

NO: **R062**

COUNCIL DATE: **April 20, 2020**

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **April 16, 2020**

FROM: **General Manager, Corporate Services**

FILE: **3900-02**

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

RECOMMENDATION

The Corporate Services Department recommends that Council:

1. Receive this report for information; and
2. Authorize the City Clerk to bring forward the *Surrey Professional Mixed Martial Arts Events Bylaw, 2020, No. 20000* for final adoption.

INTENT

The purpose of this report is to provide Council with written representations provided by members of the public with respect to the introduction of the *Surrey Professional Mixed Martial Arts Events Bylaw, 2020, No. 20000* (the “Bylaw”).

The Bylaw proposes to prohibit professional mixed martial arts (“MMA”) events in the City of Surrey.

BACKGROUND

At the February 24, 2020 Council meeting, Council approved Corporate Report No. R025; 2020, attached to this report as Appendix “I”. The recommendations of this report included:

- Approving the proposed Bylaw;
- Authorizing the City Clerk to give public notice in the form of newspaper advertisement, once for a week for two consecutive weeks, of the proposed Bylaw and to provide an opportunity to persons who consider they are affected by the proposed Bylaw to make written representations to Council; and
- To direct staff to report back to Council on any representations received prior to final adoption of the proposed Bylaw. At the same meeting, the Bylaw was given 3 readings.

Section 59(2) of the *Community Charter* requires that notice be given and that an opportunity be provided for persons who consider they are affected by the proposed Bylaw to make representations to Council prior to the Bylaw being adopted.

Notice was provided in the Peace Arch News and the Surrey Now-Leader on Friday, February 28, 2020 and Friday, March 6, 2020, respectively. The members of the public had an opportunity to provide a submission to Council in writing via the City Clerk.

DISCUSSION

After allowing an opportunity for the members of the public to provide comments on the proposed Bylaw, staff received five pieces of correspondence opposing the ban on professional MMA events, one of which referenced an online petition to oppose the Bylaw that was created on a United States based website, www.change.org. However, this petition was not presented directly to the City by the petition organizer, nor was it presented to the City in hard copy format, as per our typical process. In addition, the petition simply provides the signatory names and their respective comments with no address. Nevertheless, the petition has received over 1,000 signatures along with comments. The petition can be viewed at <http://chng.it/kSgmKXt8>.

Their noted five pieces of correspondence are contained in Appendix “II”; names and contact information have been redacted for reasons of privacy.

Legal Services Review

The Legal Services Division has reviewed this report and has 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 DO5: 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 the comments provided by the members of the public with respect to the proposed Bylaw which proposes to prohibit professional mixed martial arts events in the City of Surrey. This report also seeks Council’s authorization for the City Clerk to bring forward the *Surrey Professional Mixed Martial Arts Events Bylaw, 2020, No. 20000* for final adoption.

Rob Costanzo
General Manager, Corporate Services

Appendix “I”: Corporate Report No. R025; 2020
Appendix “II”: Comments Received from the Public

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 available upon request

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>
JS 2/20/20 9:57 AM

Hayer, Sonya

From: [REDACTED]
Sent: March 5, 2020 12:02 PM
To: Clerks Department Webmail
Subject: Proposed Mixed Martial Arts Ban

Personally I think banning professional mma within Surrey is the wrong decision. If anything mixed martial arts should be encouraged as resolutions for people who have issues outside to help prevent shootings and gang violence within the community. There are similar types of programs in the United states that have helped communities lower the rates of shootings. If people have issues with each other specifically young people it is going to be much safer for them and the community if they go train for x amount of time and then meet inside the cage at a monthly Surrey run mma event to settle their issues. This would also be a very good luck for the city of Surrey the community would very likely get behind this.

CLERKS DEPT.
MAR 5, 2020
3900-20-20000
RCPH Apr 6, 20
xc GM Corporate Services

City of Surrey

By-Law Proposal to Ban all Professional Mixed Martial Arts Events

To Whom it May Concern,

Recently I learned of your intention to pass a By-Law that would ban all Professional Mixed Martial Arts (MMA) Events in the City of Surrey. I am a red seal journeyman in glass glazing, a professional MMA fighter and personal trainer and I coach MMA. I began MMA over 12 years ago. Before that, I struggled with anger management and depression. MMA became a wonderful outlet for me to channel my energy, give me purpose and manage my depression without the use of medication.

As a trainer and coach, I have seen many young people also improve themselves both physically and mentally through MMA. I have watched many fighters advance from competing as amateurs to competitions as professional fighters. To deny them, both men and women, the opportunity to demonstrate their commitment and their skills in an event hosted in your city is both shameful and disappointing. And further, to continue to sanction professional boxing when that sport has a far longer history of known violence and serious injury, demonstrates how short-sighted and prejudicial your proposed By-Law is. Boxing focuses almost exclusively on hitting the head and knocking your opponent unconscious. MMA allows an opponent to tap out at any time, and most matches do not end in a knock out. Most end via submission or are decided by the judges on points scored not just for strikes landed but for take downs and ground control. I have had the pleasure to fight in the Cities of Richmond, Coquitlam, Abbotsford and Victoria and also Calgary and Toronto. In my ten plus years as a fighter, I have not had a single concussion. The steps that the BC Athletic Commission has in place, plus the additional steps promoters enforce, ensure my safety every time I step into the cage.

As a professional fighter, it is clear to me that you have not done your due diligence in understanding the sport of MMA and are simply attempting to pass a by-law that favours Boxing promotions over MMA promotions. For MMA fighters, their coaches, and the gyms they practice in and for MMA fight match makers and promoters this is discrimination against one combat sport over another. Surely for a city that claims it supports small businesses you should not go on record as one that clearly discriminates against them.

I ask that you not pass this By-Law to Ban all Professional Mixed Martial Events. Thank you.

Sincerely,

[Redacted signature]

[Redacted contact information]

[Redacted contact information]

CLERKS DEPT.
MAR 13, 2020
3900-20-20000
xc GM Corporate Services

Hayer, Sonya

From: [REDACTED]
Sent: March 13, 2020 12:29 AM
To: Clerks Department Webmail
Subject: UBC Professor: In support of Mixed Martial Arts (against the proposal to ban competitions)

To whom it may concern:

I am writing to register my support of regulated mixed martial arts (MMA) competition and my opposition to a proposed ban on MMA competitions. I am Professor of Psychology at the University of British Columbia and familiar with the psychological and physical impacts of MMA. The sport is not more dangerous to athletes than hockey or football (which have similar annualized concussion rates). In addition, for those who practice and train MMA, 99% of the time is spent training, not competing, and training with partners engenders a mutual trust, respect, and camaraderie that has tremendous social and psychological benefits — in addition to the many physical and health benefits. I would be happy to discuss further if helpful.

Sincerely,

[REDACTED]

Sent from my iPhone

CLERKS DEPT.
MAR 13, 2020
3900-20-20000
RCPH Apr 6, 20
xc GM Corporate Services

City of Surrey
By-Law Proposal to Ban all Professional Mixed Martial Arts Events

To Whom it May Concern,

Recently we learned of your intention to pass a By-Law that would ban all Professional Mixed Martial Arts (MMA) Events in the City of Surrey. We are the co-owners of [REDACTED], a firm that managers professional athletes including, but not exclusively, MMA fighters.

As a management team, we have seen many young people improve themselves both physically and mentally through MMA. We have watched many fighters advance from competing as amateurs to competitions as professional fighters. To deny them, both men and women, the opportunity to demonstrate their commitment and their skills in an event hosted in your city is disappointing. And further, to continue to sanction professional boxing events when that sport has a far longer history of known violence and serious injury to their fighters, demonstrates how short-sighted your proposed By-Law is. Boxing focuses almost exclusively on hitting the head and knocking your opponent unconscious. MMA allows an opponent to tap out at any time, and most matches do not end in a knock out. Most end via submission or are decided by the judges on points scored not just for strikes landed but for take downs and ground control.

We have represented fighters who have fought in the cities of Vancouver, Abbotsford, Richmond, Burnaby and Coquitlam as well as cities across Canada. The steps that the BC Athletic Commission has in place, as well as those across the country, plus the additional steps promoters enforce, ensure the safety of our fighters every time they enter the cage.

As small business owners, it is clear to us that you have not done your due diligence in understanding the sport of MMA and are simply attempting to pass a by-law that favours Boxing promotions over MMA promotions. In your Community Charter you state a commitment to **“empower local clubs, groups, individuals, and agencies to contribute to a vibrant community.”** Banning MMA events in your city will negatively impact the many businesses associated with MMA. For MMA fighters, their coaches, and the gyms they train in and for MMA fight match makers, promoters and their agents this is discrimination against one combat sport over another. Surely for a city that claims it supports small businesses you should not go on record as one that clearly discriminates against them.

We ask that you not pass this By-Law to Ban all Professional Mixed Martial Events. And well over 1000 other people in just one week agreed with us by signing this petition on Change.org: <http://chnng.it/QTJ4xrZv>

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]
Coquitlam BC
[REDACTED]

CLERKS DEPT.
MAR 17, 2020
3900-20-20000
RCPH Apr 6, 20
xc GM Corporate Services

Hayer, Sonya

From: Clerks Department Webmail
Subject: FW: Please don't ban Martial Arts. Bylaw to ban MMA events in Surrey
Attachments: MMA Ban Letter.docx

From: [REDACTED]
Sent: March 18, 2020 7:34 PM
To: Clerks Department Webmail <clerks@surrey.ca>
Cc: Annis, Linda <Linda.Annis@surrey.ca>; Pettigrew, Steven <Steven.Pettigrew@surrey.ca>; Hundial, Jack <Jack.Hundial@surrey.ca>; Patton, Allison <Allison.Patton@surrey.ca>; Elford, Doug <Doug.Elford@surrey.ca>; Nagra, Mandeep <Mandeep.Nagra@surrey.ca>; Locke, Brenda <Brenda.Locke@surrey.ca>; Guerra, Laurie <Laurie.Guerra@surrey.ca>
Subject: Please don't ban Martial Arts. Bylaw to ban MMA events in Surrey

We have full respect and trust towards municipal government of Surrey.

BC athletic Commission oversees 2-3 combat sports in the Province of British Columbia monthly.

We plead you not to Ban our sport, and work with us Federally, Municipally and Provincially.

Please call me [REDACTED] for a quick dialogue or and question.

Respectfully Submitted,
[REDACTED]

<http://chng.it/ks9mKXt8>

<https://www.change.org/p/surrey-council/dashboard?download=a71826ae-52c3-48f8-b9ef-dbe523feacfc>
(link to comments)



CLERKS DEPT.
MAR 19, 2020
3900-20-20000
RCPH Apr 6, 20
xc GM Corporate Services

To Whom it May Concern,

Surrey City council is proposing a bylaw to ban MMA events in Surrey indefinitely, and not only for the time period that the public health outbreak with **COVID-19 (Corona Virus)** is currently taking over our community and the world. This is the wrong time for a city council vote as the BC ministry of health has banned “any gathering larger than 250 people”. There is a state of panic as events are being shutdown across the country but we wish to raise the point that this bylaw banning MMA events in Surrey is not *Temporary* but *Indefinite*. The current deadline to voice our opinions is “no later than 4p.m., on Friday, March 20th”. We are asking for help to extend this deadline! When this public health emergency is over, the discussions should resume as to whether a bylaw to **ban MMA events** in Surrey should move forward!

Surrey city council intends to ban MMA events on the basis that the bylaw will ‘support community safety and well being’. Surrey City charter states that:

“a range of free, safe and engaging spaces and activities are available for youth and seniors in all communities and at different times of day”

“Work at neighborhood level to empower local clubs, groups, individuals and agencies to contribute to a vibrant community”

“Enhance the opportunities available for residents to be meaningfully engaged in civic issues” and,

“Ensure greater diversity in City processes and programs through engagement of under-represented groups”

These statements capture the foundational principals of our community. A ban on MMA events will negatively impact the MMA community as it has been forming strong bonds in every community across the world in recent years. It is the number 1 growing sport in the world and is still developing! We as the communities MMA leaders would like to do the following:

- 1) Contribute to a vibrant community as we provide a safe space for youth and seniors at all times of the day
- 2) Have a chance as an under-represented group to increase the diversity of community events in a City as diverse as Surrey

We ask city council to respect the charter in regard to “opportunities available for residents to be meaningfully engaged in civic issues”. After this Health emergency has passed, we can exercise our rights in a true democracy and hold discussions as to the legitimacy of such a ban.

At [REDACTED] we hold MMA events in the Lower Mainland under the watchful supervision of The Office of the BC athletic Commissioner Mr. Kelly Gilday. The latest event being [REDACTED], 2020 at the Delta Hotels/Grandvilla Casino. We were disappointed at the lack of response from the City of Surrey as we have tried to communicate with them in the past. These events have: strict criminal safety checks for the promoter, the promoter must be experienced before getting a license, the athlete cannot compete with any suspension, athletes must have

complete blood work done, a fully detailed security plan, 2 physicians on site at all times, ambulance and paramedics which event organizer hires, \$5 million Liability for City and event, and services of bonded security company to name just some of the guidelines that have been established. At [REDACTED] we go above and beyond and hire local Police Officers as to not be a drain on community resources if something were to happen. We would like to work with the community, experts, and the Surrey City Council to finally have discussion as to what can be done to reach a middle ground.

We would like to have democratic discussions with the Surrey City Council.

Our MMA events will bring financial benefit to the City of Surrey as it brings in spectators and competitors from outside of Surrey. These guests will be staying at hotels, eating at restaurants and using taxis licensed by the City of Surrey for transportation. The sport of MMA is a preventative measure for youth and will discourage them from getting involved with undesirable elements. At the amateur level alone, they train 2-3 hours daily which doubles as they reach the professional level. In addition to creating athletes, I endeavour to create **community leaders and role models**. These future leaders will have the power to positively influence coming generations.

We at [REDACTED] would like to go a step further, by representing the MMA community with an event in Surrey. After our discussions, we would like to showcase the positives of a MMA event, while implementing any rules that were agreed too. This would be a great opportunity to show Surrey City Council that working together with the community in mind is the best policy!

Attached is a letter from BC public Ministry that is warning against public events with 250 people in attendance. People are mistaking the council's new bylaw proposition as being just temporary with Corona Virus (COVID-19). That is not what this bylaw is for. The attached letter is specific to MMA events, however letters are being sent too all groups to cancel events. Also attached is signatures showing the support we have gathered up this quickly under the circumstances.

We are asking for an extension against this deadline of March 20, 2020 to discuss this important issue after this health emergency has passed, and the community is first and foremost safe!

Respectfully Submitted,

[REDACTED]