

# **Town Council of Marsiling-Yew Tee (Common Property and Open Spaces) By-laws 2016**

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**No. S 135**

**TOWN COUNCILS ACT  
(CHAPTER 329A)**

**TOWN COUNCIL OF MARSILING-YEW TEE  
(COMMON PROPERTY AND OPEN SPACES)  
BY-LAWS 2016**

In exercise of the powers conferred by section 24 of the Town Councils Act, the Town Council for the Town of Marsiling-Yew Tee makes the following By-laws:

**Citation and commencement**

**1.** These By-laws are the Town Council of Marsiling-Yew Tee (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;

“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 592/2019 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 592/2019 wef 01/09/2019]*

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

“Town” means the Town of Marsiling-Yew Tee;

“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 592/2019 wef 01/09/2019]*

## **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
- (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, serve 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, the 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 person notified under paragraph (3) 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 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 incurred by the Town Council under this by-law; and
- (b) where the item is disposed of under paragraph (4) 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 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.**

7.—(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 any vehicle on any common property or in an open space not designated by the Town Council for that type of vehicle.

*[S 592/2019 wef 01/09/2019]*

*[S 592/2019 wef 01/09/2019]*

- (c) *[Deleted by S 592/2019 wef 01/09/2019]*

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

- (a) a perambulator;
- (b) a toy vehicle used solely by a child;

*[S 592/2019 wef 01/09/2019]*

- (c) a mobility aid; or

*[S 592/2019 wef 01/09/2019]*

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

*[S 592/2019 wef 01/09/2019]*

*[S 592/2019 wef 01/09/2019]*

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

8.—(1) Paragraph (2) applies to a vehicle that —

- (a) is parked on any common property or in an open space in contravention of by-law 7(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