



ADMINISTRATION/FINANCE & PERSONNEL REPORT

To: Council

Meeting Date: February 25, 2025

Prepared by: Grace Kosch
Municipal Clerk

Date Prepared: January 17, 2025

Subject: Kite Fighting

Recommendation:

That the Council of the Township of Wellesley direct staff to proceed with public consultation regarding kite fighting for a period of 30 days; and further

That staff bring back public comments at the April 22, 2025 Committee of the Whole Meeting for further direction.

Summary:

This report responds to direction received at the October 8, 2024 Council Meeting from Council requesting that staff report back on prohibiting Kite Fighting within the Township of Wellesley.

At the August 27, 2024 meeting of Council, Councillor Wagner brought forward the matter of kite fighting happening in the Linwood area of the Township.

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.

Report:

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

1: Public Education Campaign. This is the recommended option which focuses on education while recognizing the existing rules in our Respectful Behaviour Policy which prohibit people from engaging in conduct that could be considered a nuisance or that endanger health and safety.

During staff research, some municipal recreation departments have a “Respect Your Rec” campaign. The Township of Wellesley has a Respectful Behaviour Policy in place which speaks to both indoor and outdoor municipal property. For broader education and awareness to the public in addition to promoting safety and the proper disposal of kite string, staff would recommend opening the discussion for public comment for a 30-day period. This would be promoted using our regular communication channels including township website and social media. Public comments will be collected for Council’s review prior to considering a Kite Fighting Ban By-law.

The communications 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 within 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 at this time. Should kite fighting still be a concern following the implementation of the public education campaign and monitoring period, Council could then proceed with passing a by-law regulating or prohibiting kite fighting on private and public property.

2: Establish a new by-law to Prohibit Kite Fighting on Private and Public Property.

After conducting research in other municipalities, staff became aware of five 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. The Towns of Oakville, Orangeville and Mono have 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. Staff contacted the other municipalities and found that no enforcement action had been taken to date.

Municipality	Regulate/Prohibit	Effective Date
Town of Orangeville	Prohibit	October 21, 2024
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

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 could prohibit:

- Persons or groups of persons from engaging in kite fighting on any private property or public property within the Township; and

- The flying of kites with string made of hazardous material* on private property or public property within the Township.

**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. Further to Rik Louwagie, CAO update on October 8, 2024, stemming from a conversation with Waterloo Regional Police Service, the kite fighting by-law would only be enforced by our Municipal Law Enforcement Officer.

Should Council opt for a kite fighting to be banned, the Town of Mono's by-law could be used as a starting point to draft a similar by-law for the Township of Wellesley.

The draft Kite Fighting Bylaw would apply to all lands in the Township of Wellesley except school board lands. It prohibits kite fighting, defined as *"activity where kites are flown with the aim of cutting an opponent's kite string"*. The bylaw would also prohibit the use of any kite with string made of, *"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"*.

In other by-laws, the proposed fines for a person contravening the bylaw are \$5,000 for a first offence and \$10,000 for any subsequent offence. These increase to \$50,000 for a first offence if committed by a corporation and \$100,000 for subsequent offences.

Township Strategic Plan:

This report aligns with the Township of Wellesley's Customer Service Initiative with a Strategic Goal to ensure quality and accountability in providing effective and efficient customer services that match or exceed expectations.

Financial Implications:

N/A

Other Department / Agency Comments:

N/A

Legal Considerations:

Prior to the passing of the by-law, staff will proceed with a legal opinion.

Attachment(s):

N/A

Approved By:

Senior Management Team