



CITY OF EDMONTON

BYLAW 15594

COMBATIVE SPORTS BYLAW

(CONSOLIDATED ON JANUARY 1, 2013)

THE CITY OF EDMONTON
BYLAW 15594
COMBATIVE SPORTS BYLAW

Whereas pursuant to section 83 of the *Criminal Code*, R.S.C. 1985, c. C-46 every one who engages as a principal in a prize fight, advises, encourages or promotes a prize fight, or is present at a prize fight as an aid, second, surgeon, umpire, backer or reporter, is guilty of an offence punishable on summary conviction, but a boxing contest between amateur sportsmen, where the contestants wear boxing gloves of not less than one hundred and forty grams each in mass, or any boxing contest held with the permission or under the authority of an athletic board or commission or similar body established by or under the authority of the legislature of a province for the control of sport within the province, shall be deemed not to be a prize fight;

And Whereas, pursuant to section 535.1 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, a commission established by bylaw for controlling and regulating boxing, wrestling, full contact karate, kickboxing, or any other sport that holds contests where opponents strike each other with a hand, foot, knee, elbow or other part of the body 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 powers under any enactment;

And Whereas pursuant to section 7 of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the safety, health, and welfare of people and the protection of people and property; people, activities and things in, on or near a public place; businesses, business activities and persons engaged in business; and the enforcement of bylaws including the creation of offences, and for each offence, imposing of a fine not exceeding \$10,000 or imprisonment for not more than one year, or both;

And Whereas, pursuant to section 8 of the *Municipal Government Act*, a council may regulate or prohibit, and provide for a system of licences, permits or approvals including establishing fees for licences, permits and approvals, prohibiting any activity, industry, business or thing until a licence, permit or approval has been granted, providing that terms and conditions may be imposed on any licence, permit or approval, the nature of the terms and conditions and who may impose them, setting out the conditions that must be met before a licence, permit or approval is granted or renewed, the nature of the conditions and who may impose them, providing for the duration of licences, permits and approvals and their suspension or cancellation for failure to comply with a term or condition or the bylaw or for any other reason specified in the bylaw, and provide for an appeal, the body that is to decide the appeal and related matters;

Edmonton City Council enacts:

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION**PURPOSE**

- 1 The purpose of this bylaw is to:
- (a) establish a system of licensing and permitting for Combative Sports Events;
 - (b) prescribe fees related to the governance of Events, including a system of licensing and permitting;
 - (c) specify offences related to Events; and
 - (d) establish a procedure for the appeal of Combative Sports licensing and permitting decisions.

DEFINITIONS

- 2 In this bylaw, unless the context otherwise requires:
- (a) **“Applicant”** means a Person who applies for a Licence, or renewal of a Licence or Event Permit pursuant to this bylaw;
 - (b) **“City”** means the municipal corporation of the City of Edmonton;
 - (c) **“Combative Sports”** means any professional sport that holds Contests where opponents strike each other with a hand, foot, knee, elbow or other part of the body, including, but not limited to, boxing, wrestling, full contact karate, kickboxing, martial arts, mixed martial arts and muaythai;
 - (d) **“Commission”** means the council committee known as the Edmonton Combative Sports Commission;
 - (e) **“Contest”** means a bout, match or fight;
 - (f) **“Contestant”** means an individual who participates in a Contest;
 - (g) **“Date Booking Fee”** means the fee established in Schedule A;
 - (h) **“Event”** means a Combative Sports competition with one or more Contests, including weigh-ins, medical examinations and other Contest related activities;
 - (i) **“Event Deposit”** means payment made by a Person to ensure compliance with the conditions of an Event Permit;

- (j) **“Event Fee”** means a fee payable for an Event Permit;
- (k) **“Event Permit”** means a permit issued to a Person pursuant to this bylaw;
- (l) **“Executive Director”** means the Commission’s chief executive officer or delegate;
- (m) **“Licence”** means a licence issued to a Person pursuant to this bylaw;
- (n) **“Licensee”** means a Person holding a valid and subsisting Licence or Event Permit;
- (o) **“Licence Fee”** means a fee payable for a Licence, as established in Schedule A;
- (p) **“Municipal Tag”** means a ticket alleging an offence issued pursuant to the authority of a bylaw of the City;
- (q) **“Official”** means an individual who is authorised by the Commission to provide services at an Event, including but not limited to judges, timekeepers, dressing-room supervisors, referees, medical advisers, ringside physicians, timekeepers, scorekeepers, knockdown judges, paymasters, ring generals, technical advisors, corner supervisors and inspectors;
- (r) **“Person”** means an individual, partnership, association, corporation, organization, business, cooperative, trustee, executor, administrator or legal representative;
- (s) **“Promoter”** means a Person engaged in the business of organizing, managing or facilitating Events, including all the officers, directors, employees, agents and contractors of the Promoter;
- (t) **“Second”** means a designated assistant for a Contestant, including a cutman; and
- (u) **“Violation Ticket”** has the same meaning as in the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended.

(S.2, Bylaw 16298, January 1, 2013)

purposes only.

PART II - LICENSING

GENERAL PROHIBITION

- 4 (1) No Person shall take part as a Promoter, Contestant, Second, or Official at any Event unless the Person holds a valid and subsisting Licence issued pursuant to this bylaw.

PROMOTER LICENCE

- 5 (1) An Applicant for a Licence to act as a Promoter must submit to the Executive Director no later than forty-five (45) days prior to the date of the Event:
- (a) an application in a form approved by the Executive Director;
 - (b) the Licence Fee;
 - (c) the full name and current address of the Applicant;
 - (d) a resume describing both the background and experience of the Applicant as it relates to the promotion of Events, including a list of any suspensions or hearings in other jurisdictions that took place within the five years preceding the date on which the application is submitted to the Executive Director;
 - (e) if the Applicant is a corporation:
 - (i) a copy of the corporation's most recent annual return;
 - (ii) the address of the registered office of the corporation;
 - (iii) the names and addresses of the officers, directors and shareholders of the corporation; and
 - (iv) a recent police information check for the directors of the corporation from the Edmonton Police Service;
 - (f) if the Applicant is an individual, a recent police information check for the Applicant from the Edmonton Police Service; and

**CONTESTANT
LICENCE**

- (g) any additional information required by the Executive Director.
- (2) A Licence issued to a Promoter expires on December 31 of the year in which the Licence is issued.
- 6 (1) An Applicant for a Licence to be a Contestant must submit to the Executive Director:
- (a) an application in a form approved by the Executive Director;
 - (b) the Licence Fee;
 - (c) proof in a form satisfactory to the Executive Director establishing the full name, date of birth and current address of the Applicant;
 - (d) a completed declaration as to the Applicant's suspension and health status in a form approved by the Executive Director;
 - (e) proof in a form satisfactory to the Executive Director that the Applicant meets or exceeds the medical fitness and health standards approved by the Commission;
 - (f) a written consent to permit the collection and use of the Applicant's medical records and related information in a form approved by the Executive Director; and
 - (g) any additional information required by the Executive Director.
- (2) A Licence issued to a Contestant is only valid only for the Event specified in the Licence.
- (3) A Licence issued to a Contestant is deemed to be a Licence for any Second assisting the Contestant at an Event if the full name of the Second is provided to the Executive Director prior to the commencement of the Event.
- (4) A Licence issued to a Contestant is deemed to contain the following conditions:
- (a) the Contestant may have no more than three (3) Seconds at an Event, unless the Event is a championship Event;
 - (b) the Contestant may have no more than four (4) Seconds at a

championship Event;

- (c) the Officials providing medical services at an Event:
 - (i) may, at any time, intervene in any Contest or Event to examine a Contestant, and after consultation with the referee, in the medical personnel's discretion, may instruct the referee to stop the contest;
 - (ii) must examine a Contestant if the Contestant is injured, including being knocked out, during an Event;
 - (iii) must examine a Contestant:
 - (A) prior to an Event; and
 - (B) immediately after a Contest;
 - (iv) may examine a Contestant before the Contestant leaves the venue where the Event is being held;
 - (v) may impose a medical suspension to a Contestant of a length determined by the Official providing medical service, taking into account the nature of any injuries and any health risks posed to the Contestant; and
- (d) the Contestant consents to the Commission notifying the Contestant's governing bodies and other commissions regulating Combative Sports that a medical suspension was issued and the duration of the medical suspension.

**OFFICIALS
LICENCE**

- 7 (1) An Applicant for a Licence to act as an Official must submit to the Executive Director:
 - (a) an application in a form approved by the Executive Director;
 - (b) the Licence Fee;
 - (c) proof in a form satisfactory to the Executive Director establishing the full name, date of birth, and current address of the Applicant; and
 - (d) any additional information required by the Executive Director.

- (2) A Licence issued to an Official expires on December 31 of the year in which the Licence is issued.

- CONSULTATION** 8 Prior to issuing a Licence the Executive Director may, with the consent of the Applicant, consult with and obtain relevant and material information from the Edmonton Police Service, Alberta Health Services, the Sustainable Development Department of the City, the Community Standards Branch of the City and Edmonton Fire Rescue Services.
- NOTICE** 9 Any information obtained by the Executive Director must be provided to the Applicant who must be given an opportunity to make written representations on that material to the Executive Director.

PART III - EVENT PERMITS

- EVENT PERMIT** 10 (1) A Promoter who proposes to organize, manage, facilitate, produce or promote an Event must apply to the Executive Director no later than thirty (30) days prior to the date of the Event for an Event Permit.
- (2) Each application for an Event Permit must include:
- (a) a copy of the Applicant's Promoter Licence;
 - (b) an application in a form approved by the Executive Director;
 - (c) proof in a form satisfactory to the Executive Director that the Applicant holds all of the necessary permits for the Event in accordance with Bylaw 12800, the City of Edmonton Zoning Bylaw;
 - (d) the Date Booking Fee;
 - (e) liability insurance for the Event issued by a licensed Alberta insurer, in an amount directed by the Executive Director, naming the City as an additional named insured and including the following liability clause:

This policy, subject to the limits of liability stated herein, shall apply to each Insured in the same manner and to the same extent as if a separate policy has been issued to each. Any act or omission on the part of one or another of the Insured under this policy shall not

prejudice the right or interests of any other Insured.

- (f) any additional information required by the Executive Director.
- (3) At least five (5) days prior to the date of the Event the holder of an Event Permit must submit to the Executive Director:
- (a) the security plans for the Event, as approved by the Executive Director, including the number of personnel and their qualifications;
 - (b) the medical and safety plans for the Event, as approved by the Executive Director, including the number of personnel and their qualifications;
 - (c) a certified cheque in the amount necessary to pay both:
 - (i) the cost of all Officials required for the Event; and
 - (ii) the maximum amount of prize money that could be awarded to Contestants at the Event; and
 - (d) a certified cheque in the amount set by the Executive Director for the Event Deposit.

**DATE BOOKING
FEE REFUND**

- 11 If the Event is held on the date specified in the Event Permit then one-half of the Date Booking Fee must be returned to the holder of the Event Permit.

EVENT FEES

- 12 (1) The Event Permit holder must pay to the Executive Director, not more than fourteen (14) days after the Event, an Event Fee as set out in Schedule "B".
- (2) If an Event Fee is payable pursuant to this section the holder of the Event Permit will:
- (a) ensure the Executive Director has access at all times to receipt records for the Event including access to ticket distribution company records for the Event; and
 - (b) provide a record of ticket sales and gate fees and pay-per-view revenues for the Event to the Executive Director not more than fourteen (14) days after the Event.

**CONDITIONS OF
EVERY EVENT
PERMIT**

- 13 It is a deemed condition of every Event Permit that the holder of the Event Permit will:

- (a) comply with the approved security plan;
- (b) comply with the approved medical plan;
- (c) ensure that liability insurance for the Event remains in full force and effect;
- (d) comply with all policies and procedures approved by the Commission;
- (e) not falsify any medical or fitness documentation provided to the Commission or the Executive Director for the Event;
- (f) not conduct the weigh in for the Event in any place where alcohol is being served or sold;
- (g) conduct the weigh in for the Event in a place accessible to the public within the city of Edmonton;
- (h) only hold the Event on the days and at the times specified in the Event Permit; and
- (i) comply with the maximum attendance requirements specified in the Event Permit.

EVENT DEPOSIT

- 14 (1) The Event Deposit must be returned to the Event Permit holder within thirty (30) days of the Event if no conditions of the Event Permit are breached.
- (2) In the event there is a breach or suspected breach of a condition of the Event Permit, all or a portion of the Event Deposit may be withheld by the Executive Director.
- (3) In the event any portion of the Event Deposit is withheld for a breach of a condition of the Event Permit, the Event Permit holder may appeal the decision to withhold all or a portion of the Event Deposit to the Commission under the provisions of this bylaw.

**MEDICAL
SUSPENSION
REPORTING**

- 15 The Executive Director must forward the results of an Event, including all medical suspensions issued to Contestants, to the relevant governing bodies and other commissions regulating Combative Sports not more than forty-eight (48) hours after the Event.

PART IV - POWERS, NOTICE AND APPEAL

- POWERS** 16 The Executive Director may revoke, suspend, refuse to issue or renew, or imposition of conditions on any Licence or Event Permit if, in the opinion of the Executive Director, it is in the public interest to do so.
- NOTICE** 17 The Executive Director must serve reasons for any decision respecting a Licence or Event Permit in writing to the Applicant or Licensee:
- (a) in person on the Applicant or Licensee or any of its officers or employees;
 - (b) by ordinary mail to the address in the application or in the records of the Commission for the Licensee; or
 - (c) by electronic mail where the Applicant or Licensee has provided an electronic mail address to the Executive Director.
- APPEAL** 18 (1) A Person may appeal the decision of the Executive Director respecting a Licence or Event Permit by filing with the Commission a written notice of appeal in a form approved by the Executive Director no later than fourteen (14) days after receiving notice of the decision of the Executive Director.
- (2) All appeals must comply with the appeal procedure established by the Commission.
- (3) A Person may not appeal the decision of the Executive Director regarding a Licence or Event Permit if the reason for the refusal is the failure to pay a prescribed fee or the failure to provide any information required for the Licence or Event Permit.
- SCHEDULING** 19 If the Commission receives a notice of appeal it will:
- (a) schedule a hearing for the appeal within a reasonable time of receiving the notice of appeal; and
 - (b) notify the appellant of the date, time and location of the hearing at least thirty (30) days before the hearing.
- RULES OF EVIDENCE** 20 The Commission is not bound by the rules of evidence and may receive any evidence or hear from any witnesses who may, in the Commission's opinion, provide relevant and material information

on the appeal.

POWERS ON APPEAL	21	The Commission may confirm, cancel, vary, or substitute the decision being appealed.
DECISION	22	The Commission will provide reasons for its decision in writing to the appellant.
NO APPEAL	23	No appeal lies from the decision of the Commission.

PART V - ENFORCEMENT

OFFENCE	24	A Person who contravenes this bylaw is guilty of an offence.
CONTINUING OFFENCE	25	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.
CORPORATIONS AND PARTNERSHIPS	26	<p>(1) 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.</p> <p>(2) 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.</p>
VICARIOUS LIABILITY	27	For the purposes of this bylaw, an act or omission by an employee or agent of a Person is deemed also to 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.
FINES AND PENALTIES	28	<p>(1) A Person who is guilty of an offence is liable to a fine in an amount not less than that established in this section and not exceeding \$10,000 and to imprisonment for not more than six months for non-payment of the fine.</p> <p>(2) Without restricting the generality of subsection (1) the following</p>

fine amounts are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered:

- (a) \$250.00 for any offence for which a fine is not otherwise established in this section;
- (b) \$2,000.00 for any offence under section 4, 13(a), 13(b) or 13(c); and
- (c) \$5,000.00 for any offence under section 13(e).

MUNICIPAL TAG	29	If a Municipal Tag is issued in respect of an offence the Municipal Tag must specify the fine amount established by this bylaw for the offence.
PAYMENT IN LIEU OF PROSECUTION	30	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.
VIOLATION TICKET	31	If a Violation Ticket is issued in respect of an offence, the Violation Ticket may: <ul style="list-style-type: none"> (a) specify the fine amount established by this bylaw for the offence; or (b) require the Person charged to appear in court without the alternative of making a voluntary payment.
VOLUNTARY PAYMENT	32	A Person who commits an offence may: <ul style="list-style-type: none"> (a) if a Violation Ticket is issued in respect of the offence; and (b) if the Violation Ticket specifies the fine amount established by this bylaw for the offence; <p>make a voluntary payment equal to the specified fine.</p>
OBSTRUCTION	33	A Person shall not obstruct or hinder the Executive Director, Officials or the Commission in the exercise or performance of their powers or duties.

PART VI - GENERAL

NO PROPERTY RIGHTS	34	A Licence or Event Permit does not confer any property rights and no Licensee shall sell, assign, lease or otherwise dispose of or give
---------------------------	----	---

up control of a Licence or Event Permit.

PROOF OF LICENCE	35	The onus of proving that a Person has a valid Licence or Event Permit is on the Person alleging the existence of the Licence or Event Permit on a balance of probabilities.
CRIMINAL CODE	36	For the purposes of section 83 of the <i>Criminal Code</i> any Event licensed by this bylaw is deemed to be a boxing contest.
IN FORCE	37	This bylaw does not come into force until Bylaw 15638 comes into force.
TRANSITIONAL	38	All licences and permits issued pursuant to Bylaw 14308, the Boxing, Wrestling and Other Combative Sports Bylaw, expire on December 31, 2011.

(NOTE: Consolidation made under Section 69 of the *Municipal Government Act*, R.S.A. 2000, c.L-21 and Bylaw No. 12005, and printed under the City Manager's authority)

Bylaw 15594, passed by Council November 9, 2011

Amendments

Bylaw 16298, January 1, 2013

SCHEDULE A – LICENCE FEES**Promoters**

Promoter (except wrestling Promoters)	\$1,000
Promoter (wrestling only)	\$700

Contestants

Contestant (except wrestling Events) *includes up to four Seconds	\$75
--	------

Officials

Event Referee	\$200
Event Referee (boxing Events only)	\$100
Event Judge	\$200
Event Judge (boxing Events only)	\$100
Event Ring General	\$200
Any other Official	\$50

Date Booking Fees

Date Booking Fee	\$1,000
------------------	---------

(S.3, Bylaw 16298, January 1, 2013)

SCHEDULE B – EVENT FEES

1. In this Schedule “Ticket Revenue” means the total revenue that could have been obtained at an Event and is calculated based on the market value of admission to the Event for each person in attendance at an Event including tickets that were complementary or admissions that were granted free of charge.
2. The Event Fee for an Event (except wrestling) is:
 - (a) the greater of \$500 or five (5) percent of Ticket Revenue; and
 - (b) five (5) percent of any pay-per-view revenue to a maximum of \$25,000.
3. The Event Fee for a wrestling Event is:
 - (a) \$100 if the attendance at the Event is less than 200 people;
 - (b) the greater of \$500.00 or five (5) percent of Ticket Revenue if the attendance at the Event is more than 200 people.