

Town Council of Marine Parade (Common Property and Open Spaces) By-laws

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

**TOWN COUNCIL OF MARINE PARADE
(COMMON PROPERTY AND OPEN SPACES) BY-LAWS**

By 28

REVISED EDITION 2001

(31st January 2001)

[1st July 1992]

Citation

1. These By-laws may be cited as the Town Council of Marine Parade (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 Marine Parade;

“housing estate” means a housing estate of the Board within the Town of Marine Parade;

“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 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.

No parking, dumping and erection of fixtures, etc.

3. 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 wheel-chair used solely for the conveyance of a person suffering from some physical defect or disability, except with the prior written permission of the Town Council;
- (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 places designated by the Town Council for that purpose;
- (d) erect or install or cause or permit to be erected or installed any fixture, structure or thing on any common property or in any open space except with the prior written permission of the Town Council; or
- (e) 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.

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, 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 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 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-law, removes or attempts to remove —

- (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.

(6) Where any abandoned 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 7 days of 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 it in such manner as he thinks fit.

(7) Where an abandoned vehicle has been sold or otherwise disposed of under

paragraph (6), the proceeds of the sale or disposal of the vehicle shall —

(a) be applied in payment of any expenses incurred in carrying out the provisions of this by-law; and

(b) thereafter in payment of all charges and fines payable under these By-laws, and the surplus, if any, shall be paid to the owner of the vehicle.

(8) 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 appliance of such type approved by the secretary or an officer authorised by the Town Council in that behalf.

Repairing, painting, etc., of vehicles

5.—(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

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

Obstruction of common property

7.—(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 any object, fixture or thing obstructing the lawful