



## Report

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**Subject:** Response to Council Direction Regarding Kite Fighting

**Department:** Corporate Services

**Division:** Clerks

**Report #:** CPS-2024-046

**Meeting Date:** 2024-08-12

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### Recommendations

**That report CPS-2024-046, Response to Council Direction Regarding Kite Fighting, be received; and**

**That staff be directed to proceed with Option 1 to implement a public education campaign through 'Respect YOUR Rec' as outlined in report CPS-2024-046.**

### Overview

This report responds to direction received from Council requesting that staff report back on prohibiting Kite Fighting within the Town of Orangeville. On July 9, 2023, the Basant Mela Kite Flying Festival was held at the Orangeville Agricultural Society Event Centre in Mono. Currently, this is the only event that staff are aware of where the activity of kite fighting has taken place in the vicinity of Orangeville.

Kite fighting is an activity where two or more participants fly kites with the aim of cutting an opponent's kite string. The final kite remaining in the air is the winner of the fight. The string used for kite fighting is considered hazardous as it is sharp and can be made of metal, wire, piano wire, fishing line, or types of nylon string that has been chemically treated or that contains glass fragments. When these strings are in use or not properly disposed of, they can be a risk to health and safety, cause injuries to people, pets and wildlife, and damage parks and open spaces. The string used in kite fighting differs from the traditional string used for recreational kite flying.

This staff report provides two (2) options for Council's consideration.

- 1: Public Education Campaign through 'Respect YOUR Rec' campaign. This is the recommended option which focuses on education while recognizing the existing rules in the Parks and Events By-law 2023-021 which prohibit people from engaging in conduct that could be considered a nuisance or that endanger health and safety.
- 2: Establish a new by-law to Prohibit Kite Fighting on Private and Public Property.

## Background

### *Council Direction*

On August 14, 2023, through Resolution Number 2023-280, Council unanimously passed the following Notice of Motion:

“Whereas kite fighting is a sport in which participants aim to cut the kite string and fell the opponents kite;

And whereas kite lines are often composed of metal, wire, piano wire, fishing line or nylon that can be chemically treated and coated in crushed glass;

And whereas kite fighting is an environmentally destructive sport with kites and hazardous lines being abandoned and disregarded after game play;

And whereas the Town of Orangeville has a responsibility to protect the natural environment from unnecessary and purposeful litter and destruction of property;

Now therefore be it resolved that Council direct staff to report back on prohibiting Kite Fighting within the Town of Orangeville to prevent further willful destruction to municipal and private property.”

In response to the above resolution, staff conducted a municipal scan to determine the best approach for the Town of Orangeville.

### *Municipal Benchmarking*

After conducting a municipal scan, staff became aware of four municipalities that either regulate or prohibit kite fighting in their municipalities. Both the City of Toronto and the City of Mississauga have amended their Parks By-laws to regulate kite flying and prohibit the use of kite string made of hazardous materials on public property. Both the Town of Oakville and the Town of Mono passed by-laws prohibiting kite fighting on private and public property. The Town of Oakville’s Municipal Enforcement Services staff confirmed that since the by-law has been in effect, they have not received any complaints and therefore no enforcement action has been taken. Based on the examples below, staff are not aware of any municipal examples that regulate kite fighting on private property.

<b>Municipality</b>	<b>Regulate / Prohibit</b>	<b>Effective Date</b>
City of Mississauga	Regulate	September 16, 2020
City of Toronto	Regulate	June 15, 2011
Town of Mono	Prohibit	June 25, 2024
Town of Oakville	Prohibit	August 15, 2023

*Existing Regulating Mechanism – By-law 2023-021: Parks and Events*

By-law 2023-021, referred to as the “Parks and Events By-law” came into effect on April 3, 2023, to manage and regulate the use of parks, special events and film production in the Town. This by-law includes various mechanisms that may be used to regulate kite fighting as a prohibited activity on public lands.

<b>Section</b>	<b>Summary of Provisions</b>
3 – Delegated Authority	<p>Section 3.1 outlines various authority that is delegated to the General Manager of Community Services or designate.</p> <ul style="list-style-type: none"> <li>(a) Administer this by-law;</li> <li>(b) Manage, control, regulate, maintain and develop all parks;</li> <li>(c) Issue a permit to authorize the use of Town lands;</li> <li>(e) Revoke or refuse to issue a permit or grant permission taking into consideration the health, safety and well-being of persons, the nature of activities to take place on Town lands, and past conduct of an applicant;</li> <li>(f) post signs;</li> <li>(g) regulate or restrict the use or attendance on Town lands as deemed necessary and in the interest of public safety and welfare;</li> </ul>
5 – General Prohibitions	<p>Section 5.1 outlines that a permit is required to host a special event, an organized team sport, or a film production on Town lands.</p> <p>Section 5.3 outlines that a permit is also required where there are more than twenty-five (25) persons gathering in a park.</p> <p>Section 5.9 outlines that no person in a park shall:</p> <ul style="list-style-type: none"> <li>(a) engage in any activity so as to interfere with or become a nuisance to the general public;</li> <li>(b) engage in conduct that endangers the health and safety of themselves or others;</li> <li>(h) contravene the rules and regulations of a posted sign;</li> <li>(i) contravene the rules and regulations of this By-law</li> </ul>
13 – Refuse*	<p>Section 13.1 outlines that no person shall dispose of, deposit or dump or cause to be disposed of, deposited, or dumped refuse in a park except in a waste receptacle provided for that purpose.</p>

	<p>Refuse is defined in the by-law and includes debris, rubbish, waste, sewage, effluent, garbage, brush, ashes, litter, wrappings, salvage, vehicle parts, trade waste, discarded material or things, broken or dismantled things, or materials or things exposed to the elements, deteriorating or decaying.</p> <p>*Staff are of the opinion that this definition may include kite string used in traditional kite flying as well as hazardous kite string used in kite fighting.</p>
<p>17 – Permit – Terms and Conditions – General</p>	<p>Section 17.4(a) outlines that a permit holder shall return and restore Town lands to its original condition immediately prior to the expiry of a permit or use of Town lands;</p>
<p>28 – Enforcement and Penalty Provisions</p>	<p>Section 28.1 outlines that the enforcement of this by-law shall be conducted by an Officer.</p> <p>Officers is defined as a Police Officer, a municipal law enforcement officer, General Manager or any other person appointed by by-law to enforce the provisions of this By-law.</p>

Staff interpret the above noted sections of this by-law to be sufficient to regulate kite fighting activities on public lands. In addition, staff have confirmed with Licensing and By-law Enforcement that they have not received complaints regarding kite fighting in the Town of Orangeville to date.

**Options for Consideration**

In response to Council's direction, staff have prepared the following options for consideration.

*Option 1: Public Education Campaign through 'Respect YOUR Rec'*

Earlier this year, recreation and events staff launched the 'Respect YOUR Rec' campaign. The purpose of this campaign is to remind participants and visitors of the importance of taking responsibility for actions and behaving respectfully. At the time of the launch, the campaign was specific to both recreation centres. Staff are in the process of expanding the campaign to parks with the promotional content tailored to the Parks and Events by-law.

The expansion of the 'Respect YOUR Rec' campaign to parks can be a mechanism for broader education and awareness to the public in addition to promoting safety and the proper disposal of kite string. The campaign would be developed and implemented through the Corporate Services Department in consultation with the Community

Services Department. This initiative would be a municipal tool which would focus on what you can and cannot do in parks. The element around kite fighting would highlight the difference between kite fighting and kite flying and will encourage members of the public to enjoy traditional kite flying withing parks in a safe and respectful manner.

This option provides an alternative approach for Council that does not include the passing of a By-law. Should kite fighting still be a concern following the implementation of the public education campaign and monitoring period, staff will be able to better identify regulations and enforcement programs to address the concern.

*Option 2: Prohibit Kite Fighting on Private and Public Property*

Council has the authority through Section 11(2) of the Municipal Act, 2001 to pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property. Further, Section 128 of the Municipal Act, 2001 provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances. Both sections provide Council with the legislative authority to pass a by-law to prohibit kite fighting on private and public property.

A Kite Fighting By-law would prohibit:

- Persons or groups of persons from engaging in kite fighting on any private property or public property within the Town; and
- The flying of kites with string made of hazardous material\* on private property or public property within the Town.

*\*Hazardous material is defined as material that is abrasive, and includes but is not limited to metal, wire, piano wire, fishing line, or any type of nylon that can be or is chemically treated or coated with glass particles.*

It is important to note that kite fighting is transient in nature, therefore, enforcement to this by-law would be reactive and complaint based. Finding unattached string improperly disposed of may pose a challenge with being able to conduct enforcement.

Should Council direct staff to develop a Kite Fighting By-law, the by-law would be enforced by Officers. Officers would be defined in the by-law as a Police Officer, a Municipal Law Enforcement Officer, General Manager, or any other person appointed by by-law to enforce the provisions of the by-law, this may include Peace Officers.

Officers will use progressive enforcement measures to enforce any new by-law that is passed, starting with education, and proceeding to issuing charges if non-compliance is of a significant nature.

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## Corporate Implications

This report will not generate direct implications. If future actions related to this report will have a corporate impact, a report will be presented to Council for approval, if required.

## Conclusion

Staff recommend that Council proceed with Option 1 to direct staff to implement a public education campaign through 'Respect Your Rec' with the intention of promoting safety in parks and the proper disposal of kite string. With there being no existing complaints from the public a specific by-law to prohibit kite fighting may not be necessary at this time.

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## Strategic Alignment

### Strategic Plan

Strategic Goal: Future-Readiness

Objective: Due Diligence – Confirm applicable governance and policy regimes

- Update by-laws and policies required by legislation to confirm compliance and practicality.

Strategic Goal: Community Vitality

Objective: Well-being – Support citizen and staff health, security, and well-being

- Continue efforts to enhance community safety.

## Notice Provisions

Should Council proceed with Option 2, directing staff to develop a by-law to prohibit kite fighting on private and public property, the proposed by-law would be included on a Public Meeting agenda for public consultation and comment. In addition, staff would include notice through various channels including newspaper, radio, the Town's website, and social media.

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Respectfully submitted,

Antonietta Minichillo  
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**Attachment(s):** None.