

NO: R025

COUNCIL DATE: February 24, 2020

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **February 11, 2020**

FROM: **General Manager, Corporate Services**

FILE: **3900-02**

SUBJECT: **Professional Mixed Martial Arts Events Bylaw, 2020, No. 20000**

RECOMMENDATION

The Corporate Services Department recommends that Council:

1. Receive this report for information;
2. Approve the *Surrey Professional Mixed Martial Arts Events Bylaw, 2020, No. 20000*, as documented in Appendix "I" of this report, which proposes to prohibit professional mixed martial arts events in the City of Surrey;
3. Direct the City Clerk to give public notice in the form of newspaper advertisement, once a week for two consecutive weeks, of the proposed *Surrey Professional Mixed Martial Arts Events Bylaw, 2020, No. 20000*, as documented in Appendix "I" of this report and to provide an opportunity to persons who consider they are affected by the proposed bylaw to make written representations to Council;
4. Direct staff to report back to Council on any written representations received prior to Council considering final adoption of the *Surrey Professional Mixed Martial Arts Events Bylaw, 2020, No. 20000*, as documented in Appendix "I";
5. Authorize the City Clerk to bring forward the *Surrey Professional Mixed Martial Arts Events Bylaw, 2020, No. 20000* for the required readings; and
6. Authorize staff to advise the BC Athletic Commission of the City's intention of prohibiting professional mixed martial arts events in the City of Surrey.

INTENT

The purpose of this report is to obtain Council's approval to introduce the *Surrey Professional Mixed Martial Arts Events Bylaw, 2020, No. 20000* ("Professional Mixed Martial Arts Events Bylaw") which proposes to prohibit professional mixed martial arts ("MMA") events in the City of Surrey.

BACKGROUND

Prior to 2013, BC municipalities were responsible to have their own Athletic Commissioners to regulate combat sporting events. Many municipalities across BC, including Surrey, chose not to host such sporting events. In this regard, a BC municipality could refuse hosting an event within their respective municipal jurisdiction simply by choosing not to enact their own Athletic Commissioner.

In 2013, the BC Ministry of Tourism, Arts and Culture created the Office of the BC Athletic Commissioner which is the regulatory body in BC for combat sporting events including

- Professional boxing;
- Professional and Amateur MMA;
- Amateur kickboxing;
- Amateur Muay Thai; and
- Amateur pankration.

In 2013, the BC Ministry of Tourism, Arts and Culture introduced the Office of the BC Athletic Commissioner which eliminated the requirement for municipalities to have their own Athletic Commissioner to regulate combat sporting events, since regulation of these events is now the responsibility of the Province. Accordingly, cities that do not support the hosting of combat sports events within their respective municipal boundaries are required to enact a bylaw that specifically precludes these sporting venues from taking place both in municipally owned and privately-owned facilities. Section 59(1)(f) of the *Community Charter* authorizes a local government to, by bylaw, prohibit professional boxing, professional wrestling and other professional athletic contests. No equivalent authority exists for local governments in BC to prohibit *amateur* combat sports.

DISCUSSION

In early August 2019, the City received a request from an organizer to host a MMA fight at a City facility. This represents the first time that the City has received such a request since 2013. The City's long-standing position on this issue is that Surrey does not support hosting professional MMA events that are regulated by the Office of the BC Athletic Commissioner.

Based on the above, it is recommended that Council approve the proposed Professional Mixed Martial Arts Events Bylaw as documented in Appendix "I" of this report, which proposes to prohibit professional MMA events in the City. The Professional Mixed Martial Arts Events Bylaw would not prohibit professional or amateur boxing, sports entertainment wrestling (where the outcome is predetermined), traditional (i.e. Greco-Roman) wrestling, single martial arts (such as karate or kung fu), or events that are held by and primarily for students who are enrolled in mixed martial arts classes offered through licensed recreational facilities, gyms or schools.

Notice of Proposed Bylaw

Section 59(2) of the *Community Charter* requires that notice be given of the proposed bylaw and that an opportunity be provided for persons who consider they are affected by the bylaw to make representations to Council. Staff recommend that persons who consider they are affected by the proposed bylaw make written representations to Council. Staff will summarize these comments

and will bring a subsequent corporate report to Council prior to Council considering final adoption of the Combat Sporting Events Bylaw.

Legal Services Review

Legal Services has reviewed this report and the Professional Mixed Martial Arts Events Bylaw and have no concerns.

SUSTAINABILITY CONSIDERATIONS

The proposed Professional Mixed Martial Arts Events Bylaw supports the objectives of the City's Sustainability Charter 2.0. In particular, this work relates to the Sustainability Charter 2.0 theme of Public Safety. Specifically, the proposed Professional Mixed Martial Arts Events Bylaw supports the following Desired Outcome ("DO"):

- Community Safety and Emergency Services D05: Surrey is recognized and perceived as a leader in establishing and maintaining collaborative partnerships for community safety and well-being.

CONCLUSION

This report provides Council with background information on issues related to professional mixed martial arts events in the City and seeks to obtain Council's approval to introduce the *Surrey Professional Mixed Martial Arts Events Bylaw, 2020, No. 20000* which proposes to prohibit professional MMA events in the City of Surrey.

Rob Costanzo
General Manager, Corporate Services

Appendix "I": *Surrey Professional Mixed Martial Arts Events Bylaw, 2020, No. 20000*

<https://surreybc.sharepoint.com/sites/corporateservicesadmin/corporate-reports-final/02-24-2020/professional-mixed-martial-arts-events-bylaw.docx>
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CITY OF SURREY

BY-LAW NO. 20000

A bylaw to prohibit professional mixed martial arts events
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WHEREAS Section 59(1)(d) of the *Community Charter* authorizes Council to prohibit the operation of a public show, exhibition, carnival or performance of any kind or in any particular location;

AND WHEREAS Section 59(1)(e) of the *Community Charter* authorizes Council to prohibit the operation of places of amusement to which the public has access, including halls and other buildings where public events are held;

AND WHEREAS Section 59(1)(f) of the *Community Charter* authorizes Council to prohibit professional boxing, professional wrestling and other professional athletic contests;

AND WHEREAS Section 59(2) of the *Community Charter* provides that before adopting a bylaw under Section 8(6) or 59(1), Council must give notice of its intention as Council considers reasonable, and provide an opportunity for persons who consider they are affected by the bylaw to make representations to Council;

NOW, THEREFORE, the Council of the City of Surrey, ENACTS AS FOLLOWS:

Citation

1. This Bylaw shall be cited for all purposes as "Surrey Professional Mixed Martial Arts Events Bylaw, 2020, No. 20000".

Definitions

2. In this Bylaw:
 - (a) "business" means carrying on a commercial activity or undertaking of any kind or providing a service for the purpose of profit or gain;
 - (b) "professional mixed martial arts contest" means a contest consisting of mixed martial arts in which the participants receive payment (other than purse winnings) for participating;

- (c) "contest" includes an exhibition, but excludes events that are held with (and held primarily for the benefit of) participants who are enrolled in mixed martial arts classes offered through duly licensed recreational facilities, gyms or schools;
- (d) "matchmaker" means a person who arranges contests between particular athletes for a professional mixed martial arts contest;
- (e) "mixed martial arts" means unarmed combat between two or more persons involving the use of a combination of techniques from other martial arts, including, without limitation, grappling, kicking, striking and holding, but excluding sports entertainment wrestling where the outcomes are predetermined;
- (f) "promoter" means a person who carries on a business in relation to a professional mixed martial arts contest;
- (g) "second" means a person who assists an athlete between rounds in the course of a professional mixed martial arts contest.

Professional Mixed Martial Arts

- 3. No person may engage as a contestant in a professional mixed martial arts contest.
- 4. Without limiting Section 3, or other forms of athletic contest, no person may act as a promoter, matchmaker or second in a professional mixed martial arts contest if the contest is or relates to a business or business activity.

Offences and Penalties

- 5. Every person who contravenes any of the provisions of this Bylaw or causes or permits or allows any act or thing to be done in contravention or violation of any of the provisions of this Bylaw or neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw, is guilty of an offence and upon conviction shall be liable to a fine and penalty of not less than five hundred dollars (\$500.00) and not more than ten thousand dollars (\$10,000.00), and to the cost of prosecution, and to imprisonment for a term not more than 6 months.
- 6. Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.

7. No person may obstruct a Bylaw enforcement officer or peace officer in the fulfillment of their duties.
8. In addition to penalties set out in Section 5, a Court may also make orders in accordance with Section 263.1 of the *Community Charter*.
9. Nothing in this Bylaw limits the City from utilizing any other remedy that would otherwise be available to the City at law, including remedies available through prosecution or civil remedies, including injunction.

Severability

10. If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, paragraph, subparagraph, clause or phrase.

PASSED FIRST READING on the ____ day of _____, 2020.

PASSED SECOND READING on the ____ day of _____, 2020.

PASSED THIRD READING on the ____ day of _____, 2020.

NOTICE OF INTENTION ADVERTISED in the _____ newspapers on the __th and __th day of _____, 20__.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the ____ day of _____, 2020.

_____MAYOR

_____CLERK