



WARTA KERAJAAN NEGERI JOHOR
GOVERNMENT OF JOHORE GAZETTE



**Undang-Undang Kecil
Taman
(Majlis Perbandaran Pengerang)
2021**

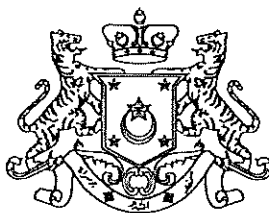
***Parks
(Pengerang Municipal Council)
By-Laws
2021***

Jenis Sumber Kuasa	Perundangan Subsidiari – Undang-Undang Kecil / <i>By-Laws</i>
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NEGERI JOHOR

Warta Kerajaan

DITERBITKAN DENGAN KUASA

GOVERNMENT OF JOHORE GAZETTE

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*TAMBAHAN No. 9
PERUNDANGAN*

LOCAL GOVERNMENT ACT 1976

PARKS
(PENGERANG MUNICIPAL COUNCIL) BY-LAWS 2021

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SCHEDULE

IN exercise of the powers conferred by section 102 of the Local Government Act 1976 [*Act 171*], Pengerang Municipal Council makes and pursuant to section 103 of the said Act, the State Authority confirms, the following by-laws:

PART I
PRELIMINARY

Name and commencement

1. (1) These by-laws may be cited as the **Parks (Pengerang Municipal Council) By-Laws 2021**.

(2) These By-Laws shall come into force on the date of its publication in the *Gazette*.

Interpretation

2. In these By-Laws, unless the context otherwise requires—

“child” has the same meaning as defined in the Child Act 2001 [*Act 611*];

“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 including a trailer;

“Council” means the Pengerang Municipal Council;

“structure” means any building shed, stall, signboard, tent, booth, table, pole, leanto, shelter, roofed enclosure, any extension or any other erection of whatever material;

“park” includes any residential area, garden, open space, walk, lake, bicycle lane, recreation or entertainment ground or playground, traffic roundabouts, central divider along roads, road side, road reserve, river, stream, river bank or any other ground maintained by the Council;

“public places” includes every public road, highway, street, bridge, field, lane, walkway, pedestrian, march, wharf, pier, base, rivers, tributaries, canals, trenches, public parks or open spaces and every cinema, various types of public entertainment venues or places of public visit where it is subject to payment for entry into or where people are free to enter including public toilets, hut waiting for the bus and taxi, telephone booths, bus stops and taxi stops;

“plants” includes shrubs, climbers, creepers, hedges, fens, flowers and lawngrasses; and

“President” means the President of Pengerang Municipal Council.

Public park and open space

3. For the purposes of these By-Laws, the interpretation of the "park" includes public parks and open space under the maintenance of the Council as specified in the Schedule.

PART II
PROHIBITIONS IN PARK

Offences

4. Any person who in any park—

- (a) remove or damage any notice or by-laws displayed within the park;
- (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) throws or deposits any filth, rubbish or refuse;
- (f) climbs any wall, fence, structure or tree;
- (g) rides or pushes a bicycle, tricycle or drives a motor vehicle over any lawn or footpath;
- (h) walks over flower beds or shrubberies;
- (i) cuts, removes, damages or destroys any plant or tree;
- (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 President for that purpose;
- (m) uses a boat or other sorts of water transports or fishes or organizing any sorts of water sports in any lake or stream except with the written permission of the President or interferes in any way with the flow of water from any lake over the spills;

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- (n) kindles any fire or lets off any firework or cracker or discharges without lawful excuse any firearm or air gun without the previous written permission of the President;
 - (o) flies any kite or plays any ball game except in the places expressly allotted for such game;
 - (p) being over the age of 12 years, uses any children's playground apparatus;
 - (q) washes or dries anything or beats any carpet or mat;
 - (r) erects any structure without the previous written permission of the President;
 - (s) exhibits, exposes for sale or sells any good, article or food or drink except at such places therein and on such occasions as may be approved by the President;
 - (t) 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 make any demonstration without the previous written permission of the President;
 - (u) uses any indecent or offensive language or behaves in an indecent or offensive manner;
 - (v) obstructs any Council officer or employee in the performance and execution of his duty;
 - (w) engages in looking after or washing any motor vehicle without the previous written permission of the President; and
 - (x) carry, hold, and possess any liquor, wine or intoxicating drinks;
 - (y) drink any kind of liquor, wine or intoxicating drinks;
 - (z) commit any offence under any Acts in force in Malaysia including any by laws, orders, rules or regulations made thereunder; and
 - (aa) under the influence of intoxicating drinks or drugs, cause the loss of self-control and can cause injury, accident or death to any person in the area,

shall be guilty of an offence.

Entry of children under the age of 18 into the park

5. No child under the age of 18 is permitted to enter or/and be in a park unless supervised by parents, guardians, adults or others.

Entry of dogs or animals

6. (1) No one shall cause or allow any other dog or other animal belong to or under his care to enter or stay in any park except the dog or other animal being chained or controlled accordingly.

(2) Where a notice has been affixed by the President prohibiting a dog from entering any park, no one may cause or permit any of his or her dogs or under his or her custody to enter or be in the park.

Trapping or killing of animals and birds prohibited

7. (1) No person shall entice or kill any animal or bird in a park or possess any tool for the capture of an animal or a bird.

(2) Any authorized officer of the Council in writing or police officer may seize such devices or appliances from any person found in the garden.

(3) The President may direct the disposal of the seized appliance or appliance by such method as it thinks fit and reasonable.

Vehicle over two tones prohibited

8. (1) No motor vehicle other than those belonging to the Government or statutory bodies, of a laden weight of more than two tones shall enter any park without the written permission of the President.

(2) Any authorized officer of the Council may remove any motor vehicle in contravention of paragraph (1) and detain such motor vehicle at such places as deemed fit by the President.

(3) Every motor vehicle shall be so detained at the risk of the owner of the motor vehicle.

Indiscriminate parking prohibited

9. (1) No motor vehicle, bicycle or tricycle, shall be parked in any place in any park except in a place which is reserved by the President for the parking of such motor vehicle, bicycle or tricycle.

(2) If a motor vehicle is parked in any place in the park other than in a place reserved for the parking of such motor vehicle and the driver or a person having charge or control of the motor vehicle is not known or cannot be established, the registered owner of the motor vehicle shall be presumed, unless the contrary is proved, to have contravened paragraph (1).

PART III
ENFORCEMENT

Improper conduct

10. Any person guilty of disorderly or improper conduct of any description or of the breach of any of these By-Laws may be ordered out of any park by the President or any authorized officer of the Council or police officer not below the rank of Inspector.

Restrictions on entry at certain times

11. No person shall be in the places specified in column (2) of the Schedule between 1.00 a.m. to 6.00 a.m. except with the written permission of the President or any authorized officer of the Council in writing by the President.

Closure of park

12. The President may seal a park or any part thereof at any time.

Power to arrest

13. (1) The President or any authorized officer of the Council may arrest without warrant any person—

- (a) whom he reasonably believes to have committed an offence under these By-Laws; or
- (b) who refuses to give his name and address when it is requested for or if there is reason to doubt the accuracy of the name and the address given.

(2) A person arrested under these By-Law shall be taken to a police station and shall be brought before a Magistrate within twenty-four hours, unless before that time his true name and residence are ascertained, in which case such person shall be forthwith released on his executing a bond for his appearance before a Magistrate if so required.

(3) When any such person is taken before a Magistrate, such Magistrate may either require him to execute a bond, with or without a surety, for his appearance before a Magistrate if so required, or may order him to be detained in custody until he can be tried.

Power of seizure

14. (1) Any authorized officer of the Council may seize or remove any things or goods in contravention of these By-Laws with the risk to be borne by the owner.

(2) Where any things or goods seized under paragraph (1) are of perishable nature or are subject to speedy and natural decay or where the custody of such things or goods involves unreasonable expense and inconvenience, or is believed to cause hazard to the public, the authorized officer may direct that such things or goods may be disposed of in any manner as determined by the President.

(3) Any person who claims any things or goods other than things or goods disposed under paragraph (2), may claim such things or goods from the Council within a minimum period of seven working days or a maximum period of one month from the date of such things or goods being seized subject to any condition and payment imposed by the Council.

(4) The President or any authorized officer shall not be liable to any person for any deterioration, however caused, in the quality of any things or goods seized under these By-Laws.

Prosecution

15. No prosecution shall be instituted for an offence under these By-Laws except by or with the consent of the Public Prosecutor.

Compounding of offence

16. (1) The President may with the consent of the Public Prosecutor compound any offence committed by any person under these By-Laws and prescribed to be a compoundable offence by making a written offer to the person suspected of having committed the offence to compound the offence upon payment to the Council of an amount not exceeding fifty percent of the maximum fine of the offence within a time which may be specified in the offer.

(2) An offer under paragraph (1) may be made at any time after the offence has been committed but before any prosecution for it has been instituted, and if the amount specified in the offer is not paid within the period specified in the offer or within such extended period as the Council may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer was made.

(3) If an offence has been compounded under paragraph (1)–

- (a) no prosecution may then be instituted in respect of such offence against the person who has made compounding offer;
- (b) any book, record, instrument, completion, instrument, material, article or anything seized in connection with the offence, may be confiscated, deleted or returned to such person as the Council considers fit after consideration regarding the nature of the offence and subject to such terms and conditions as may be specified.

Penalty

17. A person who contravenes any of the provisions of this By-Law shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding one year or both and in the case of a continuing offence may be an additional fine not exceeding two hundred ringgit for each day the offence is continued after the conviction.

PART IV
GENERAL

Powers of police officers under these By-Laws

18. Nothing contained in these By-Laws may reduce the power of a police officer to investigate any offence.

SCHEDULE

No.	Location	Usage
1. LOT 16720	Taman Permainan Jalan Beringin, Taman Desaru Utama	Park and Recreation
2. P.T.B. 12037	Taman Permainan Jalan Surian, Taman Desaru Utama	Park and Recreation
3. LOT 17786	Taman Permainan Marinea 1, Taman Desaru Utama	Park and Recreation
4. LOT 17787	Taman Permainan Marinea 2, Taman Desaru Utama	Park and Recreation
5. LOT 16740	Taman Permainan Jalan Semarak, Taman Desaru Utama	Park and Recreation
6. RIZAB AWAM	Taman Permainan Kg. Nelayan Tg. Balau	Park and Recreation
7. RIZAB KAWASAN LAPANG	Taman Permainan Jalan Dato' Jaafar 6, Taman Mutiara Desaru	Park and Recreation
8. P.T.B. 1918	Taman Permainan Jalan Dato' Jaafar 23, Taman Mutiara Desaru	Park and Recreation
9. P.T.B. 1103	Taman Permainan Jalan Selamat, Bandar Penawar	Park and Recreation
10. RIZAB KAWASAN LAPANG	Taman Permainan Jalan Bahagia, Bandar Penawar	Park and Recreation
11. P.T.B. 12912	Taman Bandar, Bandar Penawar	Park and Recreation
12. LOT 11132	Taman Permainan Pusat Bandar	Park and Recreation
13. P.T.B. 8256	Taman Tasik Bandar Penawar	Park and Recreation
14. P.T.B. 12918	Taman Tasik Fasa 2, Bandar Penawar	Park and Recreation
15. RIZAB TAMAN RIADAH	Taman Arca Bandar Penawar	Park and Recreation
16. RIZAB REKREASI	Taman Komuniti Bandar Mas	Park and Recreation
17. RIZAB REKREASI	Taman Permainan Jalan Intan 7, Bandar Mas	Park and Recreation

No.	Location	Usage
18. RIZAB BALAIRAYA	Gelanggang Futsal Jalan Intan, Bandar Mas	Court
19. LOT 10852	Taman Permainan Jalan Geliga, Bandar Mas	Park and Recreation
20. RIZAB REKREASI	Taman Permainan Telok Sengat	Park and Recreation
21. LOT 10046	Taman Permainan Kg. Nelayan Pasir Gogok	Park and Recreation
22. SEBAHAGIAN LOT 71021	Lot Permainan Jalan Bunga Melor, Pasir Gogok	Park and Recreation
23. P.T.D. 298	Taman Permainan Dataran Sungai Rengit	Park and Recreation
24. P.T.D. 7116	Taman Permainan Jalan Kg. Jawa 5, Bayu Damai	Park and Recreation
25. P.T.D. 7121	Taman Permainan Jalan Langkah Baik, Bayu Damai	Park and Recreation
26. P.T.D. 7100	Taman Permainan Jalan Sungai Kapal 9	Park and Recreation
27. P.T.B. 13288	Taman Permainan Perumahan Escadia	Park and Recreation
28. LOT 121807	Taman Permainan Jalan Kenanga 3, Taman Sri Penawar	Park and Recreation
29. P.T.D. 9164	Taman Permainan Perumahan KPRJ, Bayu Damai	Park and Recreation
30. LOT 18314 & LOT 18301	Tamain Permainan Perumahan Arcadia	Park and Recreation

Dated 20 September 2020

[Bil. (57) dlm. MPP: MPP/PUU/05/20]

[SUKJ.KT. 24/69 JLD. 13(11); PPUUNJ. 600-1/2/51(2)]

FIZWAN BIN DATO' HAJI MOHD. RASHIDI
President
Pengerang Municipal Council

Confirmed: 10 February 2021

[Ringkasan Mesyuarat Bil. 168/2021]

HAJAH NOR AZLEENA BINTI ABDUL RAHMAN
Clerk of the State Executive Council
Johore