



OAKVILLE

REPORT

Council

Meeting Date: June 19, 2023

FROM: Municipal Enforcement Services Department

DATE: June 6, 2023

SUBJECT: Fighting Kites

LOCATION: Town-wide

WARD: Town-wide

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RECOMMENDATION:

1. That Council request that the Parks and Open Space Department provide to the 2023 Budget Committee the budget implications for the implementation of a public education campaign to promote safety in the parks and proper disposal of kite strings as outlined in the Fighting Kites report from Municipal Enforcement Services department dated June 6, 2023.
2. That Council confirm acceptance of the proposed changes to the Lot Maintenance By-law 2017-008, dealing with Fighting Kite String on Private Property, included in a separate report on the June 19, 2023 Council agenda.

KEY FACTS:

The following are key points for consideration with respect to this report:

- This report responds to a request from Council to report back with options to address safety and environmental concerns arising from the use of fighting kites on private and public property
- At this time, staff are recommending a public education campaign through the Parks department to promote safety in the parks and proper disposal of kite strings
- Staff are also recommending an amendment to Lot Maintenance By-law 2017-008 to require that owners keep their property free from kite fighting string and to add a prohibition for throwing, placing or depositing kite fighting string on a property, that is contained in the Property Standards, Lot Maintenance, Division Fence Staff Report, included in the June 19, 2023, Council agenda

- It is also noted that the Municipal Right-of-Way By-law 2009-072, as amended, currently prohibits any activity that negatively impacts the use and function of a municipal right-of-way and prohibits the placing of materials of any kind on or within a municipal right-of-way. As such, it is not recommended that this by-law be amended at this time

BACKGROUND:

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.

At the Council meeting of November 16, 2020, Council directed that staff report back with options to address safety and environmental concerns arising from the use of fighting kites on private and public property. Municipal Enforcement Services staff has also received comments from residents voicing their concerns with the strings left behind after a kite fight. Parks and Open Space staff have received concerns from the Canadian Wildlife Service.

The string used for kite fighting 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 left on the ground or in trees, they can be a risk to health and safety, cause injuries to people, pets and wildlife and damage parks equipment.

COMMENT/OPTIONS:

Options to Address the Use of Fighting Kites

Option 1 – require that owners keep their property free from kite fighting string by amending the Lot Maintenance By-law to add a prohibition for throwing, placing or depositing kite fighting string on a property.

- Parks and Open Space and Corporate Communications, evaluate work required to provide a public education campaign in 2023 and include necessary resources in the 2024 Parks and Open Space operating budget request. Upon budget approval, staff prepare and launch a public education campaign to promote safety in the parks and proper disposal of kite strings.

Option 2 – ban the use of kite fighting string on public property and require that owners keep their private property free from kite fighting string.

Option 3 – ban the flying of all kites on public property in Oakville.

Staff is recommending Option 1, which includes proposed amendments to the Lot Maintenance By-law. Those amendments have been included in a separate report on the June 19, 2023, Council agenda, dealing with an updated Lot Maintenance By-law. If the recommendation contained in the Kite Fighting report is not approved, a subsequent amendment will be made to the proposed Lot Maintenance By-law to remove the section dealing with fighting kite string.

In addition, staff are proposing a public education campaign be conducted to educate the public on the negative impacts kite string can have if not properly disposed.

Parks By-law

Currently, the Parks By-law does not specifically regulate the use of fighting kites but does prohibit any person from leaving debris in a park other than in a garbage receptacle. Staff is not recommending an amendment to the Parks By-law for the use of fighting kites at this time, as the littering of kite string in a park can be addressed through existing regulations. Included in Option 1 is a communication plan to support the safe use of fighting kites and proper disposal of kite string.

Although staff are not recommending amendments to the Parks By-law, this issue will be monitored over the next two summers to measure the effectiveness of the existing regulation in tandem with the new communications plan.

Should the issue persist after the implementation of the communications plan and monitoring period, staff will be better able to identify regulations and enforcement programs to address the concern.

Should Council wish to proceed with an amendment to the parks by-law and implement an enforcement program prior to the monitoring period, staff recommend the following alternative recommendation:

1. That in coordination with Parks and Open Space, Municipal Enforcement prepare a Parks By-law amendment, corresponding enforcement resources and budgetary requirements to incorporate necessary regulations to prohibit kite fighting in Town of Oakville Parks; and
2. That this matter be referred to the 2024 budget committee for consideration.

Amendment to the Lot Maintenance By-law

The Lot Maintenance By-law regulates the accumulation of refuse and debris on private property. Staff is recommending an amendment to the Lot Maintenance By-law as provided in the Property Standards, Lot Maintenance, Division Fence Staff Report, also on the June 6, 2023, Council agenda, to require owners to keep their property, including vacant property, free of kite fighting string. As well, an offence prohibiting persons from throwing, placing or depositing kite fighting string on any property.

Municipal Right-of-Way By-law 2009-072, as amended

The Municipal Right-of-Way By-law prohibits any activity that negatively impacts the use and function of a municipal right-of-way and prohibits the placing of materials of any kind on or within a municipal right-of-way. This includes flying kites within a right-of-way and leaving kite strings of any kind on a right-of-way. The current requirements allow enforcement of kite flying and the disposal of kite flying string on municipal rights-of-way.

Enforcement

Regulations under the lot maintenance by-law will be enforced by Municipal Standards Investigators and/or Mobile Compliance Officers using the administrative penalty system. An administrative penalty of \$300 may be issued to persons contravening the aforementioned by-law. Further action may be taken for subsequent violations including escalated penalties of \$400 for a second offence and \$500 for a 3rd offence.

The communications component will be supported through education by Parks and Open Space staff.

Conclusion

The goal of amendments to the Lot Maintenance By-law are to promote the flying of kites in a safe and responsible manner and to manage kite string that has the potential to injure people, harm or kill wildlife, damage private property and hinder property maintenance.

CONSIDERATIONS:

(A) PUBLIC

Notice of this report was provided to residents who contacted Municipal Enforcement Services regarding kite fighting.

(B) FINANCIAL

Requirements to fund the development and delivery of the communication plan are to be considered through the Parks department annual Operating Budget process.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Municipal Enforcement Services, Parks and Legal have been involved in the review process. Parks and Open Space along with Corporate Communications staff would evaluate work required to provide a public education campaign in 2023 and include necessary resources in the 2024 Parks and Open Space operating budget request. Upon budget approval, staff prepare and launch a public education campaign to promote safety in the parks and proper disposal of kite strings.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

- Continuously improve our programs and services
- Provide outstanding service to our residents and businesses

(E) CLIMATE CHANGE/ACTION

N/A

APPENDICES: N/ A

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