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

In exercise of the powers conferred by section 91(c) and (e) of the Local Authorities Ordinance, 1996 [*Cap. 20*], the City of Kuching North 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 North (Parks) By-laws, 2010**, and shall come into force on the 1st day of February, 2010.

Interpretation

2. In these By-laws—

“amenity” means anything constructed or placed in a park whether temporary or permanent, including any sign, building, wall, bench, table, railing, stairs, pool, fire pit, swing set, composit bin, waste receptacle, underground sprinkler, irrigation system, fence, bridge, guardrail, memorial marker, vase or other similar thing, but does not include park vegetation;

“bicycle” means a cycle propelled by human power on which a person can ride regardless of the number of wheels it has;

“camp” means to live or take up quarters in a park;

“cemetery” means any land within the jurisdiction of the Commission which is permitted to be used as a burial ground or a crematorium;

“Commission” means the Commission of the City of Kuching North established under section 4 of the City of Kuching North Ordinance, 1988 [Cap. 49];

“cyclist” means a person who rides or is in actual physical control of a bicycle;

“Director” means the Director of the Commission appointed under section 8(1) of the City of Kuching North Ordinance, 1988 [Cap. 49];

“officer” means any authorized officer of the Commission, and includes any contractor appointed by the Commission to maintain and manage a park;

“park” means any land vested in or controlled and managed by the Commission and set aside as a park to be used for rest, recreation, exercise, pleasure, amusement and enjoyment, and includes---

- (a) playgrounds;
- (b) cemeteries;
- (c) pathways;
- (d) trails;
- (e) park roadways,

but does not include golf courses;

“park roadway” means a road, including parking lots for vehicles, in a park which is set aside specifically for use by vehicles and bicycles;

“park vegetation” means any fungus, plant or part of it which grows in a park;

“pathway” means a multi-purpose thoroughfare controlled by the Commission and set aside for pedestrians, cyclists and persons using wheeled conveyances, which is improved by asphalt, concrete or brick, whether or not it is located in a park, and includes any bridge or structure with which it is contiguous;

“permit” means the written permission of the Director or the authorized officer of the Commission to do something in or on a park or pathway;

"person" means an individual or any business entity including a firm, partnership, association, corporation or society, but does not include Commission or any of their employees, who are acting in the course or within the scope of their employment;

"playground" means any land within the jurisdiction of the Commission vested in or controlled and managed by the Commission upon which apparatus such as swings and slides are placed;

"trail" means an established path within a park, used by pedestrians or cyclists;

"vehicles" means—

(a) cars, trucks, boats, all terrain vehicles, motorcycles or other devices which are or may be propelled by a motor; and

(b) trailers, campers, nonpower boats or other devices which may be towed behind other vehicles,

but does not include bicycles and wheeled conveyances;

"waste" means anything that is discarded;

"wheeled conveyances" means roller skates, inline skates, skateboards, wheelchairs.

Park use

3.—(1) All parks shall be closed to the public between the hours of 11.00 o'clock in the evening and 5.00 o'clock the next morning or at such other times as may be specified by the Commission.

(2) No person shall enter or remain in a park when it is closed to the public.

(3) The Commission may close a park or any portion of it at any time.

Fire

4.—(1) No person shall ignite or allow a fire to burn in a park except in a fire pit or other receptacle intended for such use.

(2) No person in a park shall burn—

(a) leaves or other dead fall from trees from within a park;

(b) park vegetation, trees or parts of them within a park, whether dead or alive;

(c) tyres or rubber; or

(d) plastics or any other similar things which may emit a noxious smell when burned.

(3) No person in a park shall—

(a) allow a fire to get out of control;

(b) leave a fire unattended; or

(c) allow a fire to burn after 10.30 at night.

(4) No person shall let off any fireworks or crackers or discharges without lawful excuse any firearm or airgun in a park without the prior written approval of the Commission.

(5) Any person who ignites a fire in a park must ensure that such fire is extinguished completely, leaving only cold ashes, prior to leaving the site of the fire.

Camping

5. No person shall, unless allowed by a permit—

(a) camp in a park; or

(b) erect a tent or structure in a park.

Vehicle

6.—(1) No person shall ride, drive or operate a vehicle in a park except on a park roadway.

(2) No person shall park a vehicle in a park except in areas set aside for vehicle parking.

(3) No person shall leave a vehicle in a park between 11.00 o'clock in the evening and 5.00 o'clock the next morning.

Water

7.—(1) No person shall enter, wade, swim, bathe in any lake, pond, pool, stream or watercourse in a park.

(2) No person shall affix or secure themselves to any structure or amenity for the purposes of water play in a park.

(3) No person shall fish, launch a boat, canoe or similar craft in a watercourse from or within a park except where specifically allowed by the Commission.

(4) No person shall discharge or cause to be discharged any waste matter or effluent from any premises into a watercourse in a park and which pollutes or is likely to pollute such watercourse.

Prohibited activities

8.—(1) No person shall—

(a) dig, disturb or remove any mineral substance including soil, sand, gravel or rock from a park;

(b) damage, dig, cut, disturb or destroy any park vegetation, whether alive or dead;

(c) damage, dig, disturb, deface, destroy or remove any fossils, bones or historical artifacts from a park;

(d) damage or destroy any wildlife habitat;

(e) pester, feed or otherwise interfere with any animal in a park; or

(f) trap or kill any animal or bird or have in his possession in a park any device or instrument for trapping of animals or birds.

(2) Any authorized officer of the Commission or a police officer may seize any device or instrument for trapping of animals or birds from any person found in a park.

No person shall perform other activities other than its intended purpose in a park

9. No person shall damage, deface, destroy, remove or use other than for its intended purpose any pathway, trail or amenity in a park.

No person shall engage unsafe activity

10. No person shall perform or engage in any stunt, trick or reckless or unsafe activity on or in any amenity, pathway, trail, park roadway or park.

No person shall engage in any activity inconsistent with the purpose of a park

11. No person shall engage in any conduct or activity in a park which may—

(a) injure any other user of a park;

(b) disturb the use or enjoyment of the park by any other user of a park;

(c) damage a park or an amenity in a park; or

(d) be inconsistent with the purpose of a park.

No playing of golf, etc., in a park

12. No person, while in a park, shall—

(a) swing a golf club;

(b) propel a golfball or plastic golfball of any kind in any manner;

- (c) fly any kite or play any ball games except in the places expressly allotted for such games;
- (d) operate an amplification system;
- (e) do anything which is likely to attract a crowd;
- (f) set off, launch or operate any remote control device including boats, planes, helicopters or cars except where such activity is specifically allowed by the Commission; or
- (g) take part in any procession, drill, performance, ceremony, concert or public gathering without the prior written approval of the Commission.

No disturbance in a park

13. No person shall, in a park—

- (a) plant, grow, place or modify any plant, flower or other park vegetation;
- (b) build, erect, place, remove or modify any amenity, pathway or trail;
- (c) cut, irrigate, spray or apply any substance, including pesticides and fertilizers, to any grass or other park vegetation, or otherwise disturb or damage the park vegetation;
- (d) leave, place, store, deposit or board anything; or
- (e) build, erect or create a jump or ramp.

Entry of dogs or other animals

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

(2) No person shall cause or suffer a dog belonging to him to enter a park if there is a notice affixed by the Commission prohibiting such entry.

Indecent or disorderly manner

15. Any person found behaving in an indecent, disorderly or immoral manner in a park commits an offence.

Sign

16.—(1) No person shall disobey a sign placed in a park.

(2) No person shall, other than with the written approval of the Commission, erect or place a sign of any kind, commercial or otherwise, in a park.

Waste

17.—(1) No person shall leave, place, deposit, throw any waste in a park, except in receptacles specifically provided for waste disposal.

(2) No person shall urinate or defecate in a park except in a public washroom or portable facility provided for that purpose.

Sale of goods and services

18. No person shall—

(a) make available, offer or give away free goods or services;

(b) make available for sale goods or services;

(c) carry on any business of any kind or nature whatsoever or solicit for any business, trade or occupation;

(d) place a sign or device of any kind advertising or publishing any commercial venture or facility; or

(e) place or leave any goods or merchandize in order to display the same for sale,

any where in a park, unless specifically allowed in writing by the Commission.

Pathways and trails

19.—(1) Unless otherwise authorized pursuant to these By-laws, no person in a park shall use or ride:

(a) a bicycle except on a pathway, trail or park roadway; or

(b) any wheeled conveyance except on a pathway or trail.

(2) No person shall ride a bicycle or use a wheeled conveyance or vehicle on a park roadway, pathway or trail which is closed, or where such use is prohibited.

Contravention of By-laws

20.—(1) Any person committing an act in contravention of any of the provisions of these By-laws may be ordered out of a park by any officer authorized in writing by the Commission or a police officer and may be refused admission subsequently.

(2) Any person refusing to obey such orders under paragraph (1) may, with reasonable force, be removed from such park.

General penalty

21.—(1) Any person who contravenes any provision of these By-laws—

(a) by doing any act or thing which the person is prohibited from doing; or

(b) by failing to do any act or thing which the person is required to do, is guilty of an offence.

(2) Any person who is convicted of an offence pursuant to these By-laws is liable on conviction to a fine not exceeding two thousand ringgit only or a term of imprisonment not exceeding one year or both such fine and imprisonment, and in the case of a continuing offence a sum not exceeding two hundred ringgit only for each day during which such offence is continued after conviction.

Cessation of application of By-laws

22. The Kuching Municipal Council (Parks) By-laws [Vol. X, p. 103] and the Kuching Rural District Council (Parks) By-laws, 1965 [Swk. L.G. 53/65] shall cease to apply to the City of Kuching North, but without prejudice to the validity of anything previously done under them.

Dated this 12th day of January, 2010.

HAI MOHAMAD ATEI BIN ABANG MEDAAN,
Commissioner,
Commission of the City of Kuching North

