

TOWN OF PENHOLD
BYLAW NO. 699/13

COMBATIVE SPORTS BYLAW

BEING A BYLAW OF THE TOWN OF PENHOLD IN THE PROVINCE OF ALBERTA FOR THE
PURPOSE OF PROVIDING A COMBATIVE SPORTS COMMISSION

WHEREAS, pursuant to Section 145 of the Municipal Government Act, R.S.A. 200, c. M-26, a Council may pass bylaws in relation to the establishment, functions, procedure and conduct of Council Committees and other Bodies;

AND WHEREAS, pursuant to Section 535.1 of the Municipal Government Act, members, officers, employees, volunteers and officials of a Commission established by Bylaw for controlling and regulating combative sports are not liable for anything said or done or omitted to be done in good faith in the performance or intended performance of their functions, duties or powers;

AND WHEREAS, pursuant to Section 7 of the Municipal Government Act, a Council may pass bylaws for municipal purposes respecting safety, health, and welfare of people and the protection of people and property, and including the creation of offences, and imposition of fines and penalties for each offence;

AND WHEREAS, pursuant to Section 8 of the Municipal Government Act, a Council may by bylaw;

- a) regulate or prohibit;
- b) deal with any development, activity, industry, business or thing in different ways, divide each of them into classes, and deal with each class in different ways;
- c) provide for a system of licenses, permits or approval including any or all of the matters listed therein.

1. PURPOSE, DEFINITIONS AND INTERPRETATION

- PURPOSE:**
- a) Establish a Combative Sports Commission;
 - b) Establish a system of licensing and permitting for Regulated Combative Sports Events in the Town of Penhold.
 - c) Prescribe powers, Functions, duties, structure and procedures for the Commission.

DEFINITIONS:

“**Agent**” means every person who, by mutual consent, acts for the benefit of another and includes an employee and other person in care and control with respect to a Regulated Combative Sports Event;



“**Applicant**” means a person who applies for a license, permit or renewal of a license pursuant to this bylaw;

“**Commission**” means the Central Combative Sports Commission, as established by this bylaw;

“**Conflict of Interest**” means when a person has a private or personal interest sufficient to influence or to appear to influence the objective exercise of that person’s duties for the Commission;

“**Employee**” means an employee of the Commission;

“**Regulated Combative Sports Event**” include both amateur and professional events, where designated by the commission includes boxing, mixed martial arts, professional wrestling, full contact karate, muay thai, kick boxing, and other sports that hold contests between opponents involving striking with hands, feet, knees or elbows, grappling, submissions and take downs.

“**License**” means a license issued to a person pursuant to this bylaw;

“**Licensee**” means a person holding a valid and subsisting license or permit under this bylaw;

“**License Fee**” or “**Permit Fee**” means a fee payable for a License or Permit respectively,

Member” means a person appointed to the Commission pursuant to this bylaw;

“**Mutatis Mutandis**: ”by changing those things which need to be changed

“**Official**” means a person who is associated with a Regulated Combative Sports Event in an official capacity, as determined by the Commission, including judges, timekeepers, dressing-room supervisors or referees, medical advisers and corner supervisors;

“**Permit**” means a permit for a specific Event issued to a person pursuant to this bylaw;

“**Person**” includes an individual, partnership, association, corporation, trustee, executor, administrator or legal representative;

“**Promoter**” means a person who advances, assists, encourages or takes steps to stage or facilitate a Regulated Combative Sports Event, including all staff and contractors of such person;

“**Regulated Combative Sports**” include boxing, mixed martial arts, professional wrestling, full-contact karate, muay thai, kickboxing, and all other sports that hold contests between opponents involving striking with hands, feet, knees or elbows, grappling, submissions or takedowns; and

“**Second**” means a designated assistant for a Contestant.

“Town” means the Municipal Corporation of the Town of Penhold;

INTERPRETATION:

1. COMMISSION

1. For the purpose of regulating, governing and controlling Combative Sports Commission, and all other sports that hold bouts and contests between opponents involving striking with hands, feet, knees or elbows, grappling, submission fighting, or ground fighting (hereinafter referred to as “the regulated sports”) within the Town of Penhold , there is hereby created a Commission to be appointed by resolution of Council.
2. The said Commission shall be called “Central Combative Sports Commission”, and shall, within the Town of Penhold have full power and authority to supervise, regulate, govern and control all bouts and contests held in connection with the regulated sports.

2. COMMISSION MEMBERSHIP

1. The said Commission shall consist of at least three (3) or more citizens at large appointed by resolution of Council.
2. Members of the Commission shall hold office for a three (3) year period which may be renewed by motion of Council for a further 3 year period.
4. No person while a member of the said Commission shall be connected with any exhibition or contest held with the jurisdiction of the Commission by officiating therein or by acting as matchmaker, promoter, second, manager or in any other capacity where the possibility may arise of a conflict of interest between such Commission member and the Commission as it performs its duties.
5. Any member of the Commission may resign there from at any time upon written notice to the Chair or Executive Director of the Commission, and any member of the said Commission may be removed by the Council of the Town at any time. Any vacancy created by reason of the resignation or removal as aforesaid and any vacancy arising by reason of the death of any member of the Commission shall, subject to the approval of said Council, be filled by the Commission for the remainder of the term of the person who has ceased to be a member of the Commission.

3. MEETINGS AND OFFICERS

1. (1) The Commission shall hold regular meeting for the transaction of its business at such times and places as it may fix by resolution and any special meetings that may be held by the Commission shall be called in the manner the Commission shall deem most practicable.

- (2) Meetings of the Commission may be held anywhere within the Town of Penhold or, if a majority of Commission agrees, in any other place.
 - (3) A Commissioner shall be given reasonable notice of the time and place of any meeting before the meeting is to be held, but the purpose of the meeting or the business to be transacted need not be specified.
 - (4) A Commissioner may in any manner waive notice of a meeting, and an attendance of a Commissioner is a waiver of notice of the meeting, except when the Commissioner attends a meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting was not properly called.
 - (5) Notice of an adjourned meeting is not required to be given if the time and place of the adjourned meeting is announced at the original meeting.
 - (6) A Commissioner may participate in a meeting by means of telephone, or other communication facilities that permit all persons participating in the meeting to hear each other, and a Commissioner participating in such a meeting is deemed to be present at the meeting.
- 2. (1) The Chairman and Vice-Chairman shall be elected at the first meeting of the Commission that follows the appointment of the member of the Commission by Town Council.
 - (2) The Executive Director shall be appointed at the first meeting of the Commission that follows the appointment of the members of the Commission by Town Council.
- 3. (1) The Executive Director shall record the minutes of all meetings, handle all financial matters in accordance with Commission Policy, implement the Commission's decisions, enforce the Rules and conduct that Commission's business on a day to day basis.
 - (2) If the Executive Director is temporarily unable to perform any of their duties, the Chairman may act in their place or another person designated by the Commission may act in their place.
- 4. (1) A majority of the members of the Commission shall constitute a quorum for the transaction of the business of the Commission.
 - (2) A majority vote by a quorum of the Commission shall be deemed to be a binding decision of the Commission.
- 5. All meetings of the Commission shall be presided over by the Chairman, and in the event of such Chairman being absent from any meetings, the members present shall elect a Chairman for the meeting.
 - 6. Minutes of all meetings shall be kept by the Commission and also an accurate record of permits issued and of every bout or contest involving the regulated sports under the control of the Commission, giving the names and descriptions of the contestants, the name of the officiating



organization and of the medical practitioner in attendance and any other information the Commission may desire kept as a record.

7. The Commission may from time to time delegate any of its duties to one or more of its members.
8. Any provision in this Part may be waived or amended by a quorum of the Commission.

4. ADMINISTRATION

1. The Commission shall cause to be kept accurate accounts of all monies received and expended by the Commission, which accounts shall be open for the inspection by any official of the Town appointed for that purpose by the Council and such minutes, record and accounts shall be produced to the Council of the Town upon request of the Mayor or CAO.
2. For the purposes of the Commission, the end of the financial year shall be December 31 of each and every year. A report, together with a report of the year's working, shall be forwarded to the Town's Chief Administrative Officer (CAO).
3. Neither the said Commission, nor any member thereof shall have the power of authority to pledge the credit of the Town of Penhold .

5. LIABILITY

1. The commission and its members, officers, employees and any volunteers and officials performing duties under the direction of any of them are not liable for anything said or done or omitted to be done in good faith in the performance or intended performance of their functions, duties or power under this Act or any other enactment.
Subsection (1) does not apply if:
 - a) the cause of action is defamation, or
 - b) the Commission member was dishonest, grossly negligent or guilty of wilful misconduct.

6. POWERS OF COMMISSION

1. All members of the Commission shall at all times have free access to all the regulated sports contests and for the purpose of proving their right of access; they may adopt a badge having thereon the words "Central Combative Sports Commission < Year >."
2. The Commission shall have supervision and control of all regulated sports contests held in the Town of Penhold and all the provisions of this Bylaw shall *mutatis mutandis* apply to all regulated sports contests held or proposed to be held in the Town of Penhold .
3. All bouts and contests shall be under the supervision and control of the Commission, and they or any of them shall have the power to stop any bout or contest if either contestant is, in the opinion of any of them, unfit to continue or is not properly matched, and shall also have power to stop any bout of contest for any misconduct of any promoter or contestant or for disorderly conduct on the part of the audience.



4. (1) Subject to the Municipal Government Act, this Bylaw and any other relevant legislation, the Commission may establish rules and regulations in respect of, but not limited to, its procedures, the holding of bouts and contests, and the regulation of the conduct of promoters, principals, contestants, agents, seconds, attendants, manager and referees, including the discipline thereof.

(2) The rules and regulations may include all or any portion of the rules, regulations and safety codes of the Association of Boxing Commissions or any other organization deemed suitable by the Commission.
5. The Commission may from time to time appoint one or more of its members to carry out any of its decisions and to enforce any of its rules and regulations hereunder.
6. The appointment of any and all officials taking part in any bout or contest involving the regulated sports shall be subject to the approval and under the control of the Commission.
7. The Commission will require a promoter or person in charge of any contest to provide such medical, referees, judges, officials or supervisory personnel as the Commission deems proper, to be in attendance at any bout, contest or exhibition or at any training quarters, in order to ensure that such bout, contest or exhibition shall be conducted in a safe and orderly manner, and will require the promoter or person in charge of any bout, contest, or exhibition to pay such amount as will cover the cost of providing medical, referees, judges, officials or supervisory personnel and may withhold the issued of any permit until the person concerned has made arrangements satisfactory to the Commission to pay such amount.
8. The Commission may from time to time appoint two (2) of its members to a Discipline Committee which shall investigate, hear evidence and submission and made recommendation in a report to the Commission in respect of any breach of the rules and regulations of the Commission or any act of misconduct related to activities controlled by the Commission.
9. The Commission shall have the power to suspend each or any of the promoters or contestants for misconduct or disobedience or breach of the rules and regulations made by the Commission for such length of time as the Commission may determine.

7. PERMITS

1. (1) Any person who desires to promote a regulated sports bout or contest within the Town of Penhold shall first obtain a permit in writing from the Commission to do so.

(2) The Commission may charge an application fee for the issuance of permits under this Bylaw and the amount of such fee shall be payable before a permit is issued.

(3) The amount of the said fee shall be established by the Commission.

(4) The said permit application fee is non-refundable in any event of the Commission's decision.

2. A Separate permit shall be required for each individual event of a regulated sport.
3. (1) No permit shall be issued by the Commission unless:
 - a) A permit Application with all materials as prescribed by the rules has been filed with the Commission;
 - b) The Permit Application fee has been received by the Commission no later than 45 days prior to the date the event is to be held; and
 - c) The Commission at its' sole discretion may choose to waive any requirements in a) and above.

(2) The Permit Application shall be made with forms prescribed by the Commission for that purpose and signed by the person intending to promote the event.

(3) If the applicant is a corporation, the application shall be signed by the president thereof.
4. The Commission may require the applicant to submit further information as it deems necessary to enable it to ascertain the merits of such application on a case by case basis.
5. (1) The Commission shall require the applicant to obtain and maintain in force insurance in such amounts as the Commission may from time to time require to provide indemnity against liability for all injuries and damages to any person and/or property.

(2) Such policy shall insure that the Town of Penhold as well as the applicant against any and all claims, damages, action, causes of actions, suits, settlements or judgements, which may be brought, made or obtained against the aforesaid parties by reasons of exercising the rights of the applicant.
6. No bout involving the regulated sports shall be commenced, notwithstanding that a permit to hold same has been issued by the Commission, unless and until the Commission's medial requirements have been satisfied.
7. Before any permit to hold a bout or contest within the Town of Penhold is issued by the Commission in respect of any of the regulated sports, the promoter or promoters and each of the contestants shall deposit with the Commission such sum of money as the Commission may determine as a guarantee that such promoter or promoters and contestants shall carry out such bout or contest, and shall observe all the rules and regulations of the Commission as the conduct of such bouts or contests and in case such bout or contest is not carried out or in case any promoter or contestant is guilty of misconduct of disobeying any of the said rules and regulations, then the sum of money deposited as aforesaid by the promoter or contestant who is guilty of misconduct or of failure to carry out such bout or contest shall, at the absolute discretion of the Commission be forfeited to the Commission.
8. (1) After the Commission has acted favourably upon an application, but before such permit is issued, the applicant may be required to furnish a bond in favour of the Town of Penhold in a form and in an amount to be fixed and determined by the Commission.

(2) All bonds in favour of the Town of Penhold shall be determined by the Commission, the said bond to be set at a minimum of \$2,000.00.

(3) The proceeds of the bond may be claimed to cover any cost incurred by the Town or the Commission by reason of allowing the applicant to proceed.

9. The Commission may issue permits unconditionally, conditionally or may refuse to issue a permit.
10. The Commission shall have power and authority to cancel a permit issued by them if they deem it advisable so to do.
11. Failure to comply with these Bylaws or their corresponding rules and regulations as amended, may result in cancellation of a permit granted by the Commission.
12. Upon application for a permit the applicant shall be entitled to receive a copy of these Bylaws and the rules and regulations.
13. It shall be unlawful for any person or persons, association or club, to conduct, or for any other person or persons to take part in or be present at, whether as a principal, agent, second, attendant, referee or umpire, any regulated sports bout or contest with the Town of Penhold, whether an administration fee to such bout or contest is charged or not, unless a permit to hold such bout or contest has first been issued by the Commission and unless such bout or contest is held under the supervision and control of the Commission.

8. DISPUTED PERFORMANCE

1. (1) If any member of the Commission present at a regulated sports bout or contest is not satisfied with the performance of any contestant at such bout or contest, such member may forthwith notify the promoter of the event that the remuneration or purse of such contestant is to be withheld and that such promoter shall on the following business day deposit with the Executive Director of the Commission, the remuneration of the contestant.

(2) The Commission shall at its next meeting decide what part, if any, of such remuneration or purse shall be paid to the contestant and the Executive Director of the Commission shall forthwith advise the promoter and the contestant of the decision.
2. Any participant who enters into a bout or contest involving the regulated sports with a participant who has been suspended, or any participant who takes part in a bout or contest involving the regulated sports which is controlled or undertaken by any promoter who has been suspended by the Commission shall be deemed to be suspended by the Commission.

9. MISCONDUCT AND THE DISCIPLINE COMMITTEE

1. (1) If any person licensed pursuant to this Bylaw and its rules and regulations breaches any of the provision therein, or if any misconduct of any licensed person is brought to the attention of a

(Handwritten initials)

Commission member, or if a Commission member otherwise becomes aware of such breach or misconduct, the Commission may hold a hearing into the allegations made against such a person.

(2) The said hearing shall take place before the Commission or the Discipline Committee.

2. At least one week prior to the hearing, a notice shall be served on the person against whom the allegation is brought, personally or by registered mail:
 - a) containing reasonable particulars of the allegations; and
 - b) specifying the time and place of the hearing.
3. Testimony may be adduced before the Commission or at the hearing in any manner the Commission considers proper.
4. If, upon the hearing having been held, the Commission finds that the person breached the rules and regulations, the Commission may:
 - a) suspend the person for a stated period of time not exceeding one year;
 - b) fine the person for a stated amount not exceeding \$2,000.00, and suspend him until the fine is paid;
 - c) revoke his license;
 - d) reprimand the person; or
 - e) a combination of a) and b) above.
5. If the person against whom the allegation is made does not attend the hearing, the Commission may, upon being satisfied that the Notice of Hearing was served upon the individual in accordance herewith, proceed with the hearing in his/her absence, without further notice to the individual.
6. The Commission may take disciplinary proceedings against any person who was or was required to be licensed by the Commission at the time of the alleged offense, whether that person is licensed at the time of the hearing or not.
7. The Commission may suspend the person against whom the allegations are made prior to the hearing until the matter has been determined in accordance with the provisions hereof.

10. TRAVEL

1. The Commission may perform its duties in another municipality provided that:
 - (a) the provisions of s. 12 of the Municipal Government Act (MGA) have been complied with; and
 - (b) the promoter of each event to be held in the other municipality has provided proof to the Commission that it has adequate insurance indemnifying the Commission in respect of such event.
2. For greater certainty, the requirements of MGA s. 12 are:

- (a) that an agreement to permit the Commission to operate in the other municipality has been entered into between the Town of Penhold and the other municipality; and
- (b) that such agreement has been approved by a bylaw passed by the Town of Penhold and by a bylaw passed by the council of the other municipality.”

11. COMING INTO FORCE

- 1. This Bylaw comes into full force and effect upon third and final reading of this Bylaw.

Bylaw # 669/11 is hereby repealed upon final passing of Bylaw 699/13

READ a first time this 15TH day of July, 2013.

READ a second time this 15TH day of July, 2013.

READ a third time this 15TH day of July, 2013.


MAYOR


CHIEF ADMINISTRATIVE OFFICER