



TOWN OF DRAYTON VALLEY

NOTICE OF PUBLIC HEARING

COMBATIVE SPORTS COMMISSION BYLAW 2021/12/C

NOVEMBER 24, 2021, 9:00 A.M.

COUNCIL CHAMBERS, DRAYTON VALLEY CIVIC CENTRE

Please be advised that the Town Council will be holding a Public Hearing to receive comments, concerns, and questions from the public regarding the proposed Town of Drayton Valley Combative Sports Commission Bylaw 2021/12/C.

In order for organizations or groups to host mixed martial arts events in Drayton Valley, it is necessary for the Town of Drayton Valley to pass a Bylaw allowing these types of events to take place.

The Commission would be responsible to supervise, regulate, govern, and control all bouts and contests held in connection with the regulated sport(s). This includes being responsible for the provision of medical, police, referees, judges, officials, and supervisory personnel as deemed necessary.

Should Bylaw 2021/12/C receive second and third readings, the following steps will be undertaken:

- Council appointing individuals to the Commission;
- The Commissions approving a Promoter; and
- The Commissions approving a date and location.

Town Administration provided a statement of opinion from the Town's legal counsel and insurance provider. These statements outlined information specific to the liability being placed on the Town and its officers. Additionally, the Town's insurance provider has indicated that a separate insurance policy would be required to provide insurance for the Commission.

This hearing is open to the general public, and you are encouraged to attend to express your views to Town Council regarding the proposed Town of Drayton Valley Combative Sports Commission Bylaw 2021/12/C.

The draft Combative Sports Commission Bylaw 2021/12/C is available for viewing on the Town website at www.draytonvalley.ca and in paper format at the Drayton Valley Civic Centre 5120-52 Street, Drayton Valley, Alberta.

TIME AND PLACE:**Date: November 24th, 2021****Time: 9:00 a.m.****Location: Council Chambers, Drayton Valley Civic Centre**

You are encouraged to submit your comments in writing to the Recreation and Omniplex Manager prior to the hearing. Written submissions received by 5 pm on November 12th, 2021 will be included in the administrative report that will be represented to Council at the Public Hearing. Comments received after November 12th and up to November 23rd, 2021, will also be presented to Council at the Public Hearing. Written comments may be submitted via:

Email: dstarnes@draytonvalley.ca

Fax: 780-542-5753 (Attention - Derek Starnes)

Mail: 5120-52 Street, Box 6837, Drayton Valley, Alberta T7A 1A1 (Attention - Derek Starnes)

For questions about the proposed Town of Drayton Valley Combative Sports Commission Bylaw 2021/12/C, please contact Derek Starnes, Recreation and Omniplex Manager at 780-514-2568 or by email at dstarnes@draytonvalley.ca



BYLAW NO. 2021/12/C

Name of Bylaw: Town of Drayton Valley Combative Sports Commission Bylaw

WHEREAS under the provisions of the *Municipal Government Act*, the Council of the Town of Drayton Valley 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*, the Council of the Town of Drayton Valley 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*, the Council of the Town of Drayton Valley may pass Bylaws in relation to the establishment and functions of council committees and other bodies including with respect to the procedure and conduct of the committee and its members;

AND WHEREAS the Town administration has received the input of stakeholders in developing a new Combative Sports Commission Bylaw;

AND WHEREAS it is desirable to establish a Combative Sports Commission to sanction and monitor combative sports events conducted within the municipal boundary;

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, unless excepted by 535.1(3);

PURPOSE, DEFINITIONS AND INTERPRETATION

PURPOSE:

- a) Establish a Combative Sports Commission;
- b) Establish a system of licensing and permitting for Combative Sports Events in the Town of Drayton Valley; and
- c) Prescribe powers, functions, duties, structure and procedures for the Combative Sports 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 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 Drayton Valley 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;

"Combative Sports" include boxing, mixed martial arts, 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;

"Combative Sports Event" or "Event" include both amateur and professional events including Contests, 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. Combative Sports Events that are regulated by a specific association must be first regulated through that association;

"Contest" means a bout, match or fight;

"Contestant" means an individual who participates in a Contest at a Combative Sports Event;

"Council" means the Council of the Town of Drayton Valley;

"Employee" means an employee of the Commission;

"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;

"Municipal Tag" means a ticket alleging an offence issued pursuant to the authority of a bylaw of the Town;

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

"Peace Officer" means a community peace officer or bylaw enforcement officer or an RCMP officer employed by the Town and authorized to enforce this Bylaw;

"Permit" means a permit for a specific Combative Sports 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 Combative Sports Event, including all staff and contractors of such Person;

"RCMP" means Royal Canadian Mounted Police;

"Second" means a designated assistant for a Contestant;

"Town" means the Municipal Corporation of the Town of Drayton Valley;

"Town Representative" means the member of Council appointed to the Commission; and

"Violation Ticket" has the same meaning as in the Provincial Offences Procedure Act, RSA 2000, c P-34, as amended.

INTERPRETATION:

Commission

1. For the purposes of regulating, governing and controlling Combative Sports within the Town, there is hereby created a Commission to be appointed by resolution of Council.

2. The said Commission shall be called “Drayton Valley Combative Sports Commission” and shall, within the Town, and in accordance with the terms of this Bylaw, have power and authority to supervise, regulate, govern and control all Events held in connection with Combative Sports.

Commission Membership

1. The said Commission shall consist of at least five (5) or more members appointed by resolution of Council containing:
 - a. Four (4) residents of the Province of Alberta appointed by Council;
 - b. One (1) member of Council.
2. Members of the Commission shall hold office for a period at the pleasure of Council to a maximum period of 2 years per term, which may be renewed by Council for a further 2 year term.
3. No Person or Persons while a member of the said Commission shall be connected with any exhibition or Event held with the jurisdiction of the Commission by acting as an Official, 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.
4. Any member of the Commission may resign therefrom at any time upon written notice to the Commission, and any member of the Commission may be removed for cause by the Council of the Town at any time. Any vacancy created by reason of the resignation or removal and any vacancy arising by reason of the death of any member of the Commission shall, subject to the approval of 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 for any of the reasons aforesaid.
5. Any member of the Commission who fails to attend three consecutive monthly meetings of the Commission without Commission approval shall be deemed to have submitted a resignation.

Meetings and Officers

1.
 - a. The Commission shall hold regular meetings 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.

- b. Meetings of the Commission may be held anywhere within the Town or, if a majority of Commission agrees, in any other place. Meetings may be held in person, by telephone, by video-conference or other communication facilities that permit all persons participating in the meeting to hear each other. A Member may participate by telephone, video-conference or other communication facilities notwithstanding that the Meeting is held in person, provided that the Member is engaged for the whole of the Meeting, and a Member participating in such a meeting is deemed to be present for the whole Meeting.
 - c. A Member shall be given two (2) weeks' 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.
 - d. A Member may in any manner waive notice of a meeting, and an attendance of a Member is a waiver of notice of the meeting, except when the Member attends a meeting for the express purpose of objection to the transaction of any business on the grounds that the meeting was not properly called.
2. The Chair and Vice-Chair shall be elected at the first meeting of the Commission that follows the appointment of the member of the Commission by Council.
3. A majority of the members of the Commission shall constitute a quorum for the transaction of the business of the Commission. A majority vote by a quorum of the Commission shall be deemed to be a binding decision of the Commission.
4. All meetings of the Commission shall be presided over by the Chair, and in the event of such Chairman being absent from any meetings, the Members present shall elect a Chair for the meeting.
5. The Commission shall meet at the call of the Chair and not less than five (5) times per year.
6. Minutes of all meetings shall be kept by the Commission and also an accurate record of Permits issued and of every Event, giving the names and descriptions of the Contestants, the name of the Officials, and governing board or association (if any) in attendance, and any other information the Commission may desire kept as a record.
7. The Commission may at any time delegate any of its duties to one or more of its Members.

8. A decision or vote of the Commission is not valid unless passed at a meeting of the Commission held in public at which there is a quorum present.
9. Each Member shall be entitled to one (1) vote. The Chairman or acting Chairman shall not have a second or casting vote in the event of a tie.

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, records and accounts shall be produced to the Council of the Town annually within 60 days following December 31 of each calendar year.
2. If no report is submitted to the Town's Chief Administrative Officer (CAO) by March 2 of each year, the Commission will be deemed inactive and dissolved. The Commission will need to be reappointed by Council in accordance with this Bylaw in order to be established.
3. 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).
4. Neither the said Commission, nor any member thereof shall have the power of authority to pledge the credit of the Town.

Records

1. Any materials, documents or information received by a Member while in their official capacity shall become property of the Commission.
2. The Town Representative will ensure the materials, documents, or other information in the control of the Commission are forwarded to the Town for storage.

Liability

1. Pursuant to section 535.1 of the *Municipal Government Act*, RSA 2000, c M-26 (the "MGA"), 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 MGA or any other enactment.

2. Section 535.1 does not apply if:
 - a. the cause of action is defamation; or
 - b. the Member was dishonest, grossly negligent, or guilty of willful misconduct.

Powers of Commission

1. Any Members or voluntary supervisory personnel assigned by the Commission to an Event, and any Peace Officers shall at all times have free access to all the Events. For the purpose of proving a Person's right of access the Commission may adopt a badge having thereon the words "Central Combative Sports Commission <Year>."
2. Without limiting the generality of its powers set out in this Bylaw, the Commission has the power to grant any License or Permit in regard to an Event to be held in the Town, and the Commission may refuse, suspend, cancel or revoke any License or Permit where the Commission concludes that:
 - a. this Bylaw has not been complied with;
 - b. the safety of, Contestants, Officials, attendees or others have not been adequately provided for;
 - c. adequate financial or other arrangements have not been made for the purpose of protecting the integrity of the Event;
 - d. the Promoter refuses to comply with the terms and conditions of the License regarding the Event; or
 - e. it is in the public's interest to do so.
3. The commission is authorized to control and regulate all aspects of Combative Sports held in the Town, including the authority to:
 - a. retain sufficient officials required to oversee an event and impose the cost of those officials on the promoter of the event;

- b. establish policies governing the conduct of Promoters, Officials, Contestants and other persons participating in or attending Events including the discipline thereof;
 - c. establish policies and procedures governing Contests;
 - d. establish policies governing the credentials, qualifications and selection process for Officials; and,
 - e. establish policies for internal Commission procedures
4. 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 Commission will require a Promoter or person in charge of any Event to provide such Officials or supervisory personnel as the Commission deems proper, to be in attendance at any Event or exhibition, or at any training quarters, in order to ensure that such Event or exhibition shall be conducted in a safe and orderly manner, and will require the Promoter or person in charge of any Event, or exhibition to pay such amount as will cover the cost of providing such Officials or supervisory personnel and may withhold the issue of any Permit until the Promoter or Person concerned has made arrangements satisfactory to the Commission to pay such amount.
7. The Commission may from time to time appoint two (2) of its members to a Discipline Committee which shall investigate, hear evidence and submissions and make recommendations 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.
8. 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, at its sole discretion.

Disputed Performance

1. If any member of the Commission present at a Combative Sports Event is not satisfied with the performance of any Contestant at such Event, 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.
3. Any participant who enters into an Event with a participant who has been suspended, or any participant who takes part in an Event 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.
4. If a contestant wishes to dispute a contest that they have participated in, they must make a written formal declaration to the commission within 24 hours of the contest. No disputes will be accepted after 24 hours.

Misconduct and the Discipline Committee

1. If any Person licensed pursuant to this Bylaw and its rules and regulations breaches any of the provisions herein, or if any misconduct of any licensed Person is brought to the attention of a 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.
3. 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.
4. Testimony may be adduced before the Commission or at the hearing in any manner the Commission considers proper.
5. 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 said Person until the fine is paid;
 - (c) revoke the Person's License;
 - (d) reprimand the Person; or
 - (e) a combination of (a) and (b) above.
6. 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 Person in accordance herewith, proceed with the hearing in the Person's absence, without further notice to the Person.

7. 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.
8. 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.
9. The decision of the Commission or Discipline Committee rendered as a result of a hearing is final.
10. Any disciplinary proceedings are in addition to, and not in lieu of, any enforcement under this Bylaw.

Volunteer Supervisory Personnel

1. The Commission may accept applications from Persons interested in volunteering to help supervise and monitor Events.
2. Applications for volunteer supervisory personnel shall include, but is not limited to:
 - a. The full legal name of the applicant and any aliases;
 - b. The applicant's birth date; and
 - c. The applicant's residential address, telephone number and a copy of their photo ID.
3. The Commission will review all applications to ensure applicants for volunteer supervisory personnel meet the eligibility requirements as set out in this Bylaw.
4. Once approved by the Commission, volunteer supervisory personnel may be asked to assist the Commission in the monitoring of Events.
5. Where a breach of this Bylaw, a breach of any regulations in the schedules of this Bylaw, or any misconduct of a Licensee is brought to the attention of a volunteer supervisory personnel, the volunteer supervisory personnel shall notify the Member in charge at the Event.

Licensing

1. No Person shall take part as a Promoter, Contestant, Second, or Official at any Event unless the Person holds a valid and subsisting Promoter, Contestant, Second or Official License, as the case may be, issued pursuant to this Bylaw.
2. No person shall take part in or promote an Event unless the Commission has issued a valid and subsisting Permit for that Event pursuant to this Bylaw.

3. No Person who is under 18 years of age shall apply for a Permit or License.
4. No Permit or License shall be issued to any person who is under 18 years of age.

Promoter License

6. An Applicant for a License to act as a Promoter must submit to the Commission no later than forty-five (45) days prior to the date of the Event:
 - a. an application in a form approved by the Commission;
 - b. the License Fee;
 - c. proof in a form satisfactory to the Commission establishing the full name, date of birth and current address of the Applicant;
 - d. the Applicant's 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 Commission;
 - e. if the Applicant is an individual, a police information check for the Applicant from the RCMP, or such other police set-vice as the Commission may stipulate, dated within thirty (30) days of the application;
 - f. if the Applicant is a corporation:
 - i. 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 police information check for each director of the corporation from the RCMP, or such other police service as the Commission may stipulate, dated within thirty (30) days of the application; and
 - i. any additional information required by the Commission.
7. A License issued to a Promoter expires on December 31st of the year in which the License is issued, or such earlier date as may be determined by the Commission.

Contestant License

8. An Applicant for a License to be a Contestant must submit to the Commission:

- a. an application in a form approved by the Commission;
 - b. the License Fee;
 - c. proof in a form satisfactory to the Commission 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 Commission;
 - e. proof in a form satisfactory to the Commission 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 Commission; and
 - g. any additional information required by the Commission.
9. A License issued to a Contestant is valid only for the Event specified in the License.
10. A License issued to a Contestant is deemed to be a License for any Second assisting the Contestant at an Event, if the full name of the Second is provided to the Commission prior to the commencement of the Event.
11. A License 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, may in the medical personnel's discretion, 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; and
 - iv. 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;

- 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.

Official's License

12. An Applicant for a License to act as an Official must submit to the Commission:
 - a. an application in a form approved by the Commission;
 - b. the License Fee;
 - c. proof in a form satisfactory to the Commission establishing the full name, date of birth, and current address of the Applicant;
 - d. a resume describing both the background and experience of the Applicant as it relates to the capacity in which the Applicant seeks to act at an Event; and
 - e. any additional information required by the Commission.
13. A License issued to an Official expires on December 31st of the year in which the License is issued, or such earlier time as the Commission may determine.

Consultation

14. Prior to issuing a License the Commission may, with the consent of the Applicant, consult with and obtain relevant and material information from the RCMP, Alberta Health Services, Safety Code Agencies, or any other employee, branch, department or agency of any government, including the Town.

Permits

1. Any person who desires to promote a Combative Sports Event within the Town shall first obtain a Permit in writing from the Commission to do so.
2. The Commission may in its absolute discretion issue permits unconditionally, conditionally or may refuse to issue a permit.
3. The Commission shall have power and authority to cancel a permit issued by them if they deem it advisable so to do.
4. The application fee for the issuance of Permits under this Bylaw shall be made to the Town in an amount no less than \$1,500.00. The fee will also include advertising at the Event for Town and any other considerations worked out between the Town and the promoter. The application fee shall be payable before a Permit is issued.
5. An additional operating fee, which shall be established by the Commission to cover the costs of the Event, shall be paid at the time the Permit is issued.

6. The said Permit application fee is non-refundable in any event of the Commission's decision.
7. A Separate permit shall be required for each Event of Combative Sport.
8. Each application for a Permit must include:
 - a. A copy of the applicant's Promoter License;
 - b. an application in a form approved by the Commission;
 - c. security plans and medical plans for approval by the Commission;
 - d. proof in a form satisfactory to the Commission that the Applicant holds all of the necessary Permits or approvals for the Event, including but not limited to those required by the Town's Land Use Bylaw, as amended or the Safety Codes Act, R.S.A. 2000, c. S-1, as amended or any regulation thereunder;
 - e. any applicable fee;
 - f. proof in a form satisfactory to the Commission that the Applicant has liability insurance for the Event issued by a licensed Alberta insurer, in a form and amount directed by the Commission, naming the Town as an additional named insured as applicable;
9. The Permit Application fee and any additional operating fee must be received by the Town no later than forty-five (45) days prior to the date the event is to be held; and
10. Every Applicant shall provide the following information in a form approved by the Commission not less than thirty (30) days prior to the date of the Event:
 - a. Event information including:
 - i. the location of the Event,
 - ii. the date of the Event,
 - iii. the times the Event will begin and end,
 - iv. the name and address of the owner or operator of the Event location and,
 - v. the expected attendance.
11. Every Applicant pursuant to this Section shall provide no later than fifteen (15) days prior to the date of the Event the following information in a form approved by the Commission:
 - a. Contestant information, including a detailed list of all contestants, including the names, addresses and email addresses and dates of birth of each
 - b. Confirmation of:
 - i. Law enforcement attendance at the Event;

- ii. Fire Marshal approval of the Event;
 - iii. Emergency Medical Services coverage of the Event;
 - c. A copy of the liability insurance required pursuant to this section; and,
 - d. Such other information as the Commission may reasonably require.
12. No Event involving the Combative Sports shall be commenced, notwithstanding that a Permit to hold same has been issued by the Commission, unless and until the Commission's medical and safety requirements have been satisfied, at its sole discretion.

Liability Insurance and Bonds

13. A policy of liability insurance shall be held in connection with every Event, and a Permit shall not be issued until the Applicant furnishes the Commission with documentary evidence of such insurance in a form satisfactory to the Commission.
14. The Commission shall require the Applicant to obtain and maintain in force comprehensive general liability insurance not less than the amount of five (5) million dollars, which includes a severability of interest clause satisfactory to the Commission.
15. Such policy shall insure the Town, the Drayton Valley Combative Sports Commission, 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.
16. The insurance policy must also include the following cross 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."
17. Before any Permit to hold an Event within the Town is issued by the Commission in respect of any of Combative 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 Event, and shall observe all the rules and regulations of the Commission as the conduct of such Events and in case such Event is not carried out or in case any Promoter or Contestant is guilty of misconduct or 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 Event shall, at the absolute discretion of the Commission be forfeited to the Commission.

18. After the Commission has approved an application, but before such Permit is issued, the Applicant may be required to furnish a bond in favor of the Commission in a form and in an amount to be fixed and determined by the Commission.
 - a. All bonds in favor of the Commission shall be determined by the Commission, the said bond to be set at a minimum of \$2,000.00.
 - b. 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.

General Conditions

19. Failure to comply with these Bylaws or the Commission's corresponding rules and regulations as amended, may result in cancellation of a Permit granted by the Commission.
20. Upon application for a Permit the Applicant shall be entitled to receive a copy of these Bylaws and the Commission's rules and regulations.
21. 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, 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.
22. A Permit must be issued by the Town on a form bearing the identification of the Town and all Permits issued pursuant to this Bylaw are, and shall remain the property of the Town.
23. A Permit must bear on its face the date on which it is issued and the date on which the license will expire.
24. A Licensee who holds a Permit shall keep it posted in public view in the licensed premises.
25. A Licensee who is a Contestant or Official shall, upon request, immediately produce the Permit to a License Inspector or Commission member.
26. It is a deemed condition of every Permit that the 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 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 Town;
- h. only hold the Event on the days and at the times and at the location specified in the Permit;
- i. comply with the maximum attendance requirements of the premises; and not transfer, assign, sell, lease, or otherwise dispose of the Permit to another Person.

Enforcement

Offence

1. Any Person who contravenes this Bylaw, or any term or condition of any Licence or Permit issued pursuant to this Bylaw, is guilty of an offence.

Continuing Offence

2. 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

3. 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.
4. 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.

Vicarious Liability

5. 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.

Fines and Penalties

6. 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 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.
7. A fine amount of \$1000 is established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered for any offence established in this section.

Payment in Lieu of Prosecution

8. 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

9. 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:
 - 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

10. A Person who commits an offence may:
 - 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, make a voluntary payment equal to the specified fine.
11. Nothing contained in this Bylaw shall restrict the Commission or the Town to the remedies or enforcement mechanisms contained herein. The Town or the Commission may pursue any other remedy or enforcement action which may be legally available, including municipal enforcement orders and injunctions.

Obstruction

12. 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.

Jurisdiction of the Commission

- 1. The Commission may perform its duties in the Town or in Brazeau County provided that:
 - a. the provisions of s. 12 of the *MGA* have been complied with;
 - b. the Promoter of each event to be held in Brazeau County has provided proof to the Commission that it has adequate insurance indemnifying the Commission in respect of such event; and
 - c. the Applicant of each Event to be held in Brazeau County has provided proof to the Commission that it has obtained permission from Brazeau County for the Drayton Valley Combative Sports Commission to govern the Event in question.
- 2. For greater certainty, the requirements of *MGA* Section 12 are:
 - a. that an agreement to permit the Commission to operate in Brazeau County has been entered into between the Town and Brazeau County; and
 - b. that such agreement has been approved by a bylaw passed by the Town and by a bylaw passed by the council of Brazeau County.

General

- 13. The onus of proving that a Person has a valid License or Event Permit is on the Person alleging the existence of the License or Event Permit on a balance of probabilities.
- 14. For the purposes of section 83 of the *Criminal Code*, RSC 1985, c C-46, any Event censed by the Bylaw is deemed to be a boxing contest.

Coming into Force

- 15. This Bylaw comes into force and effect upon
- 16. Bylaw 2003/07/C is hereby repealed.

AND THAT this Bylaw shall have force and come into effect from and after the date of third reading thereof.

Read a first time this ____ day of _____, 2021, A. D.

Read a second time this ____ day of _____, 2021, A. D.

Read a third and final time this ____ day of _____, 2021, A. D.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

DRAFT

Bylaw Number