



City of Vernon

***ATHLETIC
COMMISSION
BYLAW***

#4910

Consolidated for Convenience

THE CORPORATION OF THE CITY OF VERNON

BYLAW NO. 4910

A bylaw to establish an Athletic Commission

WHEREAS the Council of the Corporation of the City of Vernon, pursuant to Section 143 of the *Community Charter*, is empowered to establish an Athletic Commission and set out the composition and powers of the Commission.

THEREFORE BE IT RESOLVED that the Council of the Corporation of the City of Vernon, in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

1. Title

This bylaw may be cited as the "City of Vernon Athletic Commission Bylaw Number 4910, 2005".

PART I – GENERAL

2. Definitions

"Commission"	means the City of Vernon 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 Vernon
"Member"	means a member of the City of Vernon Athletic Commission.
"Promoter"	Means any person promoting, holding or conducting a Regulated sport.
"Regulated Sport (s)"	means professional boxing, wrestling, kickboxing and like activities, contests and exhibitions.

3. The Role of the Commission

The Commission is authorized to:

- (a) regulate and supervise regulated sports.
- (b) specify equipment to be used in such regulated sports.
- (c) prescribe rules of conduct of regulated sports.
- (d) approve and maintain control over the appointment/dismissal of any and all officials taking part in any regulated sports.
- (e) issue permits that include terms and conditions upon which the Commission sanctions to the persons conducting regulated sports as a condition of their being held.

- (f) issue permits to boxers, wrestlers and other participants in regulated sports, as deemed necessary, and as a condition of their participating therein.
- (g) review and approve contracts for regulated sports.
- (h) 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.
- (i) establish and impose reasonable fines for misconduct, or breaches of this bylaw or the rules established by the Commission to prohibit such participants or persons from taking part in any regulated sports in the City of Vernon for reasonable periods.
- (j) prohibit a person from participating in or conducting regulated sports, or from advertising them, unless he has been granted a permit for that purpose.
- (k) require all persons holding, conducting, participating or connected with any Regulated sport to pay the applicable license and permit fees and charges imposed for such participation under the City of Vernon's current Fees and Charges Bylaw, and all subsequent amendments.

4. Quorum

A quorum of the Commission shall be three (3) voting members.

5. Appointment of Members

The Commission shall consist of seven (7) members, each appointed by Council, as follows:

- (a) Five (5) "at large" voting members;
- (b) One (1) Councillor to sit in an advisory capacity, as a non-voting member;
- (c) One (1) RCMP Liaison Officer, as a non-voting member.

6. Terms of Appointment

- 6.1 All appointments to the Commission shall be for a term of three (3) years without remuneration. All terms expire, unless extended by Council resolution.
- 6.2 A member, while an appointee to the Commission, shall not be directly or indirectly connected with any "Regulated sport" held within the North Okanagan Regional District.
- 6.3 Every member shall continue to hold office until a successor is appointed.
- 6.4 The Council may, by an affirmative vote of the majority of Council, remove a member of the Commission from office at any time.

6.5 Upon the resignation, the removal from office or the death of any member during their term of office, the Council shall appoint a successor in accordance with the provisions by which the vacating member was appointed.

7. Inaugural Meeting

At the Inaugural meeting of the Commission, the members shall elect a Chair from amongst their number by majority vote. The Chair thus elected shall serve a three (3) year term. A member may be appointed for a maximum of three (3) consecutive terms as the Chair.

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 fulfill the responsibilities of the Chair in their absence.

8. Notice of Commission Meetings

8.1 At least 72 hours prior to a meeting of the Commission, members will pick up at City Hall, a meeting agenda setting out all items for consideration.

8.2 At least 72 hours before a meeting of the Commission, the public will be notified of the time, place and date of the meeting by way of posting of an agenda at City Hall.

9. Location and Time of Commission Meetings

9.1 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.

10. Attendance of Public at Meetings

10.1 Except where the provision of Sections 90 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. The 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 question submitted to a meeting shall be decided by a majority of the voting members present.

12. Delegations

12.1 All delegations requesting permission to appear before the Commission shall submit a written request, including a written synopsis clearly outlining their topic of concern.

13. 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 Chair shall ask the Secretary to record the names of the members present and then adjourn the meeting.

14. Minutes

14.1 Minutes of the proceedings of the Commission shall be legibly recorded in a minute book. 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 for the City of Vernon to be included in the City's records.

14.2 The minutes shall be open for inspection by any person who may make copies and extracts at all reasonable times on payment each time in accordance with City of Vernon Fees and Charges Bylaw Number 3909.

PART III – REGULATION PROCESS

15. Prohibition

15.1 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 authority of this bylaw and, without limiting the generality of the foregoing, without first obtaining from the Commission all required permits and licenses and paying all permit and license fees prescribed by his bylaw.

16. Permit and Licence Fees

16.1 Every person holding, conducting, participating in or connected with any Regulated sport shall pay the applicable licence and permit fees hereby imposed and set forth in the City of Vernon's current Fees and Charges Bylaw and all subsequent amendments.

17. Security Deposit

17.1 Before any permit is issued to hold a "Regulated sport", the Promoter and each of the contestants 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 contestant 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 contestant who is guilty of such misconduct or is in breach of contract, shall be forfeited to the Commission, to be used by the Commission for the purposes for which the security was required, including but not limited to, disbursing the security deposit to those persons entitled thereto.

17.3 The Commission shall have the power to prescribe rules and regulations for all Regulated sports including, without limitation, rules and regulations:

- (a) Regulating the conduct of professional boxing and wrestling contests and exhibitions and of Mixed Martial Arts contests and exhibitions;
- (b) Prohibit participating in any such professional boxing or wrestling contest or exhibition without the first obtaining all permits and licenses required by this Bylaw and the Commission and paying all required licence and permit fees;
- (c) Requiring the payment of security by promoters, participants and others;
- (d) Requiring promoters, participants and others to enter into contracts and grant indemnities and waivers of liability for the Commission and the City in respect of any contest or exhibition;
- (e) Regulating the equipment, personnel and medical and health and safety requirements to be used or provided for any contest or exhibition.

18. Safety

18.1 In order to ensure that a "Regulated sport" is conducted in a safe and orderly manner, the Commission may require medical personnel, police, referees, judges, officials, or supervisory personnel as the Commission deems appropriate, to be in attendance at any "Regulated sport".

18.2 The Commission may require the Promoter or persons in charge of any “Regulated sport” 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 in Section 17.1.

18.3 The Commission may withhold the issuance of any permit until the persons concerned have made arrangements satisfactory to the Commission to pay such amount as outlined in Section 17.2.

19 Medical Officer

19.1 The Commission may require, as deemed appropriate, 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.

19.2 The Commission may require the Promoter or persons in charge of any regulated event to pay the costs of providing medical services as outlined in Section 18.1.

19.3 Persons deemed unfit to fight under Section 18.1 will be disqualified and the security deposit may be forfeited.

PART IV - FINANCIAL AND LIABILITY RESPONSIBILITIES

20. The proposed expenditures and revenues to be incurred in the operation of the Commission shall be included in the Annual Budget of the City of Vernon.

21. The Commission shall keep accurate records of all monies received and expended by it, which accounts shall be open for the inspection by any Official of the City of Vernon so appointed for that purpose.

22. 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 this contract, 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 contract in the amount of not less than five million (\$5,000,000) dollars per occurrence.

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

- (a) to name the City of Vernon, the District of Coldstream and the North Okanagan Regional District as additionally 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.

22.2 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 21.1.

23. Indemnity

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

23.1 The Promoter of the Regulated sport event grant the Commission, the City of Vernon, the Regional District of the North Okanagan and The District of Coldstream an indemnity, indemnifying and saving harmless the Commission and the City of Vernon 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 of 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 participants 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

23.2 Each person participating in a Regulated sport event, grant to the City 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

24. Any decision of the City of Vernon Athletic Commission made pursuant to this Bylaw may be appealed to the Council.

25. Notice of such appeal setting out the grounds thereof shall be given to the City Clerk within seven (7) days of the decision complained of. The City Clerk shall place such appeal on the next agenda of the regular meeting of the City of Vernon, following receipt of such notice; or the appeal may be heard at a special meeting of Council called for such purpose.