

CITY OF MORDEN

BY-LAW No. 13-2017

BEING a By-law of the City of Morden providing for the regulation of certain powered model aircraft and vehicles within the City of Morden.

WHEREAS Subsection 232(1) of *The Municipal Act*, C.C.S.M., c. M225 provides in part as follows:

232(1) A council may pass by-laws for municipal purposes respecting the following matters:

(a) the safety, health, protection and well-being of people, and the safety and protection of property;

(b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;

(c) subject to section 233, activities or things in or on private property;

AND WHEREAS Subsection 233(1) of *The Municipal Act*, C.C.S.M., c. M225 provides in part as follows:

233 A by-law under clause 232(1)(c) (activities or things in or on private property) may contain provisions only in respect of

(d) activities or things that in the opinion of the council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations.

AND WHEREAS the Council of the City of Morden deems it necessary and expedient to pass a By-law prohibiting the operation of certain powered model vehicles within the said City:

NOW THEREFORE the Council of the City of Morden, duly assembled, enacts as follows:

1. **SHORT TITLE**

(1) This By-law may be referred to as the "Powered Model Vehicles and Aircraft By-law".

2. **DEFINITIONS**

(1) In this By-law:

(a) "Gas Powered Model Vehicle" means any self propelled waterborne, or landborne vessel or vehicle, which is powered by an engine using a combustible process, not designed to carry a person, including, but not limited to, any model boat or car.

(b) "Model Aircraft" means any self propelled airborne aircraft, vessel or vehicle, which is powered by an engine using a combustible process, electricity process, or any other process, not designed to carry a person, including, but not limited to, any model airplane, helicopter, or rocket.

(c) "Council" means the Council of the City of Morden.

(d) "City" means the City of Morden.

(f) "person" means an individual, firm or corporation and, where demanded by the context shall include the plural or singular.

(g) 'CM' means City Manager or their delegate

3. CAUSING OR PERMITTING OFFENCE

(1) Any person who causes or permits an offence against this By-law is liable for a penalty notice detailed in Schedule A in accordance with the Enforcement By-Law.

4. OPERATION OF GAS POWERED MODEL VEHICLE RESTRICTED

(1) No person shall operate a gas-powered model vehicle within 300 meters of a residence.

5. OPERATION OF MODEL AIRCRAFT PROHIBITED

(1) No person shall operate a model aircraft within City limits. Drones for advertising, marketing or film production are allowable with approval from the CM.

6. REPEAL AND ENACTMENT

(1) This by-law shall repeal By-law 15-2003 and come into full force and take effect upon the passage thereof.

7. VALIDITY OF BY-LAW

(1) Should any provision of this by-law be declared to be invalid by a court of competent jurisdiction, it is the intent of Council that it would have passed all other provisions of the by-law independent of the elimination of any such portion as may be declared invalid.

DONE AND PASSED by the Council of the City of Morden, assembled at the Council Chambers of the City of Morden, in the Province of Manitoba this 26th day of June, A.D. 2017.

CITY OF MORDEN

Ken Wiebe

Mayor

John Scarce

City Manager

Read a first time this	29 th	day of	May	A.D. 2017
Read a second time this	26 th	day of	June	A.D. 2017
Read a third time this	26 th	day of	June	A.D. 2017

City of Morden
Schedule A to By-law 13-2017

Fines applicable as first, second and subsequent offence to clauses:

- | | |
|--|--------------------|
| 4 (1) Operating gas-powered model vehicle within 300 meters of residence | \$50, \$150, \$300 |
| 5 (1) Operating a model aircraft within City limits | \$50, \$150, \$300 |