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TOWN COUNCILS ACT (CHAPTER 329A)

TOWN COUNCIL OF MOULMEIN-KALLANG (COMMON PROPERTY AND OPEN SPACES) BY-LAWS 2011

ARRANGEMENT OF BY-LAWS

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In exercise of the powers conferred by sections 24 and 49 of the Town Councils Act, the Town Council for the Town of Moulmein-Kallang hereby makes the following By-laws:

Citation and commencement

1. These By-laws may be cited as the Town Council of Moulmein-Kallang (Common Property and Open Spaces) By-laws 2011 and shall come into operation on 1st January 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 Moulmein-Kallang;

“housing estate” means a housing estate of the Board within the Town of Moulmein-Kallang;

“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.

Littering on common property and open spaces

4. No person shall 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 for that purpose.

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

5.—(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;
- (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 7 days after the date of such 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.

Obstruction of common property

6.—(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 and detention, claim possession of it from the Town Council within 30 days after the date of such 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

7.—(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.

(3) Any person who intends to carry out any works on common property shall, before the commencement of the works, pay to the Town Council a deposit not exceeding \$5,000 as may be required by

the Town Council to secure against any damage to the common property.

(4) The deposit referred to in paragraph (3) may be used by the Town Council to defray the costs incurred by the Town Council —

- (a) in supervising the works carried out by the person in restoring the common property; and
- (b) in restoring the common property itself where the person fails to carry out the necessary works to the satisfaction of the Town Council.

Damage to soil, turf, plant, shrub or tree

8.—(1) No person shall remove, cut, damage or dispose of any soil, turf, plant or tree 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.

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

- (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 or a wheel-chair used solely for the conveyance of persons suffering from some physical defect or disability.

[S 203/2012 wef 15/05/2012]

Power to remove and detain vehicles

10.—(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), he 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 —

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- (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

11.—(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.

12. 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 the common property or in the 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 any common property or in any open space elsewhere, roller skate, ride a skateboard or play or take part in any game so specified.

Entertainment and sale of goods on common property and open spaces

13. 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

14.—(1) 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.

(2) Any person who has displayed or caused or permitted to be displayed any sign in contravention of paragraph (1) shall, if requested in writing by the Town Council —

(a) remove at his expense that sign; and

(b) repair any damage to the common property or open space, within 7 days after that request is served on him, in default of which the Town Council may remove that sign and repair any such damage caused.

(3) The amount of expenses incurred by the Town Council in removing that sign and performing the repairs under paragraph (2) shall be recoverable by the Town Council from the person who has displayed or caused or permitted to be displayed that sign.

Unauthorised structures

15.—(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) Any person who has erected or installed any fixture, structure or thing in contravention of paragraph (1) shall, if requested in writing by the Town Council —

(a) remove at his expense that fixture, structure or thing; and

(b) repair any damage to the common property or open space, within 7 days after that request is served on him, in default of which the Town Council may remove that fixture, structure or thing and repair any such damage caused.

(3) The amount of expenses incurred by the Town Council in removing that fixture, structure or thing and performing the repairs under paragraph (2) shall be recoverable by the Town Council from the person who has erected or installed that fixture, structure or thing.

Diversion of water or electricity

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

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- (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

17. 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.

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;
- (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

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- (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.

Cessation

21. The Town Council of Jalan Besar (Common Property and Open Spaces) By-laws (By 44) shall cease to have effect with respect to the areas in the former Town of Jalan Besar that are now comprised in the Town of Moulmein-Kallang.

Made this 28th day of December 2011.

DENISE PHUA LAY PENG
Chairman,
The Town Council for
the Town of Moulmein-Kallang,
Singapore.

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