

**CITY OF CHESTERMERE
BYLAW 002-23**

A BYLAW OF THE CITY OF CHESTERMERE, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A COMBATIVE SPORTS COMMISSION TO SANCTION AND MONITOR COMBATIVE SPORTS EVENTS

WHEREAS, under the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the City of Chestermere may pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS, under the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the City of Chestermere may pass bylaws respecting businesses, business activities and persons engaged in business and may provide for a system of licensing;

AND WHEREAS, under the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the City of Chestermere may pass bylaws in relation to the establishment, functions, procedure and conduct of council committees and other bodies;

AND WHEREAS, under the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, 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, Council for the City of Chestermere deems it desirable to establish a Combative Sports Commission to sanction and monitor combative sports events conducted within the boundaries of the municipality boundary;

AND WHEREAS, this bylaw will come into effect on the day it has received third and final reading;

NOW THEREFORE, after due compliance with the relevant provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the City of Chestermere duly assembled enacts:

Part I-Definitions

Short Title

1. This Bylaw may be cited as the “Combative Sports Commission Bylaw”

Definitions

2. In this Bylaw:
 - a) “**Agent**” means a person who, by mutual consent, acts for the benefit of another;
 - b) “**Amateur**” means any person who participates in a Regulated Combative Sport but does not receive any money or other gain from such participation;
 - c) “**Applicant**” means a person who applies for a licence, or renewal of licence, pursuant to this Bylaw;
 - d) “**Bylaw**” means the City of Chestermere Combative Sports Commission Bylaw;
 - e) “**City**” means the City of Chestermere;
 - f) “**Commission**” means the City of Chestermere Combative Sports Commission;
 - g) “**Consultant**” means an expert advisor who typically charges a fee for providing advice or services to the Commission associated with licensing, control and regulating Combative Sports Events;

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- h) **“Contestant”** means any person engaged as an opponent in a Regulated Combative Sports Event;
- i) **“Council”** means the municipal Council of the City of Chestermere;
- j) **“Event”** means a Regulated Combative Sports Event;
- k) **“Event Permit”** means the written authority of the Commission allowing the holding of a Combative Sports Event in the City;
- l) **“Event Permit Fee”** means a fee payable for an Eevent permit;
- m) **“Licence”** means a licence issued to a Ppromoter, Ccontestant, or any other Pperson pursuant to this Bylaw;
- n) **“Licence Fee”** means a fee payable for a Llicence;
- o) **“Member”** means a ~~person appointed to~~member of the Commission pursuant to this Bylaw;
- p) **“Regulated Combative Sports”** include boxing, wrestling, kickboxing, karate, judo, muay thai, mixed martial arts and any other sport that holds contests between opponents involving striking with hands, feet, knees or elbows, grappling—, submissions, or takedowns;
- q) **“Official”** means a person associated with a Regulated Combative Sports Event in an official capacity, as determined by the Commission, including, but not necessarily limited to, medical advisers, referees, judges, security personnel, timekeepers and corner supervisors;
- r) **“Person”** includes an individual, partnership, association, corporation, trustee, executor, administrator, legal representative and assigns;
- s) **“Promoter”** means a Pperson who advances, assists, encourages or takes steps to stage or facilitate a Regulated Combative Sports Event, including all staff and contractors of such Pperson; and
- t) **“Regulated Combative Sports Event”** includes any exhibition, sparring exhibition, card, contest, or promotion, which involves the presentation of Regulated Combative Sports, but does not include amateur events sanctioned by a recognized amateur association.²²

3 **Establishment**

There is hereby continued a Commission to be known as “The City of Chestermere Combative Sports Commission”.

4 **Mandate**

The mandate of the Commission is to control and regulate all aspects of Combative Sports and Events in the City of Chestermere including:

- a) Making regulations governing all aspects of Regulated Combative Sports Events for such matters not provided for in this Bylaw, provided such regulations are consistent with this Bylaw, any other City Bylaw or Policy, and any Provincial or Federal statutes. Such regulations may include the establishment of rules in respect of:
 - a. The supervision and control of all Regulated Combative Sports Events held in the City;
 - b. The conduct of Ppromoters, Ccontestants, Aagents, Officials, and any other Ppersons associated with the Regulated Combative Sports Event, including disciplinary rules, regulations, and appeal procedures;
 - c. The formulation and administration of a scheme of licensing and event permitting for Regulated Combative Sports Events.
- b) Reviewing and deciding upon applications for Licences and Eevent Ppermits pursuant to this Bylaw.

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- c) Considering City policies and the safety of the Contestants or spectators in the review of applications for Event Permits and Licences.

5 **Membership**

The ~~said~~ Commission shall consist of at least five members:

- At least four (4) members shall be citizens at large **appointed by** resolution of Council, and;
 - The Recreation Manager ~~of~~ for the City of Chestermere or in their absence the Programming Foreman.
- a) Membership on the Commission is voluntary, and no remuneration will be paid by the City for serving as a Member.
- b) The term of office for Commission Members shall be two (2) years. Council may reappoint any Commission Member to additional terms should Council deem such reappointment to be in the best interests of the City and the ~~Combative Sports~~ Commission.
- c) The Commission shall hold regular meetings as required but ~~not less often~~ no less than quarterly each year.
- d) No person, while a Member of the Commission, shall be associated with any Regulated Combative Sports Event within the City by officiating therein, or by acting as a matchmaker, Promoter, second, manager or in any other capacity where the possibility ~~may arise~~ of a conflict of interest may arise between such Commission Member and the Commission as ~~it to the performance of performs~~ its duties.
- h) All Members of the Commission shall always have free access to all ~~City of Chestermere Combative Sports Commission~~ Regulated Combative Sports Events and **members may adopt a badge or other form of identification having thereon the words "City of Chestermere Combative Sports Commission <current year>".**
- i) Quorum is equal to a majority of the ~~appointed members~~ Members.
- j) The Commission cannot make decisions or give any binding directions unless a quorum of its Members is present.
- k) Any Member of the Commission who is unable to attend a Commission meeting shall inform the chairperson.
- l) At the first meeting of each year, Members will elect a chair, vice chair and treasurer. The chair will preside at meetings, and if the chair is absent, the vice chair will preside, but if neither are present, the Members attending the meeting may elect a chair from ~~their those Members who are present.~~ number.

5 **Event Permits and Licences**

- a) No Person shall carry on, promote, be a Contestant in, or act as an Official, agent or in any other ~~such~~ capacity at any Regulated Combative Sports Event within the City controlled or regulated by the Commission, without first applying for and being granted a Licence and an Event Permit.
- b) Every Promoter or Person who wishes to stage or promote a Regulated Combative Sports Event shall apply in writing to the Commission at least forty ~~five~~ (45) days prior to the date of the Event.
- c) No Event shall be commenced, notwithstanding that Licences and an Event Permit have been issued, unless and until the requirements of the medical Official for the Event have been satisfied.
- d) The Promoter and each Contestant to be engaged in a Regulated Combative Sports Event shall pay a Licence fee in accordance with the fees set out in Schedule "A" of this Bylaw.
- e) The Event Promoter shall be required to pay an Event Permit Fee in accordance with the fees set out in Schedule "A" of this Bylaw.

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- f) An Event Permit is required for each Regulated Combative Sports Event within the City.
- g) In addition to Licence and- Event Permit Fees, the Promoter shall be responsible to provide any such Officials as the Commission deems appropriate to be in attendance at any Event, bout, contest, exhibition, or training quarters, in order to ensure that such Event, bout, contest, or exhibition, or training quarters shall be conducted in a safe and orderly manner. The Promoter must have a medical Official and private security Officials, in the number specified by the Commission, at every Event, bout, contest, exhibition, or training quarters. The Promoter shall be responsible to pay such amount to cover the costs for Officials required by the Commission to oversee the Event.
- h) In addition to the Promoter providing private security Officials for the Event, the Promoter will also be required to hire, at its own expense, uniformed police officers to be present at said Event. The number of uniformed police officers required for each Event shall be determined by the Commission, having regard to the crowd capacity of the venue and anticipated attendance.
- i) The Commission may seek the assistance of a Consultant to review applications for Licences and Event Permits, or to formulate a checklist for a Promoter wishing to host an Event. The Commission's Consultant fees shall be borne by the responsibility of the Promoter applying to host said Event.
- j) Where Officials from outside of the City are required to oversee an Event, as a condition of an Event Permit approval, the Promoter shall be responsible to compensate said Officials for meals, travel, and accommodation associated with the Event.
- k) The Commission may refuse, suspend, cancel or revoke an application for an Event Permit where the Commission believes on reasonable grounds that the Promoter:
- cannot ensure the safety of the participants or spectators,
 - has not made adequate financial or other arrangements for the purpose of protecting the integrity of the Event, or
 - has not complied with the Bylaw in any other way.

6. General Conditions

- a) Failure to comply with the Commission's rules and regulations as amended, constitutes an offence under this Bylaw.
- b) Failure to comply with these Bylaws or the Commission's corresponding rules and regulations as amended, may result in cancellation of an Event Permit granted by the Commission.
- c) Upon application for an Event Permit the Applicant shall be entitled to receive a copy of these Bylaws and the Commission's rules and regulations.
- d) 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, Promoter, attendant, or Official, any Combative Sports Event within the Town, whether an admission fee to such Event is charged or not, unless a Permit to hold such Event has first been issued by the Commission and unless such Event is held under the supervision and control of the Commission.

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- e) An Event Permit must be issued by the City on a form bearing the identification of the City and all Event Permits issued pursuant to this Bylaw are, and shall remain the property of the City.
- f) An Event Permit must bear on its face the date on which it is issued and the date on which the License will expire.
- g) Any License holder who holds an Event Permit shall keep it posted in public view in the licensed premises.
- h) A License holder who is a Contestant or Official shall, upon request, immediately produce the License to a Member.
- i) It is a deemed condition of every Event Permit that the permit holder will:
 - a. comply with the approved security plan;
 - b. comply with the approved medical and safety plan;
 - c. ensure that liability insurance for the Event remains in full force and effect;
 - d. comply with all rules and regulations of the Commission;
 - e. not reproduce, falsify, alter, or deface the Event Permit;
 - f. not falsify any medical or fitness documentation provided to the Commission for the Event;
 - g. conduct the weigh-in for the Event in a place accessible to the public within the City;
 - h. only hold the Event on the days and at the times and at the location specified in the Event Permit;
 - i. comply with the maximum attendance requirements of the premises; and not transfer, assign, sell, lease, or otherwise dispose of the Event Permit to another Person.
- j) It is a deemed condition of every Event Permit where the permit holder is a Promoter, that the Promoter will provide the Commission with a criminal record check that is no more than one (1) month old. The Commission may, in its sole discretion, refuse, suspend, revoke, or cancel an Event Permit where the Promoter does not provide a clear criminal record check.

Event Securities, Insurance, Fines, Indemnities and Waivers

7. Event Securities

- a) As a condition of issuing an Event Permit ~~permit~~ to hold a Regulated Combative Sports Event, the Commission may require the Promoter of ~~said the E~~event to provide security, in a form prescribed by the Commission, in order to ensure that the Promoter ~~shall proceed to hold~~s the Eevent in accordance with the provisions of this Bylaw.
- b) Any or all of the security deposited in accordance with the conditions of an Event Permit may be forfeited to the Commission in the Eevent that:
 - I. The Regulated Combative Sports Event is not carried out on the date for which the Eevent was scheduled, or was not carried out at all; or
 - II. The Promoter has breached any conditions of the Event Permit issued by the Commission, or any part of this Bylaw.
- c) The Promoter shall remit to the Commission at least fifteen (15) days prior to the date of the Eevent, a bank draft or letter of credit, satisfactory to the Commission, in an amount equal to the Contestants' purses and costs of Officials required by the Commission to oversee an Eevent, together with any Consultant fees incurred by the Commission to

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assist in the ~~L~~licence and ~~E~~event ~~P~~permit application review process. The Commission shall have the option to pay ~~C~~contestants' purses and ~~O~~official's fees directly at the conclusion of the ~~E~~vent ~~c~~ontest, or return the cheque to the Promoter at the conclusion of the ~~c~~ontest~~E~~vent, less any ~~C~~onsultant fees incurred by the City.

8. Insurance

- a) The Commission shall require the ~~P~~promoter to obtain and maintain in force general liability insurance in such amount as the Commission shall require, but no less than two million dollars (\$2,000,000) per occurrence, in respect of claims for personal and bodily injury, death or property damage arising out of any occurrence related to the Regulated Combative Sports Event, ~~in the amount of not less than Two Million Dollars (\$2,000,000) per occurrence.~~
- b) The Promoter shall cause the policy of insurance to name the City, the Commission, and Members of the Commission as additional insured under the policy and to provide that the coverage under the policy cannot be cancelled, nor any provisions changed or deleted unless 30 days prior written notice is given to the Commission by the insurer.

9. Fines/Offences

~~A Person who is guilty of an offence pursuant to this Bylaw is liable to a fine in an amount not less than that established below:~~

- ~~— A fine of \$5000 to a Person falsifying any medical or fitness documentation provided to the Commission for an Event.~~
- ~~— A fine of \$2000 to a Person for any of the following infractions:
 - ~~— Taking part as a Promoter, Contestant, or Official in an Event without a valid Licence;~~
 - ~~— Taking part as a Promoter without a valid Event Permit for that Event;~~~~
- ~~— A fine of \$150 to a Person committing any offence for which a fine is not otherwise established in this section. This includes but is not limited to:
 - ~~— Arriving late for a weigh in;~~
 - ~~— Arriving late to an Event;~~
 - ~~— Failing to provide or late arrival of necessary dressing room supplies;~~
 - ~~— Late payment of Officials.~~~~

- a) Any Person who contravenes this Bylaw, or any term or condition of any Licence or Event Permit issued pursuant to this Bylaw, is guilty of an offence.
- b) In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each day that the offence continues.
- c) When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or participated in the act or omission that constitutes the offence, is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- d) If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence, is guilty of that offence.

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- e) For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is deemed to also be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent's exercising the powers or performing the duties on behalf of the Person under their agency relationship.
- f) A Person who is guilty of an offence pursuant to this Bylaw is liable to a fine in an amount not less than that specified in this section and not exceeding \$10,000.00, and to imprisonment for not more than six (6) months for non-payment of the fine. The following specified penalties apply:
 - i. \$5,000 – falsification of any medical or fitness document provided to the Commission as part of an Event;
 - ii. \$2,000 - taking part as a Promoter, Contestant, or Official in an Event without a valid Licence, or as a Promoter, conducting an Event without a valid Event Permit;
 - iii. \$150 – commission of any offence for which a fine is not otherwise specified in this Bylaw.
- g) A Person who commits an offence may, if a Municipal Tag is issued in respect of the offence, pay the fine amount established by this Bylaw for the offence and if the amount is paid on or before the required date, the Person will not be prosecuted for the offence.
- h) A Peace Officer is authorized to issue a Violation Ticket pursuant to this Bylaw. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
 - i. specify the fine amount established by this Bylaw for the offence; or
 - ii. require the Person charged to appear in court without the alternative of making a voluntary payment.
- i) A Person who commits an offence may:
 - i. if a Violation Ticket is issued in respect of the offence; and
 - ii. if the Violation Ticket specifies the fine amount established by this Bylaw for the offence, make a voluntary payment equal to the specified fine.
- j) Nothing contained in this Bylaw shall restrict the Commission or the City to the remedies or enforcement mechanisms contained herein. The City or the Commission may pursue any other remedy or enforcement action which may be legally available, including municipal enforcement orders and injunctions.
- k) No Person shall obstruct or hinder the Commission or the Commissions' Members, voluntary supervisory personnel, or Officials in the exercise or performance of their powers or duties.

10. Indemnities and Waivers

- a) The Commission, as a condition of granting a Promoter an Event Permit to organize, produce, conduct or stage any Regulated Combative Sports Event, shall require that:
 - i. The Promoter of the Regulated Combative Sports Event grant the Commission and the City an indemnity in a form acceptable to the Commission, indemnifying and saving harmless the Commission, the Members of the Commission and the City from and against all claims, losses, damages, costs and liabilities of any kind (including solicitors' fees) arising out of, or related directly or indirectly to:

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1. any breach, violation or non-performance by the Contestants, Promoter or other Person in any Regulated Combative Sports Event of any provision of this Bylaw, any terms of a License or Event Permit, ~~or~~ any rules or regulations prescribed by the Commission, or any condition of any agreement entered into between the Contestant, Promoter or other Person and the Commission; or
 2. any personal or bodily injury, death or property damage suffered by any Person arising from, or in any way related to, the organizing, producing, conducting or staging of the Regulated Combative Sports Event; and
- ii. Each Person participating in any manner in a Regulated Combative Sports Event grant to the City, the Commission, and the Members of the Commission a waiver of liability, in a form acceptable to the City and the Commission, in respect of that Person's participation in the Regulated Combative Sports Event.

FIRST READING passed in open Council duly assembled in the City of Chestermere, in the Province of Alberta, this ___th day of _____, A.D. 2020, on motion by Councillor _____.

**CARRIED
UNANIMOUSLY**

SECOND READING passed in open Council duly assembled in the City of Chestermere, in the Province of Alberta, this ___rd day of _____ A.D. 2020, on motion by Councillor _____.

**CARRIED
UNANIMOUSLY**

THIRD AND FINAL READING passed in open Council duly assembled in the City of Chestermere, in the Province of Alberta, this ___th day of ____ A.D. 2020, on motion by _____.

**CARRIED
UNANIMOUSLY**

Executed this _____ day of _____, 2020

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MAYOR

CHIEF ADMINISTRATIVE OFFICER

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Schedule "A"

Event and Licence Fees

Event Permit Fee (per Event)	\$1000.00
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Note: In addition to the Event Permit Fee, the Promoter shall be required to pay the costs to the Commission for hiring a Ceonsultant, if required, to assist in the application process and oversee the Event. Any Ceonsultant fees will be determined at the time of the application submission and will be payable with the Event Permit Fee.

Promoter Licence Fee (Annual Fee)	\$100.00
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~~Promoter also requires a criminal background check~~

Contestant Licence Fee (Annual Fee Per Contestant)	\$ 20.00
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Officials Licence Fee (Annual Fee Per Official)	\$ 20.00
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A City of Chestermere Business Licence will also be required to host an Eevent.