



## The Corporation of the Town of Orangeville

### By-law Number 2024

#### A by-law to prohibit kite fighting on private property and public property

**WHEREAS** Section 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (“the Municipal Act”) provides that powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues; and

**WHEREAS** subsection 11(2) of the Municipal Act provides that a municipality may 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; and

**WHEREAS** subsection 128 of the Municipal Act provides that without limiting sections 9 and 11, 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; and

**WHEREAS** subsection 425(1) of the Municipal Act provides that a municipality may pass by-laws providing that a person who contravenes any by-law of the municipality passed under the Act is guilty of offence; and

**WHEREAS** it is the opinion of Council for the Corporation of the Town of Orangeville (the “Council”) that kite fighting is or could become or cause a public nuisance; and

**WHEREAS** Council deems it appropriate to prohibit kite fighting on private and public property within the Town of Orangeville.

**NOW THEREFORE BE IT RESOLVED** that Council for The Corporation of the Town of Orangeville hereby enacts as follows:

#### 1. Definitions

1.1. In this By-law:

**“Hazardous Material”** means 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;

**“Kite”** means a light frame covered with paper, cloth, plastic, or other material and may include a stabilizing tail, and designed to be flown in the air at the end of a long string;

**“Kite Fighting”** means an activity where kites are flown with the aim of cutting an opponent’s kite string;

**“Officer”** means any person authorized by the Town to enforce by-laws and includes Municipal Law Enforcement Officers, police officers, provincial offences officers and peace officers;

**“Person”** means an individual, corporation, unincorporated association or partnership;

**“Private Property”** means property that is not owned by the Town of Orangeville or any of its boards and agencies, Dufferin County, Upper Grand District School Board, the Crown in Right of Ontario or any of its agencies or the Crown in Right of Canada or any of its agencies;

**“Public Property”** means property that is owned by the Town or any of its boards and agencies, Dufferin County, Upper Grand District School Board, the Crown in Right of Ontario or any of its agencies or the Crown in Right of Canada or any of its agencies;

**“Town”** means the Corporation of the Town of Orangeville or the geographic area of the Town of Orangeville, as the context requires.

## 2. Interpretation

2.1. The use of headings in this By-law is for convenient reference only and shall not form part of this By-law.

## 3. Prohibitions

3.1. No **person** or group of persons shall engage in **kite fighting** on any **private property** or **public property** within the **Town**.

3.2. No **person** shall fly a **kite** with string made of **hazardous material** on a **private property** or **public property** within the **Town**.

3.3. No **person** shall hinder or obstruct, or attempt to hinder or obstruct, any **person** who is exercising a power or performing a duty under this By-law.

## 4. Inspections

4.1. An **Officer** may enter on a property at any reasonable time for the purpose of conducting an inspection to determine whether or not this By-law is being complied with.

4.2. For the purposes of conducting an inspection pursuant to subsection 4(1) of this By-law, an **Officer** may:

- a) Require the production for inspection of documents or things relevant to the inspection;

- b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- c) Require information from any **person** concerning a matter related to the inspection; and
- d) Alone or in conjunction with a **person** possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.

## 5. Fees and Charges

5.1. Council may, from time to time, impose fees and charges to recover costs in relation to the administration and enforcement of this By-law.

## 6. Reserved for Future Use

## 7. Penalties

- 7.1. Every **person** who contravenes any provision of this By-law is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended (the "Provincial Offences Act") and the Municipal Act.
- 7.2. A director or **officer** of a corporation who knowingly concurs in the contravention of this By-law by the corporation is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the Provincial Offences Act and the Municipal Act.
- 7.3. Every **person**, who is convicted of an offence under this By-law is liable to a maximum fine of Five Thousand Dollars (\$5,000.00) for the first offence and a maximum of Ten Thousand Dollars (\$10,000.00) for a subsequent offence.
- 7.4. Every corporation that is convicted of an offence under this By-law is liable to a maximum fine of Fifty Thousand dollars (\$50,000.00) for the first offence and One Hundred Thousand Dollars (\$100,000.00) for a subsequent offence.
- 7.5. If a **person** is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction, may make an order prohibiting the continuation or repetition of the offence by the **person** convicted.

## 8. References

8.1. References in this By-law to any legislation or by-laws as may be amended or successor by-laws or legislation and includes any regulation thereunder.

## 9. Severability

9.1. In the event any provisions of this By-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

**10. Title**

10.1. This By-law may be known as the "Kite fighting By-law."

**11. Effective Date**

11.1. This By-law comes into force and effect on the date it is passed.

Read three times and finally passed this            day            , 2024.

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Lisa Post, Mayor

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Raylene Martell, Town Clerk

PROPOSED