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TOWN COUNCILS ACT
(CHAPTER 329A)

TOWN COUNCIL OF SENGKANG
(COMMON PROPERTY AND OPEN SPACES)
BY-LAWS 2021

ARRANGEMENT OF BY-LAWS

By-law

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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 Sengkang makes the following By-laws:

Citation and commencement

1. These By-laws are the Town Council of Sengkang (Common Property and Open Spaces) By-laws 2021 and come into operation on 1 April 2021.

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);

“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 meaning given by 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;

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

“Town” means the Town of Sengkang;

“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.

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 material, article, object, 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, a fixture or a 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 that —

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- (a) the object, fixture or thing has been removed and where it is being detained;
 - (b) the person may claim possession of the object, fixture or thing —
 - (i) within 30 days after its removal and detention; and
 - (ii) upon payment to the Town Council of any expenses reasonably incurred by the Town Council in removing or detaining the object, fixture or thing; and
 - (c) the person must inform the Town Council within 7 days after service of the notice if the person intends to claim the object, fixture or thing in accordance with sub-paragraph (b).
- (5) If the person notified under paragraph (3) does not comply with paragraph (4)(c), the Town Council may —
- (a) dispose of it by public auction or otherwise; and
 - (b) apply any proceeds of the disposal to —
 - (i) meet any expenses reasonably incurred by the Town Council under this by-law; and
 - (ii) pay the balance (if any) of the proceeds to the notified person.
- (6) The Town Council may recover from the notified person any expenses reasonably incurred by the Town Council under this by-law (less the proceeds, if any, mentioned in paragraph (5)(b)).

Damage to common property

5.—(1) A person must not —

- (a) remove, destroy, damage or deface any common property; or
- (b) remove any earth, soil or property from any 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, any expenses 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 (or part of any) turf, plant, shrub or tree, situated on any common property or in an open space; or
- (b) pick any (or part of any) shrub or plant situated on any common property or in an open space.

Throwing items from buildings

7. A person (*A*) must not —

- (a) endanger the life of, or cause injury to, another person;
- (b) cause damage to any property in the Town; or
- (c) cause any nuisance, annoyance or inconvenience to another person,

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.

Dangerously positioned items

8.—(1) A person must not place an item on or at a window-sill, corridor or other part of the common property in a way that 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.

(2) Where the Town Council is of the opinion that an item is placed in contravention of paragraph (1), the Town Council may, by written notice, direct the following person as may be applicable to remove the item within the time specified in the notice:

- (a) where an item is placed on or at a window-sill of a flat in the Town — the owner or occupier of the flat;
- (b) where an item is placed on or at a corridor or other part of the common property —
 - (i) the person who placed the item; or
 - (ii) the person who has lawful possession of the item.

(3) If the person notified under paragraph (2) fails to comply with the notice under that paragraph, the Town Council may remove and detain the item.

(4) The Town Council may remove and detain an item without serving a notice under paragraph (2) if the item —

- (a) is placed on or at a window-sill, corridor or other part of the common property outside the flat; and
- (b) poses, in the opinion of the Town Council, an imminent danger to life or person.

(5) As soon as practicable after removing and detaining the item under paragraph (3) or (4), the Town Council must serve a written notice on —

- (a) where the item was placed on or at the flat's window-sill — the owner or occupier of the flat; or
- (b) where the item was placed on or at a corridor or other part of the common property —
 - (i) the person who placed the item; or
 - (ii) the person who had lawful possession of the item.

(6) The written notice in paragraph (5) must inform the person notified that —

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- (a) the item has been removed and detained; and
 - (b) the person may claim possession of it from the Town Council —
 - (i) within 30 days after its removal and detention; and
 - (ii) upon payment of any expenses reasonably incurred by the Town Council in removing and detaining the item.

(7) If the item is not claimed by the person notified under paragraph (5) within 30 days after its removal and detention, the Town Council may —

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

(8) The Town Council may recover from the person notified under paragraph (5) any expenses reasonably incurred by the Town Council under this by-law (less the proceeds, if any, mentioned in paragraph (7)(b)).

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

Unlawful parking, etc.

9.—(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 not a parking place; 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;
- (c) a mobility aid; or
- (d) any common property or open space that is a public path within the Town.

Power to detain or remove vehicles

10.—(1) The secretary or an officer authorised by the Town Council (called the authorised officer) may —

- (a) remove a vehicle mentioned in paragraph (2) and detain it at a place of safety or any other suitable place; or
- (b) immobilise the vehicle by fixing an immobilisation device to the vehicle to prevent the removal of the vehicle without the consent of the secretary or the authorised officer.

(2) Paragraph (1) applies to 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.

(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 mentioned in paragraph (3) must be served —

- (a) where a vehicle has been removed and detained —
 - (i) in accordance with by-law 20; or
 - (ii) 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) where a vehicle has been immobilised — by attaching 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 —

- (a) the secretary or the authorised officer has directed the release of the vehicle to the owner; and
- (b) the owner has paid —
 - (i) all the expenses reasonably incurred by the Town Council in the removal and detention, or the immobilisation, of the vehicle; and
 - (ii) 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 fixed to the vehicle; or
- (b) remove or tamper with the notice attached to the vehicle under paragraph (4)(b).

(7) If the owner of the vehicle removed and detained, or immobilised, under paragraph (1) 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.

(8) The Town Council may —

- (a) apply any proceeds of the sale or disposal of the vehicle —
 - (i) to meet any expenses reasonably incurred by the Town Council under this by-law; and
 - (ii) in payment of any fines and composition sums payable by the owner for an offence under by-law 9(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 any expenses reasonably incurred by the Town Council under this by-law (less the proceeds, if any, mentioned in paragraph (8)).

(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 a 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 —

(a) repair, paint, spray, test or service; or

(b) 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) 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 an area designated for that activity under paragraph (2).

(2) 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.

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) Where a person contravenes paragraph (1), the Town Council may, by written notice, direct the person to, at the person's expense and within 7 days after service of the notice —

- (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) A person must comply with the notice served under paragraph (2).

(4) If a person does not comply with the notice served under 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

15.—(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) Where a person contravenes paragraph (1), the Town Council may, by written notice, direct the person to, at the person's expense and within the time specified by the Town Council in the written notice —

- (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, installation or removal of the fixture, structure or thing.

(3) A person must comply with the notice served in paragraph (2).

(4) If the person does not comply with the notice served in 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, installation or removal of the fixture, structure or thing.

(5) If a person contravenes this by-law, the Town Council may recover any expenses reasonably incurred by the Town Council under paragraph (4) from the person as a debt due to the Town Council.

Diversion of water or electricity

16. 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

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- (b) electricity from a socket or an electrical supply line or electrical installation for the supply of electricity, situated on any common property.

Bathing, etc., in fountains

17. A person must not —

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

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

Obstruction of refuse chutes

18. 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.

19. 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

20.—(1) Unless otherwise expressly provided in these By-laws, a notice or document required or authorised 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) Where a notice or document is sent by registered post to a person in accordance with paragraph (1)(c) or (d)(ii) —
- (a) the notice or document 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
 - (b) 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

21. 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

22. 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

23. 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.

Made on 22 March 2021.

HE TINGRU
*Chairman,
The Town Council for
the Town of Sengkang,
Singapore.*

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