



**STAFF REPORT
ACTION REQUIRED**

Regulating of Kite Flying in City Parks

Date:	May 11, 2011
To:	Parks and Environment Committee
From:	Brenda Patterson, General Manager, Parks, Forestry and Recreation
Wards:	All
Reference Number:	P:\2011\Cluster A\PFR\PE04-053111-AFS#13791

SUMMARY

This report responds to a request from Parks and Environment Committee to regulate kite fighting and ban hazardous kite strings to ensure kite flying activities in City parks are conducted in a responsible manner that respects property owners, the health and safety of park users, staff, and wildlife in City parks.

The report also recommends that competitive kite flying amongst organized groups be regulated and monitored through the issuance of a permit from Parks, Forestry and Recreation. This report will not impact individuals wishing to participate in recreational kite flying.

RECOMMENDATIONS

The General Manager of Parks, Forestry and Recreation recommends that:

1. City Council prohibit kites with strings made out of hazardous materials in City parks;
2. City Council authorize competitive kite flying activities in City parks through the Parks, Forestry and Recreation permit process;
3. City Council prohibit kite flying in parks that have significant bird activity;
4. City Council approve the proposed changes to Toronto Municipal Code Chapter 608, Parks, Section 25 Kites, as set out in Attachment 1, subject to any necessary minor substantive or stylistic refinements as may be identified by the General Manager and City Solicitor; and

5. City Council direct the City Solicitor to make the corresponding amendments to Toronto Municipal Code Chapter 608, Parks, to implement the changes to the kites section of the code.

Financial Impact

There are no additional financial or staffing impacts resulting from the adoption of this report.

Monitoring, administration of the permit process and enforcement will be conducted with existing staff from Municipal Licensing and Standards and Parks, Forestry and Recreation.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

A Communication from Councillor Lee was received at the March 28, 2011 Parks and Environment Committee regarding the proliferation of dangerous kite string used in kite fighting activity and found in the area of Macklin Public School and Divine Infant Catholic School yards. Councillor Lee recommended that the Parks and Environment Committee request the General Manager, Parks, Forestry and Recreation to consider regulating kite fighting and banning the use of hazardous kite strings in City parks. The Committee referred the item as recommended.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.PE2.2>

ISSUE BACKGROUND

During the last decade, kite flying has increased in Scarborough's Milliken Park. Different styles of kite flying, other than recreational kite flying, have been introduced including fighting and organized competitive kite flying. One style of kite fighting has resulted in sharp and dangerous kite string of high tensile strength being left behind as litter on the ground or in trees, causing health and safety risks, injuries to humans and wildlife and damage to parks equipment. Photos are provided in Attachment 2. Consequently, many complaints from parks users, neighbourhood residents, schools and Parks, Forestry and Recreation employees have been received.

A ban on all kite flying was implemented in August 2010 at Milliken Park and "No Kite Flying" signs were posted in the park. Concern over the ban has been expressed by Gogi Kite Flying Club and other recreational kite flyers. The Division has met with representatives of kite flying groups to discuss possible location where organized and regulated kite flying events might be held.

COMMENTS

In an effort to regulate the use of kites in Parks in a satisfactory manner, staff from Parks, Forestry and Recreation met with the Gogi Kite Flying Club and recreational kite flyers to review criteria for kite fighting, organized competitive flying and recreational flying.

The following outlines the kinds of flying activities.

Recreational Kite Flying

Flying of kites by individuals of all ages, families and organized groups for outdoor recreational enjoyment and physical fitness.

Kite Fighting

Kite fighting is an activity where participants attempt to cut the string of their opponent. Kite fighting utilizes the following types of string: wire, piano wire, fishing line, and various types of nylon string that can be chemically treated or contain glass fragments, to sever an opponent's kite string, thereby releasing kites and stray string. The remaining strings are left behind creating a dangerous form of litter in city parks, neighbourhoods and school yards. The local schools, Macklin Public School and Divine Infant Catholic School, have discovered lengths of kite string which contain glass in their school yards. The string creates a serious hazard for both wildlife and small children. As such, all hazardous kite string used for kite fighting should be banned from City parks.

Although the current parks by-law speaks to prohibiting unsafe kite flying practices in parks, it is recommended that this definition be clearer. Therefore, a definition of "hazardous materials" is required to be added to Municipal Code Chapter 608-25 Kites, as follows:

"HAZARDOUS MATERIALS - materials made of metal, wire, piano wire, fishing line or any type of nylon that can be or is chemically treated or contains glass fragments."

Competitive Kite Flying

Organized competitive kite flying, as opposed to kite fighting, utilizes 100% cotton biodegradable kite string, limits the length of line to 500m and uses paper kites for sparring. Friction and tension are used to cut an opponent's line. Organized competitive flying activity includes a requirement that cut lines are retrieved along with the kites by group members.

Organized kite flying is a popular sport. City staff have met with club organizers to determine a suitable location within a park to permit such activity and promote responsible, organized, competitive flying. To accomplish this, the Parks, Forestry and Recreation permit process would be used to regulate and monitor competitive flying. Permitted groups would be required to clean-up any litter or debris resulting from competitive kite flying. In the event that groups did not comply with specified permit conditions, the permit would be cancelled.

In the process of determining suitable parkland for kite flying, the immense public interest in birds and bird watching in City parks, along valley lands, waterfront and table lands became apparent. There are many areas within the City that offer significant habitat opportunities for bird activity not limited to but including extensive migration routes, resting, and nesting areas. Examples are Bluffers Park and East Point Park. Sites that contain appropriate characteristics for bird life should not be considered for kite flying purposes as birds and kite flying are not compatible.

Taking into consideration safe kite flying practices, the following criteria for selecting a suitable location is applied: away from power lines, light, hydro or other utility poles, pathways, parking lots, major roads or highways, houses, airports, trees and areas of significant bird activities, thereby eliminating the majority of City parks. It is anticipated that fewer than 5 permits per year may be issued, at \$13.19 per hour or as a seasonal permit for requests over thirteen weeks in length, which would include the administration charge of \$20.00 for the season.

Enforcement

To facilitate enforcement, the set fines for offences under Chapter 608 should be revised to include the additional offences of competitive flying without a permit, and using kites with strings made out of hazardous materials which must also be defined in a definition of "Hazardous Materials" in relation to kite strings. The new set fines, which must be established by order of the Regional Senior Justice of the Ontario Court of Justice, will permit Municipal Licensing and Standards By-law Enforcement Officers to issue offence notices ('tickets') under the *Provincial Offences Act*. The amendments to Chapter 608 would come into effect on the day after the set fine order is issued.

Set fines are applied for by the City Solicitor in accordance with the authority delegated to her by the adoption by Council of Clause 9 of Report 5 of the Strategic Policies and Priorities Committee on March 2, 3 and 4, 1999 for such purpose. Parks, Forestry and Recreation staff recommend that a set fine of \$300.00 be requested.

In consultation with Municipal Licensing and Standards, Enforcement Officers would follow standard operating procedures to monitor permits and provide public education and enforcement when necessary for offenses. In the event that permit holders would not comply with the conditions of use detailed in a permit, Parks, Forestry and Recreation would cancel the permit and advise Municipal Licensing and Standards for enforcement purposes.

In order to give effect to the recommendations of this report, as advised by Legal Services, the corresponding amendments to Toronto Municipal Code Chapter 608, Parks Section 25 Kites are required as outlined in Attachment 1.

CONTACT

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SIGNATURE

Brenda Patterson,
General Manager, Parks, Forestry and Recreation

ATTACHMENTS

Attachment 1 – Proposed Amendments to Municipal Code Chapter 608, Parks
Attachment 2 – Photos of Kite String

PROPOSED AMENDMENTS TO MUNICIPAL CODE CHAPTER – 608, PARKS

Section 608-25 Kites shall be deleted and replaced with the following;

§ 608-25. Kites.

A. Definitions.

As used in this article, the following term shall have the meaning as indicated:

HAZARDOUS MATERIALS - materials made of metal, wire, piano wire, fishing line or any type of nylon that can be or is chemically treated or contains glass fragments.

B. While in a park, no person shall;

- (a) Fly a kite with a string made of hazardous materials;
- (b) Fly a kite within 25 metres of any tree, building, light pole or hydro or other utility pole;
- (c) Fly a kite in parking lots, roadways or pathways;
- (d) Fly a kite for the purpose of competitive flying unless authorized by permit;
- (e) Fly a kite where posted to prohibit kite flying; or
- (f) Leave in the park any part of the kite, including the string or other type of tethering material, except in a waste disposal container.



Wildlife caught in tree resulting from abandoned kite string



Damage to turf mowing equipment from abandoned kite line left on ground



Abandoned kite string wrapped around tree in Milliken Park



Kite and line entangled in tree at Milliken Park