TOWN OF MORDEN

BY-LAW No. 15-2003

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

WHEREAS Subsection 232(1) of *The Municipal Act*, C.C.S.M., Cap. 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., Cap. 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 Town of Morden deems it necessary and expedient to pass a By-law prohibiting the operation of certain powered model vehicles within the said Town:

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

I. **SHORT TITLE**

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

II. 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 Town of Morden.

(d) "Town" means The Town of Morden.

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

III. CAUSING OR PERMITTING OFFENCE

(1) Any person who causes or permits an offence against this By-law is guilty of an offence.

IV. OPERATION OF GAS POWERED MODEL VEHICLE RESTRICTED

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

V. OPERATION OF MODEL AIRCRAFT PROHIBITED

(1) No person shall operate a model aircraft within Town limits.

VI. PENALTY

(1) Every person or corporation found guilty of a breach of any provision of this By-law, unless a penalty or fine is specifically provided therefore, shall be liable on summary conviction, to a fine not exceeding one thousand ($1,000.00) Dollars, in addition to costs.

VII. REPEAL AND ENACTMENT

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

VIII. **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 Town of Morden, assembled at the Council Chambers of the Town of Morden, in the Province of Manitoba this 27th day of October, A.D. 2003.

TOWN OF MORDEN

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Mayor

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Director of Finance & Administration

Read a first time this	**14th**	**day of**	**October**	**A.D. 2003**
Read a second time this	**27th**	**day of**	**October**	**A.D. 2003**
Read a third time this	**27th**	**day of**	**October**	**A.D. 2003**