



THE
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PART IV

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THE LOCAL AUTHORITIES ORDINANCE, 1996
THE CITY OF KUCHING SOUTH (PARKS) BY-LAWS, 2010
(Made under section 91(e))

In exercise of the powers conferred by section 91(e) of the Local Authorities Ordinance, 1996 [Cap. 20], the Council of the City of Kuching South has, with the approval of the Yang di-Pertua Negeri, made the following By-laws:

Citation and commencement

1. These By-laws may be cited as the **City of Kuching South (Parks) By-laws, 2010**, and shall come into force on the 1st day of October, 2010.

Interpretation

2. In these By-laws—

“Council” means the Council of the City of Kuching South;

“motor vehicle” means every description of vehicle propelled by means of mechanism contained within itself and constructed or adapted so as to be capable of being used on roads, and includes a trailer;

"parks" includes open spaces, lake's walks, recreation or pleasure grounds, roundabouts, central dividers along roads, sides of roads, road reserves, or any other grounds maintained or under the jurisdiction of the Council;

"structure" means any house, hut, shed, stall, signboard, tent, booth, table, pole, lean-to, shelter, roofed enclosure or any extension or any other erection of whatever material.

Offences

3. Any person who in any park—

- (a) removes or defaces any notice or by-laws exhibited in it;
- (b) carries on his person or affixes or posts any bill, placard, notice, banner, flag or advertisement to or on any wall, tree, fence or structure;
- (c) uses any loud hailer, amplifier, public address system or spot light;
- (d) removes, displaces, injures or defaces any seat, children's playground apparatus or other appliances;
- (e) places, deposits or throws or causes or allows to be placed, deposited or thrown any dust, dirt, paper, ashes, carcasses, refuse, boxes, barrels, bales or other article, or drops, spills, or scatter any dirt, sand, earth, gravel, loam, stone, grass, straw, shavings, sawdust, garden refuse, stable refuse, trade refuse, manure, garbage, or any other thing or matter from a moving or stationary vehicle or in any other manner or, throws, leaves behind any bottle, glass, can, food wrapper, particles of food or any other article or thing;
- (f) climbs any wall, fence, structure or tree;
- (g) rides or drives a bicycle or motor vehicle over any lawn or footpath;
- (h) walks over flower beds or shrubberies;
- (i) cuts, removes, damages or destroys any flowers, seats, plants or trees;
- (j) removes any turf or excavates any earth;
- (k) throws or discharges any stone or other missile;
- (l) bathes in any lake or stream except at any bathing place established by the Council for that purpose;

(m) discharges or causes to be discharged any waste matter or effluent from any premises into a lake or stream (in the park) and which pollutes or is likely to pollute such lake or stream;

(n) uses a boat, or fishes in any lake or stream except with the written permission of the Council or interferes in any way with the flow of water from any lake over the spills;

(o) kindles any fire or lets off any fireworks or crackers or discharges without lawful excuse any firearm or air gun without the previous written permission of the Council;

(p) washes or dries anything or beats any carpet or mat;

(q) erects any structure without the previous written permission of the Council;

(r) exposes for sale or sells any goods, article or food or drink except at such places in any park and on such occasions as may be approved by the Council;

(s) preaches or delivers any public address or assembles in the park for the purpose of holding or taking part in any religious, political or any other meeting or makes any demonstration without the previous written permission of the Council;

(t) uses any indecent or offensive language or behaves in an indecent or offensive manner;

(u) obstructs the Council or any officer authorized in writing by him in the execution of his duties;

(v) engages in looking after or washing any motor vehicle without the previous written permission of the Council,

shall be guilty of an offence.

Riding of bicycle

4. No person shall ride a bicycle in the park except in an area set aside for that purpose.

Entry of dogs or animals

5.—(1) No person shall cause or suffer any dog or other animals belonging to him or in his charge to enter or remain in any park except a dog on a leash or under his proper control.

(2) Where a notice is affixed by the Council prohibiting the entry of dogs into any park, no person shall cause or suffer any dog belonging to him or in his charge to enter or remain in such park.

Trapping or killing of animals and birds prohibited

6. No person shall trap or kill any animal or bird in a park or have in his possession in a park any device or instrument for trapping of animals or birds. The Council or any officer authorized in writing by it or a police officer may seize such device or instrument from any person found in the park.

Vehicle over two tons prohibited

7. No motor vehicle other than those belonging to the Government or any statutory body established under any written law, of a laden weight of more than two tons shall enter any park without the written permission of the Council.

Indiscriminate parking prohibited

8. No motor vehicle or bicycle shall be parked in any place in any park except in a place which is reserved for the parking of such motor vehicle or bicycle.

Disorderly manner

9. (1) Any person found behaving in a disorderly manner in any park commits an offence.

(2) Any person committing any act in contravention of any of the provisions of this by-law may be ordered out of any park by the Council or any officer authorized in writing by it or a police officer and may be refused admission subsequently.

(3) Any person refusing to obey such orders under paragraph (2) may, with reasonable force, be removed from such park.

Bathing

10. No person shall bathe or wade within a park except in water provided for that purpose.

Model aeroplanes

11. No person shall fly a model aeroplane in a park except with the prior written permission of the Council.

Opening and closing time

12.—(1) The Council may from time to time by resolution publicly notify or prescribe the period during which a park shall be open to the public.

(2) If the Council has prescribed such a period, no person shall enter or remain in a park otherwise than during that period.

Temporary closure of park

13.—(1) The Council may temporarily close any park or any portion of it at any time as it may consider necessary.

(2) Any temporary closure of any park or any portion of it shall be duly notified by the Council to the general public by affixing a notice or sign at the main entrance and exit of such park.

(3) Where the temporary closure of a park involves only a portion of a park, the Council shall clearly demarcate the area by fencing or barricading such portion of the park to be temporarily closed and affixing a notice or sign at it.

(4) No person shall enter or remain in a park or any portion of it during that period of temporary closure without the prior permission in writing of the Council.

Closure and charges on special occasions

14.—(1) The Council may close all or part of a park the general public during such times as it thinks fit, for the purpose of setting aside that park or any portion of it for a specified game or sport, and may by resolution fix a charge for the right to use that park or portion of the park for that specified game or sport during those times.

(2) The Council may by resolution adopt rules to govern the use of a park under paragraph (1) of this by-law and may by resolution fix admission charges for such admission. Every such park or portion of the park shall be used only for the purpose for which it is approved under this by-law.

Notices and signs erected by the Council

15.—(1) The Council may erect, affix or display any notice or sign in a park or any portion of it to direct the general public on the use of the park.

(2) Any person who fails to comply with such notice or sign erected, affixed or displayed by the Council in a park or any portion of it shall be guilty of an offence: Penalty, a fine of one thousand ringgit.

Offenders required to provide names

16. Any person who commits an offence under these By-laws shall, if so requested by an authorized officer of the Council, give that person's full name and address.

Penalties

17. Any person who contravenes or fails to comply with any of the provisions of these By-laws shall be guilty of an offence and, where no penalty is expressly provided, shall be liable, on conviction, to a fine not exceeding thousand ringgit and, in the case of a second or subsequent conviction, to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding nine months or to both.

Revocation

18. The Kuching Municipal (Parks) By-laws [Vol. X, p. 103] are revoked,

Made this 12th day of January, 2010.

JAMES CHAN KHAY SYN,

Mayor,

Council of the City of Kuching South

Approved by the Yang di-Pertua Negeri this 4th day of May, 2010,

By Command,

DATO SRI WONG SOON KOH,

Second Finance Minister and

Minister for Environment and Public Health

