



Memorandum

Subject: Proposed Kite Fighting By-law

Department: Corporate Services

Report #: PM-2024-003

Public Meeting Date: 2024-09-16

Council Direction

On August 12, 2024, through Resolution Number 2024-140, Council unanimously passed the following resolution:

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

That staff be directed to proceed with Option 2 to prepare a by-law that prohibits kite fighting on private and public property as outlined in report CPS-2024-046.

Overview

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.

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.

The 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.*

Enforcement

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.

Enforcement of this by-law would be 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.

Link to Access Previous Council Report: [Response to Council Direction Regarding Kite Fighting, CPS-2024-046](#)

Respectfully submitted,

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Reviewed by:

Raylene Martell
Town Clerk, Corporate Services

Prepared by:

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Attachment(s): 1. Proposed Kite Fighting By-law