

CITY OF TERRACE

BYLAW NO. 1916 – 2008

"A BYLAW OF THE CITY OF TERRACE TO ESTABLISH AN ATHLETIC COMMISSION."

WHEREAS Section 143 of the Community Charter empowers Council, by bylaw, to establish an Athletic Commission and set out the composition and powers of the Commission;

NOW THEREFORE, the Municipal Council of the City of Terrace, in open meeting assembled, hereby enacts as follows:

PART I – GENERAL

1.0 DEFINITIONS:

In this Bylaw:

"Commission" means the City of Terrace Athletic Commission;

"Connected with any Regulated Sport" refers to an official, referee, matchmaker, promoter, financier, second, manager, or in any other position or capacity where the possibility may arise of a conflict of interest between such member and their duties and responsibilities as a member of the Commission;

"Council" means the Council of the Corporation of the City of Terrace;

"Member" means a member of the City of Terrace Athletic Commission;

"Participant" means any person hired, retained, or engaged, for consideration of any kind, in a Regulated Sport;

"Promoter" means any person promoting, holding or conducting a Regulated Sport;

"Regional District of Kitimat-Stikine – Electoral Area C" means the Rural Terrace Area, south coast;

"Regional District of Kitimat-Stikine – Electoral Area E" means Thornhill;

"Regulated Sport(s)" means professional boxing, wrestling, kickboxing and like activities, contests and exhibitions.

2.0 ESTABLISHMENT:

- 2.1 Pursuant to Section 143 of the Community Charter the City of Terrace Athletic Commission is hereby established.
- 2.2 Council hereby delegates to the Athletic Commission its authority under Section 143 (2) of the Community Charter to regulate, prohibit and impose requirements regarding Regulated Sports in the City of Terrace, subject to Appeal under Section 22 of this Bylaw.

3.0 ROLE OF THE COMMISSION:

The Commission is hereby authorized to:

- (a) Make rules regulating Regulated Sports.
- (b) Specify equipment, personnel and medical and health and safety requirements to be used in Regulated Sports.
- (c) Approve and maintain control over the appointment and/or dismissal of any and all officials taking part in any Regulated Sports.
- (d) Issue or refuse to issue permits and/or licences that include terms and conditions of the Commission sanctions to the persons conducting Regulated Sports as a condition of their being held.
- (e) Issue or refuse to issue permits and/or licences to boxers, wrestlers and other participants in Regulated Sports, as deemed necessary, and as a condition of their participating therein.
- (f) Review and approve contracts for Regulated Sports.
- (g) Investigate the conduct of any participants in Regulated Sports or of the persons conducting them, and particularly with respect to any alleged breaches of this Bylaw or rules made hereunder.
- (h) Establish and impose reasonable fines for misconduct, or breaches of this Bylaw or other rules established by the Commission and to prohibit such participants or persons from taking part in any Regulated Sports in the City of Terrace for reasonable periods.
- (i) Prohibit a person from participating in or conducting Regulated Sports, or from advertising them, unless he has been granted a permit and/or a licence for that purpose.

- (j) *Require persons holding, conducting, participating or connected with any Regulated Sport to pay a fee to the Commission for the issuance of permits and/or licences under this Bylaw. The fees shall be set out in Schedule A attached hereto and forming part of this Bylaw.*
- (k) *Require promoters and participants of any Regulated Sport to provide insurance and grant indemnities and waivers of liability as per Sections 20.0 and 21.0 of this Bylaw.*
- (l) *Require medical personnel, police, referees, judges, officials, or supervisory personnel as the Commission deems appropriate, to be in attendance at any Regulated Sport.*
- (m) *Require the Promoter or persons in charge of any Regulated Sport event to pay such amount as will cover the costs of providing medical, police, referees, judges, officials or supervisory personnel, as deemed appropriate by the Commission.*
- (n) *Require a medical officer (who shall be a duly qualified medical practitioner from the Province of BC) to examine the contestants immediately prior to a Regulated Sport event and to pronounce each contestant physically fit to engage in the event.*
- (o) *Require the Promoter or persons in charge of any Regulated Sport event to pay the costs of providing medical services imposed under (n).*
- (p) *Disqualify persons deemed to be unfit by a medical officer under (n).*

4.0 MEMBERSHIP OF THE COMMISSION:

4.1 *The Commission is to consist of three (3) voting members, each appointed by Council, and each of whom must:*

- (a) *be an eligible elector of the City of Terrace, or have been a resident of the City of Terrace for not less than six consecutive months immediately preceding the appointment;*
- (b) *not be a member of Council; and*
- (c) *not be an employee of the City of Terrace.*

4.2 *The Commission will also include one (1) Councillor and a City staff liaison to sit in an advisory capacity, as non-voting members.*

5.0 TERMS OF APPOINTMENT:

- 5.1 *All appointments to the Commission shall be for a term of three (3) years without remuneration.*
- 5.2 *No person directly or indirectly connected to any Regulated Sport in the City of Terrace and/or the Regional District of Kitimat-Stikine Electoral Areas "C" and "E" may be a member of the Commission.*
- 5.3 *Every member shall continue to hold office until a successor is appointed.*
- 5.4 *Council may, by an affirmative vote of the majority of Council, remove a member of the Commission from office at any time.*
- 5.5 *Upon the resignation, the removal from office, or the death of any member during their term of office, Council shall appoint a successor for a three (3) year term.*
- 5.6 *Members of the Commission and/or judges are strictly prohibited from consuming alcohol just prior to or during a public exhibition. This is a zero tolerance policy.*

6.0 QUORUM:

A quorum of the Commission shall be two (2) voting members.

7.0 INAUGURAL MEETING:

- 7.1 *At the Inaugural meeting of the Commission the Commission shall appoint the Chair by simple resolution.*
- 7.2 *At the Inaugural meeting of the Commission, the members shall from amongst its members appoint, by resolution, persons to serve on a rotating basis as Acting Chair and each member duly appointed as such shall fulfil the responsibilities of the Chair in their absence.*
- 7.3 *At the Inaugural meeting of the Commission, the members shall appoint a member to serve as Secretary. After the Inaugural meeting of the Commission, the Commission shall appoint the Secretary annually by simple resolution. The City of Terrace staff liaison may serve as Secretary to the Commission.*

8.0 NOTICE OF COMMISSION MEETINGS:

Notice shall be provided in accordance with City of Terrace Council Proceedings Bylaw No. 1696-2000, as amended from time to time.

9.0 LOCATION AND TIME OF COMMISSION MEETINGS:

Regular meetings of the Commission shall be held at least once every six (6) months, or more frequently at the direction of the Chair, to deal with outstanding matters in regard to Regulated Sports. Meetings shall be held in the City of Terrace Sportsplex or at another City facility specified by the Chair.

10.0 ATTENDANCE OF PUBLIC AT MEETINGS:

10.1 *Except where the provision of Sections 90(1) and 90(2) of the Community Charter apply, all Commission meetings shall be open to the public.*

10.2 *Where the Commission wishes to close a meeting to the public, it may do so by adopting a resolution in accordance with Section 92 of the Community Charter.*

PART II – MEETINGS

11.0 CHAIR:

11.1 *The Chair, when present, shall preside at all meetings of the Commission using Roberts Rules of Order to govern the meeting.*

11.2 *Every resolution adopted and every question submitted to a meeting shall be decided by a simple majority of the members present.*

11.3 *In the absence of the Chair, the Acting Chair shall have all the powers and responsibilities afforded the Chair.*

12.0 DELEGATIONS:

All delegations requesting permission to appear before the Commission shall submit a written request, at least five (5) days prior to a Commission meeting, including a written synopsis clearly outlining their topic of concern.

13.0 OPENING PROCEDURES:

13.1 *Call Meeting to Order – at the hour set for a meeting to commence, and provided that a quorum is present, the Chair shall call the meeting to order.*

13.2 *Lack of Quorum – should there be no quorum present within fifteen minutes after the time appointed for the meeting to commence, the meeting shall be adjourned.*

14.0 MINUTES:

Minutes of the proceedings of the Commission shall be legibly recorded. The minutes shall be certified as correct by the Chair or other member presiding at the meeting, or at the next meeting at which they are adopted. A copy shall be forwarded to the City Clerk to be included in the City of Terrace records.

PART III – REGULATION PROCESS**15.0 PROHIBITION:**

No person shall hold, conduct, participate in or be connected with any Regulated Sport except in compliance with this Bylaw and all rules and regulations prescribed by the Commission under this Bylaw, and without limiting the generality of the foregoing, without first obtaining from the Commission all required permits and licences and paying all permit, licence and other fees and depositing such security as prescribed by this or another Bylaw.

16.0 THE CITY AS LANDLORD:

Nothing in this Bylaw shall affect the rights or ability of the City of Terrace, in its capacity as landlord, to impose additional or other terms and conditions with respect to use of any land or building owned or operated by the City of Terrace for a Regulated Sport.

17.0 SECURITY DEPOSIT:

- 17.1 Before any permit is issued to hold a Regulated Sport, the Promoter and each of the participants shall deposit such security as the Commission may determine reasonable for the faithful performance of their obligations as specified by the Commission.*
- 17.2 In the event such Regulated Sport is not carried out or in case any Promoter or participant is guilty of misconduct or of disobeying any of the rules and regulations established by the Commission, the security so deposited by the Promoter or participant who is guilty of such misconduct or is in breach of contract, shall be forfeited to the Commission.*
- 17.3 The Commission may disburse the proceeds from the security deposit to those persons entitled thereto.*

PART IV – FINANCIAL AND LIABILITY RESPONSIBILITIES**18.0 ACCURATE RECORDS:**

The Commission shall keep accurate records of all monies received and expended by it, which accounts shall be open for the inspection by the Director of Finance of the City of Terrace, or his/her delegate, so appointed for that purpose.

19.0 LIABILITY INSURANCE:

The Promoter shall take out or cause to be taken out and keep or cause to be kept, in force at all times during the term of their permit, comprehensive public liability insurance in respect of claims for personal and bodily injury, death or property damage arising out of any occurrence related to the Regulated Sport specified in the permit in the amount of not less than five million (\$5,000,000) dollars per occurrence.

19.1 *The Promoter shall cause each policy of insurance required to be maintained by it:*

- (a) to name the City of Terrace as “additional insured” under the policy;*
- (b) to contain a cross-liability clause;*
- (c) 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.*

19.2 *The Promoter shall provide to the Commission from time to time, upon request, proof that all premiums under the policies required to be maintained by the Promoter, have been paid and that they are in full force and effect and contain the terms and conditions outlined in Section 20.1, along with a Certificate of Insurance.*

20.0 INDEMNITY:

The Commission, as a condition of granting a Promoter permission to hold or conduct any Regulated Sport event, shall require that:

20.1 *The Promoter of the Regulated Sport event grant the Commission and the City of Terrace an indemnity, indemnifying and saving harmless the Commission and the City of Terrace from and against all claims, losses, damages, costs and liabilities of any kind (including solicitors’ fees on a solicitor client basis and other professional advisers), arising out of, or related, directly or indirectly, to:*

- (a) *any breach, violation or non-performance by the Promoter, a participant or any person connected with any Regulated Sport or any provision of this Bylaw, any rule or regulation prescribed by the Commission or any covenant, term, condition of any agreement entered into between the Promoter or a participant and the Commission; or*
- (b) *any personal or bodily injury, death or property damage suffered by any person arising from, or in any way related to, the holding of the Regulated Sport event; and*

20.2 *Each person participating in a Regulated Sport event, grant to the City of Terrace a waiver of liability, in a form acceptable to the Commission, in respect of that person's participation in the Regulated Sport event.*

PART V – APPEAL

21.0 APPEAL:

21.1 *Any decision by the City of Terrace Athletic Commission made pursuant to this Bylaw may be appealed to the Council.*

21.2 *A person wishing to have a decision by the Commission reconsidered by Council must apply in writing for the reconsideration to the Corporate Administrator within thirty (30) days after the decision is communicated. The Corporate Administrator will then place the reconsideration application on the agenda of a Regular Meeting of Council within thirty (30) days of receipt of the application for reconsideration.*

PART VI – SEVERABILITY AND CITING

22.0 SEVERABILITY:

If any section, subsection, paragraph, subparagraph or clause of the City of Terrace Athletic Commission Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of the Athletic Commission Bylaw.

23.0 CITING:

This Bylaw may be cited, for all purposes, as "City of Terrace Athletic Commission Bylaw No. 1916 – 2008".

READ a first time this 14th day of April, 2008.

READ a second time this 14th day of April, 2008.

READ a third time this 14th day of April, 2008.

ADOPTED this 28th day of April, 2008.

Mayor

Acting Clerk

SCHEDULE "A"**CITY OF TERRACE ATHLETIC COMMISSION FEES**

The following guidelines for promotion, licencing and other fees to be charged by the Commission for professional boxing, kickboxing, wrestling contests and like activities, contests and exhibitions, will apply to all events.

The Promoter is required to submit applicable fees for permits and licences, and applicable security, as a basis on which the sanctioning process may begin.

<i>Major Championship (World Title, Canadian Title)</i>		<i>\$1,000.00</i>
<i>Other Championship</i>		<i>\$450.00</i>
<i>Standard Event</i>		<i>\$250.00</i>
<i>Event Security Deposit</i>		<i>\$250.00</i>
<i>Inaugural Boxing Licence & Passport</i>		<i>\$100.00</i>
<i>Fighter</i>	<i>Annual Licence Fee</i>	<i>\$10.00</i>
<i>Fighter without Licence</i>		<i>\$25.00</i>
<i>Promoter Licence</i>	<i>Annual Licence Fee</i>	<i>\$50.00</i>
<i>Officials (referees and judges)</i>	<i>Annual Licence Fee</i>	<i>\$10.00</i>
<i>Inspectors Licence</i>	<i>Per Event</i>	<i>\$25.00</i>
<i>Medical Personnel, Emergency Medical Personnel and any other Personnel Required</i>		<i>Actual Cost</i>

The Promoter is required to submit the following gate fee to the Athletic Commission directly following the event:

<i>All sanctioned sporting events will be required to pay a gate fee on a per seat basis</i>	<i>\$0.10 per seat</i>
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