

EXPLANATION**Vancouver Athletic Commission By-law amending by-law
re appointments and related matters**

The attached by-law will implement Council's resolution of December 17, 2009 to amend the Vancouver Athletic Commission By-law, increasing the seat fees and making other changes to the by-law regarding mixed martial arts and related matters.

Director of Legal Services
April 6, 2010

**CITY OF VANCOUVER
BRITISH COLUMBIA**



**VANCOUVER ATHLETIC COMMISSION
BY-LAW NO. _____**

VANCOUVER ATHLETIC COMMISSION BY-LAW

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BY-LAW NO. _____

**A By-law to amend
Vancouver Athletic Commission By-law No. 2875**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of By-law No. 2875.
2. Council strikes out and replaces the following section numbers in the By-law:
 - (i) "1" is replaced with "2.1";
 - (ii) "3" is replaced with "2.6";
3. Before the new section 2.1 Council inserts the following:

**"SECTION 1
INTERPRETATION**

Name of By-law

1.1 The name of this By-law, for citation, is the "Vancouver Athletic Commission By-law".

Definitions

1.2 In this By-law:

"boxing" means fighting contests in which:

- (i) contestants use their fists alone, and
- (ii) contestants use their fists or feet or other body parts, or a combination of techniques from different martial arts disciplines, including mixed martial arts, karate, tae kwon do, and ju-jitsu,

to strike blows;

"Commission" means the Vancouver Athletic Commission;

Table of Contents

1.3 The table of contents is for reference only and does not form part of this By-law.

Severability

1.4 A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

SECTION 2 GENERAL PROVISIONS"

4. Council repeals section 2 and substitutes:

Members and appointment

"2.2 The Commission will consist of five members appointed annually by Council by by-law, each of whom must:

- (a) not be a member of Council; and
- (b) not be an employee of the city.

Term

2.3 Each member of the Commission will hold office for a term of not more than one year or until a successor is appointed, but a person may be reappointed for a further term or terms.

Appointment of successors

2.4 If any member of the Commission dies, resigns or is removed from office, Council must appoint a successor."

5. Council repeals section 2A and substitutes:

Removal of members

"2.5 Council may remove a member of the Commission from office at any time by a majority vote if the member fails to attend four consecutive regular meetings without leave of the Commission."

6. Council inserts the following provision after section 2.6:

Indemnification

"2.7 The city will indemnify members of the Commission, in accordance with the provisions in sections 3 and 4 of Liability Indemnification By-law No. 6579, against any claim for loss or damages arising from the exercise of their powers in good faith, unless:

- (a) the claim is for defamation, or

- (b) the member is guilty of dishonesty, gross negligence or wilful misconduct.”

7. Council repeals sections 4, 5 and 6 and substitutes:

Commission powers

“2.8 The Commission has power to regulate professional boxing, kickboxing and wrestling contests and exhibitions, including power:

- (1) to require and issue permits in connection with such contests and exhibitions and to impose conditions which must be met prior to issuance of such permits;
- (2) to require and issue licences to participate in such contests and exhibitions and to impose conditions which must be met prior to issuance of such licences;
- (3) to refuse, suspend or cancel permits or licences if a person fails to comply with the requisite conditions;
- (4) to require promoters, organizers and participants to deposit security for the performance of their obligations in relation to such contests and exhibitions on such terms as the Commission determines;
- (5) to require promoters, organizers and participants to provide insurance in relation to such contests and exhibitions on such terms as the Commission determines;
- (6) to require promoters, organizers and participants to grant indemnities and waivers of liability in relation to such contests and exhibitions on such terms as the Commission determines;
- (7) to require that promoters and organizers pay fees to the Commission for permits and licences and for each seat provided for the public at such contests or exhibitions, as prescribed in Schedule A;
- (8) to investigate the conduct of any promoters, organizers or participants in respect of any alleged contraventions of this By-law or rules made under it;
- (9) to impose fines on any promoters, organizers or participants for contraventions of this By-law or rules made under it and to prohibit those persons contravening the By-law or rules of the Commission from promoting, organizing or participating in such contests or exhibitions for such period of time as the Commission may determine;

- (10) to restrain any promoter, organizer or participant from conducting a contest or exhibition without first obtaining the necessary licences or permit by legal action brought by the Commission in its own name; and
- (11) to prescribe rules for:
 - (i) the issuance, withholding, suspension or cancellation of licences and permits,
 - (ii) the conduct, equipment, personnel, medical, health, policing and safety requirements for such contests or exhibitions,
 - (iii) the investigation and the conduct of hearings into alleged contraventions of this By-law and rules,
 - (iv) the amount of security deposits, the time period for which such security may be held and the refund or forfeiture of such security, and
 - (v) all other matters related to such contests or exhibitions that the Commission considers necessary or desirable.

SECTION 3 PERMITS

Event permit

3.1 No person shall promote, organize, or hold a professional boxing, kickboxing or wrestling contest or exhibition without having first obtained an event permit from the Commission.

Promoter's licence

3.2 No person shall promote, organize, or hold a professional boxing, kickboxing or wrestling contest or exhibition without having first obtained a promoter's licence from the Commission.

Participant's licence

3.3 No person shall participate as a contestant, manager, or second in a professional boxing, kickboxing or wrestling contest or exhibition without having first obtained a participant's licence from the Commission.

No advertising or ticket sales without event permit

3.4 No person shall

- (i) advertise a professional boxing, kickboxing or wrestling contest or exhibition, or
- (ii) offer, distribute or sell tickets for a professional boxing, kickboxing or wrestling contest or exhibition,

unless a permit has been issued for that event.

No event without event permit

3.5 No person shall permit a professional boxing, kickboxing or wrestling contest or exhibition to be held on premises owned, operated or controlled by that person unless a permit has been issued for that event.

Permit application

3.6 A person applying for an event permit must make the application on the form provided and must submit it to the Commission no less than sixty days before the day on which the professional boxing, kickboxing or wrestling contest or exhibition is to be held.

Permit issuance

3.7 The Commission may, subject to sections 3.8, 3.11 and 3.14, issue a permit to promote, organize, or hold a professional boxing, kickboxing or wrestling contest or exhibition, which permit must be for a single event, must not be transferable and must be valid only for the dates, times, and location specified in the permit.

Permit requirements

3.8 The Commission must not issue a permit to promote, organize, or hold a professional boxing, kickboxing or wrestling contest or exhibition, unless the person applying for the permit has submitted:

- (a) event permit fees and seat fees, as prescribed in Schedule A,
- (b) a copy of a valid promoter's licence,
- (c) proof that the promoter carries a minimum of \$2 million commercial general liability insurance coverage per occurrence, or such higher amount as may be determined by the Commission, in a form satisfactory to the Commission, naming:
 - (i) the city, its employees, officials and agents,

- (ii) the Vancouver Police Board and its employees, and
 - (iii) the Commission, its members, employees, officials, and agents,
- as additional named insureds,
- (d) proof of medical insurance coverage, in an amount and form satisfactory to the Commission,
 - (e) financial security, by way of a certified cheque, bond, letter of credit or other instrument to cover all expenses, fees and costs for which the promoter or organizer is responsible,
 - (f) a security plan approved by the Chief Constable, and
 - (g) an indemnity, in a form satisfactory to the Commission:
 - (i) granted by the promoter and the owner of the premises on which the event occurs,
 - (ii) releasing and indemnifying:
 - (a) the city, its employees, officials and agents,
 - (b) the Vancouver Police Board and its employees, and
 - (c) the Commission, its members, employees, officials, and agents,

from all claims arising out of or in relation to the event.

Licence application

3.9 A person applying for a promoter's or participant's licence must make the application on the form provided and must submit it to the Commission.

Licence issuance

3.10 The Commission may, subject to sections 3.12, 3.13 and 3.14, issue a participant's licence to a contestant, manager, or second in a professional boxing, kickboxing or wrestling contest or exhibition.

Refusal or cancellation of permit

3.11 Notwithstanding the provisions of this By-law, the Commission may refuse to issue or may cancel an event permit if:

- (a) the holder or applicant fails to comply with the rules of the Commission,

- (b) in the opinion of the Director of Risk Management or Director of Legal Services, the form or amount of commercial general liability insurance or medical insurance coverage provided by the promoter or organizer is not satisfactory,
- (c) in the opinion of the City Manager, the form or amount of financial security provided by the promoter or organizer is not satisfactory, or
- (d) in the opinion of the Director of Legal Services, the form of the indemnity provided by the promoter or organizer is not satisfactory.

Refusal, suspension or cancellation of promoter's licence

3.12 Notwithstanding the provisions of this By-law, the Commission may refuse to issue, may suspend or may cancel a promoter's licence if:

- (a) the holder or applicant fails to comply with the rules of the Commission, or
- (b) the holder or applicant is suspended by another athletic commission.

Refusal, suspension or cancellation of participant's licence

3.13 Notwithstanding the provisions of this By-law, the Commission may refuse to issue, may suspend or may cancel a participant's licence if:

- (a) the holder or applicant fails to comply with the rules of the Commission,
- (b) the holder or applicant is suspended by another athletic commission,
- (c) the holder or applicant fails to provide:
 - (i) proof of medical examination and blood tests,
 - (ii) proof of medical insurance coverage, or
 - (iii) copies of fighter contracts, liability waivers and drug testing consent forms, or
- (d) the holder or applicant is, in the opinion of the Commission doctor, unfit to participate.

Prescribed fees

3.14 Every person applying for a permit or licence shall pay the prescribed fee set out in Schedule A upon approval of the application for a permit or licence but before issuance of the permit or licence.

SECTION 4 APPEALS

Appeal

4.1 An appeal lies to Council from the decision of the Commission:

- (a) to cancel, to suspend or to refuse to issue a permit or licence, or
- (b) to impose fines or penalties.

Notice of Appeal

4.2 An interested person who wishes to appeal the decision of the Commission must:

- (a) submit to the City Clerk, within 10 days after the date of the decision, notice in writing of the person's intention to appeal; and
- (b) state concisely, in the notice, the grounds for the appeal.

Appeal date

4.3 The City Clerk may place the appeal on the next available agenda of the regular meeting of Council or the appeal may be heard at a special meeting of Council called for that purpose.

Notice of hearing

4.4 Notice of the hearing date of the appeal shall be given by the City Clerk in accordance with the provisions of section 17.2 of the Procedure By-law."

8. Council adds to this By-law the following schedule:

“Schedule A

Vancouver Athletic Commission Fee Schedule

Event	Fee Type	Fee	Term
Boxing	Promoter's licence fee	\$300.00	Per annum
	Event permit fee	\$150.00	Per event
	Participant's licence fee (Contestant or manager)	\$20.00	Per annum
	Participant's licence fee (Second)	\$5.00	Per annum
	Seat fee	\$1.00 per seat	Per event
Wrestling	Promoter's licence fee	N/A	Per annum
	Event permit fee (>500 spectators)	\$500.00	Per event
	Event permit fee (<500 spectators)	\$100.00	Per event
	Participant's licence fee (Contestant or manager)	\$20.00	Per annum
	Participant's licence fee (Second)	N/A	Per annum
	Seat fee (>500 spectators)	\$1.00 per seat	Per seat per event
	Seat fee (<500 spectators)	N/A	

9. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this day of , 2010

Mayor

City Clerk

EXPLANATION

**Noise Control By-law amending by-law
re 711 West Broadway and 700 West 8th Avenue**

This amendment, approved by Council on July 22, 2008, adds 711 West Broadway and 700 West 8th Avenue to the Noise Control By-law.

Director of Legal Services
April 6, 2010

JCL

711 West Broadway
and 700 West 8th Avenue

BY-LAW NO. _____

**A By-law to amend
Noise Control By-law No. 6555**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

- 1. To Schedule B of By-law No. 6555, at the end, Council adds:

“358	7648	711 West Broadway and 700 West 8 th Avenue”
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- 2. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2010

Mayor

City Clerk

EXPLANATION**Heritage Designation By-law
re 1132 Hamilton Street**

At a public hearing on March 23, 2010, Council approved a recommendation to designate the structure and exterior envelope of the improvements and exterior building materials of a building at 1132 Hamilton Street as protected heritage property. Enactment of the attached by-law will achieve the designation.

Director of Legal Services
April 6, 2010



1132 Hamilton Street
The SOHO Building

BY-LAW NO. _____

**A By-law to designate certain real property
as protected heritage property**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. Council considers that the real property described as:

Structure and
exterior envelope of
the improvements
and exterior
building materials

1132 Hamilton Street

Parcel Identifier: 002-710-668
Lot 25, Block 76, District Lot
541, Plan 3469

has heritage value or heritage character, and that its designation as protected heritage property is necessary or desirable for its conservation.

2. Council designates the real property described in section 1 of this By-law as protected heritage property under Section 593 of the *Vancouver Charter*.

3. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2010

Mayor

City Clerk