

# **Town Council of Bishan-Toa Payoh (Common Property and Open Spaces) By-laws**

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## **Legislative History**

### **TOWN COUNCILS ACT (CHAPTER 329A, SECTIONS 24 AND 49)**

### **TOWN COUNCIL OF BISHAN-TOA PAYOH (COMMON PROPERTY AND OPEN SPACES) BY-LAWS**

**By 29**

**REVISED EDITION 2001**

(31st January 2001)

[1st June 1997]

## **Citation**

**1.** These By-laws may be cited as the Town Council of Bishan-Toa Payoh (Common Property and Open Spaces) By-laws.

## **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 Bishan-Toa Payoh;

“housing estate” means a housing estate of the Board within the Town of Bishan-Toa Payoh;

“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 586/2019 wef 01/09/2019]*

“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);

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

*[S 586/2019 wef 01/09/2019]*

“sign” includes all signals, warning sign posts, direction posts, banners and advertisements;

“vehicle” means a vehicle, whether mechanically propelled or not, intended or adapted for use on the 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 586/2019 wef 01/09/2019]*

(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.

(3) These By-laws do not affect the rights of the public to pass along a public path within the Town of Bishan-Toa Payoh in accordance with the Active Mobility Act 2017.

*[S 586/2019 wef 01/09/2019]*

### **No parking, dumping, etc.**

3.—(1) No person shall —

- (a) park any vehicle on any common property or in any open space except in a parking place or with the prior written permission of the Town Council;
- (b) use, ride or drive on any common property or in any open space any vehicle, not being a perambulator, a child’s toy vehicle used solely by a child or a mobility aid, except with the prior written permission of the Town Council;

*[S 586/2019 wef 01/09/2019]*

- (c) 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 any open space, except in such common property or open space designated by the Town Council for that purpose; or

- (d) urinate or defecate or permit any dog, cat or other animal belonging to him or in his charge to urinate, defecate or otherwise soil any common property or open space.

*[S 586/2019 wef 01/09/2019]*

(2) Paragraph (1)(b) does not apply to any common property or open space that is a public path within the Town of Bishan-Toa Payoh.

*[S 586/2019 wef 01/09/2019]*

### **Unauthorised structures**

**3A.**—(1) No person shall erect or install or cause or permit to be erected or installed any object, fixture, structure or thing on any common property or in any open space within the Town, except with the prior written permission of the Town Council.

(2) The Town Council may remove and detain any object, fixture, structure or thing erected or installed on any common property or in any open space within the Town in contravention of paragraph (1) which, in the opinion of the Town Council, is likely to —

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

(3) Where the owner or person having lawful possession of the object, fixture, structure or thing can be identified or traced after making reasonable enquiries, the Town Council shall immediately give written notice to the owner or person having lawful possession of the object, fixture, structure or thing removed and detained by the Town Council that he may, on payment of the expenses incurred by the Town Council in such removal and detention, claim possession of it from the Town Council within 30 days of such removal and detention.

(4) If the object, fixture, structure or thing removed and detained by the Town Council under paragraph (3) is not claimed within 30 days of such removal and detention by the owner or person having lawful possession thereof, the Town Council may —

- (a) dispose of such object, fixture, structure or thing 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.

*[S 211/2001 wef 09/04/2001]*

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

4.—(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 it 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 pursuant to paragraph (1)(a) or fixed an immobilisation device to the vehicle pursuant to paragraph (1)(b), he shall, with reasonable despatch and provided that the owner can be identified or traced after making reasonable enquiries, give notice in writing to the owner of the vehicle as to the procedure by which he may secure the release of the vehicle, and such notice shall be served on the owner of the vehicle —

- (a) in the case where the vehicle has been removed to a place of safety or any other place, by post; or
- (b) in the case where an immobilisation device has been fixed to the vehicle, by affixing the notice onto the windscreen or any conspicuous part of the vehicle.

(3) No vehicle which has been removed and detained 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 secretary or the authorised officer, and such other charges as may be imposed under these By-laws.

(4) 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 (2)(b) shall be guilty of an offence.

(5) Any person who, without being authorised to do so in accordance with this by-