

Damage to common property

5.—(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

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

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

Unlawful parking, etc.

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

- (a) park a vehicle on any common property or in an open space that is neither a parking place nor an area designated by the Town Council for the parking of that vehicle; or
- (b) use, ride or drive a vehicle on any common property or in an open space.

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

- (a) a perambulator;
- (b) a toy vehicle used solely by a child;
[S 596/2019 wef 01/09/2019]
- (c) a mobility aid; or
[S 596/2019 wef 01/09/2019]
- (d) any common property or open space that is a public path within the Town.
[S 596/2019 wef 01/09/2019]

Power to detain or remove vehicles

8.—(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 7(1)(a); or

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- (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, where this is not possible, by posting the notice on a notice board maintained by the Town Council nearest to that part of the common property or open space where the vehicle was removed from; 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 a person to the owner of the vehicle unless —
- (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 7(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 removed and detained, or immobilised, under paragraph (2) does not claim the vehicle within 30 days after the date the written notice is served, the Town Council may sell the vehicle or otherwise dispose of it.

[S 596/2019 wef 01/09/2019]

(8) The Town Council may —

- (a) apply the proceeds of the sale or disposal of the vehicle —
 - (i) to meet the expenses reasonably incurred by the Town Council under this by-law; and
 - (ii) in payment of the fines and composition sums payable by the owner for an offence under by-law 7(1)(a) in respect of the vehicle; and
- (b) pay 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
- (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 a device or an 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

9.—(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.

10. A person must not roller skate, ride a skateboard, or play or take part in any game, on any common property or in an 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 or services on common property and open spaces

11. 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

12.—(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; and
- (b) repair any damage caused to the common property or open space as a result of 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 any 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 as a debt due to the Town Council.

Unauthorised structures

13.—(1) A person must not, without the prior written permission of the Town Council, erect or install a fixture, structure or thing on any common property or in an open space.

(2) A person who erects or installs a fixture, structure or thing in contravention of paragraph (1) must, within the time specified by the Town Council in a written notice the Town Council serves on the person —

- (a) remove the fixture, structure or thing; and
- (b) repair any damage caused to the common property or open space as a result of the erection or installation.

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

- (a) remove the fixture, structure or thing; and

(b) repair any damage caused to the common property or open space as a result of the erection or installation.

(4) If a person erects or installs a fixture, structure or thing in contravention of paragraph (1) that, in the opinion of the Town Council, poses an imminent danger to life or person or may intrude the privacy of a person, the Town Council may, without serving notice under paragraph (2) —

(a) remove the fixture, structure or thing; and

(b) repair any damage caused to the common property or open space as a result of the erection or installation.

(5) If a person contravenes this by-law, the Town Council may recover the costs and expenses (including administrative costs) reasonably incurred by the Town Council in removing the fixture, structure or thing or performing the repairs under this by-law from the person as a debt due to the Town Council.

Diversion of water or electricity

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

(a) water from a 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

15. A person must not throw or deposit, or cause or permit to be thrown or deposited, into a refuse chute in a building an 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.

Throwing items from buildings and dangerously positioned items

16.—(1) A person (*A*) must not —

- (a) endanger the life of, or cause injury to, another person; or
- (b) 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 an item on or at a 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 a person;
- (b) cause injury to a 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,

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

(7) The Town Council must, as soon as practicable after removing and detaining 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, as the case may be; 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,

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 item, claim possession of it from the Town Council within 30 days after the written notice is served.

(8) If the item is not claimed by the notified person within 30 days after the written notice is served, 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 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.

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

Bathing, etc., in fountains

17. A person must not —

- (a) bathe, wade or wash in; or
- (b) cause or permit any animal belonging to the person or in the person's charge to enter or remove any thing from,

a pond or fountain that is in the Town and maintained by the Town Council.

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;
- (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.

Public paths not affected

21A. These By-laws do not affect the rights of the public to pass along a public path within the Town in accordance with the Active Mobility Act 2017.

[S 596/2019 wef 01/09/2019]

Revocation

22. The Town Council of Sembawang-Nee Soon (Common Property and Open Spaces) By-laws 2012 (G.N. No. S 13/2012) are revoked.

Made on 5 July 2016.

LIM WEE KIAK
*Chairman,
The Town Council for
the Town of Sembawang,
Singapore.*

[AG/LEGIS/SL/329A/2015/5 Vol. 1]