



AGENDA



FOR THE REGULAR MEETING OF RED DEER CITY COUNCIL

TO BE HELD IN THE COUNCIL CHAMBERS, CITY HALL

MONDAY, MARCH 13, 2006

COMMENCING AT 3:00 P.M.



- (1) Confirmation of the Minutes of the Regular Meeting of Monday, February 27, 2006

- (2) UNFINISHED BUSINESS
 1. Parkland Community Planning Services – *Re: Land Use Bylaw Amendment 3156/OO-2005 – Portable Sign Regulations*
(Consideration of 2nd & 3rd Readings of the Bylaw) . .1

 2. Parkland Community Planning Services – *Re: Land Use Bylaw Amendment 3156/B-2006 – Offence Provisions & Schedule "E"*
(Consideration of 2nd & 3rd Readings of the Bylaw) . .24

- (3) PUBLIC HEARINGS

(4) **REPORTS**

1. Recreation, Parks & Culture Manager – *Re: Parks Ecological Services – Civic Yards Relocation* . .29
2. Recreation, Parks & Culture Manager – *Re: Public Art Installation – Chaq’s Corner* . .34
3. Parkland Community Planning Services – *Re: Land Use Bylaw Amendment 3156/H-2006 – Rezoning of Land from A1 Future Urban Development District to R1 Residential Low Density District, R1A Residential (Semi-Detached Dwelling) District, P1 Parks and Recreation District and PS Public Service District / Phases 7 & 9 - Johnstone Crossing Neighbourhood / City of Red Deer* . .41
(Consideration of 1st Reading of the Bylaw)
4. Parkland Community Planning Services – *Re: Land Use Bylaw Amendment 3156/I-2006 - Rezoning of a Multi-Family Dwelling East Site of 0.94 Hectares to a Density of 57 Dwelling Units per Hectare and Rezoning of a 0.55 Hectare Multi-Family Dwelling Site to a Density of 57 Dwelling Units per Hectare / Inglewood East (Ironstone) / Mason Martin Homes* . .44
(Consideration of 1st Reading of the Bylaw)
5. Land & Economic Development Manager – *Re: R2/PS Site in Johnstone Crossing, Market Value, Rezoning, and Advancement of Subdivision Development Budget* . .47
 - (a) Parkland Community Planning Services – *Re: Land Use Bylaw Amendment 3156/J-2006 – Rezoning of 2.05 Hectares of Land from A1 Future Urban Development District to PS Public Services (Institutional or Governmental) District / Johnstone Crossing Neighbourhood / City of Red Deer* . .50
(Consideration of 1st Reading of the Bylaw)

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1. Letter from Mr. L. Koivisto, dated January 9, 2006 – *Re: Request for The City of Red Deer to Pass a Bylaw for the Establishment of a Red Deer Boxing Commission* . .53

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(9) **BYLAWS**

1. **3156/OO-2005** – Land Use Bylaw Amendment / Portable Sign Regulations (2nd & 3rd Readings) . .110
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4. **3156/I-2006** – Land Use Bylaw Amendment - Rezoning of a Multi-Family Dwelling East Site of 0.94 Hectare to a Density of 57 Dwelling Units per Hectare and Rezoning of a 0.55 Hectare Multi-Family Dwelling Site to a Density of 57 Dwelling Units per Hectare / Inglewood East (Ironstone) / Mason Martin Homes
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5. **3156/J-2006** – Land Use Bylaw Amendment - Rezoning of 2.05 Hectares of Land from A1 Future Urban Development District to PS Public Services (Institutional or Governmental) District / Johnstone Crossing Neighbourhood / City of Red Deer
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DATE: March 7, 2006
TO: Kelly Kloss, Legislative & Administrative Services Manager
FROM: Tony Lindhout, City Planning Manager
RE: Council Request for Additional Information
Land Use Bylaw Amendment 3156/OO-2005
Portable Sign Regulations

Red Deer City Council at their meeting of January 16, 2006, following the public hearing for Land Use Bylaw Amendment 3156/OO-2005, passed the following resolution:

“Resolved that Council of the City of Red Deer hereby agrees to table to the March 13, 2006 Council meeting consideration of second reading of Land Use Bylaw Amendment 3156/OO-2005 to allow the administration to bring back to Council information and visuals on:

- 1) Amending proposed Section (3)(e) by deleting the number “100” and substituting in its place the number “50”.
- 2) The spacing impact and number of portable signs permitted related to large frontage multi-tenant sites.”

Portable Signage Separation Distance – 50m versus 100m

For Council’s information and consideration, Administration has attached various sets of visuals illustrating the potential difference between having a minimum 50m separation distance between portable signs and a 100m minimum separation distance between signs.

The first set of visuals are a plan view of both sides of a section of Gaetz Avenue North between 67 Street and Niven Street.

- Plan “A” illustrates the potential for **32** portable signs locations if the minimum portable sign separation distance is 50m.
- Plan “B” illustrates the potential for **16** portable signs locations if the minimum portable sign separation distance is 100m.

A second set of similar visuals are provided for both sides of Gaetz Avenue South between 34th and 39th Streets.

- Plan “C” illustrates the potential for **23** portable signs locations if the minimum portable sign separation distance is 50m.
- Plan “D” illustrates the potential for **12** portable signs locations if the minimum portable sign separation distance is 100m.

Legislative & Administrative Services Manager
Portable Sign Regulations - Bylaw Amendment 3156/00-2005
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Analysis: As expected, the impact between a minimum 50m separation distance between portable signs over a minimum 100m separation distance, is double the potential number of portable sign locations. It should be noted that Plans A-F are conceptual only and illustrate the maximum number of portable sign locations possible based strictly on separation distances. Ultimately, the exact location of a portable sign on any given property can/will affect the location of the next permissible portable sign on another and/or adjoining property. Specific portable sign locations will be impacted by the location of buildings, parking areas, landscaping, sign setback regulations and parcel driveway locations, etc. however, the minimum portable sign separation distance must still be maintained.

Administrative staff continue to support the minimum 100m portable sign separation distance as proposed in the current Bylaw. This will already result in an increased noticeable amount of new signage along our commercial corridors. To reduce the minimum sign separation distance even further (e.g. 50m) will result in many more portable signs being placed along our commercial streets resulting in even greater visual clutter, sign pollution and negative street aesthetics.

A set of photos is also attached illustrating the visual difference between portable sign separation distances of 50m and 100m. Photos 1 & 2 show three portable signs each separated $\pm 50m$ apart while Photo 3 shows two portable signs spaced $\pm 100m$ apart.

Large Frontage Multi-tenant Sites

Administrative staff in their review of Section 49 (3)(a) in proposed Land Use Bylaw Amendment 3156/00-2005 (allows only one portable sign per site frontage) have determined that this Section can be deleted based on the following rationale:

- 1) There are only a limited number of large frontage multiple tenant sites in our commercial districts including the 76 Street Centre development.
- 2) It has been deemed unrealistic to restrict large frontage sites like the 76 Street Centre to only one portable sign. Due to the potential multi-number of tenants in large frontage developments like this and, as portable sign permits are proposed to be valid for only two - 60 day periods a year, few tenants would have opportunity to advertise on a single sign even if the advertising material is rotated during the 60 day valid sign permit period. Therefore, a more even playing field for all landowners is warranted.
- 3) The number of signs along any given street, regardless of parcel frontage size, can be adequately controlled by a minimum sign separation distance (e.g. 50m or 100m). This would put all landowners on equal footing.

To illustrate this concept, a set of plan view visuals have been provided for the 76 Street Centre Streets. Therefore, instead of this site being restricted to just one portable sign:

- Plan "E" illustrates the potential for 7 portable signs locations if the minimum portable sign separation distance is 50m.
- Plan "F" illustrates the potential for 4 portable signs locations if the minimum portable sign separation distance is 100m.

Recommendation

That Council proceeds with second and third readings of Land Use Bylaw amendment 3156/OO-2005 subject to the following:

1. Deletion of proposed Section 49(3)(a) and replacement thereof with the following:
 - (a) no portable sign is allowed on any site which contains an "A" Board.
2. Retention of proposed Section 49 (3)(e) requiring portable signs to be separated by 100 linear metres.

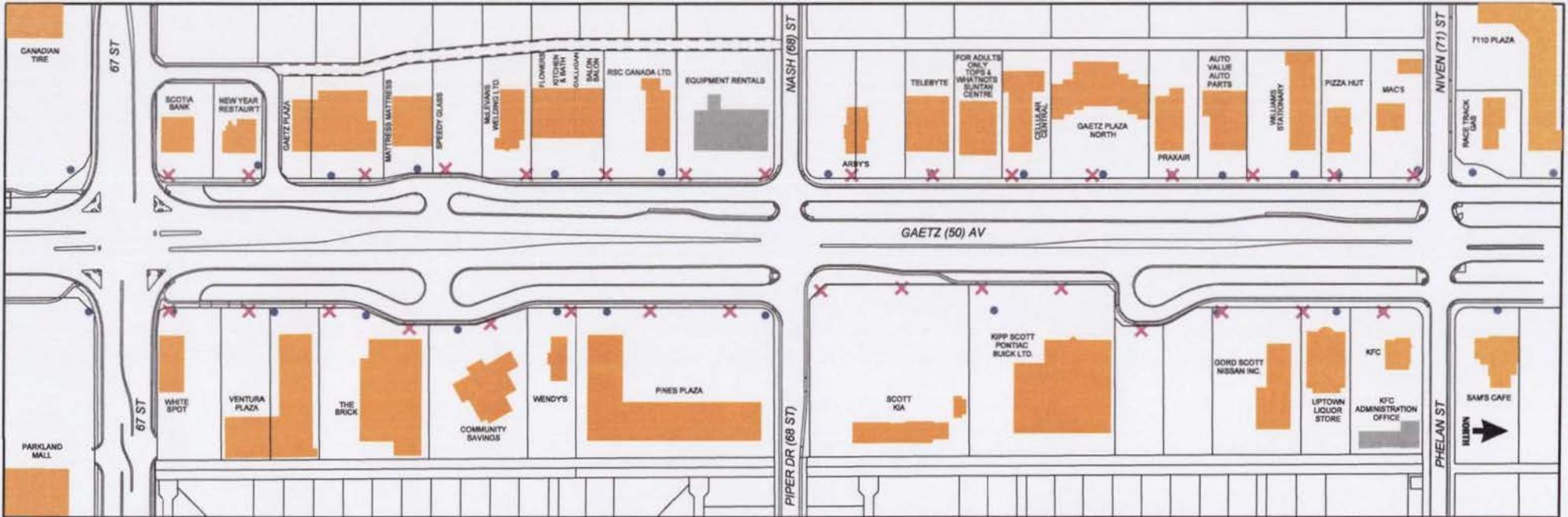
Furthermore, that Council proceeds with second and third readings of Land Use Bylaw amendment 3156/B-2006 (addition of offence provisions) as this Bylaw includes provisions for penalties/offences relative to enforcement of portable signage regulations.



Tony J. Lindhout, ACP, MCIP
City Planning Manager

Attachments

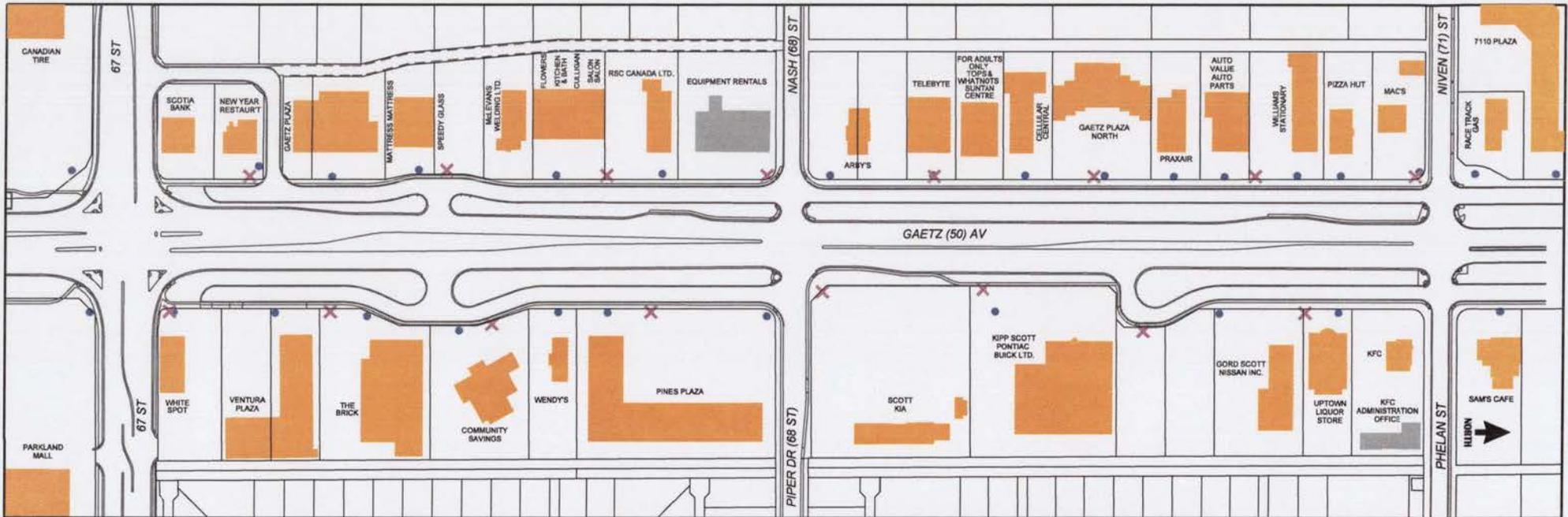
- c. Joyce Boon, Inspections & Licensing
Nick Riebeek, City Solicitor



- LEGEND**
- Business with a Free Standing Sign
 - Business without a Free Standing Sign
 - Free Standing sign
 - Portable Sign

CITY OF RED DEER - PORTABLE SIGN BYLAW
LOCATION RESTRICTION OF ONE SIGN WITH MINIMUM SEPARATION OF 50 METRES BETWEEN SIGNS ALONG GAETZ AV BETWEEN 67 ST AND NIVEN ST

PLAN "A"

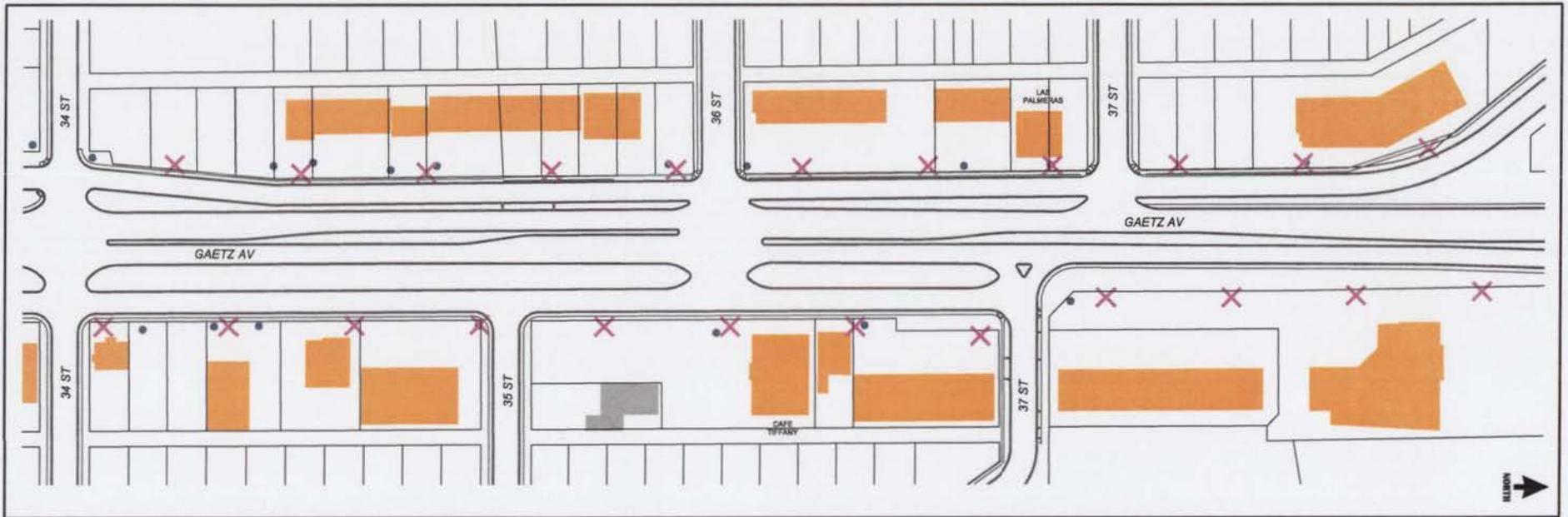


LEGEND

- Business with a Free Standing Sign
- Business without a Free Standing Sign
- Free Standing sign
- Portable Sign

CITY OF RED DEER - PORTABLE SIGN BYLAW
LOCATION RESTRICTION OF ONE SIGN WITH MINIMUM SEPARATION OF 100 METRES BETWEEN SIGNS ALONG GAETZ AV BETWEEN 67 ST AND NIVEN ST

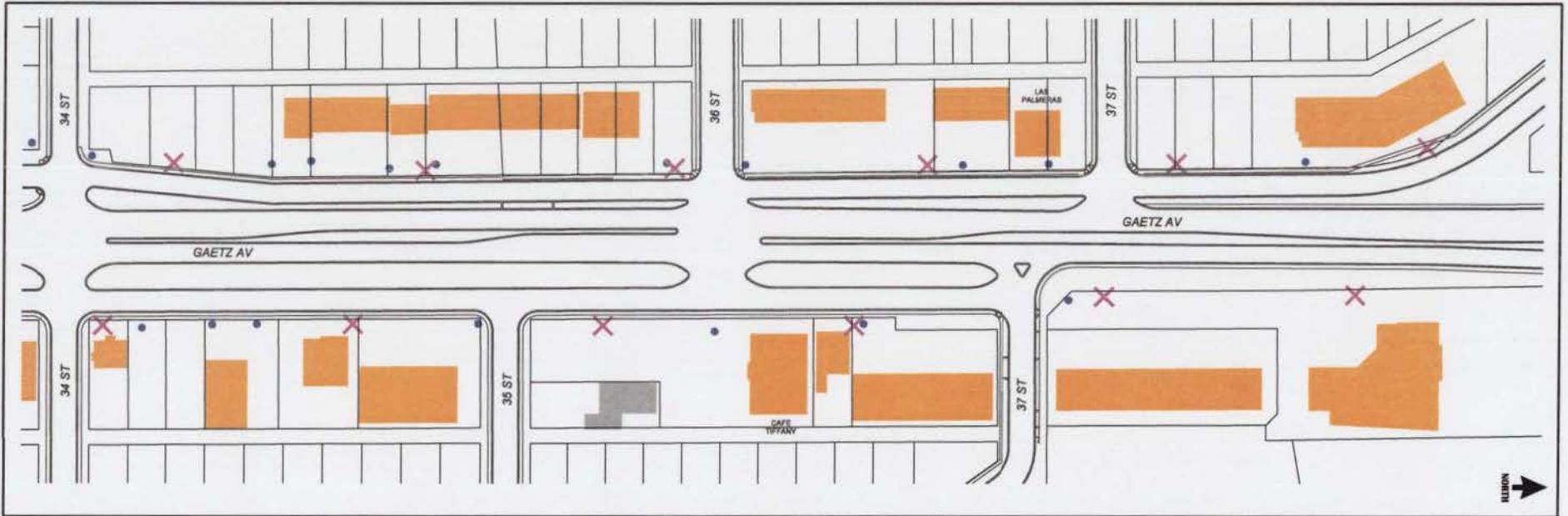
PLAN "B"



- LEGEND**
- Business with a Free Standing Sign
 - Business without a Free Standing Sign
 - Free Standing sign
 - X Portable Sign

CITY OF RED DEER - PORTABLE SIGN BYLAW
LOCATION RESTRICTION OF ONE SIGN WITH MINIMUM SEPARATION OF 50 METRES BETWEEN SIGNS ALONG GAETZ AV BETWEEN 34 ST AND 39 ST

PLAN "C"

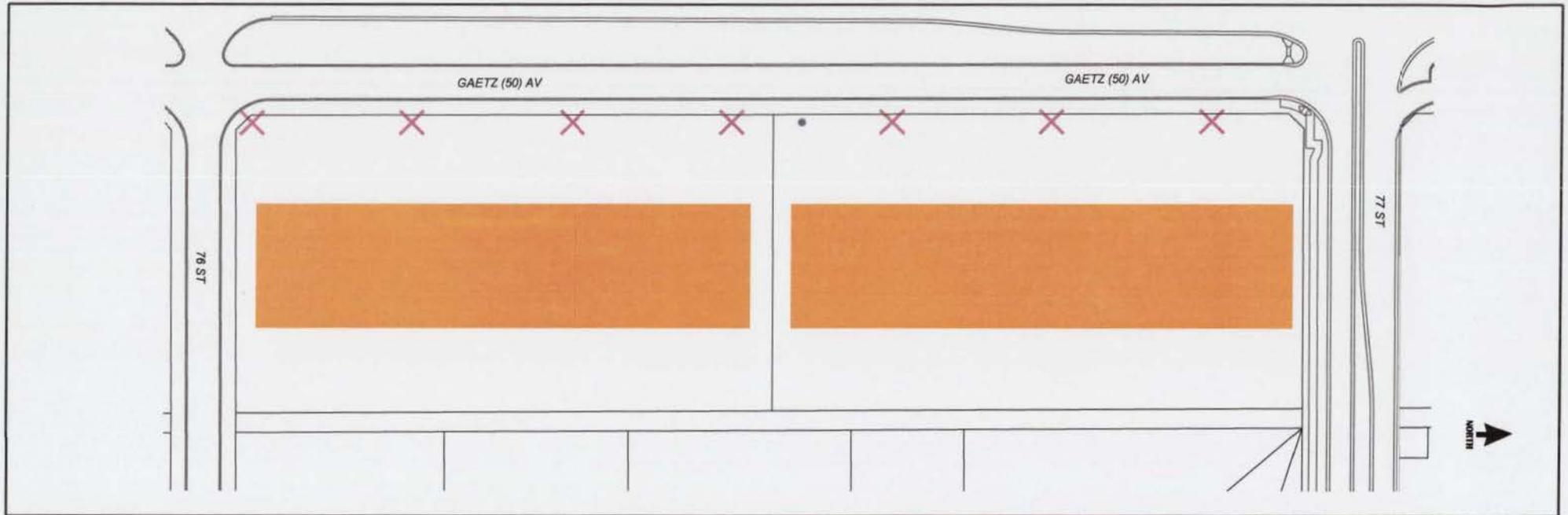


LEGEND

- Business with a Free Standing Sign
- Business without a Free Standing Sign
- Free Standing sign
- X Portable Sign

CITY OF RED DEER - PORTABLE SIGN BYLAW
LOCATION RESTRICTION OF ONE SIGN WITH MINIMUM SEPARATION OF 100
METRES BETWEEN SIGNS ALONG GAETZ AV BETWEEN 34 ST AND 39 ST

PLAN "D"

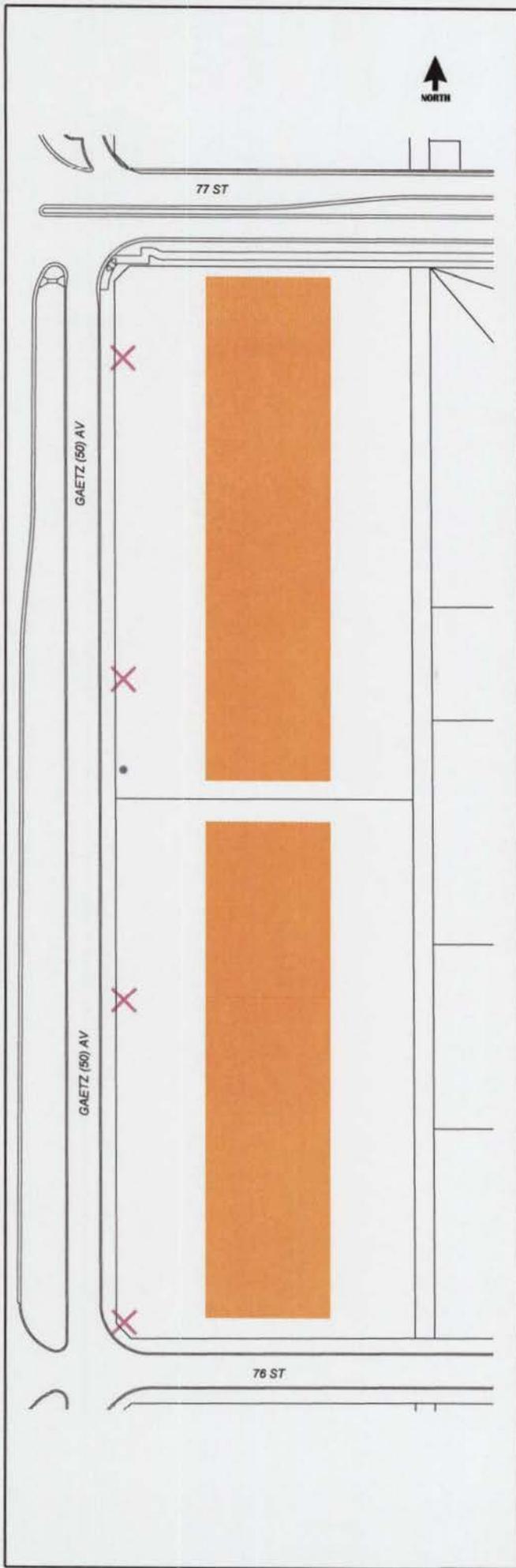


LEGEND

- Business with a Free Standing Sign
- Business without a Free Standing Sign
- Free Standing sign
- X Portable Sign

CITY OF RED DEER - PORTABLE SIGN BYLAW
LOCATION RESTRICTION OF ONE SIGN WITH MINIMUM SEPARATION
OF 50 METRES BETWEEN SIGNS FOR THE 76 ST CENTRE

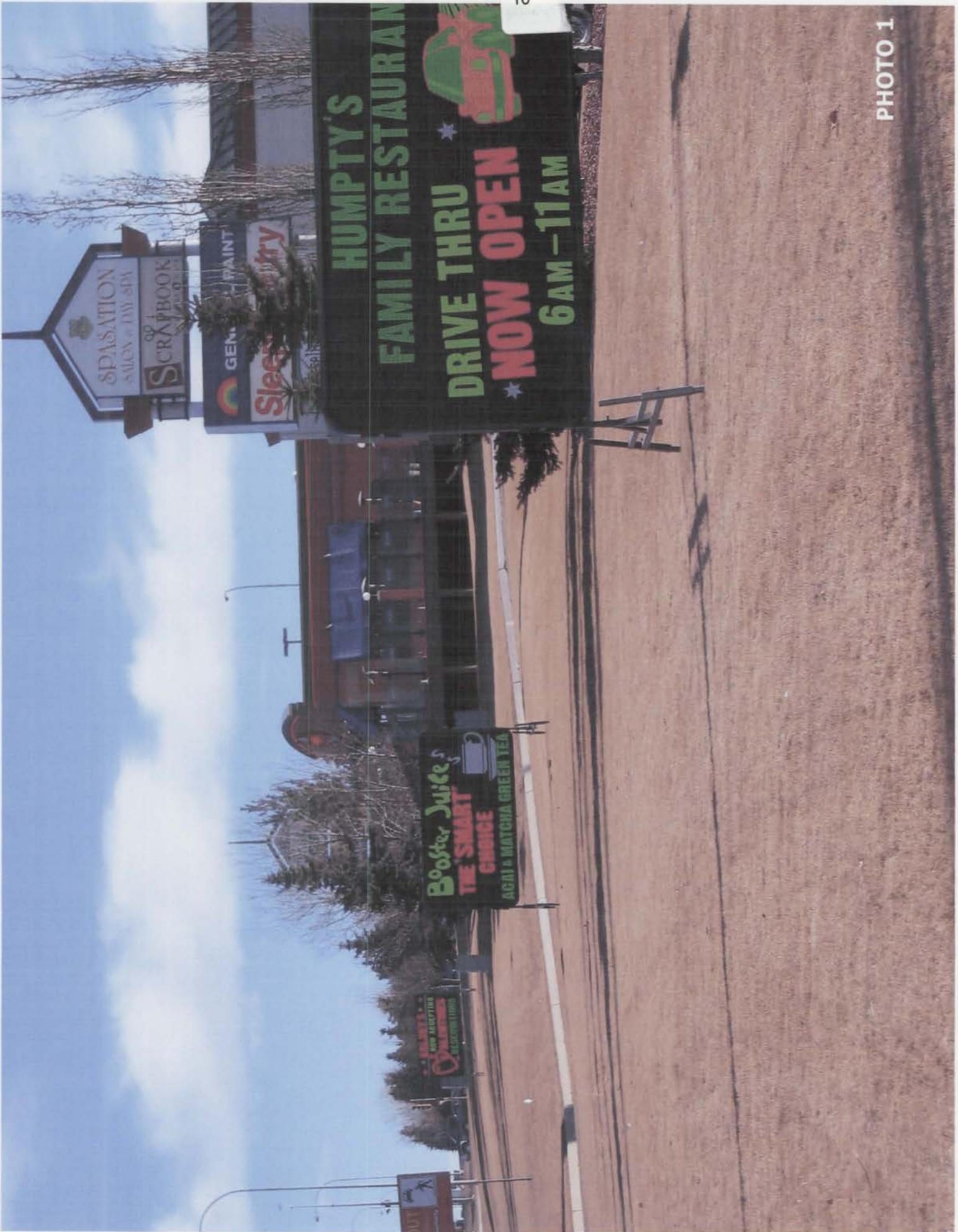
PLAN "E"

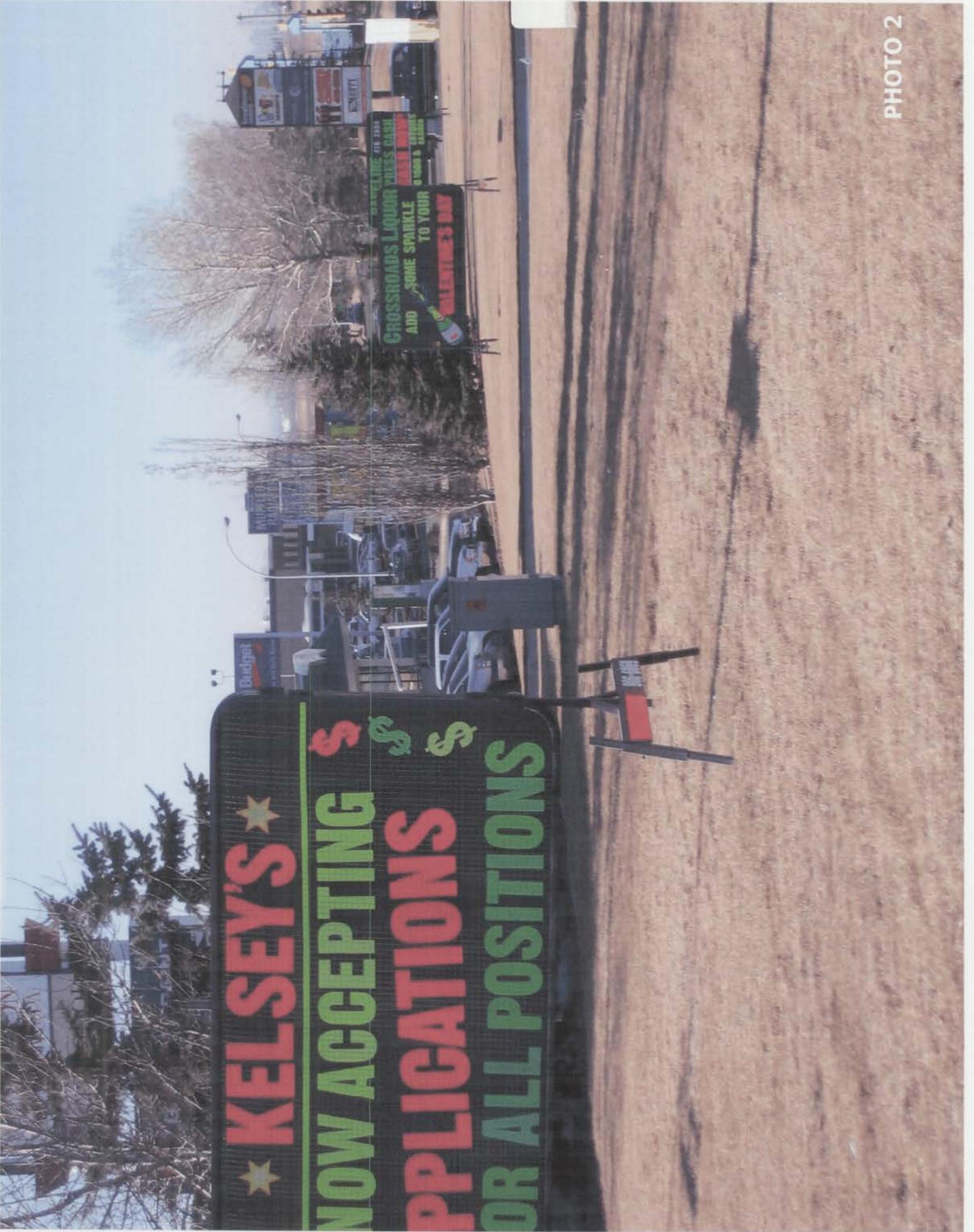


**CITY OF RED DEER - PORTABLE SIGN BYLAW
 LOCATION RESTRICTION OF ONE SIGN WITH MINIMUM SEPARATION
 OF 100 METRES BETWEEN SIGNS FOR THE 76 ST CENTRE**

- LEGEND**
-  Business with a Free Standing Sign
 -  Business without a Free Standing Sign
 -  Free Standing sign
 -  Portable Sign

PLAN "F"





★ KELSEY'S ★

\$\$\$

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APPLICATIONS

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TRAVELING ON BASKET
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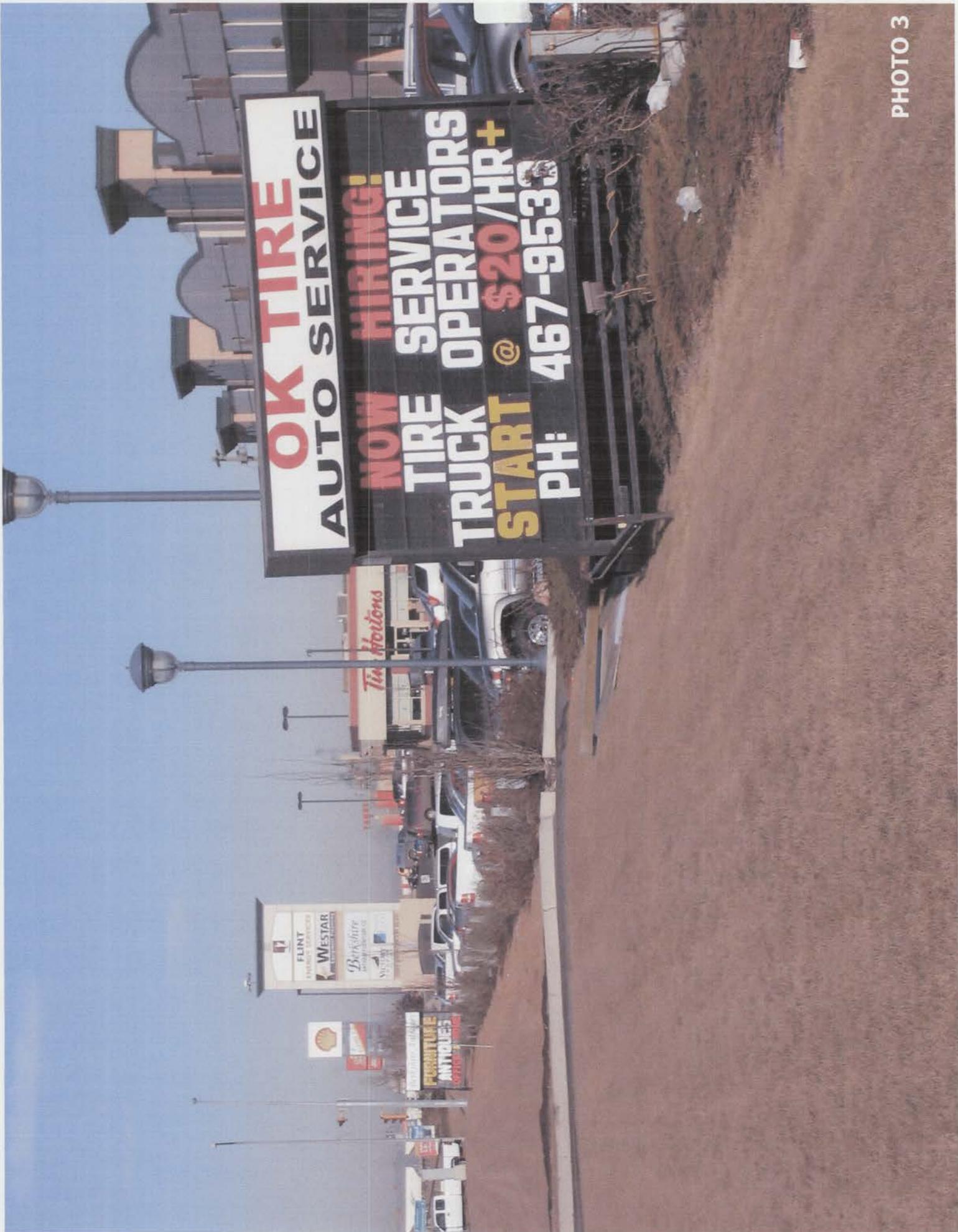


PHOTO 3



Please reply to:
General Counsel
Magnetsigns Group
4802 – 50th Avenue
Camrose, Alberta T4V 0R9
Tel. 780-417-3761
Fax. 780-401-3512

March 8, 2006

Mayor Morris Flewelling &
Members of City Council:

Dear Sirs/Mesdames:

Re: Land Use Bylaw Amendment 3156/OO–2006

I have had the opportunity to review the information prepared by the administration in response to Council's direction at the Public Hearing held on January 16, 2006 and I believe that administration has failed to provide a reasoned and unbiased response to the direction provided.

The administration continues to recommend a 100 metre linear separation between portable signs and supports this assertion by providing graphic illustrations purporting to indicate the proliferation of portable signs if a 50 metre separation is permitted. However, administration fails to note in its presentation that a business can only employ a portable sign for two 60 day periods in a calendar year. As such, in the case of Gaetz Avenue between 67 Street and Niven Street (Plan "A"), a 50 metre separation between portable signs would result in approximately 10 portable signs being distributed in this two block area at any given time in a calendar year. It should also be noted that this two block area encompasses a multi-lane roadway with access roads thus further separating the portable signs.

Similarly, the illustration labeled Plan "C" should more appropriately indicate the location of 7-8 portable signs in the 5 block area rather than the stated 23 portable signs.

As for the administration's assertion that reducing the minimum sign separation distance to 50 metres "will result in many more portable signs being placed along our commercial streets resulting in even greater visual clutter, sign pollution and negative street aesthetics", I would like to make two points.

First, I encourage you to drive the commercial streets and take note of the illegal signs, banners and other advertisements currently displayed. Magnetsigns provided the administration with pictures of at least 45 illegal signs in the City of Red Deer on September 14, 2004. This is only a fraction of the illegal signs in the marketplace and virtually all of these signs remain in place. In fact, some businesses have added additional signs. If a reasonable regulation of portable signs is introduced and evenly enforced, businesses will not have to resort to illegal signs to advertise. Unfortunately, a 100 metre separation, which would permit, on average, 4 portable signs in a 5 block area, according to Plan D adjusted for two 60 day periods per year, would still encourage businesses to employ illegal signs.

Second, the administration specifically refers to commercial streets, which are the focus of this amendment. The very purpose of urban planning in concentrating commercial activity is to

provide an area for commerce in an urban area separate and apart from residential areas and parkland. Commerce by its nature demands advertising and the Supreme Court of Canada has recognized the urban areas have unremarkable commercial areas where signage is required to promote and advertise business. The City of Red Deer should understand the need for signage in commercial areas and the importance of signage in the success of local businesses, particularly small businesses that have very limited advertising budgets.

With respect to provision for multi-tenant sites, the administration makes no specific recommendation. Based on the administration's representation in Plan "E", the 32 tenants in 76 Street Centre would share 7 portable signs in a calendar year if the 50 metre separation were accepted. This would permit each tenant an average of 26 ¼ days of advertising per year. By comparison, the 100 metre separation would permit each tenant only 15 days of advertising per year. Again, the administration's representation fail to account for the limited display period proposed for portable signs in Plans "E" and "F".

Thank you for the opportunity to comment on this matter. Magnetsigns remains committed to working with the City of Red Deer to introduce reasonable, effective and enforceable sign regulations. We encourage you to carefully consider the impact of your decision on this important matter to your business community.

Sincerely,

A handwritten signature in black ink, appearing to read "RDS" followed by a stylized flourish.

Randy D. Simpson
General Counsel

Comments:

We agree with the recommendations of Parkland Community Planning Services that the 100 linear meters in Section 49 (3) (e) remain and the Land Use Bylaw Amendment be revised to delete Section 49 (3) (a) "a maximum of one portable sign per site frontage will be allowed but not on any site which contains an "A" board;" and replaced with the following revised Section 49 (3) (a) "no portable sign is allowed on any site which contains an "A" board;".

If Council wishes to change the spacing from 100 linear meters in Section 49 (3) (e) to 50 linear meters, a resolution should be passed to amend the bylaw and then a Public Hearing would be advertised to be held on Monday, April 10, 2006 at 6:00 p.m. in Council Chambers, during Council's regular meeting.

If only Section 49 (3) (a) was revised, the City Solicitor has indicated that this is not a substantive change, and as such, a new Public Hearing would not need to be held.

For Council's reference, the reports previously submitted to Council on this matter are attached following these comments.

"Morris Flewwelling"
Mayor

"Norbert Van Wyk"
City Manager

**Report Submitted to the
January 16, 2006 Council Meeting**



Legislative & Administrative Services

DATE: January 9, 2006
TO: City Council
FROM: Kelly Kloss, Legislative & Administrative Services Manager
SUBJECT: Land Use Bylaw Amendment 3156/OO-2005
Portable Sign Regulations

History

At the Monday, December 19, meeting of Council, Land Use Bylaw Amendment 3156/OO-2005 was given first reading.

Land Use Bylaw Amendment 3156/OO-2005 provides for regulations regarding portable signs, inflatable signs and banners within the Land Use Bylaw.

Public Consultation Process

A Public Hearing has been advertised for the above noted bylaw to be held on Monday, January 16, 2006 at 7:00 p.m. in Council Chambers, during Council's regular meeting.

Discussion

Attached is a report from Parkland Community Planning Services, dated January 10, 2006, regarding proposed changes to Land Use Bylaw Amendment 3156/OO-2005, for your review.

Recommendation

That following the Public Hearing, Council may:

- (a) Pass a resolution to substitute the revised version of Land Use Bylaw Amendment 3156/OO-2005, as presented to Council January 16, 2006, then
 - (b) Give second and third readings to the revised Land Use Bylaw Amendment 3156/OO-2005.
- Or
- (a) Give second and third readings to Land Use Bylaw Amendment 3156/OO-2005 as presented to Council on December 19, 2005.


Kelly Kloss
Manager
/attach.



Commercial

Industrial

*Condominium
Management*

*Property
Management*

January 09, 2006

City of Red Deer
P. O. Box 5008
Red Deer, Alberta
Attn. Mr. K. Kloss-
Legislative and Administrative Services Manager

Dear Mr. Kloss;

RE: BYLAW NO. 3156/00 – 2005
Center 76. 7619 and 7667- 50 Avenue, Red Deer

We realize the dilemma of City Council in the area of allowing portable signs.

Once the rules are changed to allow portable signs, the new rules must be fair and equitable to all businesses..

Our Tenants would like to express their concerns regarding some inequities in the above-mentioned Bylaw and its effect on Centre 76..

In our opinion, Clause (3) (a) and Clause (5) (d) were written based on an average frontage of 150 to 200 feet per parcel on Gaetz Avenue. Most of these parcels have a single business or a limited number of Tenants.

Clause (3) (a) only allows one sign per parcel. This is not equitable and penalizes those multi-tenant parcels that have a large frontage. For example, Centre 76 has approximately one block of frontage with a potential of 32 different businesses. The current wording of the by-law would only allow us two signs per block. However, the number of sites in the blocks located directly south and north of us, the bylaw would allow more signs (3-4) per block .

Clause (3) (e) – This portion of the by-law further punishes our tenants with a restriction of the 100-meter distance between signs. For example, If there were a sign at Kindopps (SE corner of 76 St. and Gaetz) or 7711 (NE corner), the 100-meter distance between signs would mean that our Tenant's in the Ten (10) bays at each end of our property would not be allowed a sign. This would deny the opportunity for our tenants located within this distance to have a sign in front of their location.

Clause (5) (d) – The site shall remain free of portable signs for 60 days. This is unfair because of our 1200 feet of frontage and number of potential tenants. The smaller properties that have only one or a very small number of tenants will a larger number of sign days per Tenant than the larger multi-tenant sites. When you have a site that has 1200



feet of frontage with the potential of 32 Tenants, we would only have 180 days per year for portable sign use.

Clause 6- This is an excellent idea for things like grand openings, special sales, etc., but the above-mentioned restrictions still apply to all sites. If a site must remain sign free for 60 days, then one could not place any other signs for a longer term. The restriction on smaller sites is fair. However, if we have a grand opening or special event for one Tenant, then another existing tenant that is having a 10 year anniversary promotion the next month could not have a sign.

We would recommend that a solution would be to amend the by-law for those sites that have large frontages.

We suggest that the following changes should be made:

1. The limit of signs should be based on frontage- not on a number per site.
2. If the distance restriction between signs were changed to 30 – 50 meters, then the by-law would be fair.
3. The Bylaw should reflect the limitation imposed by corner sites on their neighbors. The 100 meter distance should be waived to limit the effect on adjoining parcels.
4. Based on our frontage and our recommendation of 30-50 meters spacing between signs, clause (5) (d) should be amended to delete the requirement of site being sign free for 60 days.
5. Clause (6). The sixty day free period per site and the distance between signs could be waived for 30 days in the event that a business that is having a grand opening or a new location sale could be accommodated.

The changing of the By-law will have a great effect on businesses in the City. Property Managers and/or Landlords that have large frontages with many different Tenants will have to set their own guidelines. Things such as length of stay, location, when and who uses a sign will have to be decided.

This bylaw is changing the way businesses advertise and promote themselves. Therefore, the bylaw must be fair and equitable for all sites in Red Deer.

Yours truly,



Jack Engel



DATE: January 10, 2006
TO: Legislative & Administrative Services Manager
FROM: Tony Lindhout, City Planning Manager
RE: Revised Planning Report
Land Use Bylaw Amendment 3156/OO-2005
Portable Sign Regulations

Red Deer City Council at their meeting of December 19, 2005 passed the following resolution:

“Resolved that Council of the City of Red Deer hereby agrees to amend Land Use Bylaw Amendment 3156/OO-2005 by deleting Sections (5)(d) and (6) and substituting in their place the following new Sections (5)(d) and (6):

(5)

(d) the maximum length of a permit is 60 days. The maximum duration of display at one location for each portable sign shall be 60 days twice in a calendar year, provided, however, that no portable sign shall remain at one location for more than 60 consecutive days at a time. A site shall remain free of portable signs for a minimum of 60 consecutive days before a further permit for such site can be issued. No permit may be applied for more than 7 days in advance of the date of placement;

(6) Short Term Seasonal Activity Portable Signs:

On application the Inspections & Licensing Manager may, in his sole discretion, permit the placement of a portable sign for short term seasonal activities but in any event for a period not exceeding 60 days. The license fee for such permit shall be \$25.00 and all other provisions relating to portable signs shall apply.”

The above resolution amended proposed Land Use Bylaw Amendment 3156/OO-2005 which then was given first reading by City Council on December 19, 2005.

City planning, Inspections & Licensing and legal staff have reviewed the effects of the above Council resolution to the original submitted 3156/OO-2005 Bylaw amendment. We concur with the proposed changes made to Section (5) (d) re: changing length of portable sign permit from 90 days to 60 days twice in a calendar year. However, changes made to Section (6) Short Term Seasonal Portable Signs re: changing length of a short term seasonal portable sign permit from maximum 30 days to maximum 60 days does, in our opinion, create some inequities within the proposed Bylaw and we offer the following comments for consideration by Council:

- By setting the maximum length of display for all portable signs at 60 days assumes that all other portable signage criteria are equal which they are not – the proposed permit fee for a traditional portable sign is \$85 while the proposed permit fee for a seasonal sign is \$25.

Legislative & Administrative Services Manager
Revised Land Use Bylaw Amendment 3156/OO-2005
Portable Sign Regulations
Page 2

- The \$25.00 seasonal sign permit fee is inequitable compared to the \$85.00 permit fee for traditional portable signs when the maximum sign display length is the same; many sign applicants could simply apply/argue that their sign is a short term seasonal activity sign; this will create confusion and difficulty for City staff who must make a decision regarding the type of sign (traditional or seasonal), administer the Bylaw, issue permits and undertake sign enforcement.
- Takes away from the intent of the original Bylaw to make a distinction between the more traditional longer term portable sign (colored letters on a black background) and the shorter term seasonal type portable signs (e.g. Tabor corn vendor, Christmas tree lot, fruit stand).
- The original maximum seasonal sign display length of 30 days better captures the transient intent of seasonal activities (e.g. Taber corn vendor, Christmas tree sales lot, fruit stand, etc.). Should more than 30 days be required, the Inspections & Licensing Manager has the discretion to extend the maximum 30 day period.
- A 30 day short term seasonal sign display length is consistent with the practice in other municipalities.

Based on the above rationale, it is suggested that the maximum 30 day display length for short term seasonal portable signs, as proposed in the original Bylaw, be retained. Other minor changes proposed to the original Bylaw 3156/OO-2005 are as follows:

1. The words *"and all other provisions relating to portable signs shall apply"* at the end of proposed Section (6) Short Term Seasonal Signs should be deleted. This section was meant to be an exception to the normal portable signage regulations in that the Inspections & Licensing Manager in the case of seasonal sign applications may, at his sole discretion, make decisions regarding the approval, type, location, etc. of short term seasonal portable signs.
2. At the end of proposed Section 49 (2) the sentence "Banners and inflatable signs are a discretionary use in all districts." needs to be added. This was in our original Bylaw amendment but was somehow inadvertently deleted.
3. The definition of a "Temporary Sign" in the current Schedule D needs to be deleted as this will be replaced with the new "portable sign" definition under this Bylaw 3156/OO-2005.
4. Proposed Section 5(f) to be deleted as portable sign offences are to be addressed under proposed Land Use Bylaw amendment 3156/B-2006 (see elsewhere in this Council agenda).

Recommendation

That prior to second and third readings of Land Use Bylaw amendment 3156/OO-2005, Council substitute the attached revised version of Bylaw amendment 3156/OO-2005.

If Council wishes to retain the 60 day display length for all portable signs including seasonal portable signs, then the entire "Section (6) Short Term Seasonal Activity Portable Sign" should be removed from the Bylaw. This would then put all portable signage regulations on equal footing.



Tony J. Lindhout, ACP, MCIP
 City Planning Manager

Attachments

c. Joyce Boon, Inspections & Licensing
 Nick Riebeek, City Solicitor



DATE: December 12, 2005
TO: Legislative & Administrative Services Manager
FROM: Tony Lindhout, City Planning Manager
RE: Land Use Bylaw Amendment 3156/OO-2005
Portable Sign Regulations

Red Deer City Council at their meeting of September 16, 2005 passed the following resolution:

“Resolved that Council of the City of Red Deer, having considered the report from Parkland Community Planning Services, dated September 14, 2005, re: Background Report – Consideration of Portable Sign Regulations, hereby directs Administration to prepare a Land Use Bylaw Amendment for regulating portable signage.”

Background

The City of Red Deer strives to maintain sign regulations that are current, up to date and reflective of what is deemed appropriate for the City, the business community and the public at large. While the Land Use Bylaw makes provision for many different types and forms of signage, it does not permit or provide for all forms of temporary signage. The most visible forms of temporary signage allowed in the city are real estate signs and the A-board signs that are permitted in the City's downtown C1 and C1A Commercial Districts. Other forms of temporary signage such as inflatable signs, banner signs and mobile or portable signs are not permitted as they are currently prohibited under the City's Land Use Bylaw.

While for overall aesthetic, traffic and safety impact reasons, the City has resisted the move to expand the amount and types of temporary signage permitted throughout the city, recent Court challenges to the broad prohibition against temporary or portable signs in municipal land use bylaws have resulted in a need to re-think the status-quo. Courts have been progressively critical of any local legislation which has absolutely prohibited some forms of signage, including affixing posters to utility poles, prohibiting the placement of electoral signs on public property and lastly, the broad prohibition against portable signs.

As a result of Court decisions across Canada and the intent to comply with the law, many urban municipalities now permit, but legislate the use of temporary signage. Therefore, it is now deemed necessary for the City of Red Deer to consider modifying its Land Use Bylaw so as to regulate various forms of temporary signage including portable signs, rather than totally prohibiting them as the Bylaw now provides. Any further prohibition by The City against portable signs could potentially be subject to successful legal challenge because similar provisions have been successfully challenged in other jurisdictions.

The Courts have indicated that the following provisions in a land use bylaw represent a rational attempt to strike a balance between the right of business to identify themselves and convey messages, and the right of the public to establish and maintain standards of aesthetics and to deal with safety concerns of motorists and pedestrians:

**Legislative & Administrative Services Manager
Land Use Bylaw Amendment 3156/OO-2005
Portable Sign Regulations
Page 2**

1. A limit on the consecutive number of days that a particular sign could be placed.
2. A limit on the number of signs which could be placed in relationship to the number of units in a commercial strip mall.
3. Restrictions with respect to illumination, flashing or sequential lights or other mechanical or electronic devices to provide or simulate motion.
4. The location only on private property and to the same property to which the sign applies.

The Courts have also indicated support for the proposition that signage overload increase traffic hazards and contribute to the clutter and aesthetic blight which sign regulations aim to reduce. Furthermore, a municipality is not prevented from making regulations about the number, the size, and length of use, the colour of portable signs, or the location of portable signs. A municipality is, however, now prevented from completely banning portable signage as this form of advertising has now been determined to be legitimate by the Courts.

Proposed Portable Sign Regulations

Further to Council's resolution from their September 26, 2005 meeting, City Administration is now bringing forward for Council consideration, a Bylaw amendment to add portable sign regulations to the Land Use Bylaw.

A portable sign is proposed to be defined as "any sign or advertising device that can be carried or transported from one site to another, which does not rely on a building or a fixed concrete foundation for its structural support and includes signs commonly known as mobile signs, temporary signs, inflatable signs or devices or banners, whether tethered to a building or not, vehicles placed in a location for advertising purposes, but does not include an A-board or real estate sign or signage permanently attached and forming part of motor vehicles used in the day to day conduct of a business."

One of the most common examples of a stand-alone portable sign is the type illustrated in the picture to the right. This form of sign has metal legs and typically contains ± 4.0 m² of advertising media using coloured lettering on a black background. These advertising units are approximately 2.5m high by 3.0m in length and they are usually located in the front yard or boulevard of the site or business to which the advertising applies.



As the Courts have recognized that municipalities have the right to regulate portable signs in the same way that signage generally is regulated, the following summarizes the proposed regulations as contained in Bylaw Amendment No. 3156/OO-2005:

Portable Signs:

- signs to be located wholly within the property to which advertising applies, except for promotions of only not-for-profit organizations,
- signs not permitted on city boulevards,
- signs to be a permitted use in C1, C1A, C3, C4, I1 & I2 Districts and discretionary in all other districts,

Legislative & Administrative Services Manager
Land Use Bylaw Amendment 3156/00-2005
Portable Sign Regulations
Page 3

- maximum sign area of 4.0 m²,
- maximum sign height of 3.0m from grade,
- maximum of one sign per site frontage,
- minimum separation distance of 100m between portable signs,
 - rationale:
 - ✓ this separation distance has been determined as reasonable based on the amount and number of other types of commercial signage already permitted under the land use bylaw,
 - ✓ avoids clustering of portable signs including on those sites with multiple tenants,
 - ✓ reduces the number of portable signs along city streets, and
 - ✓ reduces visual clutter, sign pollution and negative street aesthetics,
- sign may not contain any illumination, flashing or sequential lights or any mechanical or electronic device to produce or simulate motion,
- sign must not interfere with any site pedestrian and/or vehicular traffic,
- sign to be located minimum 1.5m inside any property line, minimum 3.0m from any site vehicle access/egress point and, if on a corner site, be minimum 3.0m away from street intersection,
- maximum length of sign permit is 90 consecutive days; site then must remain free of a portable sign for a minimum period of 60 days,
 - rationale:
 - ✓ validates that portable signs are meant to be temporary,
 - ✓ portable signs are transitory (not permanent),
 - ✓ intent is to accommodate special sales, promotions, etc.,
 - ✓ portable signs are not intended to be main type of advertising,
 - ✓ avoids expectation that any portable sign will always be located on a particular site and/or location,
- sign permit fee is \$85.00 and a sign contravention and/or administration and sign removal fee of \$100.00,
 - rationale:
 - ✓ recognizes increased workload for administration to issue permits,
 - ✓ recognizes time and expense related to enforcement (inspect & validate sign permit and location and, removal of illegal signs),
 - ✓ enforcement is key – City needs to be able to enforce regulations,
- provision for seasonal portable sign (i.e. Christmas tree lot); maximum length 30 days.

Inflatable Signs:

- same general regulations as portable signs
- maximum height cannot exceed height of free standing signs in that district,
- maximum of 1 inflatable sign per site; same 100m separation distance as portable signs, both a portable and inflatable sign on the same site at the same time is not allowed,
- not allowed on the roof of any structure, and
- maximum length of permit is 30 consecutive days and limited to two occurrences per calendar year per site.

**Legislative & Administrative Services Manager
Land Use Bylaw Amendment 3156/00-2005
Portable Sign Regulations
Page 4**

Banners

- maximum length of permit is 90 consecutive days and limited to two occurrences per calendar year per site, and
- maximum size cannot exceed 10% of the gross area of the face of the structure to which it is attached.

Public Engagement

As part of the preparation of the background and research on the matter of portable signage, both local sign industry stakeholders and the general public have been informed, consulted and asked for input on the legal requirement of the City to move forward with the preparation of portable signage regulations.

Over the past 12 months, local sign industry stakeholders were provided two opportunities to provide feedback on the City's proposal to create portable signage provisions. Of those that responded, only those few businesses with the potential to provide portable type signs supported portable signage provisions, the rest of the respondents were opposed. City and planning staff have, since the September 16 Council meeting, met with representatives of Magnetsigns who are a major industry provider and supporter of portable signs. While they provided positive input and "hands-on" experience into the preparation of this bylaw amendment and while consensus on a number of the proposed portable sign regulations was achieved, they clearly do not support the proposed 100m separation distance between portable signs. Their thinking is more in the 30-50m sign separation range.

The general public were informed, and asked for feedback mainly through a City based web-page on-line survey, during the summer of 2005. Analysis of the responses received from the on-line survey indicated an overwhelming opposition to any move by the City to allow portable signage.

The most common concerns raised by both sign industry stakeholders and the general public to allowing portable signage were sign pollution, cluttering of city streetscapes and aesthetic blight. Many commented that they have seen the proliferation of these portable advertising signs in other urban centres and were very appreciative that they were not allowed in Red Deer. Respondents clearly indicated that if portable signs were to be allowed, significant limitations must be applied in order to find a balance that maintains the aesthetic values of the City of Red Deer, its business community and area residents.

Conclusion

As it is clear that a total prohibition of portable signs will not withstand a Court challenge, it is necessary for the City of Red Deer to modify its Land Use Bylaw so as to regulate portable signs rather than totally prohibiting them as is currently the case. Administrative staff believes that the challenge to strike a balance between portable sign industry interests (right to use such signs for advertising) and maintaining the aesthetic values of the City of Red Deer and its citizens has been achieved in this bylaw amendment proposal. However, it must be clearly acknowledged that this new category of signage will lead to a noticeable increase in the number of advertising signs both on individual sites and collectively along our major business corridors and that this additional signage will impact the current look, aesthetics and appearance of city streets.

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Portable Sign Regulations
Page 5

There will be those who consider any move to incorporate portable sign regulations as a step backwards and conversely, there will be those who might find any proposed regulations ultimately to be too restrictive. The approach to establish these portable signage regulations have been undertaken in a manner (intent) that would make them supplementary to existing signage options and their regulations. The City would continue to maintain an overall scheme of signage control that allows for various and multiple advertising options but at the same time, still regulate the overall aesthetic and traffic impact of signage as a whole.

Recommendation

That City Council proceed with first reading of Land Use Bylaw amendment 3156/00-2005.



Tony J. Lindhout, ACP, MCIP
City Planning Manager

Attachments

- c. Colleen Jensen, Community Services Director
- Joyce Boon, Inspections & Licensing
- Nick Riebeek, City Solicitor



LEGISLATIVE & ADMINISTRATIVE SERVICES

March 14, 2006

Mr. R. Simpson, General Counsel
Magnetsigns Group
4802 – 50th Avenue
Camrose, AB T4V 0R9

Dear Mr. Simpson:

**Re: *Land Use Bylaw Amendment 3156/OO-2005
Portable Sign Regulations***

At the Monday, March 13, 2006 Council meeting, Council again considered Land Use Bylaw Amendment 3156/OO-2005 which provides for portable signs. Your letter dated March 8, 2006 was also presented to Council.

As you are aware, Council had tabled this matter at a previous meeting to obtain additional information on:

- 1) reduction of distance between signs
- 2) the number of signs per site frontage.

The information requested was reviewed by Council with the following changes being made to Land Use Bylaw Amendment 3156/OO-2005:

- 1) Delete Section 49 (3) (a) which read: "a maximum of one portable sign per site frontage will be allowed but not on any site which contains an "A" board".
- 2) Add a new Section 49 (3) (a) which reads:

49 (3) (a) "no portable sign is allowed on any site which contains an "A" board."

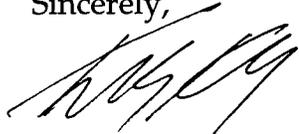
..2/

Mr. R. Simpson
March 14, 2006
Page 2

Subsequently the bylaw was approved and is now in effect. Attached is a copy of the approved bylaw.

Thank you for your patience and input as we have progressed through this matter. Please call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelly Kloss', written over a horizontal line.

Kelly Kloss
Manager

KK/chk
/attach.

c Parkland Community Planning Services

March 14, 2006

Mr. J. Engel
First Independent Real Estate Ltd.
P. O. Box 1339
Red Deer, AB T4N 7B6

Dear Jack:

Re: *Land Use Bylaw Amendment 3156/OO-2005*
Portable Sign Regulations

At the Monday, March 13, 2006 Council meeting, Council again considered Land Use Bylaw Amendment 3156/OO-2005 which provides for portable signs.

As you are aware, Council had tabled this matter at a previous meeting to obtain additional information on:

- 3) reduction of distance between signs
- 4) the number of signs per site frontage.

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..2/

Mr. J. Engel
March 14, 2006
Page 2

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Thank you for your patience and input as we have progressed through this matter. Please call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelly Kloss', written over the printed name and title.

Kelly Kloss
Manager

KK/chk
/attach.

c Parkland Community Planning Services

Christine Kenzie

BACKUP INFORMATION
~~NOT~~ SUBMITTED TO COUNCIL

From: on behalf of LASMailbox
To: Randy Simpson
Subject: RE: Land Use Bylaw Amendment 3156/00-2005

I received your letter and have included it with the March 13, 2006 Council Agenda package.

This item is scheduled to be presented to Council at 6:00 p.m. on March 13th.

Christine Kenzie
Legislative & Administrative Services
City of Red Deer
403.342.8201
christine.kenzie@reddeer.ca

From: Randy Simpson [mailto:rsimpson@magnetsigns.com]
Sent: March 08, 2006 6:03 PM
To: LASMailbox
Subject: Land Use Bylaw Amendment 3156/00-2005
Importance: High

Christine:

I have attached the coverletter to Kelly Kloss and the letter to the Mayor and Council which I attempted to fax this morning.

I would like the letter to the Mayor and Council included in the meeting package for the March 13, 2006 Council Meeting.

Please contact me at 780-417-3761 or 780-983-8380 if you require any additional information.

Thank you,

Randy Simpson
Magnetsigns Group
Tel. 780-417-3761
Fax. 780-401-3512
rsimpson@magnetsigns.com
www.magnetsigns.com

[This message has been scanned for security content threats, including computer viruses.]

2006/03/09

Christine Kenzie

From: Randy Simpson [rsimpson@magnetsigns.com]
Sent: March 08, 2006 6:03 PM
To: LASMailbox
Subject: Land Use Bylaw Amendment 3156/00-2005
Importance: High
Attachments: Ltr to Mayor - 08Mar06.doc; Ltr to Kelly Kloss - 08Mar06.doc

Christine:

I have attached the coverletter to Kelly Kloss and the letter to the Mayor and Council which I attempted to fax this morning.

I would like the letter to the Mayor and Council included in the meeting package for the March 13, 2006 Council Meeting.

Please contact me at 780-417-3761 or 780-983-8380 if you require any additional information.

Thank you,

Randy Simpson
Magnetsigns Group
Tel. 780-417-3761
Fax. 780-401-3512
rsimpson@magnetsigns.com
www.magnetsigns.com

[This message has been scanned for security content threats, including computer viruses.]



Please reply to:
General Counsel
Magnetsigns Group
4802 – 50th Avenue
Camrose, Alberta T4V 0R9
Tel. 780-417-3761
Fax. 780-401-3512

March 8, 2006

FAXED ONLY TO 403-346-6195

Kelly Kloss
Manager, Legislative & Administrative Services
The City of Red Deer
4914 – 48 Avenue
Red Deer, Alberta T4N 3T4

Dear Mr. Kloss:

Re: Land Use Bylaw Amendment 3156/OO–2006

Could you please include the accompanying letter to Mayor Flewelling and Council in the Agenda package for the March 13, 2006 Council Meeting.

I apologize for the delay in getting this to you. I did not receive the administration's report until yesterday afternoon and I will be out of the country on March 13.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "RDS", written over a faint, illegible stamp or background.

Randy D. Simpson
General Counsel



Please reply to:
General Counsel
Magnetsigns Group
4802 – 50th Avenue
Camrose, Alberta T4V 0R9
Tel. 780-417-3761
Fax. 780-401-3512

March 8, 2006

Mayor Morris Flewelling &
Members of City Council:

Dear Sirs/Mesdames:

Re: Land Use Bylaw Amendment 3156/OO–2006

I have had the opportunity to review the information prepared by the administration in response to Council's direction at the Public Hearing held on January 16, 2006 and I believe that administration has failed to provide a reasoned and unbiased response to the direction provided.

The administration continues to recommend a 100 metre linear separation between portable signs and supports this assertion by providing graphic illustrations purporting to indicate the proliferation of portable signs if a 50 metre separation is permitted. However, administration fails to note in its presentation that a business can only employ a portable sign for two 60 day periods in a calendar year. As such, in the case of Gaetz Avenue between 67 Street and Niven Street (Plan "A"), a 50 metre separation between portable signs would result in approximately 10 portable signs being distributed in this two block area at any given time in a calendar year. It should also be noted that this two block area encompasses a multi-lane roadway with access roads thus further separating the portable signs.

Similarly, the illustration labeled Plan "C" should more appropriately indicate the location of 7-8 portable signs in the 5 block area rather than the stated 23 portable signs.

As for the administration's assertion that reducing the minimum sign separation distance to 50 metres "will result in many more portable signs being placed along our commercial streets resulting in even greater visual clutter, sign pollution and negative street aesthetics", I would like to make two points.

First, I encourage you to drive the commercial streets and take note of the illegal signs, banners and other advertisements currently displayed. Magnetsigns provided the administration with pictures of at least 45 illegal signs in the City of Red Deer on September 14, 2004. This is only a fraction of the illegal signs in the marketplace and virtually all of these signs remain in place. In fact, some businesses have added additional signs. If a reasonable regulation of portable signs is introduced and evenly enforced, businesses will not have to resort to illegal signs to advertise. Unfortunately, a 100 metre separation, which would permit, on average, 4 portable signs in a 5 block area, according to Plan D adjusted for two 60 day periods per year, would still encourage businesses to employ illegal signs.

Second, the administration specifically refers to commercial streets, which are the focus of this amendment. The very purpose of urban planning in concentrating commercial activity is to

provide an area for commerce in an urban area separate and apart from residential areas and parkland. Commerce by its nature demands advertising and the Supreme Court of Canada has recognized the urban areas have unremarkable commercial areas where signage is required to promote and advertise business. The City of Red Deer should understand the need for signage in commercial areas and the importance of signage in the success of local businesses, particularly small businesses that have very limited advertising budgets.

With respect to provision for multi-tenant sites, the administration makes no specific recommendation. Based on the administration's representation in Plan "E", the 32 tenants in 76 Street Centre would share 7 portable signs in a calendar year if the 50 metre separation were accepted. This would permit each tenant an average of 26 $\frac{1}{4}$ days of advertising per year. By comparison, the 100 metre separation would permit each tenant only 15 days of advertising per year. Again, the administration's representation fail to account for the limited display period proposed for portable signs in Plans "E" and "F".

Thank you for the opportunity to comment on this matter. Magnetsigns remains committed to working with the City of Red Deer to introduce reasonable, effective and enforceable sign regulations. We encourage you to carefully consider the impact of your decision on this important matter to your business community.

Sincerely,

A handwritten signature in black ink, appearing to read "RDS", with a long, sweeping underline that extends to the right.

Randy D. Simpson
General Counsel

**PORTABLE SIGNS
LUB 3156/OO-2005**

DESCRIPTION: Regulation of various forms of temporary signage including portable.

FIRST READING: December 19, 2005

FIRST PUBLICATION: December 30, 2005

SECOND PUBLICATION: January 6, 2006

PUBLIC HEARING & SECOND READING: ^{March 13}
~~January 16, 2006~~

THIRD READING: March 13, 2006

LETTERS REQUIRED TO PROPERTY OWNERS: YES NO

DEPOSIT? YES \$ _____ NO **BY:** City

ACTUAL COST OF ADVERTISING:

\$ 136.⁻ X 2 **TOTAL:** \$ 272.⁻

MAP PREPARATION: \$ _____

TOTAL COST: \$ 272.⁻

LESS DEPOSIT RECEIVED: \$ _____

AMOUNT OWING/ (REFUND): \$ _____

INVOICE NO.: _____

(Account No. 180.5901)

Legislative & Administrative Services

DATE: December 20, 2005

TO: Tony Lindhout, Parkland Community Planning Services

FROM: Kelly Kloss, Legislative & Administrative Services Manager

SUBJECT: Land Use Bylaw Amendment 3156/00-2005
Portable Sign Regulations

Reference Report:

Parkland Community Planning Services, dated December 12, 2005

Resolutions:

“Resolved that Council of the City of Red Deer hereby agrees to amend Land Use Bylaw Amendment 3156/00-2005 by deleting Sections (5) (d) and (6) and substituting in their place the following new Sections (5) (d) and (6):

- (5)
- (d) the maximum length of a permit is 60 days. The maximum duration of display at one location for each portable sign shall be twice in a calendar year, provided, however, that no portable sign shall remain at one location for more than 60 consecutive days at a time. A site shall remain free of portable signs for a minimum of 60 consecutive days before a further permit for such site can be issued. No permit may be applied for more than 7 days in advance of the date of placement;

- (6) Short Term Seasonal Activity Portable Signs:

On application the Inspections & Licensing Manager may, in his sole discretion, permit the placement of a portable sign for short term seasonal activities but in any event for a period not exceeding 60 days. The license fee for such permit shall be \$25.00 and all other provisions relating to portable signs shall apply.”

Bylaw Readings:

Land Use Bylaw Amendment 3156/OO-2005, as amended, was given first reading. A copy of the bylaw is attached.

Report Back to Council: Yes

A Public Hearing will be held on Monday, January 16, 2005 at 7:00 p.m. in Council Chambers, during Council's regular meeting.

Comments/Further Action:

Land Use Bylaw Amendment 3156/OO-2005 provides for regulations regarding portable signs, inflatable signs and banners within the Land Use Bylaw. This office will now proceed with the advertising for a Public Hearing. The City of Red Deer will be responsible for the advertising costs in this instance.



Kelly Kloss
Manager
/chk
/attach.

- c Director of Development Services
Land & Economic Development Manager
Inspections & Licensing Manager
C. Adams, Administrative Assistant
T. Edwards, Clerk Steno

BYLAW NO. 3156/00- 2005

Being a Bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer to govern the construction, placement and use of portable signs.

COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, ENACTS AS FOLLOWS:

Schedule "D" - Sign Regulations of Bylaw No. 3156/96 is hereby amended as follows:

1 By adding to Section 1 (1) the following new definitions:

"Corner Lot" for the sole purpose of section 49 means; "that portion of any site abutting two streets".

"Frontage" for the sole purpose of section 49 means; "that portion of any site abutting the street".

2 By deleting from Section 1(1) the current definition of "Portable Sign" and replacing it with the following new definition:

"Portable Sign" means any sign or advertising device that can be carried or transported from one site to another, which does not rely on a building or a fixed concrete foundation for its structural support and includes signs commonly known as mobile signs, temporary signs, inflatable signs or devices or banners, whether tethered to a building or not, vehicles placed in a location for advertising purposes, but does not include an A-board or real estate sign or signage permanently attached and forming part of motor vehicles used in the day to day conduct of a business."

3 Section 49 is deleted in its entirety and replaced with the following:

Portable, Temporary and Inflatable Signs and Banners

"49 (1) Intent:

- (a) portable signs are intended for temporary on site advertising relating to the commercial activities of the landowner or tenants. Third party advertising is not permitted on portable signs with the exception only of promotions of not for profit organizations;
- (b) the portable sign owner or licensee, not the City, will determine which tenant(s) shall have the benefit of the portable sign; and
- (c) a portable sign being used to advertise activities or events with

the exception of not for profit organizations may only be located on a site where the event or activity is taking place.

(2) Districts in which Portable Signs are allowed:

Subject to the provisions of this part, portable signs are a permitted use in C1, C1A, C3, C4, I1, I2 and discretionary in all other districts.

(3) Specific locations in which Portable Signs are allowed:

- (a) a maximum of one portable sign per site frontage will be allowed but not on any site which contains an "A" board;
- (b) the landowner or a lessee with the consent of the landowner of a site for which a portable sign is proposed may apply for a portable sign permit;
- (c) an application for portable sign permit must include a site plan showing the proposed location of the portable sign, all dimensions of the sign including height and face area of the sign, the design of the sign including a photograph of same, the type of construction, material and finish of the sign, the manner of stability and support of the sign, the distance from curb lines, property lines and driveway locations;
- (d) notwithstanding (c) herein, a portable sign must be wholly located on the property of the landowner who has been granted a permit;
- (e) notwithstanding (a), (b), (c) or (d) above, no portable sign shall be located closer than 100 linear m to any other portable sign; and
- (f) a portable sign may only be located at the specific location for which a permit is granted.

(4) Portable Sign Standards:

- (a) a portable sign shall be installed, serviced, removed, and accessed from within the property on which the sign is located;
- (b) a portable sign shall not exceed 4.0m² per face, nor shall any such sign exceed 3.0m in height from grade;
- (c) no portable sign shall be illuminated or employ any flashing or sequential lights or any mechanical or electronic device to produce or simulate motion;

- (d) a portable sign shall not interfere with pedestrian and/or vehicular traffic;
- (e) notwithstanding 4(d) above, no portable sign shall be located closer than 1.5m to a property line or within 3m of any access/egress to/from a property or within 10m of any intersection;
- (f) a portable sign must be stabilized but shall not use unsightly or potentially hazardous methods. The means by which stability is to be provided shall be included as part of the permit application. An inflatable sign may, however, use guy wires;
- (g) a portable sign shall be removed immediately on ceasing to be in use; and
- (g) a portable sign in use, shall at all times be maintained in good condition and, specifically, shall contain lettering and signage which is secure and complete. Any damaged or missing signage must be repaired within 24 hours of knowledge of same coming to the attention of the permit holder.

(5) Permit and Fees:

- (a) no portable sign shall be erected without a permit and if applicable, a validating marker or ID tag from the City of Red Deer Inspections & Licensing Manager; The fee payable for a sign permit for a portable sign shall be \$85.00;
- (b) an applicant for a portable sign permit shall provide all of the information required by these provisions, and include such other information as the Inspections & Licensing Manager may reasonably require;
- (c) no portable sign may be placed other than at a location approved by the Inspections & Licensing Manager and shown on a site plan forming part of the permit application;
- (d) the maximum length of a permit is 60 days. The maximum duration of display at one location for each portable sign shall be twice in a calendar year, provided, however, that no portable sign shall remain at one location for more than 60 consecutive days at a time. A site shall remain free of portable signs for a minimum of 60 consecutive days before a further permit for such site can be issued. No permit may be applied for more than 7 days in advance of the date of placement;
- (e) portable signs shall be removed on or before the date on which the permit expires; and

- (f) notwithstanding any other provision in this Bylaw, any portable sign not removed as required herein or any portable sign in contravention of this Bylaw may after 7 days notice to the owner of the sign be removed by the City, in which case, before the portable sign is released to the permit holder or Owner an administration and removal fee of \$100.00, as well as storage costs and any applicable fine must be paid, A portable sign which is not recovered by the permit holder or owner within 60 days of seizure is deemed forfeited and becomes the property of the City of Red Deer.

(6) Short Term Seasonal Activity Portable Signs:

On application the Inspections & Licensing Manager may in his sole discretion permit the placement of a portable sign for short term seasonal activities but in any event for a period not exceeding 60 days. The license fee for such permit shall be \$25.00 and all other provisions relating to portable signs shall apply.

(7) Inflatable Signs:

- (a) except as enumerated herein, all provisions applicable to portable signs generally shall apply to inflatable signs;
- (b) an inflatable sign shall be tethered or anchored and shall be touching the surface to which it is anchored;
- (c) an inflatable sign shall not exceed the maximum free standing sign height allowable for the district;
- (d) there shall be a maximum of 1 inflatable sign per site, but no inflatable sign shall be permitted on the site containing any other portable sign;
- (e) an inflatable sign may be placed on a site twice within a calendar year, but for not more than 30 days at a time; and
- (f) an inflatable sign may not be located on the roof of a structure."

(8) Banners:

- (a) a banner shall not be displayed at any one site for longer than 90 consecutive days and for no more than 180 days within a calendar year;
- (b) the application for a permit respecting a banner shall indicate

the location and the area the banner will cover but in no circumstance will a banner be permitted on any structure other than a permanent building;

- (c) notwithstanding the above, a banner size shall not exceed 10% of the gross area of the face of the structure to which it is attached;
- (d) a banner shall be maintained in good condition and promptly removed if damaged; and
- (e) except as enumerated herein, all provisions applicable to portable signs generally shall apply to Banners.

(9) Exception:

These provisions do not apply to portable signs including banners erected by the City or the RCMP as warning signs in connection with traffic speed or safety."

4 By deleting subsection 58(2) in its entirety and replacing it with the following:

"(2) No billboard, wall sign, or painted wall sign, including supergraphics or portable sign shall be allowed to advertise adult entertainment or services which feature nudity."

5 In all other respects, Schedule "D" of Bylaw No. 3156/96 is hereby ratified and confirmed.

READ A FIRST TIME IN OPEN COUNCIL this 19th day of December 2005.

READ A SECOND TIME IN OPEN COUNCIL this day of 2005.

READ A THIRD TIME IN OPEN COUNCIL this day of 2005.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2005.

MAYOR

CITY CLERK



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Suite 404, 4808 Ross Street
Red Deer, Alberta T4N 1X5
Phone: (403) 343-3394
FAX: (403) 346-1570
e-mail: pcps@pcps.ab.ca
www.pcps.ca

DATE: December 12, 2005
TO: Legislative & Administrative Services Manager
FROM: Tony Lindhout, City Planning Manager
RE: Land Use Bylaw Amendment 3156/OO-2005
Portable Sign Regulations

Red Deer City Council at their meeting of September 16, 2005 passed the following resolution:

“Resolved that Council of the City of Red Deer, having considered the report from Parkland Community Planning Services, dated September 14, 2005, re: Background Report – Consideration of Portable Sign Regulations, hereby directs Administration to prepare a Land Use Bylaw Amendment for regulating portable signage.”

Background

The City of Red Deer strives to maintain sign regulations that are current, up to date and reflective of what is deemed appropriate for the City, the business community and the public at large. While the Land Use Bylaw makes provision for many different types and forms of signage, it does not permit or provide for all forms of temporary signage. The most visible forms of temporary signage allowed in the city are real estate signs and the A-board signs that are permitted in the City’s downtown C1 and C1A Commercial Districts. Other forms of temporary signage such as inflatable signs, banner signs and mobile or portable signs are not permitted as they are currently prohibited under the City’s Land Use Bylaw.

While for overall aesthetic, traffic and safety impact reasons, the City has resisted the move to expand the amount and types of temporary signage permitted throughout the city, recent Court challenges to the broad prohibition against temporary or portable signs in municipal land use bylaws have resulted in a need to re-think the status-quo. Courts have been progressively critical of any local legislation which has absolutely prohibited some forms of signage, including affixing posters to utility poles, prohibiting the placement of electoral signs on public property and lastly, the broad prohibition against portable signs.

As a result of Court decisions across Canada and the intent to comply with the law, many urban municipalities now permit, but legislate the use of temporary signage. Therefore, it is now deemed necessary for the City of Red Deer to consider modifying its Land Use Bylaw so as to ~~regulate various forms of temporary signage including portable signs, rather than totally prohibiting them as the Bylaw now provides.~~ Any further prohibition by The City against portable signs could potentially be subject to successful legal challenge because similar provisions have been successfully challenged in other jurisdictions.

The Courts have indicated that the following provisions in a land use bylaw represent a rational attempt to strike a balance between the right of business to identify themselves and convey messages, and the right of the public to establish and maintain standards of aesthetics and to deal with safety concerns of motorists and pedestrians:

Legislative & Administrative Services Manager
Land Use Bylaw Amendment 3156/OO-2005
Portable Sign Regulations
Page 2

1. A limit on the consecutive number of days that a particular sign could be placed.
2. A limit on the number of signs which could be placed in relationship to the number of units in a commercial strip mall.
3. Restrictions with respect to illumination, flashing or sequential lights or other mechanical or electronic devices to provide or simulate motion.
4. The location only on private property and to the same property to which the sign applies.

The Courts have also indicated support for the proposition that signage overload increase traffic hazards and contribute to the clutter and aesthetic blight which sign regulations aim to reduce. Furthermore, a municipality is not prevented from making regulations about the number, the size, and length of use, the colour of portable signs, or the location of portable signs. A municipality is, however, now prevented from completely banning portable signage as this form of advertising has now been determined to be legitimate by the Courts.

Proposed Portable Sign Regulations

Further to Council's resolution from their September 26, 2005 meeting, City Administration is now bringing forward for Council consideration, a Bylaw amendment to add portable sign regulations to the Land Use Bylaw.

A portable sign is proposed to be defined as *"any sign or advertising device that can be carried or transported from one site to another, which does not rely on a building or a fixed concrete foundation for its structural support and includes signs commonly known as mobile signs, temporary signs, inflatable signs or devices or banners, whether tethered to a building or not, vehicles placed in a location for advertising purposes, but does not include an A-board or real estate sign or signage permanently attached and forming part of motor vehicles used in the day to day conduct of a business."*

One of the most common examples of a stand-alone portable sign is the type illustrated in the picture to the right. This form of sign has metal legs and typically contains ± 4.0 m² of advertising media using coloured lettering on a black background. These advertising units are approximately 2.5m high by 3.0m in length and they are usually located in the front yard or boulevard of the site or business to which the advertising applies.



As the Courts have recognized that municipalities have the right to regulate portable signs in the same way that signage generally is regulated, the following summarizes the proposed regulations as contained in Bylaw Amendment No. 3156/OO-2005:

Portable Signs:

- signs to be located wholly within the property to which advertising applies, except for promotions of only not-for-profit organizations,
- signs not permitted on city boulevards,
- signs to be a permitted use in C1, C1A, C3, C4, I1 & I2 Districts and discretionary in all other districts,

Legislative & Administrative Services Manager
Land Use Bylaw Amendment 3156/OO-2005
Portable Sign Regulations
Page 3

- maximum sign area of 4.0 m²,
- maximum sign height of 3.0m from grade,
- maximum of one sign per site frontage,
- minimum separation distance of 100m between portable signs,
 - rationale:
 - ✓ this separation distance has been determined as reasonable based on the amount and number of other types of commercial signage already permitted under the land use bylaw,
 - ✓ avoids clustering of portable signs including on those sites with multiple tenants,
 - ✓ reduces the number of portable signs along city streets, and
 - ✓ reduces visual clutter, sign pollution and negative street aesthetics,
- sign may not contain any illumination, flashing or sequential lights or any mechanical or electronic device to produce or simulate motion,
- sign must not interfere with any site pedestrian and/or vehicular traffic,
- sign to be located minimum 1.5m inside any property line, minimum 3.0m from any site vehicle access/egress point and, if on a corner site, be minimum 3.0m away from street intersection,
- maximum length of sign permit is 90 consecutive days; site then must remain free of a portable sign for a minimum period of 60 days,
 - rationale:
 - ✓ validates that portable signs are meant to be temporary,
 - ✓ portable signs are transitory (not permanent),
 - ✓ intent is to accommodate special sales, promotions, etc.,
 - ✓ portable signs are not intended to be main type of advertising,
 - ✓ avoids expectation that any portable sign will always be located on a particular site and/or location,
- sign permit fee is \$85.00 and a sign contravention and/or administration and sign removal fee of \$100.00,
 - rationale:
 - ✓ recognizes increased workload for administration to issue permits,
 - ✓ recognizes time and expense related to enforcement (inspect & validate sign permit and location and, removal of illegal signs),
 - ✓ enforcement is key – City needs to be able to enforce regulations,
- provision for seasonal portable sign (i.e. Christmas tree lot); maximum length 30 days.

Inflatable Signs:

- same general regulations as portable signs
- maximum height cannot exceed height of free standing signs in that district,
- maximum of 1 inflatable sign per site; same 100m separation distance as portable signs, both a portable and inflatable sign on the same site at the same time is not allowed,
- not allowed on the roof of any structure, and
- maximum length of permit is 30 consecutive days and limited to two occurrences per calendar year per site.

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Land Use Bylaw Amendment 3156/00-2005
Portable Sign Regulations
Page 4

Banners

- maximum length of permit is 90 consecutive days and limited to two occurrences per calendar year per site, and
- maximum size cannot exceed 10% of the gross area of the face of the structure to which it is attached.

Public Engagement

As part of the preparation of the background and research on the matter of portable signage, both local sign industry stakeholders and the general public have been informed, consulted and asked for input on the legal requirement of the City to move forward with the preparation of portable signage regulations.

Over the past 12 months, local sign industry stakeholders were provided two opportunities to provide feedback on the City's proposal to create portable signage provisions. Of those that responded, only those few businesses with the potential to provide portable type signs supported portable signage provisions, the rest of the respondents were opposed. City and planning staff have, since the September 16 Council meeting, met with representatives of Magnetsigns who are a major industry provider and supporter of portable signs. While they provided positive input and "hands-on" experience into the preparation of this bylaw amendment and while consensus on a number of the proposed portable sign regulations was achieved, they clearly do not support the proposed 100m separation distance between portable signs. Their thinking is more in the 30-50m sign separation range.

The general public were informed, and asked for feedback mainly through a City based web-page on-line survey, during the summer of 2005. Analysis of the responses received from the on-line survey indicated an overwhelming opposition to any move by the City to allow portable signage.

The most common concerns raised by both sign industry stakeholders and the general public to allowing portable signage were sign pollution, cluttering of city streetscapes and aesthetic blight. Many commented that they have seen the proliferation of these portable advertising signs in other urban centres and were very appreciative that they were not allowed in Red Deer. Respondents clearly indicated that if portable signs were to be allowed, significant limitations must be applied in order to find a balance that maintains the aesthetic values of the City of Red Deer, its business community and area residents.

Conclusion

As it is clear that a total prohibition of portable signs will not withstand a Court challenge, it is necessary for the City of Red Deer to modify its Land Use Bylaw so as to regulate portable signs rather than totally prohibiting them as is currently the case. Administrative staff believes that the challenge to strike a balance between portable sign industry interests (right to use such signs for advertising) and maintaining the aesthetic values of the City of Red Deer and its citizens has been achieved in this bylaw amendment proposal. However, it must be clearly acknowledged that this new category of signage will lead to a noticeable increase in the number of advertising signs both on individual sites and collectively along our major business corridors and that this additional signage will impact the current look, aesthetics and appearance of city streets.

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There will be those who consider any move to incorporate portable sign regulations as a step backwards and conversely, there will be those who might find any proposed regulations ultimately to be too restrictive. The approach to establish these portable signage regulations have been undertaken in a manner (intent) that would make them supplementary to existing signage options and their regulations. The City would continue to maintain an overall scheme of signage control that allows for various and multiple advertising options but at the same time, still regulate the overall aesthetic and traffic impact of signage as a whole.

Recommendation

That City Council proceed with first reading of Land Use Bylaw amendment 3156/00-2005.



Tony J. Lindhout, ACP, MCIP
City Planning Manager

Attachments

- c. Colleen Jensen, Community Services Director
Joyce Boon, Inspections & Licensing
Nick Riebeek, City Solicitor

Legislative & Administrative Services

DATE: March 14, 2006
TO: Tony Lindhout, Parkland Community Planning Services
FROM: Kelly Kloss, Legislative & Administrative Services Manager
SUBJECT: Land Use Bylaw Amendment 3156/OO-2005
Portable Sign Regulations

Reference Report:

Parkland Community Planning Services, dated March 7, 2006

Resolutions:

“Resolved that Council of the City of Red Deer, having considered the report from Parkland Community Planning Services, dated March 7, 2006, re: Council Request for Additional Information, Land Use Bylaw Amendment 3156/OO-2005, Portable Sign Regulations, hereby agrees to amend Land Use Bylaw Amendment 3156/OO-2005, by deleting Section 49 (3) (a) “a maximum of one portable sign per site frontage will be allowed but not on any site which contains and “A” board, and replacing it with the following:

49 (3) (a) “no portable sign is allowed on any site which contains an “A” board.”

Bylaw Readings:

Land Use Bylaw Amendment 3156/OO-2005, as amended, was given second and third readings. A copy of the bylaw is attached.

Report Back to Council: No

Comments/Further Action:

Land Use Bylaw Amendment 3156/00-2005 provides for regulations regarding portable signs, inflatable signs and banners within the Land Use Bylaw. This office will amend the consolidated version of the Land Use Bylaw and distribute copies in due course.



Kelly Kloss
Manager

/chk
attchs.

- c Director of Development Services
Inspections & Licensing Manager
Land & Economic Development Manager
City Assessor
E. Damberger, PCPS
T. Edwards, Clerk Steno

BYLAW NO. 3156/OO-2005

Being a Bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer to govern the construction, placement and use of portable signs.

COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, ENACTS AS FOLLOWS:

Schedule "D" - Sign Regulations of Bylaw No. 3156/96 is hereby amended as follows:

- 1 By adding to Section 1 (1) the following new definitions:

"Corner Lot" for the sole purpose of section 49 means; "that portion of any site abutting two streets".

"Frontage" for the sole purpose of section 49 means; "that portion of any site abutting the street".
- 2 By deleting from Section 1(1) the "Temporary Sign" definition.
- 3 By deleting from Section 1(1) the current definition of "Portable Sign" and replacing it with the following new definition:

"Portable Sign" means any sign or advertising device that can be carried or transported from one site to another, which does not rely on a building or a fixed concrete foundation for its structural support and includes signs commonly known as mobile signs, temporary signs, inflatable signs or devices or banners, whether tethered to a building or not, vehicles placed in a location for advertising purposes, but does not include an A-board or real estate sign or signage permanently attached and forming part of motor vehicles used in the day to day conduct of a business."
- 4 Section 49 is deleted in its entirety and replaced with the following:

Portable, Temporary and Inflatable Signs and Banners

- "49 (1) Intent:
- (a) portable signs are intended for temporary on site advertising relating to the commercial activities of the landowner or tenants. Third party advertising is not permitted on portable signs with the exception only of promotions of not for profit organizations;
 - (b) the portable sign owner or licensee, not the City, will determine which tenant(s) shall have the benefit of the portable sign; and

- (c) a portable sign being used to advertise activities or events with the exception of not for profit organizations may only be located on a site where the event or activity is taking place.

(2) Districts in which Portable Signs are allowed:

Subject to the provisions of this part, portable signs are a permitted use in C1, C1A, C3, C4, I1, I2 and discretionary in all other districts. Banners and inflatable signs are a discretionary use in all districts.

(3) Specific locations in which Portable Signs are allowed:

- (a) no portable sign is allowed on any site which contains an "A" board;
- (b) the landowner or a lessee with the consent of the landowner of a site for which a portable sign is proposed may apply for a portable sign permit;
- (c) an application for portable sign permit must include a site plan showing the proposed location of the portable sign, all dimensions of the sign including height and face area of the sign, the design of the sign including a photograph of same, the type of construction, material and finish of the sign, the manner of stability and support of the sign, the distance from curb lines, property lines and driveway locations;
- (d) notwithstanding (c) herein, a portable sign must be wholly located on the property of the landowner who has been granted a permit;
- (e) notwithstanding (a), (b), (c) or (d) above, no portable sign shall be located closer than 100 linear m to any other portable sign; and
- (f) a portable sign may only be located at the specific location for which a permit is granted.

(4) Portable Sign Standards:

- (a) a portable sign shall be installed, serviced, removed, and accessed from within the property on which the sign is located;
- (b) a portable sign shall not exceed 4.0m² per face, nor shall any such sign exceed 3.0m in height from grade;
- (c) no portable sign shall be illuminated or employ any flashing or sequential lights or any mechanical or electronic device to

produce or simulate motion;

- (d) a portable sign shall not interfere with pedestrian and/or vehicular traffic;
- (e) notwithstanding 4(d) above, no portable sign shall be located closer than 1.5m to a property line or within 3m of any access/egress to/from a property or within 10m of any intersection;
- (f) a portable sign must be stabilized but shall not use unsightly or potentially hazardous methods. The means by which stability is to be provided shall be included as part of the permit application. An inflatable sign may, however, use guy wires;
- (g) a portable sign shall be removed immediately on ceasing to be in use; and
- (g) a portable sign in use, shall at all times be maintained in good condition and, specifically, shall contain lettering and signage which is secure and complete. Any damaged or missing signage must be repaired within 24 hours of knowledge of same coming to the attention of the permit holder.

(5) Permit and Fees:

- (a) no portable sign shall be erected without a permit and if applicable, a validating marker or ID tag from the City of Red Deer Inspections & Licensing Manager; The fee payable for a sign permit for a portable sign shall be \$85.00;
- (b) an applicant for a portable sign permit shall provide all of the information required by these provisions, and include such other information as the Inspections & Licensing Manager may reasonably require;
- (c) no portable sign may be placed other than at a location approved by the Inspections & Licensing Manager and shown on a site plan forming part of the permit application;
- (d) the maximum length of a permit is 60 days. The maximum duration of display at one location for each portable sign shall be 60 days twice in a calendar year, provided, however, that no portable sign shall remain at one location for more than 60 consecutive days at a time. A site shall remain free of portable signs for a minimum of 60 consecutive days before a further permit for such site can be issued. No permit may be applied for more than 7 days in advance of the date of placement;

- (e) portable signs shall be removed on or before the date on which the permit expires; and

(6) Short Term Seasonal Activity Portable Signs:

On application the Inspections & Licensing Manager may in his sole discretion permit the placement of a portable sign for short term seasonal activities but in any event for a period not exceeding 30 days. The license fee for such permit shall be \$25.00.

(7) Inflatable Signs:

- (a) except as enumerated herein, all provisions applicable to portable signs generally shall apply to inflatable signs;
- (b) an inflatable sign shall be tethered or anchored and shall be touching the surface to which it is anchored;
- (c) an inflatable sign shall not exceed the maximum free standing sign height allowable for the district;
- (d) there shall be a maximum of 1 inflatable sign per site, but no inflatable sign shall be permitted on the site containing any other portable sign;
- (e) an inflatable sign may be placed on a site twice within a calendar year, but for not more than 30 days at a time; and
- (f) an inflatable sign may not be located on the roof of a structure."

(8) Banners:

- (a) a banner shall not be displayed at any one site for longer than 90 consecutive days and for no more than 180 days within a calendar year;
- (b) the application for a permit respecting a banner shall indicate the location and the area the banner will cover but in no circumstance will a banner be permitted on any structure other than a permanent building;
- (c) notwithstanding the above, a banner size shall not exceed 10% of the gross area of the face of the structure to which it is attached;
- (d) a banner shall be maintained in good condition and promptly removed if damaged; and

(e) except as enumerated herein, all provisions applicable to portable signs generally shall apply to Banners.

(9) Exception:

These provisions do not apply to portable signs including banners erected by the City or the RCMP as warning signs in connection with traffic speed or safety."

5 By deleting subsection 58(2) in its entirety and replacing it with the following:

"(2) No billboard, wall sign, or painted wall sign, including supergraphics or portable sign shall be allowed to advertise adult entertainment or services which feature nudity."

6 In all other respects, Schedule "D" of Bylaw No. 3156/96 is hereby ratified and confirmed.

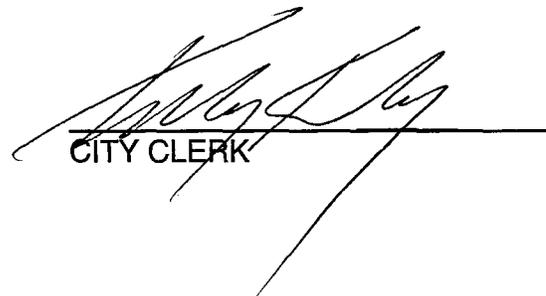
READ A FIRST TIME IN OPEN COUNCIL this 19th day of December 2005.

READ A SECOND TIME IN OPEN COUNCIL this 13th day of March 2006.

READ A THIRD TIME IN OPEN COUNCIL this 13th day of March 2006.

AND SIGNED BY THE MAYOR AND CITY CLERK this 13th day of March 2006.


MAYOR


CITY CLERK

Item No. 2

**Legislative & Administrative Services**

DATE: March 6, 2006
TO: City Council
FROM: Legislative & Administrative Services Manager
SUBJECT: Land Use Bylaw Amendment 3156/B-2006
Offence Provisions & Schedule "E"

History

At the Monday, January 16, 2006 meeting of Council, Land Use Bylaw Amendment 3156/B-2006 was given first reading. At the February 13, 2006 meeting of Council, following the Public Hearing, consideration of second and third readings of Land Use Bylaw Amendment 3156/B-2006 were tabled to the Monday, March 13, 2006 Council meeting. Planning staff requested this bylaw be considered at the same time as the portable sign bylaw amendment, Land Use Bylaw Amendment 3156/OO-2005.

Land Use Bylaw Amendment 3156/B-2006 adds offence provisions to the Land Use Bylaw and the penalties will be outlined in Schedule "E". Some offence provisions will target the following: development without a permit, illegal signs, commercial vehicles parked in residential areas, and temporary buildings with no permit, etc.

Recommendation

That Council consider second and third readings of Land Use Bylaw Amendment 3156/B-2006.



Kelly Kloss
Manager



Legislative & Administrative Services

DATE: February 6, 2006
TO: City Council
FROM: Kelly Kloss, Legislative & Administrative Services Manager
SUBJECT: Land Use Bylaw Amendment 3156/B-2006
Offence Provisions & Schedule "E"

History

At the Monday, January 16, 2006 meeting of Council, Land Use Bylaw Amendment 3156/B-2006 was given first reading.

Land Use Bylaw Amendment 3156/B-2006 adds offence provisions to the Land Use Bylaw and the penalties will be outlined in Schedule "E". Some offence provisions will target the following: development without a permit, illegal signs, commercial vehicles parked in residential areas, and temporary buildings with no permit, etc.

Public Consultation Process

A Public Hearing has been advertised for the above noted bylaw to be held on Monday, February 13, 2006 at 7:00 p.m. in Council Chambers, during Council's regular meeting.

Discussion

A report is attached, from Parkland Community Planning Services, requesting that final reading of Land Use Bylaw Amendment 3156/B-2006 be deferred until the March 13, 2006 Council Meeting. Planning staff are requesting this Land Use Bylaw Amendment be heard at the same time as the portable sign Land Use Bylaw Amendment 3156/OO-2005.

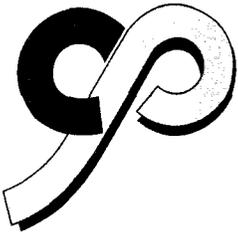
Recommendation

That following the Public Hearing, Council consider tabling second and third readings of Land Use Bylaw Amendment 3156/B-2006 to the Monday, March 13, 2006 Council meeting.



Kelly Kloss
Manager

/attach.



DATE: February 1, 2006
TO: Kelly Kloss, Legislative and Administrative Services Manager
FROM: Tony Lindhout, City Planning Manager
RE: Land Use Bylaw Amendment 3156/B-2006

City Council at their meeting of Monday January 16, 2006 gave first reading to Land Use Bylaw Amendment No. 3156/B-2006 with the public hearing scheduled for February 13, 2006. The purpose of this Bylaw is to add offence and fine provisions to the Land Use Bylaw as an enforcement tool for City Bylaw Officers.

Included in Bylaw Amendment 3156/B-2006 are provisions specifically aimed to enforce the portable signage regulations proposed under Land Use Bylaw amendment 3156/00-2005. Council at their January 16, 2005 meeting deferred final readings of Bylaw 3156/00-2005 pending submission of further visual information pertaining to 50m and 100m portable sign separation distances. This information will be presented to Council on March 13, 2006.

Planning staff request that, following the Feb. 13, 2006 public hearing for Bylaw Amendment 3156/B-2006, that final reading of this Bylaw be deferred until the March 13, 2006 Council meeting at which time the portable sign Bylaw (3156/00-2005) will be further considered. This will put the two Bylaw proposals back in sync with each other as was originally intended. Bylaw 3156/00-2005 should be approved before Bylaw 3156/B-2006. Thank you.

Tony J. Lindhout, ACP, MCIP
City Planning Manager

c. Joyce Boon, Inspections & Licensing
Nick Riebeek, City Solicitor



RED DEER
**COMMUNITY
 PLANNING
 SERVICES**

**Report Submitted to the
 the January 16, 2006 Council Meeting**

e-mail: pcps@pcps.ad.ca
www.pcps.ca

DATE: January 10, 2006
TO: Kelly Kloss, Legislative & Administrative Services Manager
RE: Land Use Bylaw Amendment 3156/B-2006
 Offence Provisions & Schedule E

Enclosed for Council's consideration is a draft Bylaw amendment which proposes to add offence provisions to the Land Use Bylaw.

Background

One of the ongoing tasks of the Inspections and Licensing department is to ensure that property owners comply with the provisions of the Land Use Bylaw. The main enforcement mechanism currently is for the City to issue Stop Orders pursuant the Municipal Government Act ("MGA") for illegal developments and/or developments undertaken contrary to development approvals and decisions issued by the Development Authority. If Stop Orders are not complied with, the MGA allows application to the Courts whereby a judge can issue an injunction order that is tailor-made to suit the needs of the case. This entire Stop Order/injunction process can be time-consuming, complex and costly.

A breach of the Land Use Bylaw is also an offence under the MGA, so it is possible to lay charges under the provincial statute. However, this also is not a very effective or timely solution for the City for the following reasons:

- (a) Offences under the MGA are generic, not targeted to specific types of breaches of the Bylaw. As a result, property owners are generally not aware of what specific acts may be a breach of the Bylaw.
- (b) Exact fines are not specified under the MGA, instead there is a wide range of penalties that can be imposed in the discretion of the judge, regardless of what the specific offence is. This leads to uncertainty as to what might occur upon conviction and does not allow for the penalty to be tailored to the specific offence.
- (c) The prosecution of offences under provincial statutes is the responsibility of the Provincial Crown, so the City has no direct control over prosecutions the way it does with its own bylaws.

City bylaw enforcement staff feel that it would be very helpful if they had the option of offence provisions as another tool available to aid in enforcement of the Land Use Bylaw. Although the Land Use Bylaws of most other municipalities do have offence provisions, the City of Red Deer's Land Use Bylaw does not. City Administration recommends that Council consider passing the attached amendment to the Land Use Bylaw to add offence provisions. This amendment includes a new *Section 31.5 Offences and Penalties* and the addition of "*Schedule E*" to the Land Use Bylaw in which certain specific offences have been highlighted and specific penalties have been suggested.

**Legislative & Administrative Services Manager
Land Use Bylaw Amendment 3156/B-2006
Page 2**

These offence provisions will target some of the most common enforcement problem areas under the Land Use Bylaw (e.g. development without a permit, illegal signs, commercial vehicles parked in residential areas, temporary buildings with no permit, etc.), provide an effective remedy for City Bylaw enforcement staff, provides an effective deterrent against bylaw contravention and allows for cost recovery of City staff time and resources.

Overview of Offences Bylaw Provisions

The proposed amendment makes any breach of the Land Use Bylaw an offence. The penalties set out in Schedule "E" are designed to provide for a minimum penalty with significant escalation of penalties for second and third offences. The highest penalties are reserved for intentional and repeated breached of the bylaw.

The Bylaw also lists a number of specific additional offences including:

- (a) failure to comply with the terms of a development permit;
- (b) failure to comply with a Stop Order or other order under the Land Use Bylaw; and
- (c) obstructing a Bylaw Officer in the performance of his or her duty under the Bylaw.

Recommendation

That City Council proceed with first reading of Land Use Bylaw amendment 3156/B-2006.



Tony Lindhout, ACP, MCIP
City Planning Manager

- c. Paul Meyette, Inspections & Licensing Manager
Don Simpson, City Solicitor

attachment

LAND USE BYLAW AMENDMENT
3456/B-2006

DESCRIPTION: Offence Provisions & Schedule for LUB.

FIRST READING: January 16, 2006

FIRST PUBLICATION: January 27, 2006

SECOND PUBLICATION: February 3, 2006

PUBLIC HEARING & SECOND READING: *March*
February 13, 2006

THIRD READING: *March 13, 2006*

LETTERS REQUIRED TO PROPERTY OWNERS: YES NO

DEPOSIT? YES \$ _____ NO BY: CITY

ACTUAL COST OF ADVERTISING:

\$ 139.- X 2

TOTAL: \$ 278.-

MAP PREPARATION: \$ _____

TOTAL COST: \$ 278.-

LESS DEPOSIT RECEIVED: \$ _____

AMOUNT OWING/ (REFUND): \$ _____

INVOICE NO.: _____

(Account No. 180.5901)

Legislative & Administrative Services

DATE: February 14, 2006
TO: Tony Lindhout, Parkland Community Planning Services
FROM: Kelly Kloss, Legislative & Administrative Services Manager
SUBJECT: Land Use Bylaw Amendment 3156/B-2006
Offence Provisions and Schedule "E"

Reference Report:

Parkland Community Planning Services, dated February 1, 2006 and January 10, 2006

Resolutions:

"Resolved that Council of the City of Red Deer, having considered the report from Parkland Community Planning Services, dated February 1, 2006 and January 10, 2006, Re: Land Use Bylaw Amendment 3156/B-2006, Offence Provisions and Schedule E, hereby agrees to table consideration of second and third readings of Land Use Bylaw Amendment 3156/B-2006 to the Monday, March 13, 2006 Council meeting."

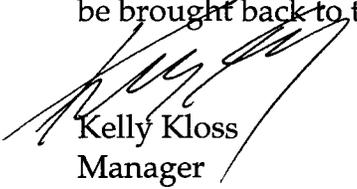
Bylaw Readings:

Following the Public Hearing, second and third readings of Land Use Bylaw Amendment 3156/B-2006 were tabled to the March 13, 2006 Council Meeting.

Report Back to Council: Yes – to the March 13, 2006 Council Meeting

Comments/Further Action:

Land Use Bylaw Amendment 3156/B-2006 adds offence provisions to the Land Use Bylaw and the penalties will be outlined in Schedule "E". Some offence provisions will target the following: development without a permit, illegal signs, commercial vehicles parked in residential areas, and temporary buildings with no permit, etc. This item is to be brought back to the March 13, 2006 Council Meeting for second and third readings.



Kelly Kloss
Manager

/chk
attchs.

c Director of Development Services
Inspections & Licensing Manager
C. Adams, Administrative Assistant
T. Edwards, Clerk Steno

Legislative & Administrative Services

DATE: January 17, 2006

TO: Tony Lindhout, Parkland Community Planning Services

FROM: Kelly Kloss, Legislative & Administrative Services Manager

SUBJECT: Land Use Bylaw Amendment 3156/B-2006
Offence Provisions & Schedule "E"

Reference Report:

Parkland Community Planning Services, dated January 10, 2006

Bylaw Readings:

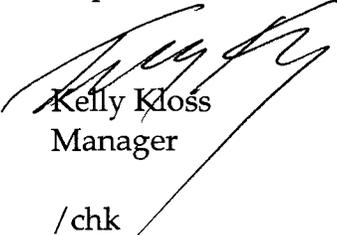
Land Use Bylaw Amendment 3156/B-2006 was given first reading. A copy of the bylaw is attached.

Report Back to Council: Yes

A Public Hearing will be held on Monday, February 13, 2006 at 7:00 p.m. in Council Chambers, during Council's regular meeting.

Comments/Further Action:

Land Use Bylaw Amendment 3156/B-2006 adds offence provisions to the Land Use Bylaw and the penalties will be outlined in Schedule "E". Some offence provisions will target the following: development without a permit, illegal signs, commercial vehicles parked in residential areas, and temporary buildings with no permit, etc. This office will now proceed with the advertising for a Public Hearing. The City will be responsible for the advertising costs in this instance.


Kelly Kloss
Manager/chk
attchs.

- c Director of Development Services
- Land & Economic Development Manager
- Inspections & Licensing Manager
- C. Adams, Administrative Assistant
- T. Edwards, Clerk Steno

BYLAW NO. 3156/B-2006

Being Bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA ENACTS AS FOLLOWS:

Bylaw No. 3156/96 is hereby amended as follows:

1 By adding the following new section 35.1:

“35.1 OFFENCES AND PENALTIES

- (1) No person shall:
 - (a) fail to comply with a development permit or subdivision approval or conditions forming part thereof;
 - (b) fail to comply with an order under section 545, 546, 551, 567 or 645;
 - (c) fail to comply with a decision of the subdivision and development appeal board;
 - (d) obstruct or hinder any person in the exercise or performance of the person's powers under this bylaw; or
- (b) make use of land in a manner contrary to the provisions of this Bylaw.
- (2) A person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable upon summary conviction to the specified penalty set out in Schedule “E”, or in the case of an offence for which there is no specified penalty, to a fine of not less than \$250.00 and not more than \$10,000 or to imprisonment for not more than one year, or to both fine and imprisonment.
- (3) Where a Bylaw Officer reasonably believes that a person has contravened any provision of this Bylaw, the Bylaw Officer may, in addition to any other remedy at law, serve upon the person a violation ticket, in the form provided under the Provincial Offences Procedures Act, allowing payment of the specified penalty for the particular offence as provided in Schedule “E” of this Bylaw, and the recording of such payment by the Provincial Court of Alberta shall constitute acceptance of a guilty plea and the imposition of a fine in the amount of the specified penalty.
- (4) Where a person is convicted of a second, third or subsequent offence under a particular section of this Bylaw, and where that offence has occurred within 12 months after the date of the occurrence of the first offence under that section of this Bylaw, the specified penalties applicable upon conviction for such second, third or subsequent offence shall be the amount set out in columns two and three, respectively, of Schedule “E”.

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 - (9) An impounded sign which has not been redeemed within 60 days of the date of service of notice as specified in subsection (8), may be disposed of by the City without further notice to any person and without any liability to compensate the owner of the sign.
- 2 Sections 59 to 61 of Schedule "D" are deleted.
- 3 In all other respects, Bylaw No. 3156/96 is hereby ratified and confirmed.

READ A FIRST TIME IN OPEN COUNCIL this 16th day of January 2006.

READ A SECOND TIME IN OPEN COUNCIL this day of 2006.

READ A THIRD TIME IN OPEN COUNCIL this day of 2006.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2006.

MAYOR

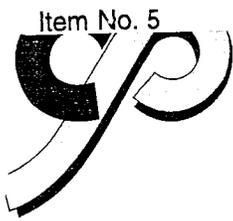
CITY CLERK

SCHEDULE "E"**SPECIFIED PENALTIES FOR OFFENCES UNDER LAND USE BYLAW**

<u>Description of Offence</u>	<u>First Offence</u>	<u>Second Offence</u>	<u>Third or Subsequent Offence</u>
Schedule "D" Section 3 - Displaying a Sign without a required permit	\$500.00	\$1,000.00	\$5,000.00
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Displaying a Sign in contravention of the conditions of a development permit	\$500.00	\$1,000.00	\$5,000.00
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IMPOUNDING AND STORAGE CHARGES

<u>Item</u>	<u>Authorized Charge</u>
Impounding of signs	\$100.00 per sign
Storage of signs: less than or equal to 1.5 m ²	\$3.00 per sign per day
Storage of signs: greater than 1.5 m ²	\$5.00 per sign per day



DATE: January 10, 2006
TO: Kelly Kloss, Legislative & Administrative Services Manager
RE: Land Use Bylaw Amendment 3156/B-2006
Offence Provisions & Schedule E

Enclosed for Council's consideration is a draft Bylaw amendment which proposes to add offence provisions to the Land Use Bylaw.

Background

One of the ongoing tasks of the Inspections and Licensing department is to ensure that property owners comply with the provisions of the Land Use Bylaw. The main enforcement mechanism currently is for the City to issue Stop Orders pursuant the Municipal Government Act ("MGA") for illegal developments and/or developments undertaken contrary to development approvals and decisions issued by the Development Authority. If Stop Orders are not complied with, the MGA allows application to the Courts whereby a judge can issue an injunction order that is tailor-made to suit the needs of the case. This entire Stop Order/injunction process can be time-consuming, complex and costly.

A breach of the Land Use Bylaw is also an offence under the MGA, so it is possible to lay charges under the provincial statute. However, this also is not a very effective or timely solution for the City for the following reasons:

- (a) Offences under the MGA are generic, not targeted to specific types of breaches of the Bylaw. As a result, property owners are generally not aware of what specific acts may be a breach of the Bylaw.
- (b) Exact fines are not specified under the MGA, instead there is a wide range of penalties that can be imposed in the discretion of the judge, regardless of what the specific offence is. This leads to uncertainty as to what might occur upon conviction and does not allow for the penalty to be tailored to the specific offence.
- (c) The prosecution of offences under provincial statutes is the responsibility of the Provincial Crown, so the City has no direct control over prosecutions the way it does with its own bylaws.

City bylaw enforcement staff feel that it would be very helpful if they had the option of offence provisions as another tool available to aid in enforcement of the Land Use Bylaw. Although the Land Use Bylaws of most other municipalities do have offence provisions, the City of Red Deer's Land Use Bylaw does not. City Administration recommends that Council consider passing the attached amendment to the Land Use Bylaw to add offence provisions. This amendment includes a new **Section 31.5 Offences and Penalties** and the addition of "**Schedule E**" to the Land Use Bylaw in which certain specific offences have been highlighted and specific penalties have been suggested.

**Legislative & Administrative Services Manager
Land Use Bylaw Amendment 3156/B-2006
Page 2**

These offence provisions will target some of the most common enforcement problem areas under the Land Use Bylaw (e.g. development without a permit, illegal signs, commercial vehicles parked in residential areas, temporary buildings with no permit, etc.), provide an effective remedy for City Bylaw enforcement staff, provides an effective deterrent against bylaw contravention and allows for cost recovery of City staff time and resources.

Overview of Offences Bylaw Provisions

The proposed amendment makes any breach of the Land Use Bylaw an offence. The penalties set out in Schedule "E" are designed to provide for a minimum penalty with significant escalation of penalties for second and third offences. The highest penalties are reserved for intentional and repeated breached of the bylaw.

The Bylaw also lists a number of specific additional offences including:

- (a) failure to comply with the terms of a development permit;
- (b) failure to comply with a Stop Order or other order under the Land Use Bylaw; and
- (c) obstructing a Bylaw Officer in the performance of his or her duty under the Bylaw.

Recommendation

That City Council proceed with first reading of Land Use Bylaw amendment 3156/B-2006.



Tony Lindhout, ACP, MCIP
City Planning Manager

- c. Paul Meyette, Inspections & Licensing Manager
Don Simpson, City Solicitor

attachment

BYLAW NO. 3156/B-2006

Being Bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA ENACTS AS FOLLOWS:

Bylaw No. 3156/96 is hereby amended as follows:

1 By adding the following new section 35.1:

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2 Sections 59 to 61 of Schedule "D" are deleted.

3 In all other respects, Bylaw No. 3156/96 is hereby ratified and confirmed.

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AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2006.

MAYOR

CITY CLERK

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Legislative & Administrative Services

DATE: March 14, 2006
TO: Tony Lindhout, Parkland Community Planning Services
FROM: Kelly Kloss, Legislative & Administrative Services Manager
SUBJECT: Land Use Bylaw Amendment 3156/B-2006
Offence Provisions & Schedule "E"

Reference Report:

Parkland Community Planning Services, dated February 1, 2006 and January 10, 2006

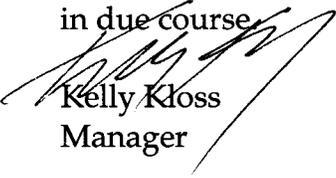
Bylaw Readings:

Land Use Bylaw Amendment 3156/B-2006 was given second and third readings. A copy of the bylaw is attached.

Report Back to Council: No

Comments/Further Action:

Land Use Bylaw Amendment 3156/B-2006 provides adds offence provisions to the land Use Bylaw and the penalties will be outlined in Schedule "E". Some offence provisions will target the following: development without a permit, illegal signs, commercial vehicles parked in residential areas, and temporary buildings with no permit, etc. This office will amend the consolidated version of the Land Use Bylaw and distribute copies in due course.



Kelly Kloss
Manager

/chk
attchs.

c Director of Development Services
Inspections & Licensing Manager
Land & Economic Development Manager
City Assessor
E. Damberger, PCPS
T. Edwards, Clerk Steno

BYLAW NO. 3156/B-2006

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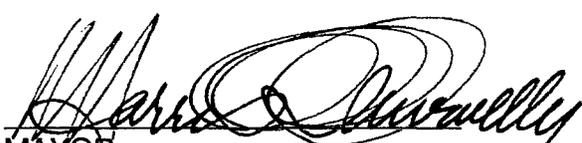
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READ A SECOND TIME IN OPEN COUNCIL this 13th day of March 2006.

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AND SIGNED BY THE MAYOR AND CITY CLERK this 13th day of March 2006.



 MAYOR



 CITY CLERK

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Date: March 7, 2006

To: Kelly Kloss, Legislative & Administrative Services Manager

From: Greg Scott, Recreation, Parks & Culture Manager

c.c. Bryon Jeffers, Director of Development Services
Colleen Jensen, Director of Community Services
Ron Kraft, Parks Construction / Maintenance Superintendent

Subject: Parks Ecological Services - Civic Yards Relocation

Background

In 2003 the Recreation Parks & Culture Department completed a Parks Maintenance Storage and Office Facilities Needs Study. This report was reviewed and accepted by Council in February 2004.

One of the recommendations from this study was to plan, design and construct a new Ecological Services facility. The current facility is substandard, utilizing a modified garage / storage building. In March 2005 Council reviewed and supported a report that outlined a funding strategy for a number of facilities including the Ecological Services building. The funding identified for this project was \$753,000 (2003 dollars). This cost projection did not include on site servicing or land acquisition.

In 2004 the Waskasoo Park Special Gathering Places study was initiated with the intent of developing a plan for four major park nodes; Heritage Ranch, Bower Ponds, Three Mile Bend and River Bend Recreation Area. The main purpose of the study was to:

- Review and evaluate how these special gathering places are being used and whether they continue to meet community needs
- Potential alternative or enhanced use of these areas
- Assess the environmental impact of future plans for Park use

Part of the re-design for the Heritage Ranch area recommended the design and construction of a Discovery Centre that would be based on an interpretive/environmental-programming theme. This facility would have had the capacity to accommodate offices, program space and public gatherings. Based on the Parks Maintenance, Storage and Office Facilities Needs Study recommendation, RP&C Administration planned to locate the new Ecological Services business as part of this facility. Costs for the Discovery Centre were included in the RP&C Department's

Parks Ecological Services – Civic Yards Relocation Report
 March 7, 2006
 Page 2

capital budget with \$220,000 identified for conceptual and detail design planning in 2006 and \$2,100,000 for construction in 2007.

The final Waskasoo Park Study was presented to Council on January 30, 2006 with the following resolution being:

Moved by Councillor Veer, seconded by Councillor Dawson

“Resolved that Council of the City of Red Deer, having considered the report from the City Manager and the Community Services Director, dated January 24, 2006, re: Waskasoo Park Special Gathering Places – Heritage Ranch, hereby agrees as follows:

1. That the 2005 Waskasoo Park Special Gathering Places Plan, with the exception of the Heritage Ranch Section, be approved as a planning tool for the purpose of guiding future development within, Bower Ponds, Three Mile Bend and the River Bend Golf & Recreation Area.
2. That, for Council’s consideration, Administration develop alternative solutions for Heritage Ranch, which includes retention of some or all aspects of the equestrian service with conjunction with other types of uses contained within the Plan with the exception of Discovery Centre”

Based on the decision to eliminate the Discovery Centre project Administration needed to explore alternative locations for the Ecological Services operations.

Proposed Strategy

The Recreation, Parks & Culture Department has reviewed and explored alternate site locations for the Ecological Services operations. This review has determined that the most suitable location is amalgamating this facility with the rest of the Parks Operations at the new Civic Yards site, adjacent to Three Mile Bend. The benefits of this move include:

- As Council is aware the RP&C Department is transitioning into the new model. One of the significant business strategies of this new model is to align appropriate business functions to ensure service is delivered in the most efficient and effective manner possible. Aligning the Ecological Services operations with the Neighborhood/Subdivision and Planning & Technical Services areas will achieve this goal. These businesses will all work closely together to better meet the parks needs of our community. It should be noted that this location will focus on the business functions for the Ecological Services area, the public education and program delivery will be accommodated and delivered to the community through the use of other facilities.
- There is significant business efficiency in aligning the Ecological Services operations adjacent to the new Environmental Services Department. Although situated in different

Departments, both of these areas will at times work together to deliver services to the community

- There are cost efficiencies in amalgamating the Ecological Services facility with the proposed new site-building plan as opposed to constructing a stand-alone facility at an independent site.

As the Ecological services area was not included as a facility component in the Terms of Reference for the Detail Design Phase of the new Civic Yards Relocation Projects, Administration staff has requested the project consulting team develop planning/design and construction costs for consideration of this relocation strategy. Business areas included within Ecological Services are:

- Office Space (8)
- Laboratory and Research Space
- Pesticide Staging Area
- Change / Shower Area (OH&S regulations)

Financial Strategy

Based on the work of IBI Consulting the cost for adding the Ecological Services operations into the new Civic Yards Project are proposed to be:

Planning & Design	\$ 95,000
Construction (including parking and escalation fees)	\$ 901,000
Furnishings & Equipment	80,000
Total	\$ 1,076,000

Currently the Recreation, Parks & Culture Department 2006 Capital budget identifies the \$220,000 for the planning and design of the Discovery Centre. In 2007, \$2,100,000 was identified for the construction of this facility. As this facility has been eliminated and based on the strategy to relocate Ecological Services to the new Civic Yards site, Administration recommends that \$95,000 of the approved 2006, \$220,000 planning and design dollars be re-assigned to the Civic Yards relocation project. These funds would be used for the planning of the new Ecological Services area in 2006. Administration also recommends that \$1,000,000 of the \$ 2,100,000 identified in the 2007 RP&C Capital budget for construction of the Discovery Centre be reassigned for the construction of the new Ecological Services area at the new Civic Yards relocation site. This will be brought back for Council consideration in 2007 Capital Budget.

Parks Ecological Services – Civic Yards Relocation Report
 March 7, 2006
 Page 4

Capital Budget Overview of Requested Changes

2006		
	Current Capital Budget	Proposed
Discovery Centre Planning & Design	\$220,000	\$0
Ecological Services Civic Yard Planning & Design	\$ 0	\$ 95,000

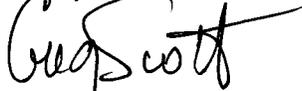
2007		
	Current Capital Budget	Proposed
Discovery Centre Construction	\$2,100,000	\$ 0
Ecological Services Facility Construction	\$ 0	\$901,000
Furnishing & Equipment	\$ 0	\$ 80,000

Recommendations

The Recreation, Parks & Culture Department requests Council's support for the following recommendations:

1. The Ecological Services business become a component of Parks Operations at the new Civic Yards site.
2. The RP&C Department Capital Budget be amended to include the following
 - \$ 95,000 re-directed from the \$220,000 approved in the 2006 Capital Budget, to the Civic Yards relocation project for planning and design of the Ecological Services facility.
 - \$981,000 be identified in the 2007 Capital budget for the construction, furnishings and equipment costs for the new Ecological Services facility at the Civic Yards site.

Thank you,



Greg Scott
 Recreation, Parks & Culture Manager

Comments:

We agree with the recommendations of the Recreation, Parks & Culture Manager.

“Morris Flewwelling”
Mayor

“Norbert Van Wyk”
City Manager

Legislative & Administrative Services

DATE: March 14, 2006
TO: Greg Scott, Recreation, Parks & Culture Manager
FROM: Kelly Kloss, Legislative & Administrative Services Manager
SUBJECT: Parks Ecological Services – Civic Yards Relocation

Reference Report:

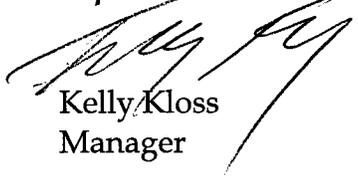
Recreation, Parks & Culture Manager, dated March 7, 2006

Resolutions:

“Resolved that Council of the City of Red Deer having considered the report from the Recreation, Parks & Culture Manager, dated March 7, 2006, re: Parks Ecological Services – Civic Yards Relocation, hereby agrees as follows:

1. That Ecological Services becomes a component of Parks Operations at the new Civic Yards site.
2. That the Recreation, Parks & Culture Budget be amended to include the following:
 - (a) \$95,000 re-directed from the \$220,000 approved in the 2006 Capital Budget, to the Civic Yards relocation project for planning and design of the Ecological Services facility.
 - (b) \$981,000 be identified in the 2007 Capital budget for the construction, furnishings and equipment costs for the new Ecological Services facility at the Civic Yards site.”

Report Back to Council: No



Kelly Kloss
Manager

/chk

c Director of Community Services
Director of Development Services
Parks Construction/Maintenance Superintendent
M. Bovair, Financial Analyst

Item No. 2



Date: March 3, 2006

To: Kelly Kloss, Legislative and Administrative Services Manager

From: Greg Scott, Manager, Recreation, Parks and Culture Department
Kristina Getz, Culture Development Superintendent

Subject: Public Art Installation - Chaq's Corner

Background

In conjunction with the Red Deer Community Culture and Trails and Pathways Master Plans it is recommended that public art be dispersed throughout the community and more specifically adjacent to the trails between Red Deer College, the Memorial Centre and the Riverlands district. Based on this strategy it is the intent of the Recreation Parks and Culture Department to explore and develop options for the placement of public art at various trail locations that connect these culture facilities.

Funding from the Culture Capitals of Canada program was used to identify trails that would encourage links between cultural districts and would be viewed as public art walks. The primary outcome of this review was to identify where public art would be located. Eight locations were proposed and approved by City Council. These locations follow the trail system from Red Deer College, past Carnival Cinemas, to the River Valley Trails and north along the South Bank Trail to River Glen School and the Memorial Centre. (See attachments #1&2)

Discussion

In January 2005, Culture Services initiated negotiations with the Alberta Foundation for the Arts (AFA) for the permanent loan of two major pieces of artwork: Richard Toszczak's *Be-Bop* and Ken Macklin's *Chaq's Corner*. On June 2, 2005 Culture Services staff and members of the Culture Board met with representatives from the AFA and Ken Macklin to view the artwork. In November 2005, Culture Services successfully negotiated the permanent loan and installation of Richard Toszczak's sculpture *Be-Bop* for placement in Barrett Park. Culture Services is currently negotiating the permanent loan of the second proposed piece of artwork from the AFA, that being *Chaq's Corner* by internationally acclaimed Alberta artist, Ken Macklin.

As part of the Public Art Policy and Implementation Procedures, this proposal was presented to the Culture Board on February 1, 2006 where the following resolution was supported:

The Culture Board supports the installation of *Chaq's Corner* at Site #1 on the north side of 32nd street at the entrance to the West Park / Taylor Drive trail.

Based on a thorough consultation with the AFA, multiple site visits, and a mutual desire to see this exceptional work of art featured prominently in The City of Red Deer, The City and the AFA consider Site #1 of the eight proposed locations approved by City Council on September 26, 2005 as the best and most appropriate location to install *Chaq's Corner*.

This site was chosen for its close proximity to Red Deer College, its high visibility for vehicular traffic on 32nd street as well as pedestrian trail and sidewalk traffic. It will serve as an excellent starting point for the entire public art/trail system project, and also as an inspiration for the College's fine art students and faculty to participate with work of their own in the park system.

Recommendations

That City Council approve the installation of *Chaq's Corner*, as a permanent loan art piece from the Alberta Foundation for the Arts,

That City Council approve the installation of *Chaq's Corner* at Site #1 on the north side of 32nd street at the entrance to the West Park / Taylor Drive trail.

Attachments

1. Site Map
2. Ken Macklin Photos and Details



Greg Scott



Kristina Getz



Proposed Public Art Location #1

32 ST

TAYLOR DR



PROPOSED PUBLIC ART LOCATIONS

September 7/2005



Scale N.T.S.

Artist: Ken Macklin

Title: Chaq's Corner

Artist Statement:

"Chaq's Corner" was made in 1995 after I returned from Central America and the Yucatan. I spent a lot of time looking at Mayan architecture and art. The piece is the first sculpture I made after returning and I believe it shows how the Maya architecture and the jungle had influenced me...the shape of the sculpture is much like a Mayan temple with all the circles on the one corner being reminiscent of jungle overgrowth. I soon began incorporating concrete into my sculpture as a direct response to the physicality of the stone architecture and sculpture I had seen down there. It is such a rich archeological area - I must have come across dozens of sites overgrown with jungle - very visual. The title of the sculpture comes from two sources...Chaq being the native Maya rain god - the corner reference comes from the facade of the Palace of the Masks at Kabah in Yucatan. The palace facade is ornate with over 250 nearly identical masks. Each mask has a large curved (circular) stone nose protruding from the surface - this was particularly striking at the corners of the building when the large circular stone noses could be seen in profile against the sky. It just seemed to fit my sculpture.

Ken Macklin



Ken Macklin
CHAQ'S CORNER,
1999
Welded steel
276.8 x 340.4 x 304.8 cm



Side view

About the Artist

For over 20 years, Ken Macklin has been renowned for the creation of large-scale, abstract sculptures, working within the traditions of welded steel. Macklin's work conveys a specific artistic sensibility that has been characterized by an interest in balance, the relationship of the sculpture to the ground, and the clustering of different shapes and forms. His works combine sections of great mass with delicate, almost drawn, linear elements and areas of light-filled openness.

Ken Macklin is one of several constructivist sculptors who emerged in Edmonton during the 1980's. Macklin studied sculpture and ceramics at the University of Alberta from 1972 to 1978 and advanced sculpture at St. Martins School of Art in London, England in 1979. He has also attended international workshops at the Emma Lake Artists' Workshop; the Triangle Workshop in its inaugural year at Mashomack, NY and again as group leader in 1986; the Triangle Workshop in Barcelona in 1987; and the Phil Berman Sculpture Workshop in Allentown, Pennsylvania in 1993. His work can be found in public collections in Edmonton and St. Albert, at the Museum of Contemporary Art in Barcelona, Lehigh Valley Hospital, Pennsylvania, Lock Haven University, Pennsylvania, the Windspear Centre in Edmonton and Cheyney University, Pennsylvania.

Comments:

We agree with the recommendations of the Recreation, Parks and Culture Manager and the Culture Development Superintendent.

“Morris Flewwelling”
Mayor

“Norbert Van Wyk”
City Manager

Legislative & Administrative Services

DATE: March 14, 2006

TO: Greg Scott, Recreation, Parks & Culture Manager
Kristina Getz, Culture Development Superintendent

FROM: Kelly Kloss, Legislative & Administrative Services Manager

SUBJECT: Public Art Installation – Chaq’s Corner

Reference Report:

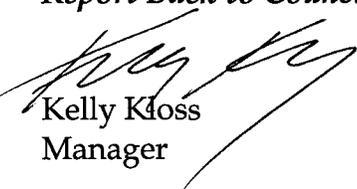
Recreation, Parks & Culture Manager & Culture Development Superintendent, dated March 3, 2006

Resolutions:

“Resolved that Council of the City of Red Deer having considered the report from the Recreation, Parks & Culture Manager and the Culture Development Superintendent, dated March 3, 2006, re: Public Art Installation – Chaq’s Corner, hereby:

1. Approves the installation of Chaq’s Corner as a permanent loan art piece from the Alberta Foundation for the Arts.
2. Approves the installation of Chaq’s Corner at Site #1 on the North side of 32nd Street at the entrance to the West Park/Taylor Drive trail. “

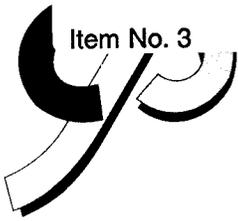
Report Back to Council: No



Kelly Kloss
Manager

/chk

c Director of Community Services



41

**LAND
AND
COMMUNITY
PLANNING
SERVICES**

Suite 404, 4808 Ross Street
Red Deer, Alberta T4N 1X5
Phone: (403) 343-3394
FAX: (403) 346-1570
e-mail: pcps@pcps.ab.ca
www.pcps.ca

DATE: March 1, 2006

TO: Kelly Kloss, Legislative and Administrative Services Manager

FROM: Martin Kvapil, Planning Assistant

RE: Land Use Bylaw Amendment No. 3156/H-2006
Johnstone Crossing Neighbourhood – Phases 7 & 9
The City of Red Deer

Proposal

The City of Red Deer is proposing to develop Phases 7 and 9 of the Johnstone Crossing neighbourhood. Rezoning is being sought for approximately 7.87 ha (19.45 ac.) of land from A1 Future Urban Development District to R1 Residential Low Density District, R1A Residential (Semi-Detached Dwelling) District, P1 Parks and Recreation District and PS Public Service District in order to create 121 low density residential lots, 2 municipal reserve lots, 1 public service lot and 1 public utility lot. The proposed uses conform with the Johnstone Crossing Neighbourhood Area Structure Plan.

Staff Recommendation

It is recommended that City Council proceed with first reading of Land Use Bylaw Amendment 3156/H-2006.

Martin Kvapil
PLANNING ASSISTANT

Tony Lindhout
CITY PLANNING MANAGER

Attach.

Comments:

We agree that Council give first reading to the Land Use Bylaw Amendment. A Public Hearing would be held on Monday, April 10, 2006 at 6:00 p.m. in Council Chambers, during Council's regular meeting.

"Morris Flewwelling"
Mayor

"Norbert Van Wyk"
City Manager

Legislative & Administrative Services

DATE: March 14, 2006
TO: Martin Kvapil, Parkland Community Planning Services
FROM: Kelly Kloss, Legislative & Administrative Services Manager
SUBJECT: Land Use Bylaw Amendment 3156/H-2006
Johnstone Crossing Neighbourhood – Phases 7 & 9
City of Red Deer

Reference Report:

Parkland Community Planning Services, dated March 1, 2006

Bylaw Readings:

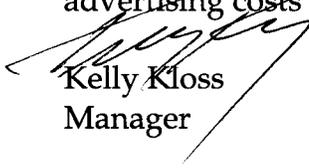
Land Use Bylaw Amendment 3156/H-2006 was given first reading. A copy of the bylaw is attached.

Report Back to Council: Yes

A Public Hearing will be held on Monday, April 10, 2006 at 6:00 p.m. in Council Chambers, during Council's regular meeting.

Comments/Further Action:

Land Use Bylaw Amendment 3156/H-2006 provides for rezoning of 7.87 ha (19.45 ac.) of land from A1 Future Urban Development District to R1 Residential Low Density District, R1A Residential (Semi-Detached Dwelling) District, P1 Parks and Recreation District and PS Public Service District in order to develop Phases 7 & 9 of the Johnstone Crossing neighbourhood. This will create 121 low density residential lots, 2 municipal reserve lots, 1 public service lot and 1 public utility lot. This office will now proceed with the advertising for a Public Hearing. The City will be responsible for the advertising costs in this instance.



Kelly Kloss
Manager

/chk

/attach.

c Director of Development Services
Inspections & Licensing Manager
Land & Economic Development Manager
C. Adams, Administrative Assistant
T. Edwards, Clerk Steno

BYLAW NO. 3156/H-2006

Being a bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1. That "Use District Map D15" contained within "Schedule B" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 4/2006 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 13th day of March 2006.

READ A SECOND TIME IN OPEN COUNCIL this day of 2006.

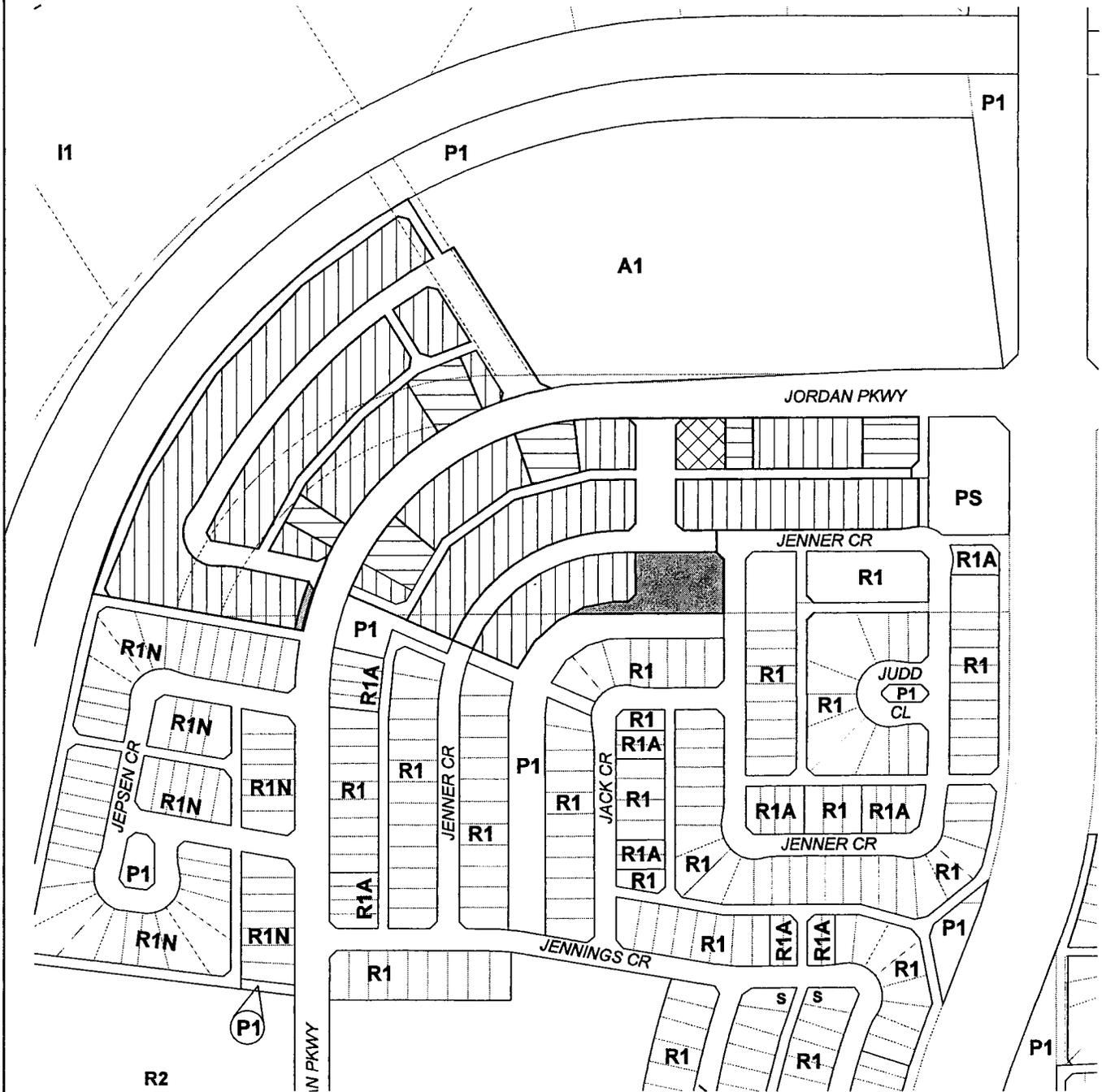
READ A THIRD TIME IN OPEN COUNCIL this day of 2006.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2006.

MAYOR

CITY CLERK

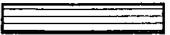
The City of Red Deer *PROPOSED LAND USE BYLAW AMENDMENT*



AFFECTED DISTRICTS:

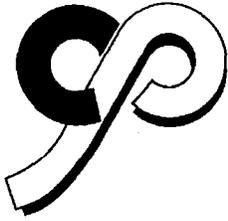
- A1 - Future Urban Development District
- R1 - Residential (Low Density) District
- R1A - Residential (Semi-Detached Dwelling) District
- PS - Public Service (Institutional or Governmental) District
- P1 - Parks and Recreation District

Change from :

- A1 TO R1 
- A1 TO R1A 
- A1 TO PS 
- A1 TO P1 

MAP No. 4 / 2006
 BYLAW No. 3156 / H - 2006

Item No. 4



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Suite 404, 4808 Ross Street
Red Deer, Alberta, T4N 1X5
Phone: (403) 343-3394
FAX: (403) 346-1570
E-mail: pcps@pcps.ab.ca

DATE: February 28, 2006

TO: Kelly Kloss, Legislative & Administrative Services Manager

RE: Land Use Bylaw Amendment No. 3156/I-2006 (Rezoning)
Inglewood East (Ironstone)
Lots 1 & 2, Block 7, Plan 062 _____

PROPOSAL

Mason Martin Homes is seeking to rezone the multi-family dwelling east site of approximately 0.94 ha to a density of 57 dwelling units per hectare to create 28 units of townhouses. On the optional place of worship site of 0.55 ha, a multi-family dwelling site is proposed to be rezoned to a density of 57 dwelling units per hectare to create a 56 unit apartment building.

First reading was given to the Inglewood East (Ironstone) Neighbourhood Area Structure Plan amendment on February 27, 2006. The proposed Land Use Bylaw amendment conforms with the proposed Inglewood East Neighbourhood Area Structure Plan amendment currently being considered under Bylaw 3217/A-2006.

STAFF RECOMMENDATION

Planning staff recommend that City Council proceed with first reading of Land Use Bylaw Amendment No. 3156/I-2006.

Sincerely,

Kristina Mark
Planner

Tony Lindhout
City Planning Manager

Cc: Colleen Jensen, Director of Community Services Division
Brad Currie, Stantec Consulting Ltd.
Hugh MacBeth, Mason Martin Homes

The City of Red Deer PROPOSED LAND USE BYLAW AMENDMENT



22 ST

P1

R3-D80

R1

R1

P1

R1

R1

ISBISTER CL

R1

R1

R1

R1

R1

R1

INGLEWOOD DR

R1^s

R1

R1

R1

P1

ISSARD CL

R1

INGRAM CL

R1

P1

IRONSTONE DR

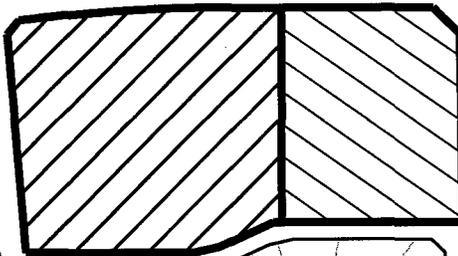
R1

IBBOTSON CL

R1N

PS

30 AV



Change from :

R2 D23 to R2 D57



R3 D81 to R3 D57



AFFECTED DISTRICTS:

R2 - Residential (Medium Density) District

R3 - Residential (Multiple Family) District

MAP No. 5 / 2006

BYLAW No. 3156 / I - 2006

Comments:

We agree that Council give first reading to the Land Use Bylaw Amendment. A Public Hearing would be held on Monday, April 10, 2006 at 6:00 p.m. in Council Chambers, during Council's regular meeting.

"Morris Flewwelling"
Mayor

"Norbert Van Wyk"
City Manager



LEGISLATIVE & ADMINISTRATIVE SERVICES

March 14, 2006

Fax: 340-0060

Mr. H. MacBeth
Mason Martin Homes
100, 4840 – 51 Street
Red Deer, AB T4N 2A5

Dear Mr. MacBeth:

Re: *Land Use Bylaw Amendment 3156/I-2006*
Inglewood East (Ironstone) Lots 1 & 2, Block 7, Plan 062 ____
Request for Deposit

Red Deer City Council gave first reading to *Land Use Bylaw Amendment 3156/I-2006* at the City of Red Deer's Council Meeting held Monday, March 13, 2006. An error was noted to the densities presented to Council and a revised map is attached which will be included with the advertising for a Public Hearing. The amendment to the densities will be presented to Council at the April 10, 2006 Council Meeting. For your information, a copy of the bylaw is attached.

Land Use Bylaw Amendment 3156/I-2006 provides for rezoning of a multi-family dwelling east site of approximately 0.94 hectares to a density of 30 dwelling units per hectare to create 28 units of townhouses. As well, on the optional place of worship site of 0.55 hectares, a multi-family dwelling site is to be rezoned to a density of 102 dwelling units per hectare to create a 56 unit apartment building.

Council must hold a Public Hearing before giving second and third readings to the bylaw. This office will now advertise for a Public Hearing to be held on Monday, April 10, 2006 at 6:00 p.m. in Council Chambers of City Hall during Council's regular meeting.

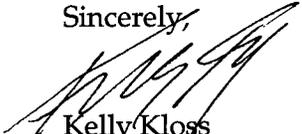
According to the *Land Use Bylaw*, The City requires a deposit before public advertising. An amount equal to the estimated cost of advertising, which in this instance is \$700, is required by Wednesday, March 22, 2006. You will be invoiced for or refunded the difference once the actual cost of advertising is known.

..2/

Mr. H. MacBeth
March 14, 2006
Page 2

Please call me if you have any questions or require additional information.

Sincerely,



Kelly Kloss
Manager

/attach.

c Parkland Community Planning Services
C. Adams, Administrative Assistant



Council Decision – March 13, 2006

Legislative & Administrative Services

DATE: March 14, 2006
TO: Kristina Mark, Parkland Community Planning Services
FROM: Kelly Kloss, Legislative & Administrative Services Manager
SUBJECT: Land Use Bylaw Amendment 3156/I-2006
Inglewood East (Ironstone)
Lots 1 & 2, Block 7, Plan 062_____

Reference Report:

Parkland Community Planning Services, dated February 28, 2006

Bylaw Readings:

Land Use Bylaw Amendment 3156/I-2006 was given first reading. A copy of the bylaw is attached.

Report Back to Council: Yes

A Public Hearing will be held on Monday, April 10, 2006 at 6:00 p.m. in Council Chambers, during Council's regular meeting.

Comments/Further Action:

Council was made aware of an error in the densities after first reading of the bylaw. A revised map is attached with this letter that shows the proper densities. A report will need to be presented to Council at the April 10, 2006 Council Meeting, noting the error in densities. At that time, Council will be asked to pass a resolution to amend the bylaw prior to second and third readings.

Land Use Bylaw Amendment 3156/I-2006 provides for rezoning of a multi-family dwelling east site of approximately 0.94 hectares to a density of 30 dwelling units per hectare to create 28 units of townhouses. As well, on the optional place of worship site of 0.55 hectares, a multi-family dwelling site is to be rezoned to a density of 102 dwelling units per hectare to create a 56 unit apartment building. This office will now proceed with the advertising for a Public Hearing based on the revised attached map. Mason Martin Homes will be responsible for the advertising costs in this instance.



Kelly Klöss
Manager

/chk

/attach.

- c Director of Development Services
- Inspections & Licensing Manager
- Land & Economic Development Manager
- C. Adams, Administrative Assistant
- T. Edwards, Clerk Steno

BYLAW NO. 3156/I-2006

Being a bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1. That "Use District Map J4" contained within "Schedule B" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 5/2006 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 13th day of March 2006.

READ A SECOND TIME IN OPEN COUNCIL this day of 2006.

READ A THIRD TIME IN OPEN COUNCIL this day of 2006.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2006.

MAYOR

CITY CLERK

The City of Red Deer *PROPOSED LAND USE BYLAW AMENDMENT*



AFFECTED DISTRICTS:
R2 - Residential (Medium Density) District
R3 - Residential (Multiple Family) District

Change from :

R2 D23 to R2 D30



R3 D81 to R3 D102



MAP No. 5 / 2006
 BYLAW No. 3156 / I - 2006

Memo

Date: March 07, 2006
To: Kelly Kloss, Legislative & Administrative Services Manager
From: Howard Thompson, Land & Economic Development Manager
Re: **R2/PS Site in Johnstone Crossing, Market Value, Rezoning, and
Advancement of Subdivision Development Budget**

Background:

At the time the 2006 Subdivision development plans were being prepared and presented to Council in December 2005, Land and Economic Development did not plan to develop the remaining 2.02 Ha (5.0 Ac) R2 multifamily site in Johnstone Crossing until 2007 as part of Phase 8. We have had an expression of interest for a public service use on this site and have initiated an amendment to the Johnstone Crossing Neighborhood Area Structure Plan to include PS - Public Service as an alternate use. We now wish to amend the budget to proceed with servicing this parcel this year, initiate rezoning, and set the market value for any potential sale.

Financial Implications:

An independent appraisal was prepared in November 2005 that determined the fair market value for the land to be \$230,000 per acre for either use, which is equivalent to \$1,150,000 for 5 acres, more or less. Land and Economic Development concur with this value.

With regards to servicing, Engineering Services has indicated that \$500,000 of the \$1.3 million identified from Phase 8 in the 2007 Capital Budget would need to be advanced into 2006. The Operating Budget for Subdivision Development (Bus. Unit 297) also requires amending to account for the applicable internal charges and transfers to capital of \$440,000 for the development (offsite and recreation) levies and internal land accounting in the amount \$190,000 and \$225,000 respectively. Both of these items would be funded from the proceeds of the land sale.

Recommendation:

That City Council approves:

1. First reading to amend the Land Use Bylaw to rezone the R2/PS parcel in Johnstone Crossing from A1 to PS - Public Service.

Memo

Kelly Kloss
March 07, 2006
Page 2

2. Authorizing the Administration to enter into an agreement for sale for the 2.02 hectare (5.0 acre), more or less, R2/PS parcel, being part of Lot 1, Block 4, Plan 812 1569 in Johnstone Crossing, subject to:
 - a. the purchase price being \$230,000 per acre,
 - b. approval of the PS zoning, and
 - c. the terms and conditions of the agreement being satisfactory to the City Manager.

3. Amending the 2006 Capital Budget for Johnstone Crossing Phase 8 servicing to advance \$500,000 from 2007 into 2006, and amending the 2006 Operating Budget for Subdivision Development (Bus. Unit 297) to include \$440,000 for the applicable internal charges and transfers to capital for development (offsite and recreation) levies and internal land accounting, with funding for both items to come from the proceeds of the land sale.



Howard Thompson
Land & Economic Development Manager

Attach

- c. Bryon Jeffers, Director of Development Services

Johnstone Crossing

Neighbourhood Area Structure Plan

Scale 1:5 000

April 2004

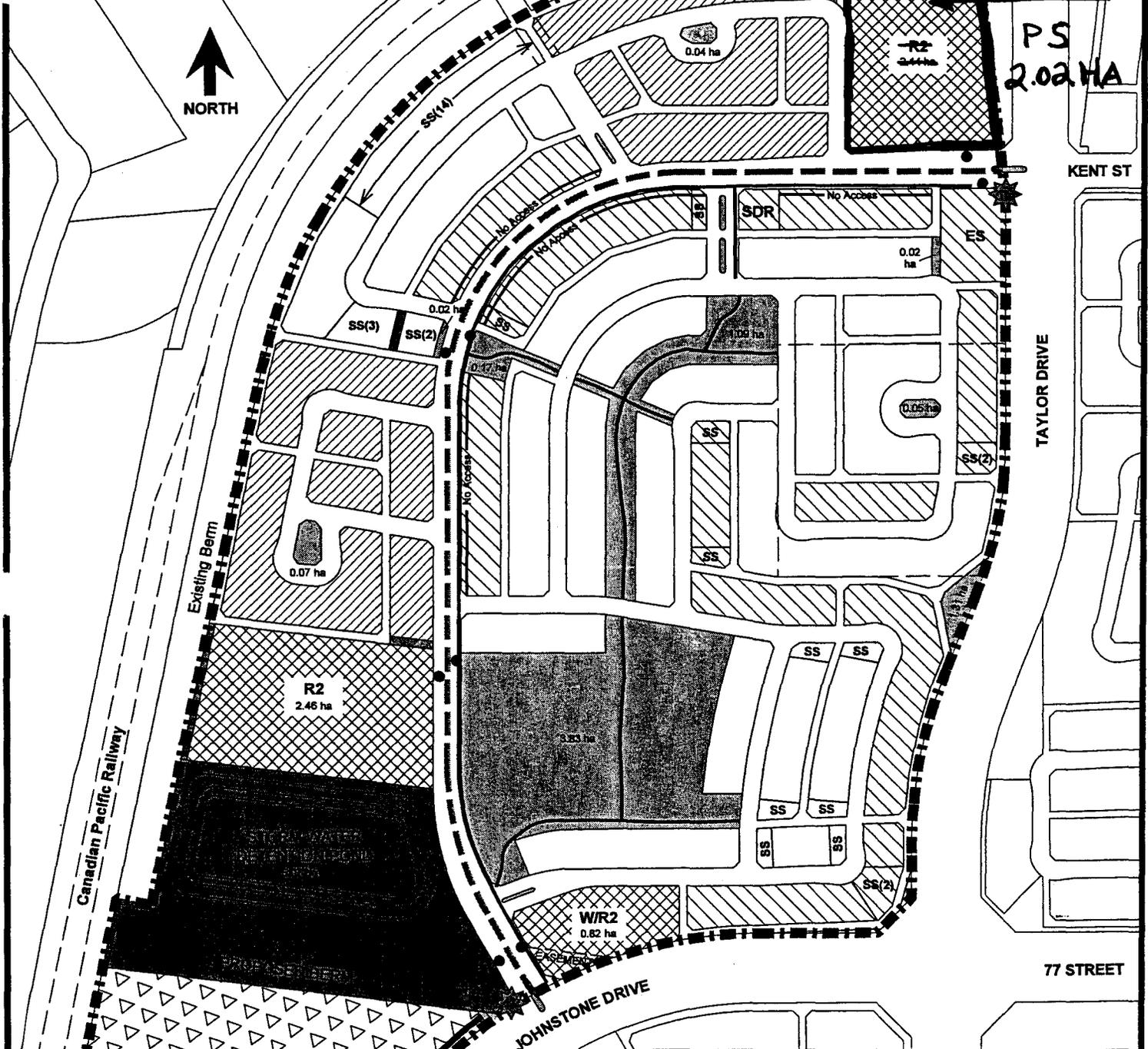


Figure 3 - Development Concept

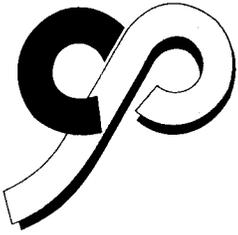
- | | |
|----------------------------|-----------------------------------|
| NASP Boundary | SS Secondary Suite |
| Municipal Reserve | SDR Social / Daycare / Retirement |
| Public Utility Lot | ES Emergency Services |
| Single Family | W Place of Worship |
| Single Family (narrow lot) | Bus Route (both directions) |
| Mixed Housing * | Bus Stop |
| Multi Family | Entrance Sign |
| Industrial | |

*Mixed Housing - min 50% Single Family and Secondary Suites, min 35% Semi-detached.

CenAlta
Well Services

THE CITY OF
Red Deer

Prepared by:
The City of Red Deer Engineering Department
and Parkland Community Planning Services



DATE: March 6, 2006
TO: Kelly Kloss, Legislative and Administrative Services Manager
FROM: Martin Kvapil, Planning Assistant
RE: Land Use Bylaw Amendment No. 3156/J-2006
North R2/PS Site
Johnstone Crossing Neighbourhood
The City of Red Deer

Proposal

The City of Red Deer is proposing to rezone a 2.05-ha portion of land to PS Public Service District. The City has received interest in the possible future development of an institutional service facility. At present, an amendment to the Johnstone Crossing Neighbourhood Area Structure Plan (NASP) is being considered in order to allow for PS development as an alternate use. Upon the passing of the concurrently proposed Johnstone Crossing Neighbourhood Area Structure Plan amendment, the proposal would conform with the Johnstone Crossing NASP. This NASP amendment bylaw was given first reading on February 27, 2006.

Staff Recommendation

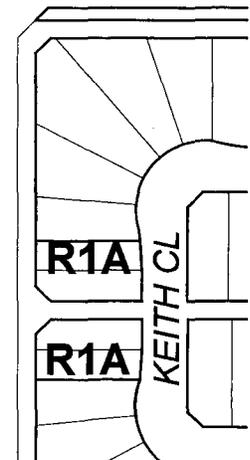
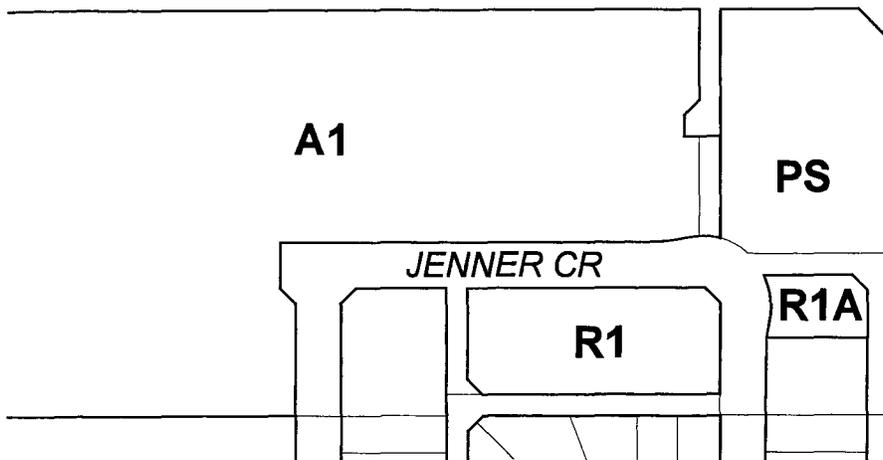
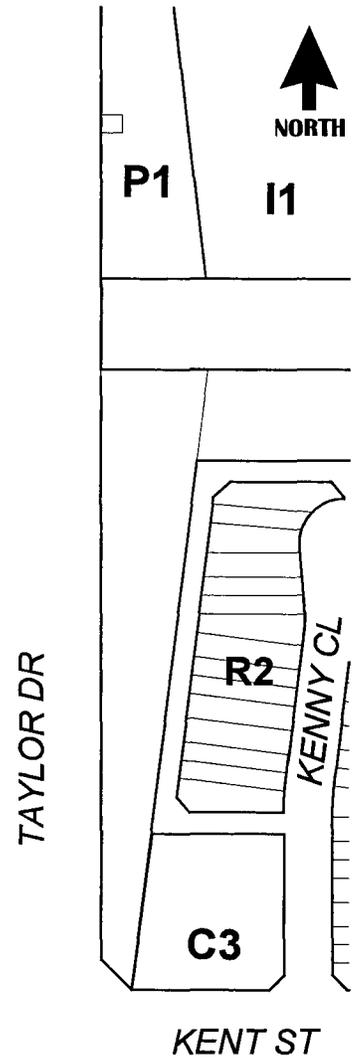
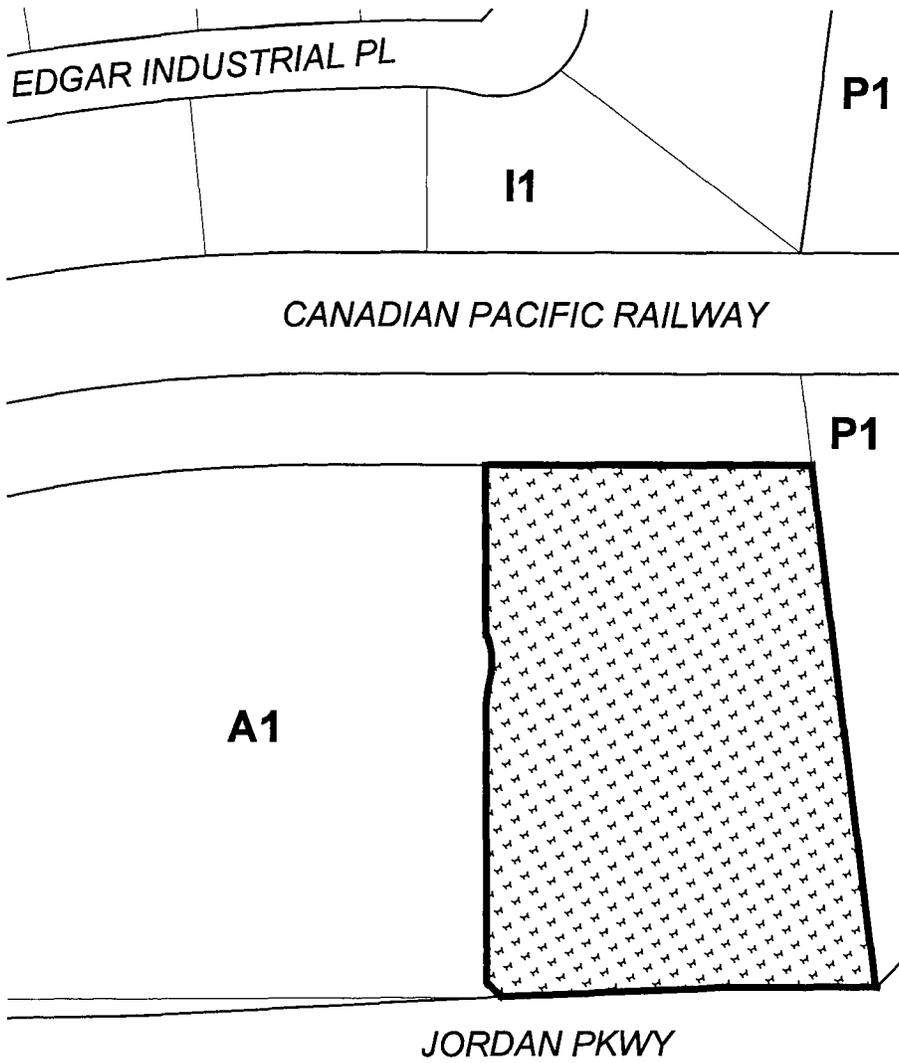
It is recommended that City Council proceed with first reading of Land Use Bylaw Amendment 3156/J-2006.

Martin Kvapil
PLANNING ASSISTANT

Tony Lindhout
CITY PLANNING MANAGER

Attach.

The City of Red Deer PROPOSED LAND USE BYLAW AMENDMENT



AFFECTED DISTRICTS:
 A1 - Future Urban Development District
 PS - Public Service (Institutional or Governmental) District

Change from :
 A1 TO PS 

MAP No. 6 / 2006
 BYLAW No. 3156 / J - 2006

Comments:

We agree with the recommendations of the Land & Economic Development Manager and Parkland Community Planning Services that Council give first reading to the Land Use Bylaw Amendment. A Public Hearing would be held on Monday, April 10, 2006 at 6:00 p.m. in Council Chambers, during Council's regular meeting.

"Morris Flewwelling"
Mayor

"Norbert Van Wyk"
City Manager

Legislative & Administrative Services

REVISED

DATE: March 14, 2006

TO: Howard Thompson, Land & Economic Development Manager
Martin Kvapil, Parkland Community Planning Services

FROM: Kelly Kloss, Legislative & Administrative Services Manager

SUBJECT: R2/PS Site in Johnstone Crossing, Market Value, Rezoning, and
Advancement of Subdivision Development Budget
Land Use Bylaw Amendment 3156/J-2006
North R2/PS Site
Johnstone Crossing Neighbourhood
City of Red Deer

Reference Report:

Land & Economic Development Manager, dated March 7, 2006 and Parkland
Community Planning Services dated March 6, 2006

Resolutions:

“Resolved that Council of the City of Red Deer having considered the report from the Land & Economic Development Manager, dated March 7, 2006, re: R2/PS Site in Johnstone Crossing, Market Value, Rezoning, and Advancement of Subdivision Development Budget, hereby:

1. Authorizes Administration to enter into an agreement for sale for the 2.02 hectare (5.0 acre) more or less, R2/PS parcel, being part of Lot 1, Block 4, Plan 812 1569 in Johnstone Crossing, subject to:
 - (a) the purchase price being \$230,000 per acre,
 - (b) approval of the Land Use Bylaw Amendment for the PS zoning, and
 - (c) the terms and conditions of the agreement being satisfactory to the City Manager.
2. Approves amending the 2006 Capital Budget for Johnstone Crossing Phase 8 servicing to advance \$500,000 from 2007 into 2006, and amending the 2006 Operating Budget for Subdivision Development (Business Unit 297) to include \$440,000 for the applicable internal charges and transfers to capital for development (offsite and recreation) levies and internal land accounting, with funding for both items to come from the proceeds of the land sale. “

Council Decision – March 13, 2006
Land Use Bylaw Amendment 3156/J-2006
Page 2

Bylaw Readings:

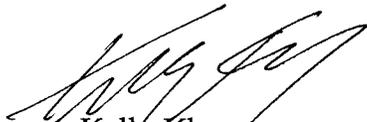
Land Use Bylaw Amendment 3156/J-2006 was given first reading. A copy of the bylaw is attached.

Report Back to Council: Yes

A Public Hearing will be held on ***Monday, April 24, 2006*** at 6:00 p.m. in Council Chambers, during Council's regular meeting.

Comments/Further Action:

Land Use Bylaw Amendment 3156/J-2006 provides for rezoning of a 2.05 hectare R2/PS portion of land in Johnstone Crossing from A1 Future Urban Development District to PS Public Service (Institutional or Governmental) District to allow for the potential sale of this parcel. This office will now proceed with the advertising for a Public Hearing. The City will be responsible for the advertising costs in this instance.



Kelly Kloss
Manager

/chk

/attach.

c Director of Development Services
Inspections & Licensing Manager
C. Adams, Administrative Assistant
T. Edwards, Clerk Steno
M. Bovair, Financial Analyst

BYLAW NO. 3156/J-2006

Being a bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1. That "Use District Map D15" contained within "Schedule B" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 6/2006 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 13th day of March 2006.

READ A SECOND TIME IN OPEN COUNCIL this day of 2006.

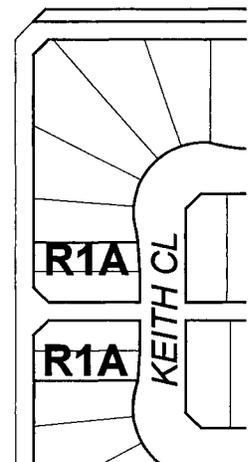
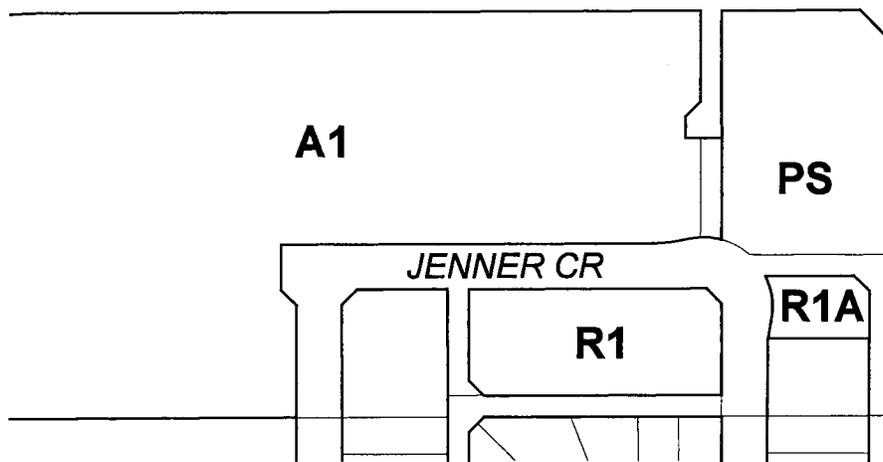
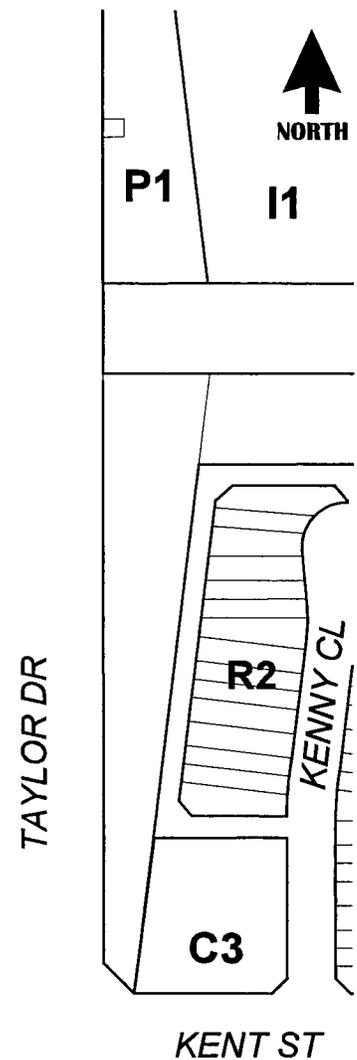
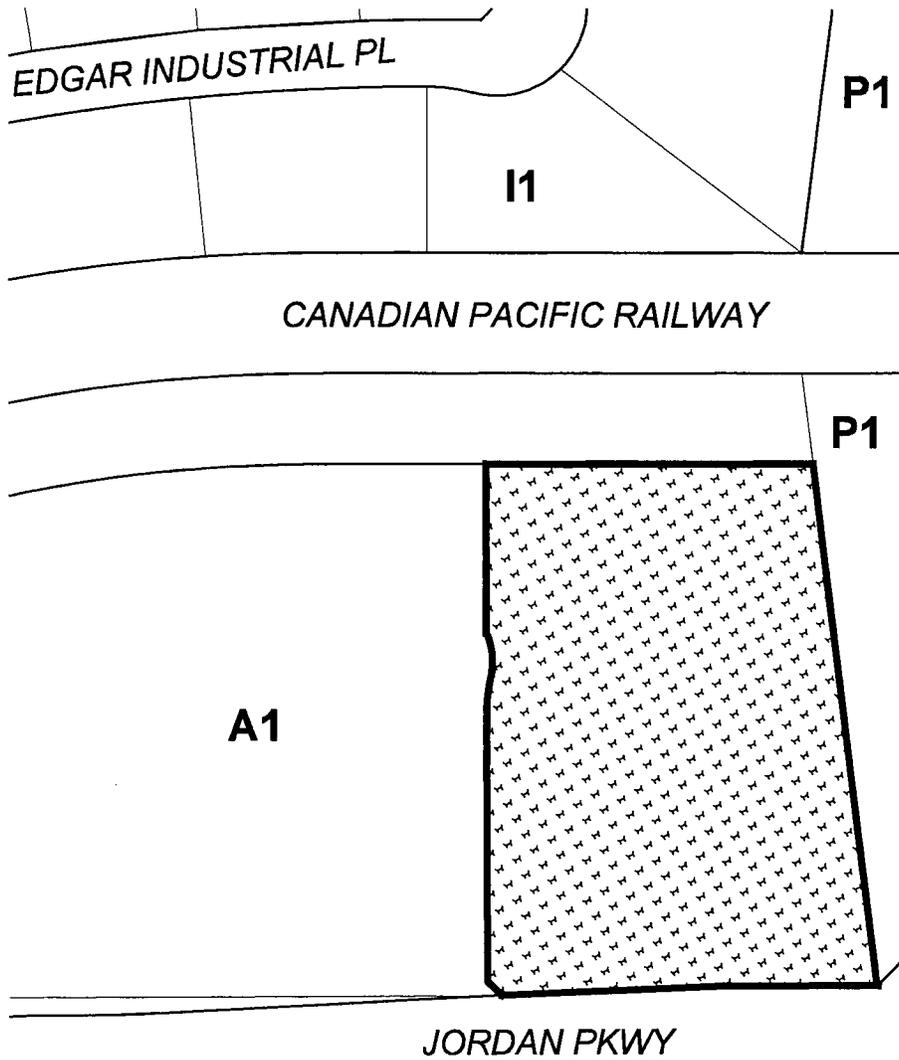
READ A THIRD TIME IN OPEN COUNCIL this day of 2006.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2006.

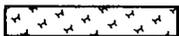
MAYOR

CITY CLERK

The City of Red Deer PROPOSED LAND USE BYLAW AMENDMENT



AFFECTED DISTRICTS:
 A1 - Future Urban Development District
 PS - Public Service (Institutional or Governmental) District

Change from :
 A1 TO PS 

MAP No. 6 / 2006
 BYLAW No. 3156 / J - 2006

To: Red Deer City Clerk

January 9, 2006

I am requesting consideration be given to passing a bylaw for the establishment of a Red Deer (or Central Alberta) Boxing Commission. I firmly believe the establishment of such commissions reduces the risk of liability for cities in which these events are held, helps prevent injury or mismanagement of the athletes and enhances the integrity of combative sports in general.

I am aware of a previous attempt to pursue a similar endeavour a few years ago, however I was not involved in that particular initiative.

My background:

I am employed as a Health, Safety and Environment Manager with Flint Energy Services. I have been a resident of Red Deer for the past 25 years, spending 10 of those years as a volunteer coach with the Red Deer Amateur Boxing Club. I have been involved in all the professional boxing shows held in Red Deer in the last 15 years, initially as a promoter and eventually as an official.

I am a Training Advisor and Referee for the Canadian Professional Boxing Federation and have been associated with both Edmonton and Calgary commissions for the past 10 years. I also hold certification with the North American Boxing Federation (NABF) and the Association of Boxing Commissions (ABC), the latter of which provides direction and support to the majority of World Boxing Associations, Federations, Councils and Commissions.

I have enclosed supporting documentation to lend credibility to this request, including a copy of Edmonton Bylaw #5821 pertaining to combative sports, the rules and regulations of Canadian Professional Boxing as adopted by Edmonton and a letter from Edmonton's Legal Advisor (Ben Russell). Mr. Russell has not only assisted other communities establish similar commissions, but successfully pursued an initiative to have the Government of Alberta create and pass section 535.1 of the Municipal Government Act in 2003, which gives substantial protection from liability for cities that host these types of events.

The Edmonton Boxing and Wrestling Commission is the leading commission in all of Canada with the national President, Secretary Treasurer and Medical Advisor positions being held by local members. They also hold positions with many other world renowned organizations. You can view an informative website at www.canadianboxing.com

Once again, I firmly believe that putting the responsibility of monitoring events into the hands of those with content knowledge, experience and expertise not only protects all involved, but also significantly reduces risk to the city, the athletes and the affected sports.

I thank you for considering this request and look forward to our continued involvement.

Respectfully submitted by: Len Koivisto



Contact Information: Work: 342-8078 / Home: 340-8392 / lmkoivisto@shaw.ca



b. russelebisth@MCKENZIE.COM (780) 421-2446
ALMA@CSHAW-CA (780) 907-8464

Boxing, Wrestling and Other Combative Sports Bylaw

BYLAW NO. 5821 (As Amended)

(CONSOLIDATED ON AUGUST 28, 2001)

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OFFICE OF THE CITY CLERK

CONSOLIDATION

BYLAW NO. 5821

Boxing, Wrestling and Other Combative Sports Bylaw

(S.2, Bylaw No. 12472 (as amended), August 28, 2001)

The Municipal Council of the City of Edmonton, duly assembled, enacts as follows:

1. (a) For the purpose of regulating, governing and controlling boxing, wrestling, full-contact karate, kickboxing, and all other sports that hold contests between opponents involving striking with hands, feet, knees or elbows, (hereinafter referred to as "the regulated sports"), bouts and contests, and training quarters for persons in training for the regulated sports within the City of Edmonton, there is hereby created a Commission consisting of seven residents of the City of Edmonton to be appointed by resolution of the City Council.

(S.3, Bylaw No. 12472 (as amended), August 28, 2001)

- (b) Members of the Commission shall hold office for a period at the pleasure of Council to a maximum period of one (1) year per term.

(S.1, Bylaw No. 7744, February 12, 1985)

- (c) All persons appointed as members of said Commission shall be residents of the City of Edmonton. (VACANCIES SHALL BE...?)

- (d) No person while a member of the said Commission shall be connected with any exhibition or contest held within the jurisdiction of the Commission by officiating therein or by acting as matchmaker, promoter, second, manager or in any other capacity where the possibility may arise of a conflict of interest between such Commission member and the Commission as it performs its duties.

- (e) One member of the Commission may be a current member of the City Council.

(S.1, Bylaw No. 7014, September 14, 1982)

2. The said Commission shall be called "The City of Edmonton Boxing and Wrestling Commission", and shall, within the City of Edmonton have full power and authority to supervise, regulate, govern and control all bouts and contests held in connection with the regulated sports and training quarters for persons in training for the regulated sports.
3. Any member of the Commission may resign therefrom at any time upon written notice to the Chairman and Secretary-Treasurer of the Commission, and any member of the said Commission may be removed for cause by the Council of the City at any time. Any vacancy created by reason of the resignation or removal as aforesaid and any vacancy arising by reason of the death of any member of the Commission shall, subject to the approval of said Council, be filled by the Commission for the remainder of the term of the person who has ceased to be a member of the Commission for any of the reasons aforesaid.
 - (a) Any resident citizen of the City of Edmonton may be appointed by the Council of the City as a member of the Commission, and any retiring member of the Commission shall be eligible for reappointment.
 - (b) Each member of the Commission must, in order to remain a member of said Commission, continue as a resident of the City of Edmonton. (AMEND P.L.N.)
4. (a) It shall be unlawful for any person or persons, association or club, to conduct, or for any person or persons to take part in or be present at (either as promoter, principal, contestant, agent or second, attendant or referee) any bout or contest involving the regulated sports within the City of Edmonton, whether an admission fee to such bout or contest is charged or not, unless a permit to hold such bout or contest has first been issued by the Commission, and unless such bout or contest is held under the supervision and control of the said Commission. - AMATEUR EXCLUSION ?

(S.1(g), Bylaw No. 8447 (as amended), January 27, 1987)

- (b) Commission may charge a fee for the issuance of permits under this bylaw and the amount of such fee shall be payable before a permit is issued. The amount of the fee shall be established by the Commission.

S.4(a), Bylaw No. 12472 (as amended), August 28, 2001) - WHAT FEE? AMOUNT

- (c) Subject to the Municipal Government Act, this Bylaw and another relevant legislation, the Commission may establish rules and regulations in respect of, but not limited to, its procedures, the holding of bouts and contests, and the regulation of the conduct of promoters, principals, contestants, agents, seconds, attendants, managers and referees, including the discipline thereof.

(S.1(a), Bylaw No. 8447 (as amended), January 27, 1987)

- (d) The rules and regulations may include all or any portion of any of the rules, regulations and safety codes of the Canadian Amateur Wrestling Association, World Karate Association, Canadian Amateur Boxing Association and Canadian Professional Boxing Federation, or any other organization deemed suitable by the Commission.

(S.1(b), Bylaw No. 8447 (as amended), January 27, 1987)

(S.4(b), Bylaw No. 12472 (as amended), August 28, 2001)

- (e) No person shall carry on within the City of Edmonton the business, calling, trade or occupation of manager, promoter, contestant, referee, matchmaker, second, timekeeper or judge unless he has first obtained from the Commission, a license to do so in the form prescribed by the Commission, and has paid to the Commission such license fee as the Commission may annually determine. *PCC Amounts*

(S.1(c), Bylaw No. 8447 (as amended), January 27, 1987)

- (f) Subject to Section 21 hereof, the Commission may from time to time appoint one or more of its members to carry out any of its decisions and to enforce any of its rules and regulations hereunder.

(S.1(d), Bylaw No. 8447 (as amended), January 27, 1987)

5. Application for such permit shall be made in writing, signed by the promoter of the bout or contest and addressed to the Chairman and Secretary-Treasurer of the Commission. A separate permit shall be required for each individual bout or contest.

6. (a) The Commission may issue permits unconditionally, conditionally or may refuse to issue a permit.

(S.1(f), Bylaw No. 8447 (as amended), January 27, 1987)

- (b) The Commission shall have power and authority to cancel a permit issued by them if they deem it advisable so to do.

(S.1(e), Bylaw No. 8447 (as amended), January 27, 1987)

7. (a) All bouts and contests shall be under the supervision and control of the Commission and Chief Constable of the City of Edmonton (or in his absence, the Inspector of Police of the City of Edmonton), and they or any of them shall have the power to stop any bout or contest if either contestant is, in the opinion of any of them, unfit to continue or is not properly matched, and shall also have power to stop any bout or contest if either contestant is, in the opinion of any of them, unfit to continue or is not properly matched, and shall also have power to stop any bout or contest for any misconduct of any promoter or contestant or for disorderly conduct on the part of the audience.

- (b) The Commission shall arrange to provide such medical, police, referees, judges, officials or supervisory personnel as the Commission deems proper, to be in attendance at any bout, contest or exhibition or at any training quarters, in order to ensure that such bout, contest or exhibition or training quarters shall be conducted in a safe and orderly manner, and may require the promoter or person in charge of any bout, contest, exhibition or training quarters to pay such amount as will cover the cost of providing medical, police, referees, judges, officials or supervisory personnel and may withhold the issue of any permit until the person concerned has made arrangements satisfactory to the Commission to pay such amount, provided that in case a promoter or person in charge considers the amount charged by the Commission, is, under the particular circumstances, unfair or excessive, the promoter or person in charge may appeal to Council within 14 days from the date the amount objected to was charged by the Commission and in case of an appeal within the time limited, the decision of the Council shall be final and binding.

8. Repealed

(S.5, Bylaw No. 12472 (as amended), August 28, 2001)

9. No bout involving the regulated sports shall be commenced, notwithstanding that a permit to hold same has been issued by the Commission, unless and until the Commission's medical requirements have been satisfied.

(S.6, Bylaw No. 12472 (as amended), August 28, 2001)

10. All members of the Commission shall at all times have free access to all the regulated sports contests and for the purpose of proving their right of access, they may adopt a badge having thereon the words "City of Edmonton Boxing and Wrestling Commission, <year>."
- (S.1, Bylaw 12178, November 15, 1999)
(S.7, Bylaw No. 12472 (as amended), August 28, 2001)
11. Neither the said Commission nor any member thereof shall have power or authority to pledge the credit of the City. All permits issued by the Commission shall be subject to the said conditions and shall have printed on the face thereof, a copy of this paragraph of the Bylaw.
- (S.8, Bylaw No. 12472 (as amended), August 28, 2001)
- 11.1 (1) In this Section, "Official" includes Referees, Judges, Dressing Room and Corner Supervisors and Inspectors, Time Keepers, the Executive Director and any other employee of the Commission.
- (2) The City shall indemnify Commission members and Officials for legal liability for loss or damage arising from anything said or done or omitted to be done in the performance of their functions, duties or powers.
- (3) Subsection (2) does not apply if
- (a) the cause of action is defamation, or
- (b) the Commission member or Official was dishonest, grossly negligent, or guilty of wilful misconduct.
- (S9, Bylaw No. 12472 (as amended), August 28, 2001)
12. All monies received as a result of or in consequence of the holding of any bout or contest involving the regulated sports, whether by way of the admission fee or otherwise, shall be held under the control of the Commission and such monies shall not be dealt with or disposed of by the person holding the same except under the direction of the Commission in writing.
13. Before any permit to hold a bout or contest within the City of Edmonton is issued by the Commission in respect of any of the regulated sports, the promoter or promoters and each of the contestants shall deposit with the Commission such sum of money as the Commission may determine as a

guarantee that such promoter or promoters and contestants shall carry out such bout or contest, and shall observe all the rules and regulations of the Commission as to the conduct of such bouts or contests and in case such bout or contest is not carried out or in case any promoter or contestant is guilty of misconduct or of disobeying any of said rules and regulations, then the sum of money deposited as aforesaid by the promoter or contestant who is guilty of misconduct or of failure to carry out such bout or contest shall, at the absolute discretion of the Commission, be forfeited to the Commission.

14. The Commission shall hold regular meetings for the transaction of its business at such times and places as it may fix by resolution and any special meetings that may be held by the Commission shall be called in the manner the Commission shall deem most practicable.
15. A majority of the members of the Commission shall constitute a quorum for the transaction of the business of the Commission.
16. All meetings of the Commission shall be presided over by the Chairman who shall be appointed for the year at the first regular meeting of the Commission held after the appointment of the members thereof by the Council of the City, and in the event of such Chairman being absent from any meeting, the members present shall elect a Chairman for the meeting.
17. Minutes of all meetings shall be kept by the Commission and also an accurate record of permits issued and of every bout or contest involving the regulated sports under the control of the Commission, giving the names and descriptions of the contestants, the name of the referee and of the medical practitioner in attendance, the number of rounds and any other information the Commission may desire kept as a record.

(S.1(g), Bylaw No. 8447 (as amended), January 27, 1987)

18. The Commission shall also cause to be kept accurate accounts of all monies received and expended by the Commission, which accounts shall be open for the inspection by any official of the City appointed for that purpose by the Council or Executive Committee, and such minutes, records and accounts shall be produced to the Council of the City upon the request of any member of such Council.

(S.1, Bylaw No. 7520, June 19, 1984)

19. (a) Council hereby delegates to the Commission the power to make grants to regulated sports in the City of Edmonton from funds within the Commission's operating budget.
- (b) For the purposes of the Commission, the end of the financial year of the Commission shall be October 31st of each and every year.
- (c) A copy of the annual financial statement accompanied by the Auditor's report, together with a report of the year's working and any grants made under section 19(a), shall be forwarded to the Community Services Committee.

(S.2, Bylaw 12178, November 15, 1999)

20. ~~12~~ No boxing contest or bout within the City of Edmonton shall exceed ~~five~~ ¹² rounds of three minutes each with an interval of at least one minute between each round.

21. (a) When a breach of any of the provisions of the rules and regulations by or the misconduct of, any person licensed pursuant to this Bylaw and the rules and regulations comes or is brought to the attention of the Commission or any member thereof, the Commission may hold a hearing into the allegations made against such person.
- (b) At least one week prior to the hearing, a notice shall be served on the person against whom the allegation is brought, personally or by registered mail,
- (i) containing reasonable particulars of the allegations;
and
- (ii) specifying the time and place of the hearing.
- (c) Testimony may be adduced before the Commission or at the hearing in any manner the Commission considers proper.
- (d) If, upon the hearing having been held, the Commission finds that the person has breached the rules and regulations, the Commission may:
- (i) suspend the person for a stated period of time not exceeding one year;
- (ii) fine the person for a stated amount not exceeding \$2,000.00, and suspend him until the fine is paid;

(S.10(a), Bylaw No. 12472 (as amended), August 28, 2001)

- (iii) revoke his license;
 - (iv) reprimand the person; or
 - (v) a combination of (i) and (ii) above.
- (e) If the person against whom the allegation is made does not attend the hearing, the Commission may, upon being satisfied that the Notice of Hearing was served upon the individual in accordance herewith, proceed with the hearing in his absence, without further notice to the individual.
- (f) The Commission may take disciplinary proceedings against any person who was or was required to be licensed by the Commission at the time of the alleged offense, whether that person is licensed at the time of the hearing or not.

(S.10(b), Bylaw No. 12472 (as amended), August 28, 2001)

- (g) The Commission may suspend the person against whom the allegations are made prior to the hearing until the matter has been determined in accordance with the provisions hereof.
- (h) The Commission may, from time to time, appoint three of its members to a Discipline Committee which shall investigate, hear evidence and submissions and make recommendations in a report to the Commission in respect of any breach of the rules and regulations of the Commission or any act of misconduct related to activities controlled by the Commission.

(Section 21 amended by -

(S.1(h), Bylaw No. 8447 (as amended), January 27, 1987)

22. The appointment of any and all officials taking part in any bout or contest involving the regulated sports shall be subject to the approval and under the control of the Commission.
23. Any participant who enters into a bout or contest involving the regulated sports with a participant who has been suspended, or any participant who takes part in a bout or contest involving the regulated sports which is controlled or undertaken by any promoter who has been suspended by the Commission shall be deemed to be suspended by the Commission.

24. The Commission shall also have supervision and control of all wrestling contests held in the City of Edmonton and all the provisions of this Bylaw (except Section 20 hereof), shall mutatis mutandis apply to all wrestling contests held or proposed to be held in the City of Edmonton.

(S.11, Bylaw No. 12472 (as amended), August 28, 2001)

25. The Commission is hereby authorized to regulate, govern and control all places or premises now established or used or which may hereafter be established or used as training quarters for persons in training for the regulated sports, and all the provisions of this Bylaw which by their nature are applicable shall apply mutatis mutandis to such training quarters, and the said Commission is hereby further authorized to issue such reasonable regulations (not being contrary to any Dominion or Provincial laws or regulations nor the provisions of this or any other bylaw of the City), as may be requisite and necessary for such purposes, including the power to provide in such regulation that no premises or place within the City of Edmonton shall be used as training quarters for persons in training for the regulated sports without first obtaining from the Commission a written permit so to do.
26. Bylaw No. 756, 1934, and all amendments thereto are hereby repealed.
27. This Bylaw shall come into force and effect on the day of the passing thereof.

(NOTE:

Consolidation made under Section 69 of the Municipal Government Act, S.A., 1994, c. M-26.1 and Bylaw No. 12005, and printed under the City Manager's authority)

Changes to Bylaw 5821, passed by Council September 24, 1979, per:

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Bylaw 7014 - September 14, 1982
Bylaw 7520 - June 19, 1984
Bylaw 7744 - February 12, 1985
Bylaw 8447 (as amended) - January 27, 1987
Bylaw 12178, November 15, 1999
Bylaw 12472 (as amended), August 28, 2001

**The City of Edmonton
Boxing and Wrestling Commission**

Rules

(Consolidating all amendments to July 8, 2004)

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5. Medical rules pertaining to any regulated sport
6. Discipline
7. Amateur Boxing
8. Amateur Wrestling
9. Professional Wrestling
10. Regulated sports other than Boxing and Wrestling
11. Professional Boxing
 - (a) Boxing licenses and passports
 - (b) Drugs
 - (c) Relations between boxers and managers
 - (d) Boxing shows, permits and fight contracts
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 - (f) Ring General, boxing ring and bell
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Schedule "A": Hearing Rules

Schedule "B": CPBF Safety Code

Part 1: Interpretation

1.1 In these Rules:

- (a) “Commission” means The City of Edmonton Boxing and Wrestling Commission;
- (b) “contest” means a bout, match or contest in one of the regulated sports, and includes a exhibition bout or other contest where no victor is declared;
- (c) “promoter” means a person who organizes, produces or stages a show;
- (d) “regulated sports” means the sports of boxing, wrestling, full-contact karate, kickboxing, and all other sports that hold contests between opponents involving striking with hands, feet, knees or elbows;
- (e) “show” means an exhibition or show that includes one or more contests.

Part 2: The meetings and officers of the Commission

- 2.1 A majority of the members of the Commission constitutes a quorum for the transaction of the business of the Commission.
- 2.2 A majority vote by a quorum of the Commission shall be deemed to be a binding decision of the Commission.
- 2.3 All meetings of the Commission shall be presided over by the Chairman, or in his absence by the Vice-Chairman, or, if both the Chairman and the Vice-Chairman are absent, the members shall elect a Chairman for the meeting.
- 2.4 The Chairman and Vice-Chairman shall be elected at the first meeting of the Commission that follows the annual appointment of the members of the Commission by City Council.
- 2.5 The Executive Director shall be appointed for the year at the first meeting of the Commission that follows the annual appointment of the members of the Commission by City Council.
- 2.6 The Executive Director shall record the minutes of all meetings, handle all financial matters in accordance with Commission policy, implement the Commission's decisions, enforce these Rules and conduct the Commission's business on a day to day basis.
- 2.7 If the Executive Director is temporarily unable to perform any of his duties, the Chairman may act in his place or another person designated by the Commission may act in his place.
- 2.8 The Chairman may at any time, and the Executive Director shall, upon the request of any Commissioner, summon a meeting of the Commission.
- 2.9 Meetings of the Commission may be held anywhere within the City of Edmonton, or, if a majority of the Commission agrees, in any other place.
- 2.10 Commissioners shall be given reasonable notice of the time and place of any meeting before the meeting is to be held, but the purpose of the meeting or the business to be transacted need not be specified.
- 2.11 A Commissioner may in any manner waive notice of a meeting, and an attendance of a Commissioner is a waiver of notice of that meeting, except when the Commissioner attends a meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting was not properly called.
- 2.12 Notice of an adjourned meeting is not required to be given if the time and place of the adjourned meeting is announced at the original meeting.
- 2.13 A Commissioner may participate in a meeting by means of telephone, or other communication facilities that permit all persons participating in the meeting to hear each other, and a Commissioner participating in such a meeting is deemed to be present at the meeting.
- 2.14 When directed to do so by the Chairman, the Executive Director may poll each Commissioner individually on an issue, and a majority vote taken in such a poll shall be a binding decision of the Commission, just as if the vote were taken at a meeting; however, the Executive Director shall not conduct or continue any such poll, and no vote so taken shall be considered a decision of the Commission, unless

the Executive Director is able to poll every Commissioner, and unless, upon being polled, each Commissioner expressly confirms his agreement that the issue may be determined without a meeting.

- 2.15 The Commission may from time to time delegate any of its duties to one or more of its members.
- 2.16 Any provision in these Rules may be waived or amended by a majority vote by a quorum of the Commission.

Part 3: Permits for shows in regulated sports

- 3.1 No promoter shall organize, produce or stage a show in the City of Edmonton, whether the contestants are amateur or professional, unless he has first obtained from the Commission a permit to do so.
- 3.2 A promoter shall not announce, advertise, offer to sell tickets or sell tickets to a proposed show until he has been issued a promoter's license and a permit for the proposed show.
- 3.3 A promoter shall not announce a proposed match until the match has been approved by the Commission.
- 3.4 The Commission will not issue a permit for a proposed show when it has issued a permit for a competing show that is scheduled to be held within 7 days of the proposed show.
- 3.5 The Commission may charge for a permit such fee as the Commission determines.
- 3.6 The Commission may issue a permit subject to conditions, and, without limiting the generality of the foregoing, Commission may require a show's promoter to deposit a sum of money or to provide other security to the Commission to secure the promoter's compliance with these Rules.
- 3.6 Where a promoter is a body corporate, the Commission may require its principals to personally guarantee that the promoter will comply with its obligations.
- 3.7 No show held in the City of Edmonton may be televised or broadcast without the consent of the Commission.
- 3.8 A promoter shall pay to the Commission, seven days before a show is televised or broadcast, a broadcasting fee in an amount determined by the Commission, which fee will not exceed five percent of the selling price of television, radio and closed circuit television rights.
- 3.9 A show's promoter shall deliver to the Commission for the Commission's use such tickets to the show as the Commission requires.
- 3.10 A show's promoter shall ensure that all members of the Commission have free access to the show.
- 3.11 If, after advertising a contest, a promoter proposes to use a substitute contestant, the promoter must use all means deemed necessary by the Commission to inform the public of the substitution.
- 3.12 Where a promoter proposes to use a substitute contestant, the Commission may require that he announce the substitution at the beginning of the show, and offer to refund to members of the audience the prices of their tickets.
- 3.13 At the beginning of a show, the show's promoter shall announce that the show has been sanctioned by the Commission, and shall announce names of the members of the Commission present at the show.
- 3.14 The appointment of all officials taking part in a show shall be subject to the approval of the Commission.
- 3.15 All seating immediately adjacent to the ring, the mat, or other place where a contest takes place shall be subject to the approval and under the control of the Commission.
- 3.16 A show's promoter shall take all reasonable measures to provide for crowd control, safety, medical emergencies and security, and, notwithstanding that a

- permit for a show has been issued, the Commission may refuse to allow a show to proceed if it appears to the Commission that the promoter's provisions for the same are inadequate.
- 3.17 The Commission may stop any contest if, in the opinion of the Commission:
- (a) either contestant is unfit to continue,
 - (b) the contestants are not properly matched,
 - (c) the promoter or a contestant misconducts himself,
 - (d) the audience is disorderly, or
 - (e) circumstances otherwise warrant a stoppage.
- 3.18 Any contestant who knowingly participates in a contest with a contestant who has been suspended by the Commission, or who knowingly participates in a contest promoted by a promoter who has been suspended by the Commission, may be suspended by the Commission.
- 3.19 Boxing shows commonly referred to as "So you think you're Tough" and "Tough Guy" shows are prohibited.
- 3.20 Contests where the two contestants are required to comply with different rules (such as contests where one contestant is required to box, and the other to wrestle) are prohibited.

Part 4: Licenses in regulated sports

- 4.1 Except as otherwise provided by these Rules, no person may act as a manager, promoter, contestant, referee, matchmaker, second, timekeeper or judge in any of the regulated sports in the City of Edmonton, unless he has first obtained from the Commission a license to do so.
- 4.2 The Commission may require payment of such license fee as the Commission determines.
- 4.3 The Commission may refuse to issue a license, and may suspend or revoke a license that it has issued, if it is not satisfied that the applicant is qualified to engage in the licensed activity and is of good character.
- 4.4 The Commission may issue a license subject to conditions.
- 4.5 The Commission may require a licensee to deposit a sum of money or to provide other security to the Commission to secure the licensee's good behavior and compliance with these Rules.
- 4.6 Where a licensee is a body corporate, the Commission may require its principals to personally guarantee that the licensee will comply with its obligations.

Part 5: Discipline

- 5.1 Every person required to be licensed by the Commission shall conduct himself in a fair, honest, ethical and sportsmanlike manner in relation to the regulated sports.
- 5.2 Managers, promoters and participants in the regulated sports shall satisfy their contractual obligations arising from fight contracts, management contracts and other contracts pertaining to the regulated sports, and the Commission may deem a breach of such a contract to be a breach of these Rules.
- 5.3 Upon learning of allegations that a person has breached these Rules or has otherwise misconducted himself in relation to the regulated sports, the Commission may hold a hearing into the allegations.
- 5.4 A hearing of the Commission will be conducted in accordance with the Hearing Rules set out in Schedule "A" to these Rules.
- 5.5 The Chairman of the Commission may suspend the license of a person against whom allegations made pending a hearing into those allegations.
- 5.6 If the person against who the allegations are made does not attend the hearing, the Commission, upon being satisfied that the person received notice of the hearing, may proceed with the hearing in his absence.
- 5.7 If, after holding a hearing, the Commission finds that a person has breached these Rules, breached a management contract, fight contract or other contract pertaining to the regulated sports, has acted in a manner that could bring the regulated sports into disrepute, or has otherwise misconducted himself in relation to the regulated sports, the Commission may do one or more of the following:
 - (a) reprimand the person
 - (b) suspend the person's license for a period of time not exceeding one year;
 - (c) revoke the person's license;
 - (d) fine the person in an amount not exceeding \$2000.
- 5.8 Subject to Bylaw No. 5821 of the City of Edmonton and any amendments thereto, any decision of the Commission is final and binding.

Part 6: Medical Rules applying to all Regulated Sports

- 6.1 Notwithstanding that a permit to hold a contest or show has been issued, no contest or show may be started unless the Commission's medical requirements have been satisfied.
- 6.2 The Commission may appoint one or more duly qualified medical practitioners for the Province of Alberta as its Medical Examiners.
- 6.3 The Commission may direct that a contestant licensed for a regulated sport appear before a Medical Examiner for an examination to determine whether the contestant is fit to participate in that sport.
- 6.4 A Medical Examiner may attend any contest.
- 6.5 A Medical Examiner may, before a contest, inspect all first aid kits and medical facilities intended to be used at the contest.
- 6.6 Except in professional boxing, a Medical Examiner may stop any contest to examine a contestant.
- 6.7 If a contestant is injured or knocked out during a contest, a Medical Examiner may examine him.
- 6.8 A Medical Examiner may examine a contestant after a contest and before the contestant leaves the venue where the contest was held.
- 6.9 A Medical Examiner may deliver to the Commission his opinions and recommendations regarding the ability of any contestant to participate in a regulated sport.

Part 7: Amateur Boxing

- 7.1 Unless otherwise directed by the Commission, all amateur boxing contests shall be governed by the rules and safety codes of the Canadian Amateur Boxing Association.
- 7.2 Within 2 hours before an amateur boxing contest, the contestants must be examined by a duly qualified medical practitioner for the Province of Alberta, and pronounced fit to box.
- 7.3 No amateur boxing contest shall proceed or continue unless a duly qualified medical practitioner for the Province of Alberta is present.
- 7.4 A contestant, referee, timekeeper, judge or other official authorized by the Alberta Amateur Boxing Association to participate in an amateur boxing contest supervised by the Alberta Amateur Boxing Association is deemed to have been issued a license to do so by the Commission.
- 7.5 A duly qualified medical practitioner for the Province of Alberta appointed by the Alberta Amateur Boxing Association to examine boxers or to supervise an amateur boxing contest shall be deemed to be a Medical Examiner appointed by the Commission for that purpose.

Part 8: Amateur Wrestling

- 8.1 Unless otherwise directed by the Commission, all amateur wrestling contests shall be governed by the rules and safety codes of the Canadian Amateur Wrestling Association.
- 8.2 A contestant, referee, timekeeper, judge or other official authorized by the Alberta Amateur Wrestling Association to participate in an amateur boxing contest supervised by the Alberta Amateur Wrestling Association is deemed to have been issued a license to do so by the Commission.
- 8.3 A duly qualified medical practitioner for the Province of Alberta appointed by the Alberta Amateur Wrestling Association to examine wrestlers or to supervise an amateur wrestling contest shall be deemed to be a Medical Examiner appointed by the Commission for that purpose.

Part 9: Professional Wrestling

- 9.1 No professional wrestler shall make contact with any spectator during a contest.
- 9.2 The promoter of a professional wrestling show shall ensure that wrestlers do not make contact with spectators during a contest.
- 9.3 The promoter of a professional wrestling show shall ensure that the show is conducted safely and decently.
- 9.4 When it appears to him that a wrestler is not in proper physical or mental condition to participate in a contest, the Commission's representative may prohibit a wrestler from taking part in a show.

Part 10: Regulated Sports other than Boxing and Wrestling

- 10.1 A promoter for any show that includes a proposed contest in a regulated sport other than boxing or wrestling shall, 45 days before the show, submit the rules for the proposed contest to the Commission for its approval.
- 10.2 To the extent that they do not conflict with the rules approved by the Commission specifically for the contest, the rules for professional boxing govern a contest in a regulated sport other than boxing or wrestling.

Part 11: Professional Boxing

- 11.1 If the Rules of any other Part conflict with the Rules of this Part, the Rules of this Part prevail with respect to professional boxing contests.
- 11.2 To the extent that they do not conflict with the Rules of this Part, the rules and safety code of the Canadian Boxing Federation as amended from time to time shall govern all professional boxing contests.
- (a) Boxing Licenses and Passports**
- 11.3 No professional boxing license will be issued by the Commission to a person who has not attained the age of 18 years.
- 11.4 Notwithstanding section 11.3, where it is satisfied that he has exceptional ability, the Commission may issue a professional boxing license to a person who has not yet attained the age of 18 years.
- 11.5 To apply for a license, a boxer must submit to the Commission:
- (a) a certificate from a doctor issued in the calendar year of the application and certifying that the boxer is fit to box;
 - (b) a certificate issued in the calendar year of the application indicating that the boxer has had an electrocardiogram (also known as ECG or EKG) and that the results are normal;
 - (c) a certificate issued in the calendar year of the application indicating that the boxer has been tested for HIV, Hepatitis B and Hepatitis C, and that the results are negative;
 - (d) results of an eye examination acceptable to the Commission;
 - (e) the results of any additional tests that the Commission's Medical Examiner requires.
- 11.6 If a boxer applies for a license after more than one year of retirement or other inactivity, the Commission will not issue him a license for a contest scheduled for more than 8 rounds, and (after he has boxed in his first contest after retirement or inactivity) the Commission may require that he box in a subsequent contest of 10 rounds or less before he boxes in a contest of more than 10 rounds.
- 11.7 If a boxer is resident in Edmonton, or if the Commission is otherwise satisfied that it is appropriate to do so, the Commission may, in addition to a license, issue to the boxer a Boxer ID Card impressed with the Commission's seal, and registered with the official record keeper and registry of boxing (Fight Fax Inc). The Boxer ID Card must be presented by the boxer to a commission in any jurisdiction where he/she participates in a match.
- 11.8 A boxer to whom the Commission has issued a Boxer ID Card shall be referred to as a "Resident Boxer".
- 11.9 A Boxer ID Card issued to a boxer remains in possession of the boxer, however, the Boxer ID Card is property of the Commission, and must be surrendered to the Commission upon request.
- 11.10 The boxer is responsible for maintaining possession of the card, and must notify the Commission should he/she lose it. There shall be a fee, set by the Commission, for replacement of a lost card.

- 11.11 No license will be issued to a Boxer until the boxer has been examined by a Medical Examiner, and has undergone such medical tests as the Medical Examiner requires.
- 11.12 No license will be issued to a boxer who is not a Resident Boxer unless the boxer presents to the Commission a Boxer Passport, identification card, traveling papers or other like document for the current year issued by the jurisdiction of his residence.
- 11.13 No Resident Boxer shall box in any jurisdiction where the contest is not supervised by a boxing commission which is
- (a) in the case of a contest held in Canada, a duly appointed municipal or provincial commission, or
 - (b) in the case of a contest not held in Canada, a commission which is duly appointed by the appropriate governmental authorities.
- 11.14 No boxer shall take part in more than one boxing contest within any 14 day period.
- (b) Drugs**
- 11.15 No boxer shall use amphetamines, cocaine, benzodiazepines, barbituates, cannabinoids, opiates or other drugs or medications in circumstances in which their use would contravene the laws of Canada or Alberta.
- 11.16 The Commission may direct that a boxer submit to a drug or alcohol test at a time and place specified by the Commission.
- 11.17 No boxer shall practice "blood boosting".

(c) Relations between boxers and managers

- 11.18 This Part applies to any management contract between a boxer and a manager where:
- (a) the boxer is a Resident Boxer, or
 - (b) the manager is, or is required to be, licensed by the Commission.
- 11.19 Every management contract between a boxer and a manager must be in writing.
- 11.20 A manager shall deposit with the Commission a copy of any management contract to which he is a party within 30 days of entering into the contract.
- 11.21 A manager must be licensed as a manager with the Commission throughout the term of any management contract to which he is a party.
- 11.22 The Commission may declare a management contract, or any provision in it, void, if the Commission is not satisfied
- (a) that the contract or provision is fair, and
 - (b) that the boxer entered into the contract with a full and accurate understanding of it.
- 11.23 A management contract must not be for a term that is longer than 4 years, and if a manager has an option to renew a management contract, then the boxer must have a similar option on terms that are no less favourable.
- 11.24 No manager shall be entitled, without the approval of the Commission, to receive more than one-third of a boxer's ring earnings.
- 11.25 A management contract may not be assigned without the consent of the Commission.
- 11.26 The parties to a management contract shall satisfy their obligations under it, and the Commission may discipline a party for breaching his obligations under a management contract.
- 11.27 If a boxer participates in a show without his manager's consent, the Commission, upon the request of the manager, may deliver to the manager up to one-third of any purse that might otherwise be payable to the boxer.

(d) Boxing Shows, Permits and Fight Contracts

- 11.28 A promoter shall apply for a permit for a boxing show no later than 30 days before the proposed show.
- 11.29 A promoter's application for a show permit must be accompanied by \$100 in cash or certified cheque.
- 11.30 No permit will be issued for a boxing show which is a Dinner Show unless there are at least 22 rounds scheduled, and no permit will be issued for a boxing show which is not a Dinner Show unless there are at least 32 rounds scheduled.
- 11.31 A promoter shall enter into a written contract (in these Rules called a "fight contract") with any intended contestant in a show promoted by him.
- 11.32 Fight contracts shall be in a form approved by the Commission.
- 11.33 All proposed contests must be approved by the Commission, and the Commission may withhold its approval for any reason, including the fact that the Commission believes that the proposed contest could be a mismatch or could bring the sport of boxing into disrepute.
- 11.34 The Commission's Executive Director shall, in the first instance, approve or disapprove of a proposed contest on behalf of the Commission, and in arriving at

- his decision the Executive Director may, in his discretion, consult with one or more Commissioners or with any other person.
- 11.35 Where the Executive Director has disapproved of a proposed contest, the promoter may appeal the disapproval to a hearing of the Commissioners, but if the disapproval is upheld, the Commissioners may require the promoter to pay the costs of the hearing.
- 11.36 A show's promoter shall deliver signed copies of all fight contracts to the Commission at least 10 days before the show.
- 11.37 Notwithstanding Rule 11.36, a show's promoter shall deliver the fight contracts for a championship boxing contest to the Commission at least 21 days before the proposed contest.
- 11.38 A promoter is required to show proof, 7 days in advance, that both police, in numbers of force acceptable to the Commission, and an ambulance have been contracted to be in attendance, for the entire event.
- 11.39 If a boxer scheduled to participate in a show becomes unable to take part in the show because of illness or injury, he shall immediately report that fact to the Commission, and shall submit to a medical examination by a Medical Examiner, the cost of which shall be paid by the boxer.
- 11.40 If a boxer who has signed a fight contract to participate in a show takes part in another contest before the show, thereby lessening his value for the show, the Commission may declare that his fight contract is unenforceable against the promoter.
- 11.41 A show's promoter shall, at least 7 days before the show and, in the case of show that includes a championship match, at least 10 days before the show, deposit all purse money with the Commission, and boxers shall receive their purses from the Commission at the time and place determined by the Commission.
- 11.42 A show's promoter shall deliver to the Commission at least 7 days before the show, and in the case of a show that includes a championship match, at least 10 days before the show, the Commission's fees for referees, judges, time keepers, knockout timekeepers, dressing room supervisors and other officials.
- 11.43 The Commission will appoint the referees, judges, timekeepers, knockdown timekeepers, Medical Examiners, dressing room supervisors, and other officials for a show.

(e) Boxing Weigh-in

- 11.44 The weight classes in professional boxing are as follow:
- (a) Flyweight, not more than 112 pounds (50.80 kg.);
 - (b) Bantamweight, not more than 118 pounds (53.35 kg.);
 - (c) Featherweight, not more than 126 pounds (57.15 kg.);
 - (d) Lightweight, not more than 135 pounds (62.24 kg.)
 - (e) Super Lightweight, not more than 140 pounds (63.50 kg.);
 - (f) Welterweight, not more than 147 pounds (66.68 kg.);
 - (g) Super Welterweight, not more than 154 pounds (69.85 kg.);
 - (h) Middleweight, not more than 160 pounds (72.57 kg.);
 - (i) Super Middleweight, not more than 168 pounds (76.21 kg.);
 - (j) Light Heavyweight, not more than 175 pounds (79.38 kg.);

- (k) Cruiserweight, not more than 190 pounds (86.18 kg.);
 - (l) Heavyweight, over 190 pounds (86.18 kg.).
- 11.45 No professional boxing contest is permitted without the consent of the Commission where the contestants' weights differ by more than the following amounts:
- (a) Where the lighter contestant weighs less than 118 pounds, not more than 3 pounds weight difference;
 - (b) Where the lighter contestant weighs 118 pounds or more, but less than 126 pounds, not more than 5 pounds weight difference;
 - (c) Where the lighter contestant weighs 126 pounds or more, but less than 135 pounds, not more than 7 pounds weight difference;
 - (d) Where the lighter contestant weighs 135 pounds or more, but less than 147 pounds, not more than 9 pounds weight difference;
 - (e) Where the lighter contestant weighs 147 or more, but less than 160 pounds, not more than 11 pounds weight difference;
 - (f) Where the lighter contestant weighs 160 or more, but less than 175 pounds, not more than 12 pounds weight difference;
 - (g) Where the lighter contestant weighs 175 or more, but less than 190 pounds, not more than 14 pounds weight difference;
 - (h) Where the lighter contestant weighs more than 190 pounds, no limit.
- 11.46 Each boxer scheduled to participate in a show shall be present in Edmonton not less than 24 hours before the show.
- 11.47 Each boxer scheduled to participate in a show shall present himself for the weigh-in and reading of the rules, at the time and place specified by the Commission.
- 11.48 A show's promoter shall provide a venue acceptable to the Commission for the weigh-in and reading of the rules, including a room serviced with water and containing a bed or cot for use by the Medical Examiner.
- 11.49 The weigh-in must be held not more than 30 hours nor less than 8 hours before the show is scheduled to begin.
- 11.50 If, after a weigh-in, the show is postponed for more than 24 hours, the Commission may require that the boxers be re-weighed.
- 11.51 The scales used at the weigh-in must be approved by the Commission.
- 11.52 The promoter must ensure that the scales are available for use by contestants for at least 2 hours before the weigh-in is scheduled to begin.
- 11.53 If a boxer is late for a weigh-in or fails to appear at the weigh-in, the Commission may impose a fine on the boxer.
- 11.54 The Commission may direct that a contest proceed notwithstanding that one or both of the boxers fails to meet the weight set out in his fight contract, unless the Commission is satisfied that the difference in weight between the two contestants is too great.
- 11.55 Commission may impose a fine on a boxer for failing to make weight, which may be levied against the boxer's purse money and may be paid by the Commission to his opponent.

- 11.56 Each boxer scheduled to participate in a boxing contest shall present himself for examination by a Medical Examiner at the weigh-in, or at such other time and place as the Commission may specify.
- 11.57 Each boxer scheduled to participate in a boxing contest shall present himself at the weigh-in or at such other time and place as the Commission may specify, to swear a statutory declaration, confirming that:
- (a) the boxer has not been knocked out in the previous 30 days;
 - (b) the boxer has not been involved in an automobile accident in the previous 30 days;
 - (c) the boxer is not taking, and has not within the previous 30 days taken, any medication for any injury, ailment or disease;
 - (d) the boxer has not participated in a contest within the previous 14 days; and
 - (e) the boxer is not under a suspension imposed by any boxing commission or other like authority in any jurisdiction.
- 11.58 If a boxer under contract to take part in a professional contest
- (a) fails to pass his medical examination,
 - (b) fails to appear for his contest, or
 - (c) appears for his contest, but in the opinion of the medical examiner, is not in proper physical or mental condition to compete,
- the Commission may fine him or suspend his license, and may with-hold any purse money that might otherwise be due to him.
- 11.59 If a boxer scheduled to take part in a professional contest is unable to take part because his opponent has failed to pass his medical examination, failed to appear, or is not in proper condition to compete, and if the promoter has not obtained a substitute opponent whom the Commission approves, the Commission may award to that boxer all or part of his opponent's purse.

(f) Ring General, Boxing Ring and Bell

- 11.60 The Commission may appoint a Ring General to review the facilities and preparations for a show.
- 11.61 All facilities and preparations must be acceptable to the Ring General.
- 11.62 The promoter shall provide a ring that is at least 18 feet square, but not more than 20 feet square.
- 11.63 The ring must be not more than 4 feet above the surrounding floor, and must have steps leading up to it.
- 11.64 The floor of the ring must extend at least 18 inches beyond the ropes, and must be padded with one inch of ensolite or equivalent padding, placed over one inch of building board or other suitable material, and must be covered in canvas, duct, vinyl or other suitable material, tightly stretched and laced to the floor.
- 11.65 At each corner of the ring must be a wood or metal post, not more than 6 inches in diameter, extending to a height of 58 inches, and at least 18 inches from the ropes.
- 11.66 The ring must have 4 ropes, tightly secured to the posts, at heights of 18, 30, 42 and 54 inches above the floor of the ring.
- 11.67 The ropes must be at least one inch in diameter, and must be covered with soft material.

- 11.68 Between adjacent posts there must be two ties, equally spaced, to keep the ropes equidistant from one another.
- 11.69 A promoter shall provide and install a protective barrier acceptable to the Commission providing a separation between the spectators and the edge of the ring of at least 7 feet.
- 11.70 If during a contest blood falls onto the surface of the ring, the ring must be disinfected before being used in another contest.
- 11.71 The Commission will supply the bell used to signal the start and end of the rounds.

(g) Commission facilities and Medical requirements

- 11.72 A show's promoter shall provide, for use during the show, a room for the Commission and its officials, and a room containing a bed or cot and serviced with water for the Medical Examiner.
- 11.73 A show's promoter shall ensure that
- (a) A stretcher and a portable resuscitator with oxygen are located beside or under the ring during the show;
 - (b) An ambulance is stationed adjacent to the venue where the show is held and that there is a direct and unobstructed route from the ring to the ambulance; and
 - (c) There are medical facilities, adequate to deal with any injuries that are reasonably foreseeable consequences of the show, sufficiently close to the venue where the show is being held.

(h) Dressing Room, apparel, taping and gloves

- 11.74 The Commission may appoint one or more Commission Inspectors to examine boxers' equipment and apparel before they enter the ring.
- 11.75 The promoter shall ensure that only the boxers scheduled to participate in the show, their seconds, and Commission officials enter the dressing rooms during a show.
- 11.76 Boxers' equipment and apparel must be satisfactory to the Commission Inspector.
- 11.77 Boxers shall wear neat and clean trunks, other than tights, extending from a point above the navel to a point above the knees.
- 11.78 Boxers shall wear shoes of a soft material, without hard soles, heels, cleats or spikes.
- 11.79 A boxer shall wear a foul proof abdominal guard and cup.
- 11.80 A boxer shall use a mouthpiece of a kind approved by the Commission.
- 11.81 A woman boxer shall use a breast protector or athletic sports bra acceptable to the Commission.
- 11.82 Boxers shall not wear or apply the following items at a medical examination or weigh-in, or during a contest:
- (a) Contact lenses;
 - (b) Spectacles;
 - (c) Dentures;
 - (d) Removable false teeth;
 - (e) Rings, ear rings, watches, jewelry, bracelets or necklaces;
 - (f) Head bands or hair nets;
 - (g) Any plastic or metallic items attached to the clothing of the boxer;
 - (h) Any gauze, bandage, dressing, cast, or suture material on the face, head, neck, back, chest or arm areas.
- 11.83 The Commission may direct that a boxer cut or tie his hair if it could impede his vision or if it could injure or distract his opponent.
- 11.84 The Commission may direct that a boxer cut or trim his mustache or beard if, in the opinion of the Commission, it gives him an unfair advantage or is a danger to his opponent.
- 11.85 The Commission will supply all gauze and tape for hand wrapping.
- 11.86 In weight classes up to and including 154 pounds, a boxer may use for each hand not more than 20 yards of soft gauze 2 inches in width, and not more than 9 feet of surgeon's tape 1 inch in width.
- 11.87 In weight classes above 154 pounds, a boxer may use for each hand not more than 20 yards of soft gauze 2 inches in width, and not more than 11 feet of surgeon's tape 1 inch in width.
- 11.88 All gauze and tape shall be applied in the dressing room in the presence of a Commission Inspector.
- 11.89 A boxer's representative may observe the taping of his opponent's hands.
- 11.90 Before gauze is applied, not more than 6 inches of surgeon's tape may be applied across the back of each hand of a boxer, but no tape may be applied to his knuckles.

- 11.91 No surgeon's tape may be applied within 1 inch of the knuckles of the boxer's hand.
- 11.92 The Commission Inspector will examine and sign the tape on each hand, indicating his approval of the taping.
- 11.93 Tape on hands shall not be altered after the Commission Inspector has signed his approval.
- 11.94 Only thumbless or attached-thumb gloves of a kind approved by the Commission may be used.
- 11.95 Gloves used in a contest must be disinfected before being used again in another contest.
- 11.96 In main events and in Championship matches, the gloves must be new.
- 11.97 On the day before a show, the promoter shall deliver to the Commission four pairs of gloves for each Championship match or main event, two pairs to be used in the contest, and two spare pairs to be kept by the Commission at ringside.
- 11.98 Boxers in weight classes above 154 pounds shall use gloves weighing not less than 10 ounces.
- 11.99 Boxers in weight classes of 154 pounds and less shall use gloves weighing not less than 8 ounces.
- 11.100 Gloves must be put on and removed in the presence of a Commission Inspector or other Commission official.
- 11.101 Laces must be knotted on the back of the wrist of a glove, and a strip of surgeon's tape or duct tape placed over them.
- 11.102 No-one shall deliberately damage or mutilate gloves.
- (i) Length of Boxing contests**
- 11.103 Non-title and exhibition professional boxing contests shall be scheduled for 4, 6, 8, or 10 rounds.
- 11.104 All Canadian title contests shall be scheduled for 12 rounds.
- 11.105 No professional boxing contest shall exceed 12 rounds.
- 11.106 In the case of boxing contests between men, each round shall be 3 minutes long.
- 11.107 In the case of boxing contests between women, each round shall be 2 minutes long.
- 11.108 There shall be an interval of one minute between rounds.
- 11.109 The Timekeeper will indicate the beginning and end of each round by ringing the bell.
- 11.110 Ten seconds before the end of an interval between rounds, the Timekeeper will blow his whistle.
- 11.111 Ten seconds before the end of a round, the Timekeeper will make an audible signal.
- 11.112 If a boxing contest cannot be continued because of rain or some other event beyond the control of the contestants, the referee may stop the contest and:
- (a) if fewer than one-half the scheduled rounds have been completed, the referee shall declare the contest a draw, and
 - (b) if one-half or more of the scheduled rounds have been completed, a decision shall be rendered based on the scorecards at the time of stoppage.

(j) Pre-contest Formalities and Scheduling of Contests

- 11.113 At the beginning of a show, the show's promoter shall cause an announcement to be made to the spectators:
- (a) stating that the show has been sanctioned to the Commission;
 - (b) naming the members of the Commission present at the show;
 - (c) naming the Medical Examiners, timekeeper, knock-down time keeper, and other Commission officials; and
 - (d) announcing such other information as the Commission may require.
- 11.114 The order and scheduling of contests is subject to approval by the Commission, and the Commission may require that the proposed order of contests be altered during the course of a show, to ensure that certain events begin at scheduled times. The promoter shall ensure that:
- (a) the program begins on time
 - (b) the intermissions shall be no longer than:
 - i) one 25 minute intermission; or
 - ii) two 15 minute intermissions
- A promoter may be fined up to \$1000.00 for any deviations or delays in the schedule of the program, including, but not limited to late starts, and long intermissions due to intermission activities such as auctions, etc.
- 11.115 A boxer shall be on the premises where the show is held at least one hour before the show is scheduled to begin, and shall ready to enter the ring at least 15 minutes before his contest is scheduled to begin.
- 11.116 Before a contest, the Ring Announcer shall announce the names of the contestants, the Referee, and the judges, and such other information as required by the Commission.
- 11.117 Before a contest, the Referee shall call the boxers and seconds to the center of the ring, give instructions, and inspect the gloves.
- 11.118 The Referee shall not begin a contest unless at least one Medical Examiner is present at ringside.

(k) Referee's Control of a Contest

- 11.119 The Referee is the Chief Official in every contest and is authorized and required to do all things necessary to control the contest while it is in progress.
- 11.120 Only the Referee may stop a contest.
- 11.121 If a boxer loses his mouth protector during the course of a round, the referee shall call a time-out as soon as practicable, retrieve the mouthpiece, have it washed, and have it replaced.
- 11.122 If a contestant appears injured or unfit to continue, the Referee may call time out and examine the boxer, and may ask a Medical Examiner to examine the boxer.
- 11.123 If a contestant appears injured or unfit to continue, a Medical Examiner may ask the Referee to call a time out, and may examine the boxer.
- 11.124 If the Referee believes that a boxer is unfit to continue, or that a continuation of the contest might subject him to serious injury, the Referee may stop the contest.
- 11.125 The Referee may stop a contest if he considers that a contest to be one-sided.
- 11.126 The Referee may stop a contest and disqualify one or both boxers if he considers one or both of them not to be in earnest.

(l) Fouls

11.127 A fair blow in boxing is one delivered with the padded knuckle part of the glove to the front or side of an opponent's head or the front or side of an opponent's body.

11.128 The following acts constitute fouls:

- (a) Hitting below the belt;
- (b) Hitting an opponent who is down or is getting up after being down;
- (c) Holding an opponent with one hand and hitting with the other;
- (d) Holding or deliberately maintaining a clinch;
- (e) Wrestling or kicking;
- (f) Butting with the head or shoulder, or using the knee;
- (g) Hitting with the open glove, the butt of the hand, the wrist or the elbow, and all backhand blows;
- (h) Purposely going down without being hit;
- (i) Striking deliberately at that part of the body over the kidneys;
- (j) Deliberately using a punch to the back of the head or the neck, commonly known as a "rabbit punch";
- (k) Jabbing the opponent's eye with the thumb of the glove;
- (l) Using abusive or offensive language in the ring;
- (m) Engaging in any unsportsmanlike trick or action;
- (n) Hitting on the break;
- (o) Hitting after the bell has sounded the end of the round;
- (p) Hitting an opponent whose head is between and outside the ropes;
- (q) Pushing an opponent around the ring or into the ropes;
- (r) Deliberately spitting out the mouthpiece.

11.129 If a boxer commits a foul, the Referee may:

- (a) warn the boxer,
- (b) instruct the judges to deduct one or more points from the boxer's score for that round, or
- (c) disqualify the boxer.

(m) Low blows

11.130 Boxers shall wear sufficient protection to protect against low blows, and a boxer will not be declared the winner of a contest merely because his opponent has hit him with a low blow.

11.131 If a boxer has been hit with a low blow, the Referee may grant the boxer up to 5 minutes to recuperate from the low blow.

11.132 If a boxer falls to the floor or otherwise indicates an unwillingness to continue because of a low blow, the Referee may declare a Technical Knockout in favor of his opponent.

11.133 Notwithstanding sections 11.130 and 11.132, the Referee may disqualify a boxer for repeatedly or deliberately hitting his opponent with low blows, and may declare his opponent winner by disqualification.

(n) Cuts and other injuries caused by fouls

11.134 When the Referee determines that a boxer has been injured by his opponent's foul, he shall declare whether the foul was deliberate or accidental.

- 11.135 If the Referee declares that the foul was accidental, and, if either at the time of the foul or later, the Referee determines that the boxer is unable to continue because of the resulting injury and stops the contest, then
- (a) if the stoppage occurs before or at the end of the 4th round in an 8, 10 or 12 round match; or before or at the end of the 2nd round in a 4 round match; or before or at the end of the 3rd round in a 6 round match; the contest will be declared a No Decision; and
 - (b) if the stoppage occurs after the end of the 4th round in an 8, 10 or 12 round match; or after the end of the 2nd round in a 4 round match; or after the end of the 3rd round in a 6 round match; the winner of the contest will be the boxer who, at the time of the stoppage, is ahead on the judge's scorecards.
 - (c) For the purposes of this rule, the 2nd, 3rd and 4th rounds, as described in Rule 11.135 sub-sections (a) and (b), are deemed to have ended at the sound of the bell at the beginning of the next round.
 - (d) For the purposes of this rule, partial rounds will be scored by the judges.
- 11.136 If the Referee declares that the foul was deliberate, and, if either at the time of the foul or later, the Referee determines that the boxer is unable to continue because of the resulting injury and stops the contest, then
- (a) if the injured boxer is behind or even on points at the time the contest is stopped, the contest shall be declared to be a Technical Draw, and
 - (b) if the injured boxer is ahead on points at the time the contest is stopped, he shall be declared to be the winner of the contest.

(o) Judges and scoring

- 11.137 All contests will be scored by three judges; the Referee will not score.
- 11.138 The judges will be seated adjacent to the ring apron.
- 11.139 Unless the Commission otherwise directs, the judges will score each round on the "ten point must system", in which:
- (a) The winner of a round receives 10 points, and the loser 7, 8 or 9 points, as his performance merits;
 - (b) When a round is even, both boxers receive 10 points.
- 11.140 The decision of the judges will be based primarily on a boxer's effectiveness, taking into account the following:
- (a) A clean, forceful blow, landed upon any vulnerable part of the body above the belt, should be credited in proportion to its damaging effect;
 - (b) Credit should be given to a boxer who launches the greater number of attacks in a round;
 - (c) Credit should be given for cleverly avoiding or blocking a blow;
 - (d) Credit should be given for conspicuous ring generalship, such as the ability to grasp and take advantage of situations that arise, neutralizing the opponent's method of attack, and forcing an opponent to adopt a style of boxing at which he is not skilful;
 - (e) Credit should be given for sportsmanlike actions in the ring, for close adherence to the spirit as well as the letter of the rules, and from refraining from taking advantage of situations unfair to the opponent.

- 11.141 Each judge will use a separate scorecard for each round, which will be collected by the Commission at the end of each round, and the Commission will keep a master score sheet with a running tally of the scores.
- 11.142 At the conclusion of the contest, if one of the boxers has been given more points than his opponent by two of the judges, he shall be declared the winner; otherwise the contest shall be declared a draw.

(p) Knockdowns, Knockouts and Technical Knockouts

- 11.143 A boxer shall be deemed to be down when:
- (a) he touches the floor of the ring with any part of his body other than his feet, or
 - (b) he is supported by the ropes without the ability to protect himself.
- 11.144 When a boxer has been knocked down, the knockdown timekeeper will begin to count aloud the passing seconds.
- 11.145 When a boxer has been knocked down, the Referee will instruct his opponent to go to the farthest neutral corner of the ring, by pointing to it.
- 11.146 After instructing the opponent to go to the neutral corner, the Referee will begin to count, assuming the count from the knock-down time-keeper, and the knockdown timekeeper will stop counting, but will continue indicating the correct one-second interval to the Referee.
- 11.147 The Referee will audibly count the passing of the seconds, accompanying the count with motions of his arm, indicating the end of each second.
- 11.148 If a boxer who has knocked his opponent down refuses to go to the indicated neutral corner, or leaves it during the count, the Referee shall stop counting until the boxer goes to the neutral corner, and then the Referee shall resume counting from the number at which he stopped counting.
- 11.149 No boxer who has been knocked down may resume boxing until the Referee has finished counting to 8.
- 11.150 If a boxer is still down when the Referee calls the count of 10, the Referee shall wave his arms declaring that the boxer has been knocked out, and the Timekeeper will advise the Ring Announcer of the round and time of the knockout.
- 11.151 A boxer cannot be saved by the bell in any round. The bell will not sound signifying the end of a round, until the count for a downed boxer has been completed.
- 11.152 If a boxer who is down arises before the count of 10 is reached, but then falls down again without being struck, the Referee shall resume the count where he left off.
- 11.153 If both boxers go down at the same time, the Referee will continue the count so long as one is still down, and if both are down when the count of 10 is reached, the Referee shall stop the contest and the decision will be given according to the scores at the time of the knockdown.
- 11.154 When a boxer has been knocked out, no-one shall touch him except to remove his mouthpiece until a Medical Examiner has attended to him and has authorized him to be moved.
- 11.155 Three knockdowns within the same round, as determined by the Referee, will be deemed to be a Knockout.

- 11.156 A contestant who has fallen or been knocked out of the ring and off the ring apron as a result of legal blows must return to the ring unassisted before a count of 20 has been reached, failing which he shall be counted out as though he had been knocked out.
- 11.157 If a boxer fails to resume boxing when the bell sounds signaling the beginning of a round, the Referee shall award a decision of Technical Knockout to his opponent as of the end of the previous round.
- 11.158 After a contest has ended, no person other than the boxers, their seconds, Commission officials and persons authorized by the Commission may enter the ring, and when the decision has been announced, the boxers and their seconds shall immediately leave the ring and retire to their dressing rooms.

(q) Seconds

- 11.159 Each boxer is allowed no more than 3 seconds.
- 11.160 Notwithstanding section 11.144, in a Canadian title contest, a boxer is allowed 4 seconds, but the fourth second is not allowed onto the ring apron or into the ring during the contest.
- 11.161 A boxer is responsible for the conduct of his seconds.
- 11.162 Fines imposed against a boxer's seconds may be levied against the boxer's purse.
- 11.163 A boxer may be disqualified for the misconduct of his seconds.
- 11.164 A second shall wear a clean white jersey, sweater or shirt, or other clothing acceptable to the Commission.
- 11.165 A boxer shall designate one of his seconds as his Chief Second.
- 11.166 A boxer's Chief Second is responsible for the conduct of the boxer's corner during the course of the contest.
- 11.167 Only the one second may enter the Ring between rounds.
- 11.168 Seconds shall not spray or throw excessive amounts of water on a boxer between rounds.
- 11.169 Between rounds a boxer's Chief Second may:
- (a) ask the Referee to visit the boxer's corner to discuss any point relevant to the contest;
 - (b) ask the Referee to have a Medical Examiner examine his boxer's injuries;
 - (c) ask the Referee to stop the contest.
- 11.170 Seconds may use and may have with them in the corner only the following articles:
- (a) Thrombine, Avetine and Thrombine soaked pads;
 - (b) Adrenalin 1/1000 solution, for topical haemostasis of cuts and nosebleeds only;
 - (c) Vaseline or petroleum jelly;
 - (d) Gauze pads;
 - (e) Surgeon's tape
 - (f) Clean towels;
 - (g) Clean water;
 - (h) Cotton swabs;
 - (i) Ice;
 - (j) Bandage scissors;
 - (k) Metal blocks to reduce swelling;

- (l) Electrolyte containing sport drinks acceptable to the Commission;
 - (l) Such other items as may be approved by the Commission.
- 11.171 Seconds shall not use the following items:
- (a) drugs or stimulants;
 - (b) smelling salts or ammonia;
 - (c) “iron base” coagulants such as “Monsel’s solution” or any of its derivatives.
- 11.172 A light application of grease or vaseline, acceptable to the Referee and the Commission's Corner Supervisor, may be applied to a boxer’s eyebrows, to the bridge of his nose, and behind his ears, but no other grease or vaseline may be applied to the boxer.
- 11.173 When the Timekeeper blows his whistle signifying that a round is about to begin, the seconds shall leave the ring area and remove any buckets, stools or other equipment, and wipe up any water in the corner.
- 11.174 During a round, Seconds shall remain seated, shall not distract from or interfere with the contest, and shall comply with the instructions of the Commission’s corner supervisor.
- 11.175 A second shall not throw sponges, towels or other objects into the ring, and the throwing of such objects will not cause a contest to be stopped.
- 11.176 Seconds shall not attempt to influence a referee, judge or other official.

(r) Suspensions and Rest Periods

- 11.177 The Commission, in consultation with the Ring Physician, will impose a suspension or a mandatory rest period on a boxer after a contest.
- 11.178 The Commission will impose the following rest periods of not less than the following duration:
- (a) 30 days rest, upon completing a contest of 10 rounds or more;
 - (b) 21 days rest, upon completing a contest of 6 to 9 rounds;
 - (c) 14 days rest, upon completing a contest of 1 to 5 rounds.
- 11.179 If a boxer has been knocked out or has incurred a Technical Knockout from blows to the head, the Commission will suspend his license to box for a period of not less than 60 days.
- 11.180 If a boxer has suffered two knockouts or Technical Knockouts from blows to the head within a six month period, the Commission will suspend his license to box for a period of not less than 180 days.
- 11.181 If a boxer has suffered three knockouts or Technical Knockouts from blows to the head within a one year period, the Commission will suspend his license to box for a period of not less than one year.
- 11.182 If a boxer has suffered a Technical Knockout due to cuts, the Commission will suspend his license to box for a period of not less than 30 days.
- 11.183 If a boxer has repeatedly suffered losses or severe beatings, the Commission may permanently suspend his license to box.
- 11.184 If a boxer sustains six defeats in succession, the Commission may suspend his license until being satisfied that he is able to perform satisfactorily and will be properly trained and matched.

- 11.185 The Commission may require a boxer to undergo a medical examination before permitting him to box.
- 11.186 A boxer shall not take part in a contest during a rest period or period of suspension ordered by the Commission, and shall not take part in contact training until one-half the period of the suspension or rest period has elapsed.

Schedule "A"

The City of Edmonton Boxing and Wrestling Commission

Hearing Rules

1. The Commission will take reasonable steps to give notice, within a reasonable time, to all persons whose interests it believes will be directly affected by the outcome of a hearing.
2. When practicable, notice of a hearing will contain:
 - A general description of the subject matter or complaint, and the purpose of the hearing,
 - Possible sanctions that could result from the hearing,
 - The time and place of the hearing,
 - Information about how to contact the Commission, and
 - A copy of these Hearing Rules.
3. A person may waive notice of a hearing.
4. Where a person has made a complaint against another person, before proceeding with a hearing the Commission may require the complainant to post, with the Commission, security for the Commission's costs.
5. The Commission may inquire into any issue or matter of general application within its jurisdiction by way of a general hearing.
6. The Commission or the Commission's Chairman may direct the Executive Director to carry out an informal inquiry or investigation or otherwise gather information relating

- to a matter, in order to determine whether to conduct a hearing, or for consideration at a hearing.
7. The Commission may retain persons with technical or special knowledge or expertise to assist it.
 8. The Commission may designate a Commissioner to preside at a pre-hearing conference and to make orders relating to the scheduling of the proceedings. Such orders may include, among others,
 - Orders fixing the commencement and estimated duration of the hearing,
 - Orders and dates for
 - Exchanges of documents, witness statements, experts' reports, and admissions,
 - Proof by affidavit or written statement,
 - Agreed statements of fact,
 - Directions regarding the order of adducing of evidence and cross-examination,
 - The identification of issues that should be heard by the Commission at the start of the hearing.
 9. An appeal may be made from an order at a pre-hearing conference to the Commission as a whole.
 10. The Commission will provide interested parties with any written reports or written submissions it has received.
 11. The quorum for a hearing is a majority of the Commissioners.
 12. The Commission, upon being satisfied that an interested person has received notice of a hearing, may proceed with the hearing in his absence.
 13. The Commission's Chairman is responsible for the general conduct of a hearing and the related decision-making process, subject to the requirement that all decisions be concurred in by a majority of the Commission members hearing the issue.
 14. The Commission may exercise the following powers to maintain order at a hearing:
 - The power to give orders and directions;
 - The power to exclude persons for failure to comply with the Commission's orders and directions;
 - The power to impose conditions on continued participation; and
 - The power to call for the assistance of a peace officer.
 15. Where a member of the Commission is incapacitated, or where he ceases to be a member of the Commission after a hearing has begun but before a decision has been issued, the hearing may be completed by the remaining members of the Commission, so long as at least two members remain.

16. The Commission will give any person whose interests could be directly affected by the outcome of a hearing the opportunity to adduce relevant evidence and arguments, and to hear and respond to evidence and arguments adduced against him.
17. A hearing will be open to the public, except where any of the following factors outweigh the desirability of holding the hearing in public:
 - Matters involving public security would be disclosed
 - There is a possibility of danger to life, liberty or security of a person
 - Intimate financial or personal matters would be disclosed
 - Any other matter sufficiently important to justify a hearing in private.
18. The decision to hold a hearing in private may be made on the Commission's own motion or on the motion of a participant.
19. The Commission may direct that witnesses be excluded from a hearing until they have given their evidence, but the Commission will not exclude anyone whose interests are directly affected by the outcome of the hearing, and the Commission may determine that an expert witness hear the testimony of another witness in order to obtain facts on which the expert's evidence will be based.
20. The Commission may direct its Executive Director or some other person to act as an advocate and lead evidence for or against a position.
21. The Commission is not bound by the legal rules of evidence, and evidence may be adduced before the Commission in any manner the Commission considers proper.
22. The Commission will not normally require evidence to be given under oath or affirmation.
23. The Commission will restrict evidence and submissions to matters that the Commission considers relevant.
24. The Commission may ask of any witness questions that the Commission considers reasonably necessary to disclose fully and fairly all matters relevant to the issue in the hearing.
25. The Commission may take notice of any facts, information or opinions within its knowledge.
26. A party may represent himself or be represented by counsel, and a witness may be advised by counsel.
27. The decision of a majority of the members of the Commission that heard a matter is a decision of the Commission.

28. Where the Commission is equally divided, a matter will be reheard.
29. The Commission will give notice to the participants of its decision.
30. A decision of the Commission will normally be in writing.
31. Where the Commission makes an oral decision, it will normally be followed by a decision in writing.
32. A decision takes effect on the date specified by the Commission, or if none is specified, when the decision is given.
33. The Commission will normally give reasons for a final decision, but will not normally give reasons for an interim decision.
34. Where a Commission member dissents from the decision of the majority, then, if the dissenting member so elects, the dissenting reasons must be included with the majority reasons.
35. The decision and reasons of the Commission will be made available to the public on request.
36. Where the Executive Director has acted as an advocate, he will not be involved in drafting or reviewing the draft of the decision.
37. Where the Executive Director has not acted as an advocate, he may assist in drafting or reviewing the draft of the Commission's decision, but the decision will be reviewed by the Commission members before being issued.
38. The Commission may, on its own motion or on the motion of a participant, within a reasonable time:
 - Correct a clerical or typographical error or error of calculation;
 - Rectify an accidental slip or omission; or
 - Clarify an ambiguity.
39. The Commission may require any party to pay costs and hearing expenses to the Commission or to any other party.
40. The Commission may, at its discretion, supplement, deviate from, or amend these Hearing Rules.

Len Koivisto

LEGAL ADVISOR ATTACHMENT

From: Ben Russell [b.russell@bishopmckenzie.com]
Sent: Friday, January 06, 2006 4:44 PM
To: Len Koivisto
Cc: epearson@canadianboxing.com; almack@shaw.ca
Subject: RE: Red Deer Boxing Commission

Hi Len,

I have some good news on the issue of liability. In about 2001, a lawyer from the City of Edmonton legal department and I talked to people with the Government of Alberta to help protect cities from liability with respect to boxing commissions. As a result, in 2002 and 2003 the Alberta government passed section 535.1 of the Municipal Government Act which gives substantial protection from liability.

The section reads as follows:

535.1(1) In this section, "commission" means a commission established by bylaw for controlling and regulating any of the following:

- (a) boxing;
- (b) wrestling;
- (c) full contact karate;
- (d) kickboxing;

(e) any other sport that holds contests where opponents strike each other with a hand, foot, knee, elbow or other part of the body.

(2) A commission and its members, officers, employees and any volunteers and officials performing duties under the direction of any of them are not liable for anything said or done or omitted to be done in good faith in the performance or intended performance of their functions, duties or powers under this Act or any other enactment.

(3) Subsection (2) is not a defence if the cause of action is defamation.

At the time of the 2003 amendments, I prepared a brief letter to the Alberta government, a portion of which I attach. You are free to forward it to anyone.

I quite often talk to lawyers from city legal departments about setting up boxing commissions. If someone from the City of Red Deer would like to call me, I would be happy to talk to them.

Let me know how it goes.

Ben Russell
Bishop & McKenzie LLP
(780) 421-2446

-----Original Message-----

From: Len Koivisto [mailto:lkoivisto@flint-energy.com]
Sent: January 6, 2006 3:43 PM
To: Ben Russell

1/9/2006

... The City of Edmonton Boxing & Wrestling Commission regulates boxing, wrestling and kickboxing and other combative sports. It ensures that the participants are not mismatched, that they are medically fit, that medical supervision and facilities are present at matches, that adequate security is present, that the matches are fair, and so on. The Commission sees its mandate as the protection of the participants and the public.

The Commissioners (who do a large part of the actual work) are unpaid. The Commission also uses officials (e.g., referees, judges, timekeepers) who receive nominal payment.

In August, 2001, the Commission's mandate was expanded to include "combative sports" other than boxing, wrestling, and kickboxing. This was done because non-traditional sports, such as "mixed martial arts", are becoming more popular. Such sports involve risks similar to the traditional sports, so the City of Edmonton decided that they too should be regulated. These non-traditional sports are attracting many fans in Edmonton, and we expect them to become much more common throughout Alberta over the next few years.

A number of unregulated shows of both traditional and non-traditional sports have been held in smaller municipalities. The Edmonton Commission is encouraging and assisting such other municipalities to establish commissions, to ensure that the shows are properly regulated. I believe that not only is it unduly dangerous to the participants to have unregulated shows, it also socially undesirable (for example, unregulated shows can create security problems).

I believe commissions perform a valuable public service on a volunteer, or quasi-volunteer, basis....

ATTACHMENT - BEN RUSSELL

Trying again...faltering memory adversely affects email address

> -----Original Message-----

> From: Len Koivisto
> Sent: Friday, January 06, 2006 3:36 PM
> To: 'b.russell@mackenziebishop.com'
> Subject: Red Deer Boxing Commission

> Hi Ben,

> I hope this correspondence finds you well and you were able to relax and enjoy the holiday season.

> I don't know if you are aware, but Red Deer is entertaining the thought of developing a local commission. I've already talked to Ed and Al about it and Ed steered me in your direction as "the legal resource." My involvement is strictly as a facilitator to get the ball rolling.

> I've initiated contact with Red Deer City Hall and they've offered some direction for requesting a bylaw be passed to pursue this. It is worth noting that another group (Jason St Louis and friends) tried, unsuccessfully a few years back, to do the same thing.

> At the time, the way I understand it is, the city had reservation from a liability standpoint and therefore chose not to allow the development of a commission. I am unsure how well prepared this group was, other than being armed with passion and vision. In the meantime, there have been a number of shows put on without any type of commission representation. I feel this makes the city even more vulnerable to liability but I don't know if that is indeed the case.

> What I'm requesting from you is any insight, guidance or support you are willing to lend to increase the likelihood of our success. I have been advised to forward my request to the City Clerk who will then forward the info to Parks and Recreation for their input before it makes it's way back to Council. We have a few allies in various ranks who will be involved in the process, but I've been advised that the more info we supply upfront the better.

> Do you already have (or is it possible to have) a letter drafted that outlines liability for cities that host these types of events and what the value of having an established commission is? Ed sent me a copy of the Edmonton bylaw which would basically be mirrored by Red Deer if we are successful. I plan to submit a copy of that as well as the EBWC rules with my submission. I also feel an introductory letter outlining the legal implications may also be of value...can you let me know your thoughts when you have some time.

> Thanks Ben, I look forward to your reply

> Len Koivisto
> Enhanced Services Manager
> FLINT SAFETY SERVICES LTD.

> 4747 - 78A Street Close
> Red Deer, AB T4P 2G9
> Direct: (403) 342-8078
> Office: (403) 342-6280
> Fax: (403) 346-0550
> Cell: (403) 348-9598
> lkoivisto@flint-energy.com



Date: March 6, 2006

To: Kelly Kloss
Legislative & Administration Services Manager

From: Greg Scott
Recreation, Parks & Culture

Subject: Request for Comments - Request from Mr. Len Koivisto for The City to Pass a Bylaw for the Establishment of a Red Deer Boxing Commission

Background

In January of this year, Mr. Len Kovisito contacted The City of Red Deer with a request that The City establish a Red Deer or Central Alberta Boxing Commission. Administrative staff and Legal Council reviewed the request taking into consideration past Council discussions relating to this same item. In the past, Council has carefully reviewed these requests and recommended that correspondence be shared with the Provincial Government to request their proactive collaboration with all groups involved in combative sport across the Province with the aim of developing a Provincial level commission to oversee this activity.

Correspondence received from the Minister of Community Development in September 2003 expressed the Province's preference to delegate the authority for sanctioning combative sporting events to municipalities (Attachment #1). This preference is reflected in the Municipal Government Act however is at the discretion of the municipality. The letter references a future amendment to Section 83 of the Criminal Code of Canada addressing prize fights, to enhance the ability of municipalities to exercise sanctioning authority. Our understanding is that no amendment has been proposed. In any event, we believe that before such an amendment is considered a consultation process must take place with municipalities to identify any issues and determine if municipalities support a change.

Current Situation

Attached, for City Council's information and review, is a thorough report from Legal Council that reflects the Administrative discussion and outlines the details and implications relating to the formation of a City of Red Deer Boxing Commission (Attachment #2). In considering this request, it is important to differentiate the difference between amateur combative sports activities and professional events. Regarding amateur programs and events they are all monitored and regulated through a Provincial Sport Association where it is only the Professional fights that legally require the establishment of a Boxing Commission.

Request for Comments from Mr. Koivisto
March 6, 2006
Page 2

Legal Council is suggesting that despite the addition of Section 535.1 to the Municipal Government Act, which provides protection for liability for members of the Commission for claims arising out of decisions taken by them in good faith, the City of Red Deer may still open itself up to some potential liability for negligent acts if a Commission was established.

Recommendations

In consideration of this thorough review and the opinion provided by the City Solicitor, the Recreation, Parks and Culture Department recommends the following:

- Red Deer City Council not support the formation of a City Boxing Commission.

Sincerely

Greg Scott

c.c Colleen Jensen – Director of Community Services
Jerry Tennant – Recreation Programmer 2 - Athletics
City Solicitor

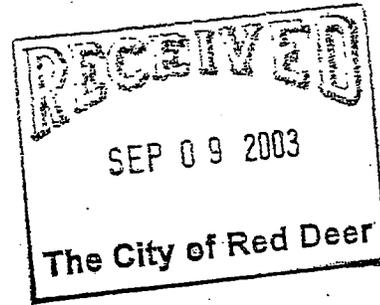


ALBERTA

Minister of Community Development
Deputy Government House Leader

MLA, Edmonton Mill Creek

COPIED TO: N. VAN WYK
K. KLOSS



September 5, 2003

AR73178

Her Worship Gail Surkan
Mayor of City of Red Deer
Box 5008
Red Deer, AB T4N 3T4

Dear Mayor Surkan:

Hello, Gail!

Thank you for your letter of July 31, 2003, regarding combative sports and, more specifically, the difficulties associated with how Section 83 of the Criminal Code impacts them.

Our provincial sport officials, in collaboration with their partners from across Canada, have been working on this subject for several years. I am sure you can appreciate that trying to differentiate blood sports and prize fighting from the current array of legitimate combative sports in a consistent and effective manner is a daunting task with a variety of jurisdictional, legal, and sport specific challenges. As an example, one objective that provincial and territorial governments have commonly sought is a more current definition of legitimate combative sports, which could then be used within whatever sanctioning and regulatory mechanism each jurisdiction utilizes. These collaborative efforts continue and our hope is that an effective amendment to Section 83 of the Criminal Code can be achieved in the near future.

The current practice of delegating the authority for sanctioning combative sporting events to municipalities, through the *Municipal Government Act*, is based on the general preference of municipalities to sanction and regulate activities in their communities with a minimum of regulatory interference from a central authority. That being said, it is our hope that a future amendment to Section 83 of the Criminal Code of Canada may enhance the ability of municipalities to exercise this authority for combative sporting events they may wish to sanction.

Please extend my appreciation for the time and attention that your city councillors have devoted to this issue and assure them that their feedback and suggestions are always welcome. With respect to Mr. St.-Louis's request to participate with Community Development in establishing a

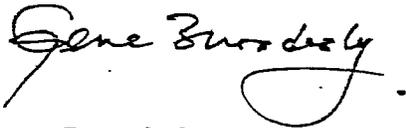
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Her Worship Gail Surkan
Page Two

province-wide athletic body or commission to govern combative sports, we are not considering such an initiative at this time, so I must decline his invitation. I would appreciate it if you would convey this information to him.

Thank you, again, for your letter.

Sincerely,

A handwritten signature in cursive script that reads "Gene Zwozdesky". The signature is written in black ink and is positioned above the typed name and title.

Gene Zwozdesky
Minister of Community Development
Deputy Government House Leader

cc: Honourable Victor Doerksen, MLA, Red Deer South
Mary Ann Jablonski, MLA, Red Deer North

CHAPMAN RIEBEEK

Barristers & Solicitors

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300, 4808 Ross Street
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T4N 1X5

TELEPHONE (403) 346-6603
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e-mail: info@chapmanriebeek.com

*Denotes Professional Corporation

**Denotes Student-at-Law

Your file:

Our file: Bylaws NPR

Writer's email: <<nriebeek@chapmanriebeek.com>>

March 6, 2006

City of Red Deer
P.O. Box 5008
Red Deer, AB
T4N 3T4

**Attention: Greg Scott
Recreation, Parks & Culture Manager**

Dear Sir:

**RE: Request for Comments – Request for the City of Red Deer
to Pass a Bylaw for the Establishment of a Red Deer Boxing Commission**

In January of this year Mr. Len Koivisto contacted the City to request that the City establish a Red Deer or Central Alberta Boxing Commission with the primary purpose of creating a regulatory body which might assist in the reduction of risk for the City in helping to prevent injury or mismanagement of athletes, as well as enhancing the integrity of contact sports in general.

It appears that Mr. Koivisto has been involved in both amateur boxing, through the Red Deer Amateur Boxing Club, as well as profession boxing as a promoter and official and has some reasonably significant qualifications with respect to these activities.

Issue:

The issue, however, is whether the City of Red Deer should establish a Boxing Commission with the attendant obligations both financial and otherwise.

Analysis of Issues:

In general terms, amateur contact sports, in particular amateur boxing, is governed by various associations such as the Canadian Amateur Boxing Association. There are very often also Provincial, as well as local associations or clubs such as the Red Deer

Amateur Boxing Club, all of which govern themselves by certain codes of conduct and standards of care and all of which are established essentially for the purpose of promoting amateur sports in this instance in the context of contact sports.

Accordingly, it appears that it is unnecessary for the City of Red Deer to establish a commission to deal with amateur athletics in these areas.

Existing Liability:

At the moment since the City of Red Deer does not supervise, regulate or have any other direct involvement with amateur or professional contact sports, the City of Red Deer has no liability with respect to any claim arising out of injuries occurring through contact sports. The only caveat to this would be if the City of Red Deer Emergency Services in responding to a call for assistance were in some fashion negligent in attending and dealing with such an emergency call.

Effect of Establishing a Boxing Commission:

Certain municipalities currently have by bylaw established Commissions to regulate boxing, wrestling and other combative sports. It is to be noted, however, that as a generality, these are historical initiatives that often go back many years. It is highly questionable whether, if such commissions had not been historically established in these communities, they would today be undertaking the cost and potential liability, limited though it may be, attendant upon involvement in such activities.

The *Municipal Government Act* in section 535.1(1) states that a commission established by bylaw for controlling and regulating boxing, wrestling, full contact karate, kick boxing, or any other sport that holds contests where opponents strike each other with a hand, foot, knee, elbow, or other part of the body are not liable for anything said or done or omitted to be done in good faith in the performance or intended performance of their functions, duties, or powers under the Act or any other enactment.

Accordingly, on the face of it, it appears that there is a reasonable measure of protection with respect to members of a boxing commission and one *presumes* that such protection flows to the municipality who has established and oversees the operation of the commission.

The difficulty with this, however, is that a commission must be established by municipal bylaw which would need to provide for the number of members to be regularly appointed through resolution of Council and would need to provide for the qualifications and duties of such members. As an example, the City of Edmonton Boxing, Wrestling and other Combative Sports Bylaw is very detailed and incorporates fairly extensive rules which are to apply to contact sport contests. The City of Edmonton Bylaw provides that one member of the commission may be a current member of City Council and generally speaking provides for fairly detailed licensing and permits, supervision, and hearings to deal with breaches under the bylaw.

Accordingly, establishment of a commission and the operation of the commission is not a simple matter and entails a significant obligation on the municipality to ensure an appropriate protocol, failing which the City may well attract liability that it does now not have.

Effect of Inviting another Boxing Commission to Oversee Fights

The City has, on occasion, been requested to invite or welcome the boxing commission of another municipality to oversee a fight in Red Deer. In this circumstance, such commission would be treated as a committee of Red Deer City Council and, as such, the City would have the same potential liabilities and obligations as though this commission was locally established and authorized. It makes no difference whether the City establishes its own or invites and thereby appoints and authorizes an outside commission to perform the function.

Current Municipal Liability:

If the City of Red Deer does nothing to modify the current status quo, in the opinion of the City legal advisors, the City cannot be subject to any liability for claims arising out of boxing or wrestling contests or other forms of combative sports.

If the City elects to establish a commission, such commission would be treated as a committee of Council and, as such notwithstanding the provision of the *Municipal Government Act*, the City would have potential liability for negligent acts or omission of the commission. Section 535.1 appears to have been intentionally added to the MGA after substantial lobbying by the City of Edmonton, with the express intention of providing protection for liability for members of the commission for claims arising out of decisions taken by them in good faith. While this protection would likely accrue to the benefit of the City as well, the real issue is whether or not this protection will actually serve to hold the City harmless from claims for injury occurring in fighting events.

A recent court decision gives reason for insecurity in this respect, even though the decision is British (Watson v. British Boxing Board of Control). The English Court of Appeal found that even though there were three doctors at the ringside of a match, the Boxing Commission had not taken all necessary precautions in failing to have readily available a specialist to deal with cerebral bleeding, which is a common boxing injury and, while generally not life threatening, can in some cases cause severe injury and sometimes death to boxers.

It is the view of the City legal advisors that this particular case sets very lofty standards and it certainly is not clear that this level of standards would have to be followed in Canada or in Alberta, however, it is cause for some concern.

Conclusion:

- A. **Why should the City establish a commission:** To ensure that reasonable standards of officiating and medical control will apply to fighting contests which take place in Red Deer so that the prospects of serious injury is minimized.
- B. **Why should the City not establish a commission:** By establishing a commission the City may open itself to some potential liability for negligent acts of the commission, which are not exempt under the good faith provisions of section 535.1 of the MGA and it is to be *noted* that such liability may not be insurable.
- C. **The effect of maintaining the status quo:** By maintaining the status quo and declining to participate in the regulation of contact sports, the City is not subject to any liability for claims arising out of such.

Yours truly,

NICK P. RIEBEEK
NPR/vjh

Comments:

We agree with the recommendations of the Recreation, Parks and Culture Manager.

Of note, the issue of establishing a Boxing Commission has come before Council on a number of previous occasions, the most recent being July, 2003, at which time Council did not establish a Commission.

“Morris Flewwelling”
Mayor

“Norbert Van Wyk”
City Manager

Christine Kenzie

To: lmkoivisto@shaw.ca
Subject: Request for Red Deer Boxing Commission

**BACK UP INFORMATION
NOT SUBMITTED TO COUNCIL**

Dear Mr. Koivisto:

To confirm our telephone conversation of March 7, 2006, Red Deer City Council will consider your request to pass a bylaw to establish a Red Deer Boxing Commission on Monday, March 13, 2006 at 3:00 p.m. in Council Chambers, 2nd Floor of City Hall. You are welcome to attend at that time. Approximately 1/2 hour has been scheduled for this item.

You can access the March 13, 2006 Council Agenda online at www.reddeer.ca on March 9th, after 3:00 p.m.

If you are not able to access the information online, please call and I will either fax or have a copy of the items available for you to pick up.

Please call if you have any questions or if you will not be able to attend.

Thanks.

Christine Kenzie
Legislative & Administrative Services
City of Red Deer
403.342.8201
christine.kenzie@reddeer.ca



LEGISLATIVE & ADMINISTRATIVE SERVICES

March 14, 2006

Mr. L. Koivisto
c/o
4747 – 78A Street Close
Red Deer, AB T4P 2G9

Dear Mr. Koivisto:

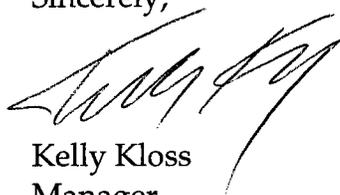
Re: *Request for The City of Red Deer to Pass A Bylaw for the Establishment of a Red Deer Boxing Commission*

Thank you for attending the March 13, 2006 Council meeting. At that meeting, Council considered your request to pass a bylaw for the establishment of a Red Deer Boxing Commission as well as your subsequent request to invite another commission to oversee events.

As you are aware, Council did not support the establishment of a Red Deer Boxing Commission or extending an invitation to another commission. An option you may wish to pursue is to ask the Provincial or Federal Governments to establish a commission that has the authority to oversee events throughout Alberta.

Please call if you have any questions.

Sincerely,



Kelly Kloss
Manager

KK/chk

c Recreation, Parks & Culture Manager

Backup**Christine Kenzie**

From: Marlene Koivisto [lkoivisto@shaw.ca]
Sent: February 08, 2006 11:43 AM
To: Christine Kenzie
Subject: Re: Request for Red Deer Boxing Commission

Thank you Christine,

I would like to request an opportunity to meet with Mr Kloss this week if that is at all possible. I am on holidays until Feb 13th and would be happy to meet at his convenience, be it on scheduled work time or over lunch (my treat).

I will state that I am a little discouraged to hear that the date has been moved another month and while I prefer to remain optimistic, it does not sound overly convincing that it will be tabled in March either. While far from being an ideal situation, if that's the due course of this process we'll live with it. However, the thought of this initiative being shuffled around and delayed any further is a little discomfoting...hopefully this will not be the case.

A group of local investors has an event planned for April of this year and would like nothing more than to have a legitimate, established commission in place to oversee the event. If this is not possible, they must arrange for a substitute commission to help out. The outcome of the February date would have given just enough time to make other arrangements if this initiative was not successful. It seems they are now in a position to request outside help regardless of the outcome of the (tentative) March Council meeting.

Can you please let me know if a meeting with Kelly is possible? Anytime this week will work best for me. If his schedule does not allow it this week, please offer some options for other dates and times.

Thank you,

Len Koivisto

**FLINT ENERGY SERVICES LTD.**

INTEGRATED. INTEGRAL.

HOME 3408392
EMAIL LMKOIVISTO@SHAW.CA

Len Koivisto
Enhanced Services Manager

4747 - 78A Street Close
Red Deer, Alberta
T4P 2G9

Direct: 403.342.8078
Tel: 403.342.6280
Cell: 403.348.9598
Fax: 403.346.0550
lkoivisto@flint-energy.com

www.flintenergy.com

Christine Kenzie

From: Christine Kenzie
Sent: February 07, 2006 8:46 AM
To: 'Imkoivisto@shaw.ca'
Subject: Request for Red Deer Boxing Commission

On January 10th by way of an email I forwarded to you a letter from Kelly Kloss, Legislative & Administrative Services Manager, acknowledging your request for Council to consider the establishment of a Red Deer Boxing Commission. In that letter, a tentative Council meeting date of February 13 was given to you. We now expect however that this item will be placed on the Council Agenda of Monday, March 13th and will confirm this date with you in March. If you have any questions with regard to this please do not hesitate to contact me.

On behalf of Kelly Kloss

Christine Kenzie
Legislative & Administrative Services
City of Red Deer
403.342.8201
christine.kenzie@reddeer.ca

Christine Kenzie

From: Marlene Koivisto [lmkoivisto@shaw.ca]
Sent: January 13, 2006 11:05 PM
To: Christine Kenzie
Subject: Re: January 10, 2006 to Len Koivisto Acknowledging Receipt of Request for Red Deer Boxing Commission

Thank you

----- Original Message -----

From: Christine Kenzie
To: lmkoivisto@shaw.ca
Sent: Tuesday, January 10, 2006 4:09 PM
Subject: January 10, 2006 to Len Koivisto Acknowledging Receipt of Request for Red Deer Boxing Commission

Attached, for your information, is a letter from the City of Red Deer's Legislative & Administrative Services Manager regarding your request for The City of Red Deer to pass a bylaw to establish a Red Deer Boxing Commission.

On behalf of Kelly Kloss,

Christine Kenzie
Legislative & Administrative Services
City of Red Deer
403.342.8201
christine.kenzie@reddeer.ca

[The information contained in this message is confidential and is intended for the addressee only. If you have received this message in error, please notify the sender immediately and delete the message. The unauthorized use, disclosure, copying or alteration of this message is strictly forbidden.]

[This message has been scanned for security content threats, including computer viruses.]

FILE

Christine Kenzie

To: lmkoivisto@shaw.ca

Subject: January 10, 2006 to Len Koivisto Acknowledging Receipt of Request for Red Deer Boxing Commission

Attached, for your information, is a letter from the City of Red Deer's Legislative & Administrative Services Manager regarding your request for The City of Red Deer to pass a bylaw to establish a Red Deer Boxing Commission.

On behalf of Kelly Kloss,

Christine Kenzie
Legislative & Administrative Services
City of Red Deer
403.342.8201
christine.kenzie@reddeer.ca

FILE



LEGISLATIVE & ADMINISTRATIVE SERVICES

January 10, 2006

Sent Via Email to: lmkoivisto@shaw.ca

Dear Mr. Len Koivisto:

***Re: Request for The City of Red Deer to Pass a Bylaw
To Establish a Red Deer Boxing Commission***

I received your request for The City of Red Deer to pass a bylaw to establish a Red Deer Boxing Commission on January 9, 2006.

Your request has been circulated to City Administration for comment and I anticipate this item to be presented to Council at the February 13, 2006 Council Meeting. I will confirm this date with you.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'Kelly Kloss'.

Kelly Kloss
Manager

FILED



Legislative & Administrative Services

DATE: January 10, 2006

TO: Community Services Director
Recreation, Parks & Culture Manager
City Solicitor

FROM: Legislative & Administrative Services Manager

SUBJECT: Request for Comments: By Monday, February 6, 2006
Request from Mr. Len Koivisto for The City of Red Deer to Pass a
Bylaw for the Establishment of a Red Deer Boxing Commission

Please review the attached correspondence from Mr. Len Koivisto who is requesting The City of Red Deer pass a bylaw to establish a boxing commission in Red Deer.

Also attached is background information on a similar request dealt with by Council in 2003.

I would appreciate your response by **Monday, February 6, 2006** to be included on the Monday, February 13, 2006 Council Agenda.

A handwritten signature in black ink, appearing to read 'Kelly Kloss'.

Kelly Kloss
Manager

/attach.

**Correspondence to Mr. St-Louis After the
July 28, 2003 Council Meeting**

and

**Correspondence To and Response from
the Provincial Government**



FILE

LEGISLATIVE & ADMINISTRATIVE SERVICES

July 29, 2003

Jason St-Louis
President/CEO
Alliance Fighting Championships
#511, 4902 - 37 Street
Red Deer, AB T4N 6M9

Dear Mr. St-Louis:

Establishment of a Combatitive Arts Commission

At the July 28, 2003 Council Meeting, Council reviewed your request for the establishment of a Combatitive Arts Commission in Red Deer.

Council did not approve of the City of Red Deer taking a direct role in the authorization and supervision of combatitive arts competitions either through a Red Deer Commission or the delegation of responsibility to another Commission. However, The City will send a letter to the Provincial Government through the Department of Community Development to request their proactive collaboration with all groups involved in this sport across Alberta with the aim of developing a provincial level commission.

I will forward your name to the Provincial Government should they wish to contact you as well as encourage the current Alberta commissions to include the Department of Community Development in their upcoming fall meeting.

Thank you for your presentation to Council. If you have any questions, please call.

Sincerely

Kelly Kloss
Manager

c Community Services Director



July 31, 2003

Honourable Gene Zwozdesky
Minister of Community Development
MLA Edmonton – Mill Creek
229 Legislature Building
108000 – 97 Avenue
Edmonton, AB T5K 2B6

Dear Hon. Zwozdesky:

Establishment of a Combatitive Arts Commission

Recently Red Deer City Council discussed a request of Mr. Jason St-Louis of Alliance Fighting Championships to participate in the regulation of combatitive arts in Red Deer.

Unlike many other sports, Provincial and Federal legislation exists to provide a degree of regulation for boxing and wrestling. Combative and martial arts are not specifically referenced in the legislation; however, organizations such as the Edmonton Boxing and Wrestling Commission have included these categories, both amateur and professional, within their regulatory mandate. For your convenience I have enclosed excerpts from the relevant legislation.

Red Deer Council decided not to pass a bylaw to regulate boxing, wrestling, and other combative sports. Council did suggest that if the Provincial Government wanted to regulate these sports, it is best accomplished through one provincial body. This action is consistent with the Federal legislation that requires an athletic board or commission established by or under the authority of the legislature of a province for the control of sport within that province.

Red Deer Council did pass a motion asking your Office to establish one sanctioning and regulatory body that governs combative sports across Alberta. This initiative provides consistency, reduces duplication, conforms to the criminal code, ensures safety standards, and reduces bureaucracy for promoters who wish to hold events throughout Alberta.

..2/

Hon. Gene Zwozdesky
July 31, 2003
Page 2

Mr. St-Louis expressed interest in participating with your office in establishing a province wide athletic board or commission to govern combative sports. For this reason I have included his contact information below:

Mr. Jason St-Louis
President/CEO
Alliance Fighting Championships
#511, 4902 - 37th Street
Red Deer, AB T4N 6M9
Phone: 403.358.2681 (Business)
Fax: 403.346.6337

Thank you for considering this request. I look forward to hearing from you in the near future.

Sincerely yours,



Gail Surkan
Mayor

Encl.

c City Manager
Legislative & Administrative Services Manager

Criminal Code - Federal

Engaging in "prize fight"

83. (1) Every one who

- (a) engages as a principal in a prize fight,
- (b) advises, encourages or promotes a prize fight, or
- (c) is present at a prize fight as an aid, second, surgeon, umpire, backer or reporter, is guilty of an offence punishable on summary conviction.

Definition of "prize fight"

(2) In this section, "prize fight" means an encounter or fight with fists or hands between two persons who have met for that purpose by previous arrangement made by or for them, but a boxing contest between amateur sportsmen, where the contestants wear boxing gloves of not less than one hundred and forty grams each in mass, or any boxing contest held with the permission or under the authority of an athletic board or commission or similar body established by or under the authority of the legislature of a province for the control of sport within the province, shall be deemed not to be a prize fight.

R.S., 1985, c. C-46, s. 83; R.S., 1985, c. 27 (1st Supp.), s. 186.

Municipal Government Act (MGA) - Provincial

Prior to 1995 Section 238 of the MGA provided that a municipality may appoint a board or commission to control and regulate boxing, wrestling, and similar matches in the city. After 1995 amendments were made to the MGA that excluded the above clause.

Subsequently in 2002 the Province again amended the MGA and inserted a new section related to this subject as noted below:

535.1

- (1) In this section, "commission" means a commission established by bylaw for controlling and regulating boxing matches or wrestling matches, or both.
 - (2) A commission and its members, officers, employees and any volunteers performing duties under the direction of any of them are not liable for anything said or done or omitted to be done in good faith in the performance or intended performance of their functions, duties or powers under this Act or any other enactment.
 - (3) Subsection (2) is not a defense if the cause of action is defamation.
- 2002 c19 s19

COPIED TO: MAYOR
COUNCILLORS



FILE

LEGISLATIVE & ADMINISTRATIVE SERVICES

September 10, 2003

Jason St-Louis
President / CEO
Alliance Fighting Championships
#511, 4902 - 37 Street
Red Deer, AB T4N 6M9

Dear Mr. St-Louis:

Establishment of a Combatitive Arts Commission

At the July 28, 2003 Council Meeting, Council reviewed your request for the establishment of a Combatitive Arts Commission in Red Deer. Council did not approve of your request and directed City Administration to forward a letter to the Provincial Government asking the government to develop a provincial level commission. Your name was submitted as a possible participant in the process.

For your information, attached is a copy of a letter received from the Minister of Community Development advising that the Provincial Government is not considering establishing a province-wide athletic body or commission to govern combative sports and that your participation would not be required.

Sincerely,

Kelly Kloss
Manager

/attach.



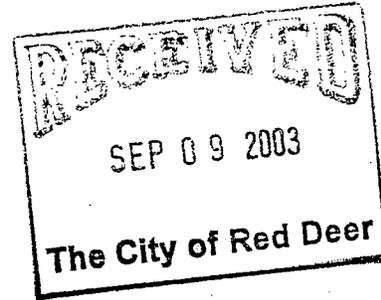
ALBERTA

Minister of Community Development
Deputy Government House Leader

MLA, Edmonton Mill Creek

COPIED TO: N. VAN WYK
K. KLOSS

0170



September 5, 2003

AR73178

Her Worship Gail Surkan
Mayor of City of Red Deer
Box 5008
Red Deer, AB T4N 3T4

Dear Mayor Surkan:

Hello, Gail!

Thank you for your letter of July 31, 2003, regarding combative sports and, more specifically, the difficulties associated with how Section 83 of the Criminal Code impacts them.

Our provincial sport officials, in collaboration with their partners from across Canada, have been working on this subject for several years. I am sure you can appreciate that trying to differentiate blood sports and prize fighting from the current array of legitimate combative sports in a consistent and effective manner is a daunting task with a variety of jurisdictional, legal, and sport specific challenges. As an example, one objective that provincial and territorial governments have commonly sought is a more current definition of legitimate combative sports, which could then be used within whatever sanctioning and regulatory mechanism each jurisdiction utilizes. These collaborative efforts continue and our hope is that an effective amendment to Section 83 of the Criminal Code can be achieved in the near future.

The current practice of delegating the authority for sanctioning combative sporting events to municipalities, through the *Municipal Government Act*, is based on the general preference of municipalities to sanction and regulate activities in their communities with a minimum of regulatory interference from a central authority. That being said, it is our hope that a future amendment to Section 83 of the Criminal Code of Canada may enhance the ability of municipalities to exercise this authority for combative sporting events they may wish to sanction.

Please extend my appreciation for the time and attention that your city councillors have devoted to this issue and assure them that their feedback and suggestions are always welcome. With respect to Mr. St.-Louis's request to participate with Community Development in establishing a

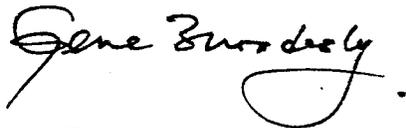
.../2

Her Worship Gail Surkan
Page Two

province-wide athletic body or commission to govern combative sports, we are not considering such an initiative at this time, so I must decline his invitation. I would appreciate it if you would convey this information to him.

Thank you, again, for your letter.

Sincerely,



Gene Zwozdesky
Minister of Community Development
Deputy Government House Leader

*P.S. It was good to
— see you and chat a bit
in Innisfail a few
weeks ago! All the best, Gail!
G.Z.*

cc: Honourable Victor Doerksen, MLA, Red Deer South
Mary Ann Jablonski, MLA, Red Deer North

Backup Information

**Re: Establishment of a Prizefight Boxing / Wrestling
Commission**

Not put on the July 28, 2003 Council Agenda.

Kelly Kloss

From: Tony Bergman
Sent: July 16, 2003 1:56 PM
To: Kelly Kloss
Cc: Dean Krejci
Subject: Boxing Commission

Hi Kelly,

I did some digging into the issue and have the following comments:

The insurance presently in place will provide the coverage of Boxing, Wrestling or other fight type events. These would be considered as any sporting event that the City would host, with full liability coverage in place. (Confirmed with the AUMA)

There are different trends of thought on the issue from the standpoint of Risk. A conservative approach would be to not recommend that the City do this with the likelihood of being involved in potential litigation.

On the other side of the coin you have the theory of doing what would be best or wanted by the community, which may still involve not doing this. Given my reading of the legal advisement, section 535.1 could provide the protection to the City in the event they went ahead with the commission.

Some concerns would be that if the City were potentially liable, then the City would want a commission that it had total control over. This would be the establishment of policies and procedures to minimize the risk of litigation. A legal opinion on these policies and procedures would help to ensure the risk is minimized. With any policy or procedure there also needs to be strict compliance and documentation of that compliance. The use of the Edmonton Boxing and Wrestling Commission may not allow for this type of hands on control.

Another consideration would be the resources that would be required for setting up the commission and the minimization of risk. If done on a volunteer basis, the City would still need representation to ensure it operates in the desired manner.

I would recommend that "if" the City establishes a commission that it not involve a third party (City of Edmonton Boxing and Wrestling Commission) and that strict policies and procedures be in place with enforcement and documentation.

If I can be of further assistance please let me know.

Tony Bergman
Risk Management & Insurance Analyst
403-309-8402
<mailto:tonyb@city.red-deer.ab.ca>



FILE

LEGISLATIVE & ADMINISTRATIVE SERVICES
July 11, 2003

Jason St-Louis
President/CEO
Alliance Fighting Championships
#511, 4902 - 37 Street
Red Deer, AB T4N 6M9

Dear Jason:

Your request for the City of Red Deer to form a Combative Arts Commission or pass a by-law and/or resolution to allow the Edmonton Boxing and Wrestling Commission to come to Red Deer and govern an Alliance Fighting Championships Mixed Martial Arts promotions will be initially presented to Council on Monday, July 28, 2003.

The options that Council will consider are:

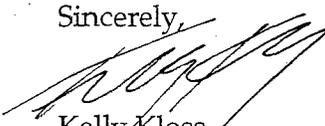
1. Direct Administration to investigate the establishment of a Commission.
2. Authorize the Edmonton Boxing & Wrestling Commission to supervise matches in Red Deer.
3. Take no action.

With regard to the second option, prior to the Council Meeting, I will need a letter from the Edmonton Boxing & Wrestling Commission consenting to supervise all events in Red Deer. If consent is not received, this option cannot be considered.

If Council decides to investigate the establishment of a commission, the matter will be sent back to Administration to research what the Commission would look like, who would be responsible for it, the costs to The City, and liability. Following this investigation, a report would be brought back to Council in the fall.

You may want to contact the Legislative & Administrative Services office at 342.8132 on Friday, July 25, 2003 to find out when your item will be presented to Council on Monday, July 28th.

Sincerely,



Kelly Kloss
Manager

KK/chk



FILE

Legislative & Administrative Services

*REVISED

DATE: July 9, 2003
TO: City Solicitor
FROM: Manager, Legislative & Administrative Services
SUBJECT: Request for Comments by: Friday, July 18, 2003
Prizefights / Boxing / Wrestling Commission

Attached are the following:

1. Request by Jason St. Louis to establish a Red Deer Boxing & Wrestling Commission;
2. Guidelines & Procedures outlining the history of this issue and the current legislation;
3. Email from Ed Pearson, Executive Director of the Edmonton Commission;
4. Copy of Edmonton's Boxing, Wrestling, and Other Combative Sports Bylaw.

The request of Mr. St. Louis will go to the Council meeting of July 28. I ask that you comment on Mr. St. Louis' request including responding to the following questions:

- Why should the City establish a commission?
- Why should the City not establish a commission?
- What liability situation does this place the City in?
- ***As an alternate to establishing a Red Deer Commission, should the City pass a bylaw to allow the Edmonton Boxing & Wrestling Commission authority to govern events in Red Deer?**
- Other comments.

Please call if you have any questions.

Thanks

A handwritten signature in cursive script, appearing to read 'Kelly Kloss'.

Kelly Kloss
Manager

/attach.

Policy No.

Page 1 of 3

Title:

Prizefights

Date of Approval:
July 4, 2003

Authority:

**MGA
City Manager**

Status:
Departmental

Responsibility:

**Legislative & Administrative
Services**

Dates of Revision:

A. Purpose

To provide the history of, and process for, responding to requests to sanction or authorize prizefights within Red Deer.

B. Legislation

Criminal Code

Engaging in prize fight

83. (1) Every one who

(a) engages as a principal in a prize fight,

(b) advises, encourages or promotes a prize fight, or

(c) is present at a prize fight as an aid, second, surgeon, umpire, backer or reporter,

is guilty of an offence punishable on summary conviction.

Definition of "prize fight"

(2) In this section, "prize fight" means an encounter or fight with fists or hands between two persons who have met for that purpose by previous arrangement made by or for them, but a boxing contest between amateur sportsmen, where the contestants wear boxing gloves of not less than one hundred and forty grams each in mass, or any boxing contest held with the permission or under the authority of an athletic board or commission or similar body established by or under the authority of the legislature of a province for the control of sport within the province, shall be deemed not to be a prize fight.

R.S., 1985, c. C-46, s. 83; R.S., 1985, c. 27 (1st Supp.), s. 186.

Municipal Government Act

Prior to 1995 Section 238 of the MGA provided that a municipality may appoint a board or commission to control and regulate boxing, wrestling, and similar matches in the city. Subsequent to this, amendments were made to the MGA that excluded the above clause.

Policy No.

Page 2 of 3

Title:

Prizefights

Date of Approval:
July 4, 2003

Authority:

**MGA
City Manager**

Status:
Departmental

Responsibility:

**Legislative & Administrative
Services**

Dates of Revision:

Subsequently in 2002 the Province again amended the MGA and inserted a new section related to this subject as noted below:

535.1

- (1) In this section, "commission" means a commission established by bylaw for controlling and regulating boxing matches or wrestling matches, or both.
- (2) A commission and its members, officers, employees and any volunteers performing duties under the direction of any of them are not liable for anything said or done or omitted to be done in good faith in the performance or intended performance of their functions, duties or powers under this Act or any other enactment.
- (3) Subsection (2) is not a defense if the cause of action is defamation.

2002 c19 s19

Council

On April 6, 1998 Council considered correspondence from KO Boxing Promotions dated March 24, 1998, Re: Rumble in Red Deer - Request to Approve Supervision by the Edmonton Boxing & Wrestling Commission for Boxing Event - May 8, 1998. The following motions were passed.

“RESOLVED that Council of The City of Red Deer hereby authorizes The City of Edmonton Boxing and Wrestling Commission to supervise boxing, wrestling and similar matches within the city of Red Deer provided that such events meet all legislative and legal requirements.”

“RESOLVED that Council of The City of Red Deer hereby agrees that, in accordance with requirements of the Criminal Code, the Provincial Government be requested to appoint a sanctioning body for the supervising of boxing, wrestling and other similar matches

Policy No.

Page 3 of 3

Title:

Prizefights

Date of Approval:
July 4, 2003

Authority:

**MGA
City Manager**

Status:
Departmental

Responsibility:

**Legislative & Administrative
Services**

Dates of Revision:

in order that municipalities would no longer be required to participate in this process.”

Letters were sent to the Alberta Community Development on April 8, 1998. No reply received.

C. Direction

City Manager – July 8, 2003

Advised Legislative & Administrative Services Manager that his preference is not to establish a commission however Council will need to review.

Prize Fights

Engaging in prize
fight

83. (1) Every one who

(a) engages as a principal in a prize fight,

(b) advises, encourages or promotes a prize

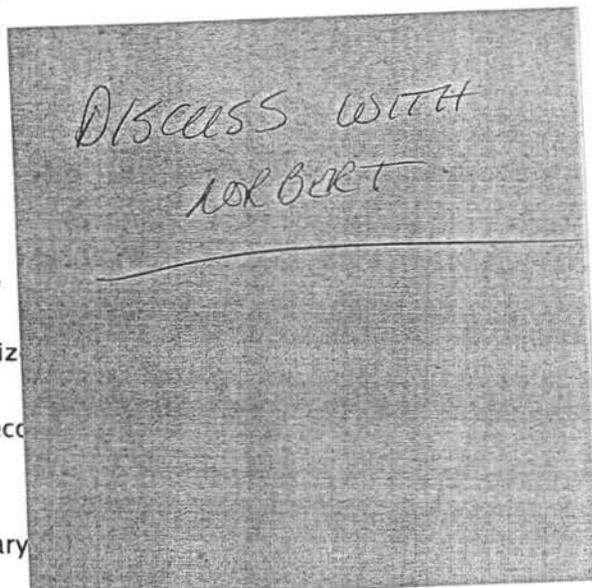
(c) is present at a prize fight as an aid, second
or reporter,

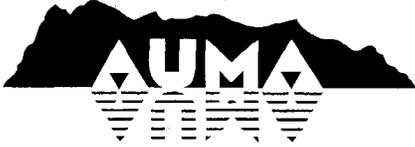
is guilty of an offence punishable on summary

Definition of "prize
fight"

(2) In this section, "prize fight" means an encounter or fight with fists or hands between two persons who have met for that purpose by previous arrangement made by or for them, but a boxing contest between amateur sportsmen, where the contestants wear boxing gloves of not less than one hundred and forty grams each in mass, or any boxing contest held with the permission or under the authority of an athletic board or commission or similar body established by or under the authority of the legislature of a province for the control of sport within the province, shall be deemed not to be a prize fight.

R.S., 1985, c. C-46, s. 83; R.S., 1985, c. 27 (1st Supp.), s. 186.





ALBERTA URBAN MUNICIPALITIES ASSOCIATION

8712 - 105 Street, Edmonton, Alberta T6E 5V9
Tel: (403) 433-4431 • Toll Free: 1-800-661-2862
Fax: (403) 433-4454 • email to: main@auma.ab.ca
Homepage: <http://www.munilink.net>

Handwritten signature: Kelly

April 27, 1998

Mayor Gail Surkan
P.O. Box 5008
Red Deer, AB T4A 3T4

Dear Mayor Surkan:

Re: Supervision of Boxing & Wrestling Events - Municipalities

Thank you for providing the AUMA with a copy of your letter dated April 8, 1998 regarding "Supervision of Boxing & Wrestling Events – Municipalities".

We would be very interested in the response provided by Alberta Community Development. It would be our intend to provide this information to the AUMA's Legislative Policy Committee for information and if required any follow-up support to the City to ensure that municipal interest are not subject to undue liability.

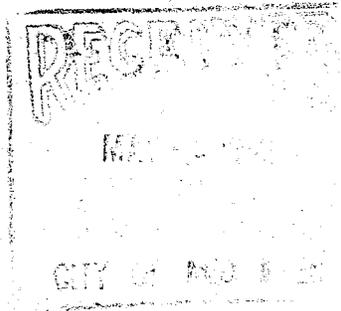
Thank you for communicating with your Association.

Sincerely,

Handwritten signature: Gordon Graydon

Gordon Graydon
President

GG/wp



FILE

Office of the City Clerk

April 7, 1998

Edmonton Boxing & Wrestling Commission
Box 33006
Glenwood Post Office
Edmonton, AB T5P 4V8

Faxed To: (403) 487-9999

Att: Mr. Ron Hayter

Dear Sir:

RE: Request for City of Red Deer to Approve Supervision by the Edmonton Boxing & Wrestling Commission for Boxing Event - Red Deer

We recently received a request from KO Boxing Promotions, to authorize the Edmonton Boxing and Wrestling Commission to supervise a boxing event which is to be held in Red Deer at the Capri Centre on May 8th, 1998.

As you are aware, Section 83 of the Criminal Code states that it is an offence for anyone to participate in or to promote a "prize fight" unless:

- (a) the fight is between amateurs who wear boxing gloves of at least 140 grams; or
- (b) the fight (amateur or otherwise) is supervised by a *provincial* athletic body.

It is our understanding that a duly accredited provincial body is still required to supervise a prize fight, however, the legislative requirement for a municipality to be involved no longer exists. We understand the policy of the City of Edmonton is that unless requested by a municipal council, the Commission cannot supervise an event outside the boundaries of Edmonton. As a result of this, Council of the City of Red Deer passed the following resolution Monday, April 6, 1998 at its meeting:

"RESOLVED that Council of The City of Red Deer hereby authorizes The City of Edmonton Boxing and Wrestling Commission to supervise boxing, wrestling and similar matches within the city of Red Deer provided that such events meet all legislative and legal requirements."

Council passed a further resolution, noted below, requesting the Provincial Government to appoint a provincial athletic body to supervise events taking place in municipalities who do not have their own boxing/wrestling commission:



Box 5008
Red Deer, Alberta
T4N 3T4

The City of Red Deer

Edmonton Boxing and Wrestling Commission
April 7, 1998
Page 2

“RESOLVED that Council of The City of Red Deer hereby agrees that, in accordance with requirements of the Criminal Code, the Provincial Government be requested to appoint a sanctioning body for the supervising of boxing, wrestling and other similar matches in order that municipalities would no longer be required to participate in this process.”

Council of the City of Red Deer would not be opposed to the City of Edmonton Boxing and Wrestling Commission being so designated by the Province should The City of Edmonton so agree.

If you have any questions or require additional clarification with the above, please do not hesitate to contact me.

Sincerely,



Kelly Kloss
City Clerk

/clr

c Mr. Mark Sinclair, c/o
KO Boxing Promotions
Faxed To: (403) 424-1386

'RESOLVED that Council of the City of Red Deer, having considered report from the Land and Economic Development Manager dated March 24, 1998, re: Partial Disposal of Municipal Reserve - Part of Lot 1 MR, Plan 892-2465 / Deer Park Estates - Phase 7D / Dietz Close (Melcor Developments), hereby approves the disposal of municipal reserve lands described as:

'Part of Lot 1 MR, Block 11, Plan 892-2465, containing 18.50 m²,'

and as presented to Council April 6, 1998."

MOTION CARRIED

CORRESPONDENCE

Council considered correspondence from KO Boxing Promotions dated March 24, 1998, **Re: Rumble in Red Deer - Request to Approve Supervision by the Edmonton Boxing & Wrestling Commission for Boxing Event - May 8, 1998.** Following discussion the motions as set out hereunder were introduced and passed.

Moved by Councillor Volk, seconded by Councillor Hull

"RESOLVED that Council of The City of Red Deer hereby authorizes The City of Edmonton Boxing and Wrestling Commission to supervise boxing, wrestling and similar matches within the city of Red Deer provided that such events meet all legislative and legal requirements."

MOTION CARRIED

Moved by Councillor Hughes, seconded by Councillor Flewwelling

"RESOLVED that Council of The City of Red Deer hereby agrees that, in accordance with requirements of the Criminal Code, the Provincial Government be requested to appoint a sanctioning body for the supervising of boxing, wrestling and other similar matches in order that municipalities would no longer be required to participate in this process."

MOTION CARRIED

8. Parkland Community Planning Services - Re: Lot 31A, Plan 942-2769 / SE ¼ 32-38-27-4 and Part of the NE ¼ 32-38-27-4 / East Kentwood - Phase 4B / Frank and Rosalie Kuhnen / Land Use Bylaw Amendment 3156/K-98 / (See Bylaw Section for Readings) .. 59
9. Engineering Services Manager - Re: Wild Rose Power Centre - Commercial Development West Side of Gaetz Avenue, North of Delburne Road .. 63

(5) **CORRESPONDENCE**

1. Council of Canadians Red Deer Chapter - Re: Nation Wide Campaign - Multilateral Agreement on Investment .. 70
2. Highland Green Community Association - Re: Request for City to Purchase Lot 26, Block 21, Plan, 174 HW / (6018-53 Avenue) .. 93
3. KO Boxing Promotions - Re: Request for City to Approve Supervision by the Edmonton Boxing & Wrestling Commission for Boxing Event to be held in Red Deer May 8, 1998 .. 98

(6) **PETITIONS AND DELEGATIONS**

(7) **NOTICES OF MOTION**

(8) **WRITTEN INQUIRIES**

(9) **BYLAWS**

1. 3156/E-98 - Land Use Bylaw Amendment / Rosedale Meadows - Phase 4 / Part of the NE ¼ 14-38-27-4 / Farm Air Properties / - 2nd & 3rd Readings .. 108
.. 17
2. 3156/F-98 - Land Use Bylaw Amendment / Gaetz Crossing Inc. / Former Drummond Brewery Site / Request for Discretionary Use On Site - Commercial Entertainment Facility at 2210 - 50 Avenue / - 2nd & 3rd Readings .. 110
.. 19



MEMORANDUM / NOTE DE SERVICE

To / À

Mr. Kelly KLOSS
City Clerk

From / De

S/Sgt. D. G. Derouin
R.C.M. Police
Red Deer City Det.

Subject / Objet

Re: KO Boxing Promotions - Attchments To Original Submission

Security Classification - Classification de sécurité
Unclassified
Our File - Notre référence
Your File - Votre référence
Date
1998-04-01

Red Deer City detachment has no objection to this event taking place. As a policing issue, we would not anticipate having problems with the event or our ability to handle anything that may arise.


(D.G. Derouin) S/Sgt.
A/OIC Red Deer City Det.

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

Office of the City Clerk

April 1, 1998

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

KO Boxing Promotions
Att: Mr. Mark Sinclair

Dear Mr. Sinclair:

Further to our conversations earlier this week, please find attached hereto page 107A of the Council Agenda for April 6, 1998, outlining the comments of Mayor Surkan and the City Manager, Mr. N. Van Wyk, regarding your item. These comments will appear in conjunction with your correspondence on the Council Agenda.

Please note that I have also attached hereto the proposed resolutions that Council will be considering at that meeting, in lieu of the bylaw which was previously drafted for your consideration. The Mayor and City Manager feel that a bylaw is not appropriate in this instance and that the passing of the noted resolutions will suffice.

I will be away from my office until Monday, April 6th. Should you wish to contact me, I will be returning at 8:30 a.m. that day.

Sincerely,

Kelly Kloss
City Clerk

/clr
attchs.

The City of Red Deer

Box 5008
Red Deer, Alberta
T4N 3T4



FILE

Office of the City Clerk

April 7, 1998

Edmonton Boxing & Wrestling Commission
Box 33006
Glenwood Post Office
Edmonton, AB T5P 4V8

Faxed To: (403) 487-9999

Att: Mr. Ron Hayter

Dear Sir:

RE: Request for City of Red Deer to Approve Supervision by the Edmonton Boxing & Wrestling Commission for Boxing Event - Red Deer

We recently received a request from KO Boxing Promotions, to authorize the Edmonton Boxing and Wrestling Commission to supervise a boxing event which is to be held in Red Deer at the Capri Centre on May 8th, 1998.

As you are aware, Section 83 of the Criminal Code states that it is an offence for anyone to participate in or to promote a "prize fight" unless:

- (a) the fight is between amateurs who wear boxing gloves of at least 140 grams; or
- (b) the fight (amateur or otherwise) is supervised by a *provincial* athletic body.

It is our understanding that a duly accredited provincial body is still required to supervise a prize fight, however, the legislative requirement for a municipality to be involved no longer exists. We understand the policy of the City of Edmonton is that unless requested by a municipal council, the Commission cannot supervise an event outside the boundaries of Edmonton. As a result of this, Council of the City of Red Deer passed the following resolution Monday, April 6, 1998 at its meeting:

"RESOLVED that Council of The City of Red Deer hereby authorizes The City of Edmonton Boxing and Wrestling Commission to supervise boxing, wrestling and similar matches within the city of Red Deer provided that such events meet all legislative and legal requirements."

Council passed a further resolution, noted below, requesting the Provincial Government to appoint a provincial athletic body to supervise events taking place in municipalities who do not have their own boxing/wrestling commission:

Box 5008
Red Deer, Alberta
T4N 3T4

The City of Red Deer



FILE

Office of the City Clerk

April 7, 1998

Edmonton Boxing & Wrestling Commission
Box 33006
Glenwood Post Office
Edmonton, AB T5P 4V8

Faxed To: (403) 487-9999

Att: Mr. Ron Hayter

Dear Sir:

RE: Request for City of Red Deer to Approve Supervision by the Edmonton Boxing & Wrestling Commission for Boxing Event - Red Deer

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It is our understanding that a duly accredited provincial body is still required to supervise a prize fight, however, the legislative requirement for a municipality to be involved no longer exists. We understand the policy of the City of Edmonton is that unless requested by a municipal council, the Commission cannot supervise an event outside the boundaries of Edmonton. As a result of this, Council of the City of Red Deer passed the following resolution Monday, April 6, 1998 at its meeting:

"RESOLVED that Council of The City of Red Deer hereby authorizes The City of Edmonton Boxing and Wrestling Commission to supervise boxing, wrestling and similar matches within the city of Red Deer provided that such events meet all legislative and legal requirements."

Council passed a further resolution, noted below, requesting the Provincial Government to appoint a provincial athletic body to supervise events taking place in municipalities who do not have their own boxing/wrestling commission:



Box 5008
Red Deer, Alberta
T4N 3T4

The City of Red Deer

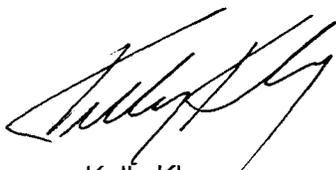
Edmonton Boxing and Wrestling Commission
April 7, 1998
Page 2

"RESOLVED that Council of The City of Red Deer hereby agrees that, in accordance with requirements of the Criminal Code, the Provincial Government be requested to appoint a sanctioning body for the supervising of boxing, wrestling and other similar matches in order that municipalities would no longer be required to participate in this process."

Council of the City of Red Deer would not be opposed to the City of Edmonton Boxing and Wrestling Commission being so designated by the Province should The City of Edmonton so agree.

If you have any questions or require additional clarification with the above, please do not hesitate to contact me.

Sincerely,



Kelly Kloss
City Clerk

/clr

c Mr. Mark Sinclair, c/o
KO Boxing Promotions
Faxed To: (403) 424-1386

FILE

Office of the City Clerk

April 8, 1998

Alberta Community Development
Alberta Sports, Recreation, Parks & Wildlife
905 Standard Life Centre
10405 Jasper Avenue
Edmonton, AB T5J 4R7

Att: Mr. Lloyd Bentz,
Acting Director

Dear Sir:

Re: Supervision of Boxing & Wrestling Events - Municipalities

Recently the City of Red Deer received a request from KO Boxing Promotions to authorize the Edmonton Boxing and Wrestling Commission to supervise an event in Red Deer on behalf of the City of Red Deer.

Prior to 1995, Section 238 the Municipal Government Act stated that a municipality could appoint a board or commission to control and regulate boxing, wrestling, and similar matches in the city. Subsequent to this, amendments were made to the Municipal Government Act that excluded the above clause. Section 83 of the Criminal Code makes it an offence for anyone to participate in or to promote a "prize fight" unless:

- (a) the fight is between amateurs who wear boxing gloves of at least 140 grams; or
- (b) the fight (amateur or otherwise) is supervised by a *provincial* athletic body.

It is our understanding that as it is the responsibility of a duly accredited provincial body to supervise a prize fight, the requirement for a municipality to be involved, as referred to in Section 238 of the Municipal Government Act, was no longer required and as such deleted.

It appears that the City of Edmonton Boxing & Wrestling Commission is an accredited provincial body and, as such, can supervise such events. The Commission has advised however that their internal policy is to supervise events in other municipalities only if that Council has authorized them to do so.

As a result of the Commission's policy, Council passed a resolution to authorize the City of Edmonton Boxing & Wrestling Commission to supervise boxing, wrestling and similar matches within Red Deer, provided that such events meet all legislative and legal requirements.



Box 5008
Red Deer, Alberta
T4N 3T4

The City of Red Deer

Alberta Community Development
April 8, 1998
Page 2

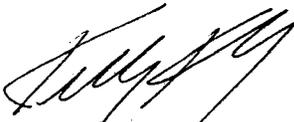
As the Municipal Government Act does not provide for councils to sanction such events and as the Criminal Code refers to a provincial athletic body, our Council believes that it is within the jurisdiction of the Province to give all approvals regarding the events held in municipalities and that the municipalities should in no way be involved in the process. As a result, the following resolution was passed:

“RESOLVED that Council of The City of Red Deer hereby agrees that, in accordance with requirements of the Criminal Code, the Provincial Government be requested to appoint a sanctioning body for the supervising of boxing, wrestling and other similar matches in order that municipalities would no longer be required to participate in this process.”

The City of Red Deer would appreciate you reviewing this matter and advising us of the outcome of your findings.

Thanking you in advance.

Sincerely,



Kelly Kloss
City Clerk

/clr

c Alberta Urban Municipalities Association
Faxed To: (403) 433-4454

KO BOXING PROMOTIONS

#209, 10830 - Jasper Avenue
Edmonton, Alberta, Canada T5J 2B3
Tel: (403) 428-9537 Fax: (403) 424-1386

March 27, 1998

City of Red Deer
Mayors Office

Attn: Gail Surkan - Mayor

RE: RUMBLE IN RED DEER

Dear Ms. Surkan;

On May 8th, 1998 at the Capri Centre in Red Deer KO Boxing Promotions of Edmonton is planning to present a professional boxing show. This show, which will be a dinner event, will feature some of the best boxers in Canada including Canadian Olympic Silver Medalist David Defiagbon of Nova Scotia.

I have sent a request to The City of Red Deer, through the City Clerk's office, asking the City of Red Deer to pass a bylaw or a resolution requesting that the City of Edmonton Boxing & Wrestling Commission supervise this event on behalf of the City of Red Deer.

I have attached the letter that I have received in response from the Red Deer City Clerk.

In my discussions with Mr. Kloss he has indicated that changes to the Municipality Act no longer require cities to make these requests and that there is some concern as to liabilities etc. As he indicates in his letter, he has circulated my request to City Administration for comments.

What I don't think Mr. Kloss understands however is the following:

- A professional boxing show must be supervised by an appointed commission or government body in order to be legal under the Criminal Code.
- The City of Red Deer does not have a Boxing Commission appointed to supervise such events.
- The City of Edmonton, the City of Calgary and for that matter almost all other city appointed boxing commissions will not supervise an event outside of their jurisdiction without a formal request from the city by way of bylaw or council resolution.

There have been boxing shows promoted in the City of Red Deer in the past, we promoted two shows ourselves in 1990, and in all cases in the past the City passed a bylaw requesting an outside commission. My understanding is that with the changes to the Municipality Act a council resolution is now all that is required.

I am sending you this letter so that you are aware of the situation. I would appreciate any assistance you can provide. We look forward to bringing this world class event to the City of Red Deer.

Sincerely;



Mark Sinclair
KO Boxing Promotions

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

CHAPMAN RIEBEEK

Barristers & Solicitors

THOMAS H. CHAPMAN, Q.C.*
NICK P. W. RIEBEEK*
DONALD J. SIMPSON
T. KENT CHAPMAN*
GARY W. WANLESS*
LORNE E. GODDARD
GERI M. CHRISTMAN
NANCY BERGSTROM

208 - 4808 Ross Street
Red Deer, Alberta T4N 1X5
TELEPHONE (403) 346-6603
TELECOPIER (403) 340-1280

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

5020 - 50 A Street
Sylvan Lake, Alberta T0M 1Z0
TELEPHONE (403) 887-2024
TELECOPIER (403) 887-2036

* Denotes Professional Corporation

PLEASE REPLY TO RED DEER

Your file:
Our file: CITY GENERAL

MARCH 29, 1998

City of Red Deer
P.O. Box 5008
City Hall
Red Deer, Alberta
T4N 3T4

DELIVERED

Attention: KELLY KLOSS, City Clerk

Dear Sir:

Re: KO Boxing Promotions

Section 83 of the Criminal Code (copy attached) makes it an offence for anyone to participate in or to promote a "prize-fight" unless:

- a) the fight is between amateurs who wear boxing gloves of at least 140 grams; or
- b) the fight (amateur or otherwise) is supervised by a **provincial** athletic body.

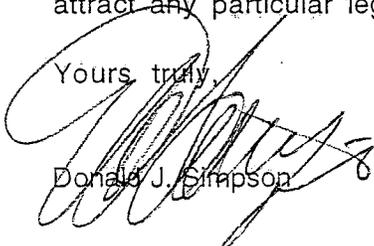
What is required for the proposed prize-fight is the supervision of a duly accredited provincial body and the promoter should be seeking this directly.

However, the City has authority to pass bylaws for the health and safety of its citizens and to control public events [M.G.A. Section 7 (a) and (b)]. The City therefore could pass a Bylaw asking the provincial body to supervise the proposed sporting event, if it appeared that such a bylaw was required by the provincial body before they would agree to supervise the event.

A decision to have a duly qualified body supervise a sporting event like this would not likely attract any particular legal liability for the City.

Yours truly,

Donald J. Simpson



cuse. No breach of any duty of care need be shown, as for example under s. 80, nor any ulterior *mental element* and/or specific use, as is required under s. 81.

Authorization to intercept private communications may be given in respect of this offence under Part VI.

D may elect mode of trial under s. 536(2).

Other related provisions are described in the corresponding note to s. 79, *supra*. For an offence under s. 82(2), additional sentencing provisions are found in s. 82.1.

82.1 Sentences to be served consecutively — A sentence imposed on a person for an offence under subsection 82(2) shall be served consecutively to any other punishment imposed on the person for an offence arising out of the same event or series of events and to any other sentences to which the person is subject at the time the sentence is imposed on the person for an offence under subsection 82(2).

1997, c. 23, s. 2.

Prize Fights

83. (1) Engaging in prize fight — Every one who

(a) engages as a principal in a prize fight,

(b) advises, encourages or promotes a prize fight, or

(c) is present at a prize fight as an aid, second, surgeon, umpire, backer or reporter,

is guilty of an offence punishable on summary conviction.

(2) Definition of "prize fight" — In this section, "prize fight" means an encounter or fight with fists or hands between two persons who have met for that purpose by previous arrangement made by or for them, but a boxing contest between amateur sportsmen, where the contestants wear boxing gloves of not less than one hundred and forty grams each in mass, or any boxing contest held with the permission or under the authority of an athletic board or commission or similar body established by or under the authority of the legislature of a province for the control of sport within the province, shall be deemed not to be a prize fight.

R.S., c. C-34, s. 81; R.S. 1985, c. 27 (1st Supp.), s. 186.

Case Law: See cases under s. 41.

Commentary: The section defines "prize fight" and prohibits certain types of participation therein.

The offences of s. 83(1) are crimes which require proof of no *mental element* beyond the intention to cause the external circumstances. Under s. 83(1)(a) the *external circumstances* require proof that D engaged as a principal in a prize fight. In other words the actual participants, the fighters are criminally liable. Section 83(1)(b) attaches liability to anyone who advises, encourages or promotes a prize fight, arguably enlarging the traditional basis of accessory liability of ss. 21 and 22. Finally, s. 83(1)(c) requires proof of actual presence at a prize fight in a designated capacity.

The definition of "prize fight" in s. 83(2) excludes bouts sanctioned by provincial athletic bodies and amateur bouts, sanctioned or otherwise, where the fighters wear boxing gloves of not less than 140 g each in mass.

Related Provisions: The offence is tried under Part XXVII and punished in accordance with s. 787(1).

Part III — Firearms and Other Offensive Weapons

[Please note: Section 139 of 1995, c. 39 (Bill C-68), which received Royal Assent on December 5, 1995, replaces Part III of the Criminal Code. The proposed Part is reproduced in its entirety following section 117 of the currently in force Part III. The proposed parts will be in force on a date to be fixed by order of the Governor General.]

Interpretation

84. (1) Definitions — For the purposes of this Part,

"antique firearm" means any firearm manufactured before 1898 that was not designed to use rim-fire or centre-fire ammunition and that has not been redesigned to use such ammunition, or, if so designed or redesigned, is capable only of using rim-fire or centre-fire ammunition that is not commonly available in Canada;

"chief provincial firearms officer" means a person who has been designated in writing by the Attorney General of a province as the chief provincial firearms officer for that province;

"Commissioner" means the Commissioner of the Royal Canadian Mounted Police;

"firearm" means any barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm;

"firearms acquisition certificate" means a firearms acquisition certificate issued by a firearms officer under section 106 or 107;

"firearms officer" means any person who has been designated in writing as a firearms officer by the Commissioner or the Attorney General of a province or who is a member of a class of persons that has been so designated;

"genuine gun collector" means an individual who possesses or seeks to acquire one or more restricted weapons that are related or distinguished by historical, technological or scientific characteristics, has knowledge of those characteristics, has consented to the periodic inspection, conducted in a reasonable manner and in accordance with the regulations, of the premises in which the restricted weapons are to be kept and has complied with such other requirements as are prescribed by regulation respecting knowledge, secure storage and the keeping of records in respect of the restricted weapons;

"large-capacity cartridge magazine" means any device or container from which ammunition may be fed into the firing chamber of a firearm;

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

CS - 6.630

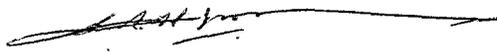
DATE: March 30, 1998
TO: KELLY KLOSS
City Clerk
FROM: LOWELL R. HODGSON
Director of Community Services
RE: KO BOXING PROMOTIONS

The "Rumble in Red Deer" is being presented May 8th at the Capri Centre by KO Boxing Promotions. These events require a boxing and wrestling commission to supervise the event. Thus, KO Boxing Promotions is requesting The City of Red Deer to ask The City of Edmonton Boxing and Wrestling Commission to supervise this event.

A similar event was held in June 1993, with Council making a similar request to the Edmonton Boxing and Wrestling Commission. I would recommend support for this again, subject to appropriate legal documents being completed to the satisfaction of our City Solicitor.

RECOMMENDATION

That Council of The City of Red Deer support the request of KO Boxing Promotions that the Edmonton Boxing and Wrestling Commission supervise a boxing event in Red Deer, May 8, 1998, at the Capri Centre, with appropriate documentation indemnifying The City of Red Deer and to the satisfaction of our City Solicitor.



LOWELL R. HODGSON

:ad

DATE: March 27, 1998

TO: X DIRECTOR OF COMMUNITY SERVICES
DIRECTOR OF CORPORATE SERVICES
DIRECTOR OF DEVELOPMENT SERVICES
CITY ASSESSOR
E. L. & P. MANAGER
ENGINEERING DEPARTMENT MANAGER
FIRE CHIEF/MANAGER EMERGENCY SERVICES
INFORMATION TECHNOLOGY SERVICES MANAGER
INSPECTIONS AND LICENSING MANAGER
LAND AND ECONOMIC DEVELOPMENT MANAGER
PERSONNEL MANAGER
PUBLIC WORKS MANAGER
X R.C.M.P. INSPECTOR - C/O: WENDY FAX: 346-1365
RECREATION, PARKS & CULTURE MANAGER
SOCIAL PLANNING MANAGER
TRANSIT MANAGER
TREASURY SERVICES MANAGER
PRINCIPAL PLANNER
X CITY SOLICITOR FAX: 340-1280

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

L

FROM: CITY CLERK

RE: KO Boxing Promotions - attachment to original submission

Please submit comments on the attached to this office by March 30,1998 for the Council Agenda of Monday, April 6, 1998.

"Kelly Kloss"

City Clerk

DATE: March 25, 1998

TO: X DIRECTOR OF COMMUNITY SERVICES
DIRECTOR OF CORPORATE SERVICES
DIRECTOR OF DEVELOPMENT SERVICES
CITY ASSESSOR
E. L. & P. MANAGER
ENGINEERING DEPARTMENT MANAGER
FIRE CHIEF/MANAGER EMERGENCY SERVICES
INFORMATION TECHNOLOGY SERVICES MANAGER
INSPECTIONS AND LICENSING MANAGER
LAND AND ECONOMIC DEVELOPMENT MANAGER
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TRANSIT MANAGER
TREASURY SERVICES MANAGER
PRINCIPAL PLANNER
X CITY SOLICITOR Fax: 340-1280

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

NOTE: I have spoken with Ron Hayter who indicated that although the Municipal Government Act no longer specifically requires a bylaw to authorize the Commission to supervise a boxing event on the City's behalf, it is a policy of the Commission, as per their legal advice, that before the Commission will supervise such an event a resolution must be passed by the municipality authorizing the Commission to do so. Mr. Hayter indicated that the Criminal Code governs this area.

FROM: CITY CLERK
RE: KO BOXING PROMOTIONS

Please submit comments on the attached to this office by March 30, 1998 for the Council Agenda of Monday, April 6, 1998.

"Kelly Kloss"
City Clerk
attch.

Province
Lloyd Bentz
415-0263

CHAPMAN RIEBEEK SIMPSON CHAPMAN WANLESS

Barristers & Solicitors

THOMAS H. CHAPMAN, Q.C.*
NICK P. W. RIEBEEK*
DONALD J. SIMPSON
T. KENT CHAPMAN*
GARY W. WANLESS*
LORNE E. GODDARD
GERI M. CHRISTMAN
ROBERT J. MILLAR

208 Professional Building
4808 Ross Street
Red Deer, Alberta T4N 1X5
TELEPHONE (403) 346-6603
TELECOPIER (403) 340-1280

* Denotes Professional Corporation

Your file:

Our file: GEN 06/93 THC

June 14, 1993

City of Red Deer
P.O. Box 5008
Red Deer, Alberta
T4N 3T4

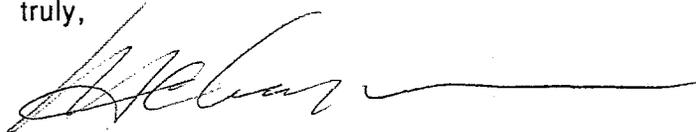
ATTENTION: Charles Sevcik,
City Clerk

Dear Sir:

RE: Regulation of Boxing Events

In response to your memorandum of June 9, 1993, I believe it would be possible to draft a "generic" bylaw appointing the Edmonton Boxing and Wrestling Commission to supervise boxing events in Red Deer. It may be possible for the bylaw to authorize any commission created under the appropriate Provincial Legislation to supervise boxing events, which would give an alternative to the Edmonton Boxing and Wrestling Commission.

Yours truly,



THOMAS H. CHAPMAN, Q.C.
THC/vjh

Tom - please proceed with preparation of a "generic" bylaw appointing the Edmonton Boxing and Wrestling Commission. This has been discussed with Mike and he has asked that we proceed as above. Thanks.

cs. 93 06 24

DATE: JUNE 9, 1993
TO: CITY SOLICITOR
FROM: CITY CLERK
RE: REGULATION OF BOXING, WRESTLING AND SIMILAR EVENTS

You will recall that at the Council Meeting of June, 7, 1993, Council passed the bylaw appointing The City of Edmonton Boxing and Wrestling Commission to supervise a boxing match at the Centrium, June 12, 1993.

When I was discussing this item with the Commissioners, in preparation of the said agenda, the Commissioners suggested that we pursue with the Solicitor the preparation of a "generic bylaw" which would not require that this issue be brought to Council each and every time there is an application for a boxing match. Is it possible to have such a bylaw passed by Council appointing The City of Edmonton Boxing and Wrestling Commission to act on our behalf for all future events until further notice, or must such a bylaw be passed for each specific event?

Your comments and assistance in this matter would be appreciated.


C. SEVCIK
City Clerk

CS/cjd



THE CITY OF RED DEER

P. O. BOX 5008, RED DEER, ALBERTA T4N 3T4

FAX: (403) 346-6195

City Clerk's Department 342-6132

June 8, 1993

GLEN
HERE IS THE MATERIAL
FROM RED DEER. I'M ALSO
ENCLOSING A COPY OF THE
RESOLUTION PASSED BY THE TOWN
COUNCIL IN HIGH PRAIRIE. RED
DEER USED A BYLAW, HIGH
PRAIRIE A RESOLUTION. EITHER IS
ACCEPTABLE TO US.

R. Hayter

The City of Edmonton Boxing and Wrestling Commission
Second Floor, City Hall
#1 Sir Winston Churchill Square
Edmonton, Alberta
T5J 2R7

ATTENTION: ALDERMAN HAYER - EXECUTIVE DIRECTOR

Dear Sir,

RE: PROFESSIONAL BOXING SHOW AT THE RED DEER CENTRIUM - JUNE 12/93

At the Council Meeting of June 7, 1993, the enclosed Bylaw 3093/93, was passed authorizing The City of Edmonton Boxing and Wrestling Commission to supervise the professional boxing show to be held in Red Deer in the Centrium on Saturday, June 12, 1993.

I am also enclosing herewith, an agreement indemnifying The City of Edmonton Boxing and Wrestling Commission, the Westerner and The City of Red Deer, which is required to be signed by Wayne Barry of Stargazer Productions. By way of a copy of this letter we are requesting Glen Carriere of KO Boxing Promotions to ensure that said agreement is signed and returned to this office prior to the event.

Confirmation, in writing, from The City of Edmonton Boxing and Wrestling Commission, is required by no later than Friday, June 11, 1993, indicating that it is prepared to supervise this show. We would appreciate you sending us a fax (346-6195) in addition to the original by ordinary mail.

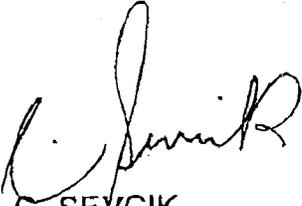


a delight to discover!

The City of Edmonton Boxing and Wrestling Commission
Page 2
June 8, 1993

Your assistance in this matter is greatly appreciated.

Sincerely,



C. SEYCIK
City Clerk

CS/ojd

Encl.

cc: KO Boxing Promotions
The Westerner
Director of Community Services
Recreation and Culture Manager

THIS AGREEMENT MADE THIS _____ day of _____, 1993.

BETWEEN:

WAYNE BARRY
 carrying on business under the firm name
 and style STARGAZER PRODUCTIONS, of The
 City of Edmonton, in The Province of Alberta
 (herein called "the Promoters")

OF THE FIRST PART

-and-

THE CITY OF RED DEER
 a Municipal Corporation
 (herein called "The City")

OF THE SECOND PART

-and-

THE WESTERNER EXPOSITION ASSOCIATION
 a body corporate incorporated under the
 laws of The Province of Alberta
 (hereafter referred to as "the Westerner")

OF THE THIRD PART

-and-

THE CITY OF EDMONTON BOXING
 & WRESTLING COMMISSION
 Edmonton, Alberta
 (herein called "the Commission")

OF THE FOURTH PART

WHEREAS the Promoters desire to present a professional boxing show at the CENTRIUM, situate in The City of Red Deer, in The Province of Alberta, on the 12th day of June, 1993;

AND WHEREAS the Commission is prepared to supervise the professional show on behalf of The City;

AND WHEREAS the Municipal Council at its meeting held on the 7th day of June 1992, passed the bylaw annexed as Schedule "A" to this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants, conditions and agreements herein contained, in consideration of The City passing the bylaw annexed hereto and in consideration of The City requesting the Commission to supervise the professional boxing show in order that the event may be held by the Promoters at the CENTRIUM on June 12, 1993, the parties hereto agree together as follows:

1. The Promoters and each of them jointly and severally hereby undertake and agree to indemnify and hold harmless The City of Edmonton Boxing and Wrestling Commission, The City of Red Deer and the Westerner of and from all claims or damages of every nature or kind including, without limiting the generality of the foregoing, personal injury, death, and property damage of every nature or kind whatsoever arising out of or relating either directly or indirectly to the event of any accident, emergency, or legal action of any kind or judgment granted thereunder which may result or arise out of or in any way be related to the hosting or presentation of the professional boxing show aforesaid.

IN WITNESS WHEREOF the Promoters have executed this agreement the day and year above written.

STARGAZER PRODUCTIONS

Per: _____
WAYNE BARRY

BYLAW NO. 3093/93

Being a Bylaw to appoint a Boxing Commission to supervise a boxing match in the City of Red Deer, Province of Alberta.

WHEREAS pursuant to Section 238 of the Municipal Government Act, R.S.A., 1980, and amendments thereto, a municipality may appoint a board or commission to control and regulate boxing, wrestling, and similar matches in the City;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

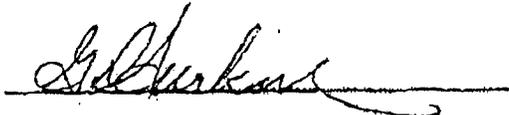
1 That the City of Edmonton Boxing and Wrestling Commission is hereby authorized, on behalf of The City of Red Deer to supervise, control and regulate a professional boxing show to be held at Red Deer, Alberta in the Centrum on Saturday, the 12 day of June 1993, and, in the event of postponement, such other date or place as may be established, subject to the promoters, Wayne Barry of Stargazer Productions of Edmonton, entering into an agreement satisfactory to the City Solicitor to indemnify and hold harmless the City of Edmonton Boxing and Wrestling Commission, the City of Red Deer, and the Westerner of and from all judgments or claims for damages of every nature and kind including, without limiting the generality of the foregoing, personal injury, death, and property damage of every nature or kind whatsoever, arising out of or relating either directly or indirectly to the event of any accident, emergency or legal action of any kind or judgment granted thereunder which may result or arise out of or in any way be related to the holding, conduct, hosting or presentation of the said professional boxing show.

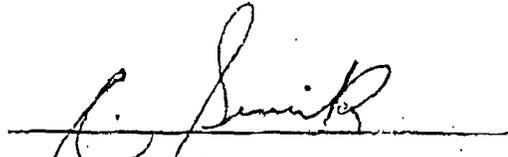
2 This Bylaw shall come into full force and effect on the date of its passage.

READ A FIRST TIME IN OPEN COUNCIL this 7th day of June A.D. 1993.

READ A SECOND TIME IN OPEN COUNCIL this 7th day of June A.D. 1993.

READ A THIRD TIME IN OPEN COUNCIL this 7th day of June A.D. 1993.


MAYOR


CITY CLERK

AFFIDAVIT OF EXECUTION

CANADA)

PROVINCE OF ALBERTA)

TO WIT)

I, _____ of The City of _____
in The Province of Alberta, MAKE OATH AND SAY:

1. THAT I was personally present and did see WAYNE BARRY, named in the within instrument, who is personally known to me to be the person named therein, duly sign and execute the same for the purposes named therein.

2. THAT the same was executed at _____ in the Province of Alberta and I am the subscribing witness thereto.

3. THAT I know the said WAYNE BARRY and he is in my belief of the full age of eighteen years.

SWORN BEFORE ME at The City of _____)
_____ in The Province of _____)
Alberta, this _____ day of _____)
_____ A.D. 1993.)

A COMMISSIONER FOR OATHS in
and for The Province of Alberta

RESOLUTION

The City of Edmonton Boxing and Wrestling Commission is authorized, on behalf of the Town of High Prairie, to supervise, control and regulate a professional-amateur boxing show to be held at High Prairie, Alberta in the Sports Palace on August 28, 1997 and, in the event of postponement, such other date or place as may be established, subject to the promoters, The Alberta Amateur Boxing Association, operating under the name Boxing Alberta, entering into an agreement satisfactory to the Town Solicitor to indemnify and hold harmless the City of Edmonton Boxing and Wrestling Commission, the Town of High Prairie and the Sports Palace of and from all judgments or claims for damages of every nature and kind including, without limiting the generality of the foregoing, personal injury, death and property damage of every nature or kind whatsoever, arising out of or relating either directly or indirectly to the event of any accident, emergency or legal action of any kind or judgment granted thereunder which may result or arise out of or in any way be ~~related~~ ^{RELATED} to the holding, conduct, hosting or presentation of the said professional-amateur boxing show.

NOTE: In conjunction with the agreement, the promoters should be required to obtain liability insurance for the event.

COMMENTS:

Prior to 1995, Section 238 the Municipal Government Act provided that a municipality may appoint a board or commission to control and regulate boxing, wrestling, and similar matches in the city. Subsequent to this, amendments were made to the Municipal Government Act that excluded the above clause. Section 83 of the Criminal Code makes it an offense for anyone to participate in or to promote a "prize-fight" unless:

- a) the fight is between amateurs who wear boxing gloves of at least 140 grams; or
- b) the fight (amateur or otherwise) is supervised by a provincial athletic body.

It would be our understanding that as it is the responsibility of a duly accredited provincial body to supervise a prize-fight, the requirement for a municipality to be involved, as referred to in Section 238 of the MGA, was no longer required and as such deleted.

It would appear that the City of Edmonton Boxing & Wrestling Commission is an accredited provincial body and as such can supervise such events. The Commission has advised however that their internal policy is to supervise events in other municipalities only if that Council has authorized them to do so.

We therefore recommend that although Council has no legal requirement to sanction, approve or control such events, as it is a policy of the Edmonton Commission to obtain municipal permission, Council pass a resolution to generally authorize the City of Edmonton Boxing & Wrestling Commission to supervise boxing, wrestling and similar matches within the city of Red Deer provided that such events meet all legislative and legal requirements.

We further recommend that in accordance with requirement of the Criminal Code, the Provincial Government be requested to appoint a sanctioning body for such events so municipalities are not required to participate in this process as contemplated when the MGA was changed in 1995. We would have no problem with the City of Edmonton Boxing & Wrestling Commission being so designated by the Province should The City of Edmonton so agree.

"G. D. Surkan"
Mayor

"N. Van Wyk"
City Manager

*Hold in Council File
for future reference.*

CHAPMAN RIEBEEK SIMPSON CHAPMAN WANLESS

Barristers & Solicitors

THOMAS H. CHAPMAN, Q.C.*
NICK P. W. RIEBEEK*
DONALD J. SIMPSON
T. KENT CHAPMAN
GARY W. WANLESS*
GERI M. CHRISTMAN **

208 Professional Building
4808 Ross Street
Red Deer, Alberta T4N 1X5
TELEPHONE (403) 346-6603
TELECOPIER (403) 340-1280

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

* Denotes Professional Corporation

** Denotes Student-At-Law

Your file:

Our file: 17,295 THC

June 7, 1990

City of Red Deer
P.O. Box 5008
Red Deer, Alberta
T4N 3T4

ATTENTION: Charles Sevcik
City Clerk

Dear Sir:

RE: Regulation of Professional Boxing Shows

I enclose revised form of by-law amended as requested.

Yours truly,



THOMAS H. CHAPMAN, Q.C.
THC/vjh
Enclosure

• Bylaw passed at
Council meeting of June 7/93
Bylaw No 3093/93 (attached)

BY-LAW # _____/____

Being a by-law to appoint a Boxing Commission to supervise a boxing match in the City of Red Deer, Province of Alberta.

WHEREAS pursuant to Section 238 of the Municipal Government Act, R.S.A., 1980, and amendments thereto, a Municipality may appoint a Board or Commission to control and regulate boxing, wrestling, and similar matches in the City;

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. That the City of Edmonton Boxing and Wrestling Commission is hereby authorized, on behalf of the City of Red Deer to supervise, control and regulate a professional boxing show to be held at Red Deer, Alberta, on the ___ day of _____, 1990, and, in the event of postponement, such other date or place as may be established, subject to the promoters _____ entering into an agreement satisfactory to the City Solicitor to indemnify and hold harmless the City of Edmonton Boxing and Wrestling Commission, the City of Red Deer, and the (name of association ie. Westerner) of and from all judgments or claims for damages of every nature and kind including, without limiting the generality of the foregoing, personal injury, death, and property damage of every nature or kind whatsoever, arising out of or relating either directly or indirectly to the event of any accident, emergency or legal action of any kind or judgment granted thereunder which may result or arise out of or in any way be related to the holding, conduct, hosting or presentation of the said professional boxing show.

2. This By-law shall come into full force and effect on the date of its passage.

READ A FIRST TIME IN OPEN COUNCIL this _____ day of _____, A.D. 1989.

READ A SECOND TIME IN OPEN COUNCIL this _____ day of _____, A.D. 1989.

READ A THIRD TIME IN OPEN COUNCIL this _____ day of _____, A.D. 1989.

MAYOR

CITY CLERK

DATE: June 6, 1990

TO: City Solicitor

FROM: City Clerk

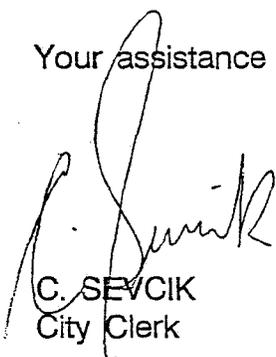
RE: REGULATION OF PROFESSIONAL BOXING SHOWS / DRAFT BYLAW

I wish to acknowledge with thanks the draft form of bylaw respecting the holding of boxing events.

As requested, I have reviewed the bylaw and the only comments I have refer to the eventuality of a change in the place or date of the scheduled event after Council has dealt with the item, as we have experienced in the past. Is it possible to include after the third line in paragraph 1 the words similar to the following:

"and in the event of postponement, such other date or place as may be established."

Your assistance in this matter is appreciated.



C. SEVCIK
City Clerk

CS/jt

CHAPMAN RIEBEEK SIMPSON CHAPMAN WANLESS

Barristers & Solicitors

THOMAS H. CHAPMAN, Q.C.*
NICK P. W. RIEBEEK*
DONALD J. SIMPSON
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208 Professional Building
4808 Ross Street
Red Deer, Alberta T4N 1X5
TELEPHONE (403) 346-6603
TELECOPIER (403) 340-1280

* Denotes Professional Corporation

** Denotes Student-At-Law

Your file:

Our file: 17,295 THC

June 6, 1990

City of Red Deer
P.O. Box 5008
Red Deer, Alberta
T4N 3T4

**ATTENTION: Charles Sevcik
City Clerk**

Dear Sir:

RE: Regulation of Professional Boxing Shows

I enclose for your reference draft form of by-law respecting the holding of boxing events.

I would appreciate your review and any comments you have respecting the same.

Yours truly,



THOMAS H. CHAPMAN, Q.C.
THC/vjh
Enclosure

See Revised Bylaw

BY-LAW # _____/____

Being a by-law to appoint a Boxing Commission to supervise a boxing match in the City of Red Deer, Province of Alberta.

WHEREAS pursuant to Section 238 of the Municipal Government Act, R.S.A., 1980, and amendments thereto, a Municipality may appoint a Board or Commission to control and regulate boxing, wrestling, and similar matches in the City;

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. That the City of Edmonton Boxing and Wrestling Commission is hereby authorized to supervise on behalf of the City of Red Deer a professional boxing show to be held at _____, on the ____ day of _____, 1990, subject to the promoters entering into an agreement satisfactory to the City Solicitor to indemnify and hold harmless the City of Edmonton Boxing and Wrestling Commission, the City of Red Deer, and the (name of association) of and from all claims or damages of every nature and kind, including, without limiting the generality of the foregoing, personal injury, death, and property damage of every nature or kind whatsoever, arising out of or relating either directly or indirectly to the event of any accident, emergency or legal action of any kind or judgment granted thereunder which may result or arise out of or in any way be related to the holding, conduct, hosting or presentation of the said professional boxing show.

and in the event of post-ponement

2. This By-law shall come into full force and effect on the date of its passage.

READ A FIRST TIME IN OPEN COUNCIL this _____ day of _____, A.D. 1989.

READ A SECOND TIME IN OPEN COUNCIL this _____ day of _____, A.D. 1989.

READ A THIRD TIME IN OPEN COUNCIL this _____ day of _____, A.D. 1989.

MAYOR

CITY CLERK

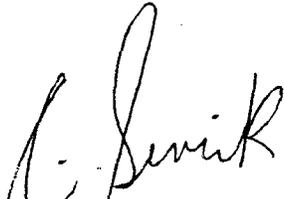
DATE: May 31, 1990
TO: City Solicitor
FROM: City Clerk
RE: REGULATION OF PROFESSIONAL BOXING SHOWS

On two previous occasions The City of Red Deer, by resolution, has appointed the City of Edmonton Boxing and Wrestling Commission to supervise on behalf of The City of Red Deer a Professional Boxing Show.

I have come across the attached Information Bulletin Number 2/88 from the Department of Municipal Affairs re: Regulation of Boxing, Wrestling and Similar Events, which suggests that whenever we appoint the Boxing Commission of another municipality to supervise matches in Red Deer, that such appointment must be made by bylaw under authority of Section 238 of the Municipal Government Act.

Your comments on this matter would be appreciated. If you concur, perhaps you might prepare a draft bylaw which we could keep on file for the next request, as it seems we don't usually have that much time to prepare the bylaw for the agenda because there is always such a rush.

Your attention to this matter is appreciated.



E. SEVCIK
City Clerk

CS/jt

Att.

c.c. Recreation & Culture Manager

BOXING ALBERTA

11759 Groat Rd. Edmonton, AB T5M 3K6 Phone 427-6515 Fax 427-1205


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Our Aims and Organization

Mission Statement

It is the purpose of the Alberta Amateur Boxing Association to promote and foster the development of the sport of Amateur Boxing throughout the province of Alberta. This shall be done through information, education, positive public relations, leadership and citizenship. It is also the intent of the Alberta Amateur Boxing Association to develop its boxers to the height of their potential through self-discipline, confidence, fitness, and sportsmanship. The Association will develop all coaches and officials to ensure competence and quality throughout the Amateur Boxing Program. The Alberta Amateur Boxing Association will strive to ensure continuity among all registered amateur boxing clubs.

Board of Directors for 2003/2004

President Terry Hawes	4111 - 117 St. Edmonton, AB T6J 1T5 e-mail twhawes@telusplanet.net	H(780)436-5112 W(780)438-2248 F)780)438-6519
Vice President I Len Aronsson	8814 - 97A Ave. Ft.Saskatchewan, AB T8L2S1 e-mail laronsson@interbaun.com	H(780)998-7376 W(780)992-2475 F(780)992-4905
Vice President II Dennis Ejack	Site 2, Box 2, RR4 Innisfail, AB T4G 1T9 e-mail dejack@telus.net	H(403)227-6864 F(403)227-5509
Treasurer Rosemary Page	PO Box 898 Redcliff, AB T0J 2P0	H(403)548-6627 F(403)548-2647

Brief History of AAWA

The Alberta Amateur Wrestling Association has been in official existence since the mid 1960's. However wrestling history in this province goes much further beyond this. Prior to the establishment of the AAWA, wrestling in Alberta was the responsibility of the Alberta Division of the Canadian Amateur Athletic Union (CAAU), the typical structure of most Olympic sports within North America. In the mid 60's, Canadian Olympic Association (COA) took over the responsibilities from the CAAU. They had the national sports committees form national federations who in turn delegated these responsibilities to provincial associations, and thus, the AAWA was formed. The head of the AAU wrestling committee, Alex Romaniuk became the first president and was assisted by the executive consisting of Larry Shelton, Bill Manson, Rummy Serediuk, and Hardy Davis.

As it does today wrestling in the past existed in a variety of school teams and clubs. Clubs were also run out of community organizations such as City Parks and Recreation Departments and the YMCA. High school programs were slower to catch on and provincial championships were not held until 1968. Today the U of A and U of C represent the post secondary institutions, but at one time the Alberta Colleges Athletic Conference was much more active with programs at NAIT, SAIT, Camrose, Red Deer and Vermillion.

In 1984 the province decided to centralize all provincial sports groups into one provincially funded building. To qualify for these benefits the organizations were required to restructure on a program basis. Bill Dowbiggin and Mike Eurchuk took on the task of writing and developing such programs, many of which, including program based budgeting are still in effect today.

Joe May was the first full-time Executive Director, coming on in 1985, and the first Technical Director, Phil Knox was hired later on that year. Joe also hired a full time assistant, using his own resources as well as those supplied by grants. In period of 24 months the budget increased by 3500%!

However, despite the thriving high school and junior high programs, programs were dropped from the colleges, and the universities were threatening to follow suit. The AAWA turned it's focus to developing club programs. Hiring Reg Laroque as a Technical Director positioned at the University of Calgary preserved the university program and provided an opportunity for graduates and non-students to be involved. At the University of Alberta John Barry maintained a team and also expanded it to include a club program, now headed by Vang Ioannides. Mitch Ostberg replaced Reg at the U of C, with Reg going on to establish his own club team. Other clubs were created by Clive Llewellyn and Rob Bennetts in Calgary and Glenn Purych and Jerry Derewonko in Edmonton. Both university teams are having great success in the current seasons, as are clubs such as the Rebels, the Strathcona WC, the Edmonton WC, King of the Mat, and several strong rural teams, producing many national champions.

Wrestling has been organized in this province for over 90 years, and continues to provide opportunities to great numbers of children, thanks to the visions and efforts of the members of the AAWA and its predecessor the AAU.



Alberta Taekwondo Association

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SITE SEARCH TOOL

THE ORGANIZATION: The Alberta Kodokan Black Belt Association, commonly known as **JUDO ALBERTA**, is the governing body for the sport of Judo in the province of Alberta.

The Association, incorporated in 1960, is a non-profit organization which operates on funds from the Alberta Sport, Recreation, Parks and Wildlife Foundation, fundraising programs, and membership fees. Judo Alberta serves the needs of its 1,100 members which consists of Judo athletes, instructors, coaches, officials, and supportive members.

MISSION STATEMENT

TO PROMOTE THE PRINCIPLES AND TEACHINGS OF THE SPORT OF KODOKAN JUDO TO ALL LEVELS IN ALL PARTS OF ALBERTA.

GOALS:

To promote Judo as a lifelong interest.

To develop competitive opportunities throughout Alberta.

To develop recreational opportunities throughout Alberta.

To develop High Performance athletes.

To have qualified facilities and equipment in place throughout Alberta.

To achieve financial self-sufficiency.

To increase the number of participants in the efficient administration of the sport.

To increase the number of participants in the sport.

To promote greater public awareness of the sport.

To develop and maintain qualified Judo coaches throughout Alberta.

To develop and maintain qualified Judo officials throughout Alberta.

Revised AUGUST 2000



COUNCIL MEETING OF MARCH 13TH , 2006

ATTACHMENT

DOCUMENT STATUS: PUBLIC

**REFERS TO: EXCERPT FROM THE JULY 28,
2003 COUNCIL AGENDA -
REGARDING ESTABLISHMENT OF
A PRIZEFIGHT
BOXING/WRESTLING
COMMISSION**

MINUTES

Moved by Councillor Watkinson-Zimmer, seconded by Councillor Flewwelling

“Resolved that the Minutes of the Monday, July 14, 2003 Regular Meeting of Red Deer City Council be confirmed as transcribed.”

MOTION CARRIED

POINT OF PRIVILEGE

On a Point of Privilege Councillor Watkinson-Zimmer commended the Leadership Networks, the members of the planning committee and the volunteers for successfully organizing the City’s first **Centre Fest**.

CORRESPONDENCE

Council considered correspondence from Jason St-Louis, Alliance Fighting Championships, **Re: Establishment of a Prizefight Boxing / Wrestling Commission**. Jason St-Louis and Lyle Cheney were present and spoke to the establishment of a prizefight boxing/wrestling commission. Following discussion the motion as shown below was introduced.

Moved by Councillor Dawson, seconded by Councillor Flewwelling

“*Resolved* that Council of the City of Red Deer, having considered the correspondence from Mr. Jason St-Louis, dated July 7, 2003, re: request for the City of Red Deer to undertake a direct role in the authorization and supervision of combatitive arts competitions either through a Red Deer Commission or the delegation of responsibility to another Commission, hereby denies said request.



Prior to consideration of the preceding motion the following tabling motion was introduced.

Moved by Councillor Higham, seconded by Councillor Hughes

Resolved that Council of the City of Red Deer hereby tables consideration of the motion re: combatitive arts competitions until the outcome of a 2003 meeting of Alberta Boxing and Wrestling Commission.

Councillors Watkinson-Zimmer, Flewwelling, Moffat and Rowe all registered dissenting votes

MOTION TO TABLE DEFEATED

The original motion as introduced was then on the floor and considered by Council.

Councillor Higham registered a dissenting vote

MOTION CARRIED

At this time the following motion was introduced and passed.

Moved by Councillor Flewwelling, seconded by Councillor Hughes

“Resolved that Council of the City of Red Deer directs City Administration to correspond with the Provincial Government, via the Department of Community Development, to request the Province to establish a provincial sanctioning and regulatory body that governs combatitive sporting events throughout Alberta.

MOTION CARRIED

REPORTS

Council considered a report from the Community Services Director dated July 21, 2003, **Re: Services and Open Spaces & Facilities Action Plans – Community Services Division**. Following discussion a tabling motion as set out hereunder was introduced and passed.

(4) **REPORTS**

1. Community Services Director – Re: *Services and Open Spaces & Facilities Action Plans – Community Services Division* . . .4
2. Director of Corporate Services – Re: *Amendment of Capital Budget Policy #5320* . . .57
3. Land & Economic Development Manager – Re: *698805 Alberta Ltd. – Offer to Purchase Part of Lot 12 PUL, Block 2, Plan 972-4354* . . .62
4. Land & Economic Development Manager – Re: *Edgar Industrial Park / Collicutt Energy Services Ltd.:*
 - (a) *Road Closure Bylaw 3317/2003 – Road Plan 772-0591 and Addition to Service Road as Shown on Plan 822-1823 / Edgar Industrial Park*
(Consideration of 1st Reading of the Bylaw) . . .66
 - (b) *Parkland Community Planning Services – Re: Land Use Bylaw Amendment 3156/KK-2003 / Rezoning of Land from A1 Future Urban Development District to I1 Industrial (Business Service) District and from ROAD to I1 Industrial (Business Service) District and P1 Parks and Recreation District / Edgar Industrial Park / Collicutt Energy Services Ltd.*
(Consideration of 1st Reading of the Bylaw) . . .68

(5) **CORRESPONDENCE**

1. Jason St-Louis, Alliance Fighting Championships – Re: *Establishment of a Prizefight Boxing / Wrestling Commission* . . .73

Greetings,

My name is Jason St-Louis, I am a Martial Arts Instructor at Arashi-Do Martial Arts here in Red Deer. I am also the President/CEO of the Alliance Fighting Championships (AFC).

The AFC is a Mixed Martial Arts (MMA) Sport Fighting organization. Mixed Martial Arts is the fastest growing sport in the world today, with Promotions and Combative Arts Commissions growing and flourishing all over the world. These promotions and commissions strive to offer safe and organised venues for Mixed Martial Arts Sport Fighting Athletes.

Mixed Martial Arts is a sport that consists of ALL the martial arts under one set of rules that allows athletes to perform the Martial Arts (MA) they have trained and studied, for so many years. It is a sport that mixes athletes from Karate, Judo, Tae-Kwon-Do, KickBoxing, Boxing, Brazilian Jiu-Jitsu, Greco Roman & Freestyle Wrestling. These athletes come from all levels of competition whether it being Municipal, Provincial, National or the World stage. It is a sport in which all athletes can express themselves in a one on one contest that tests the limits of their technical skills, training and mental focus.

I, myself, am a Professional Mixed Martial Arts Sport Fighter. I have trained in martial arts for the past 23 years. I hold Black Belts and ranks in Karate, Judo, Tae-Kwon-Do, Ninjutsu, Aikido, Aikijutsu, ShootWrestling, Wrestling, KickBoxing, Boxing(level III coaching certification), Brazilian Jiu-Jitsu((Canadian Representative) and Mixed Martial Arts, the very sport I am writing to you about today. I have also been teaching these arts for the past 17 years.

My professional MMA fighting record is 9-3-0.

I am the current : UGC (Ultimate Generation Combat) World Middleweight Champion
: MC (Maximum Combat) World Welterweight Champion
: MFC (Maximum Fighting Championships) #1 Ranked World
Welterweight Fighter
: Former UCC (Universal Combat Challenge) Canadian Middleweight
Champion

I also hold Municipal, Provincial and National Titles in Karate, Tae-Kwon-Do, Kickboxing, Submission Grappling and Brazilian Jiu-Jitsu competitions. I have a degree in Acupuncture and Complimentary Medicine and I have my Level 3 in Reiki as a practitioner. I am the former Executive Director of the Maximum Fighting Championships(MFC) which is an Mixed Martial Arts sport fighting organisation that has been on Pay-Per-View television and is still a successful promotion to this day.

The City of Red Deer has some of Canada's top Mixed Martial Arts athletes, athletes by the names of Jason MacDonald, Jason Sagal, Victor Valimaki, Kyle Dillman as well as myself.

Red Deer is my home and it is where I would like to build a foundation for the sport of

Mixed Martial Arts. I have the experience and education to have a successful promotion, and with that, I believe I can bring profit and income to the city of Red Deer by creating jobs for local students, merchants and business owners alike.

For my promotion to be a success, I must plan, in all fashions of ethics, morale and the guidelines set forth by law. According to the criminal code and the province of Alberta, my promotion must be sanctioned by an athletic commission. I have full support of the Edmonton Boxing and Wrestling Commission(EBWC) for my event and they have confirmed that they are willing to come to Red Deer to aid in the show which is scheduled for Saturday September 6th, 2003 at Westerner Park in the Prairie Pavilion. I have also been informed by the Edmonton Boxing & Wrestling Commission's Lawyer, that if the City of Red Deer would like, it may simply pass a By-Law or Resolution once again, to allow the Edmonton Boxing & Wrestling Commission to come to Red Deer and govern the Alliance Fighting Championships Mixed Martial Arts promotion.

As you probably already know, Red Deer passed a resolution in 1998 that allowed Edmonton to come and govern a Combative Arts promotion in the city of Red Deer. I have recently been informed by Mr.Ed Pierson of the Edmonton Boxing & Wrestling Commission that a new By-Law must be passed again for 2003. My other option is to form a Combative Arts Commission(CAC) who will govern the promotion and sanction the event. This commission will need to consist of 3-members, a President, Vice-President and a Treasurer. Since this commission will not have the experience to perform the required duties needed, they can however, appoint the Edmonton Boxing and Wrestling Commission to come to the city of Red Deer and govern the show.

It is my understanding that shows in the past have been put on illegally, shows such as the world famous World Wrestling Federation(WWF) all the way to home based local kick boxing cards similar to the one that just recently took place. From my understanding the reason that these events were illegal is because they were not sanctioned by a Commission recognised by the Municipality and/or the Province. The reason for needing a sanction is so that the athletes are protected in case of accidental injury or death. In all of the years that Mixed Martial Arts competitions have been active, there has never been a case in which serious injury or death has occurred.

I am eager to plan and execute my goal and dream of being a successful, well known promoter, but never at the compromise or expense of the law or the safety of my athletes. Forming a commission will also benefit the city for the day we decide to have the return of the WWF, now the WWE, as well as any and all Kickboxing and Boxing cards. Please also keep in mind that our great city is home to numerous athletes performing in various Combative Art forms who, one day, may benefit enormously from one of our local promotions. For this reason, I have sought out respected members of the community who share and give back to our community with their teachings and dedication to all of these sports.

I would like to nominate 3 individuals for the roles of President, Vice-President and Treasurer. Their names are Doug Rowe, Jason Sagal and Keith Kenny, respectively, and

you will find their Bio's attached to the back of this information.

I hope I have offered some helpful insight to my situation so that you can understand as well as aide in forming a CAC(combative arts commission) or to once again pass a resolution to allow the EBWC to come to Red Deer and sanction my event.

The following is a list of contacts I have made for the support and designation for the proposal of a Combative Arts Commission.

Mr.Ed Pierson- Edmonton Boxing & Wrestling Commission
780-914-8393 or fax: 780-435-5909

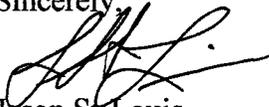
The EBWC have been accepted rules and regulations to govern the safety of Athletes by the Nevada State Athletic Commission. The Nevada State Athletic Commission is also the same commission that governs Boxing in the sate of Nevada and, the leading Mixed Martial Arts promotion in the world, the Ultimate Fighting Championships(UFC).www.ufc.tv

Mr.Kelly Claus- City of Red Deer
403-342-8134

Mr.Glen Cowper- Alberta Sport & Recreation
780-415-0265

I thank you for your time and patience and with any good fortune we will be able to form an amiable and productive working relationship.

Sincerely,



Jason St-Louis
President/CEO
Alliance Fighting Championships
#511 4902 37th street
Red Deer, AB T4N-6M9
Business: 403-358-2681
fax: 403-346-6337

THE CITY OF RED DEER
OFFICE OF THE CITY CLERK

RECEIVED	
TIME	3:30
DATE	July 7. 03.
BY	<i>R. Kreter</i>

Doug Rowe
9 Stewart st.
Red Deer, AB T4N-0B5
(h)403-343-9501
(w)403-347-1171 Ext.2553

Education/Achievements/Awards

- 5 Year Bachelor of Education degree at the University of Lethbridge
- Visual Communications Diploma at Lethbridge Community College
- Guidance Councillor, Teacher Advisor Coordinator at LTCHS
- Boxing Coach at Lyndsay Thurber Comprehensive High School
- Level II Certified Canadian Amateur Boxing Association Coach
- Coached 2 Canadian Amateur Boxing Association Champions
- Coach of 2001/02 Team Trophy, Alberta Silver and Bronze Gloves
- Former Sports reporter (5 years) Lethbridge Herald
- Press Box Manager at the 1995 World Junior Hockey Championships
- Volunteer Award- Alberta Amateur Boxing Association
- Volunteer Award- City of Lethbridge

Jason Sagal
107 - 4734 43rd ave
Red Deer, AB T4N-3C7
ph:403-343-0375

Education

College of Arts & Science at the University of Saskatchewan while obtaining a degree in Ecological Education.

Martial Arts/Wrestling Experience

- Three seasons of collegiate wrestling with the U of S Huskies obtaining 2nd in the Provincials.
- Studied/Trained under Randy Couture of Team Quest, who is also the former 2x Ultimate Fighting Championships(UFC) Heavy Weight Champion, current UFC Light Heavy Weight Champion and known for his accomplishments as a member of the US Greco-Roman Wrestling team and, Eco-Challenge competitor.
- Studied/Trained under Matt Lindlan, the #1 Middle Weight contender to the Ultimate Fighting Championships(UFC) title. Matt Lindlan is also decorated as the World Cup Title holder for Greco-Roman Wrestling and is best known for his Silver medal win at the 2000 Sydney Olympics.

Active Involvement

- Actively involved in Mixed Martial Arts(MMA), taking time off due to a knee injury.
- Continually incorporating knowledge of skills to add diversity to Boxing, KickBoxing and Jiu-Jitsu.

Personal Note

I have always believed our sport of Mixed Martial Arts(MMA) could be the most exciting main stream sport of the new millenium because it is the most complete fighting sport. Being a competitor and having to learn the fundamentals of all the Martial Arts involved, I can honestly say that the athletes involved are among the elite of any combat sport today. These athletes deserve the chance to showcase the skill and dedication it takes to make the sport what it is today.

Keith Kenny

Mr.Kenny was away on business so he was unable to provide me with his resume/bio. He has asked me to offer his home number so that he may be contacted at your convenience.

Keith Kenny
403-342-8882



Legislative & Administrative Services

Docs. 297852 v1

DATE: July 17, 2003
TO: City Council
FROM: Manager, Legislative & Administrative Services
SUBJECT: Establishment of a Prizefight Boxing / Wrestling Commission

Request

The City has received a request from Jason St-Louis to pass a bylaw to:

1. Establish a Red Deer Combative Arts Commission, or
2. Appoint the Edmonton Boxing & Wrestling Commission to supervise events within Red Deer.

Mr. St-Louis has an event scheduled for Saturday September 6, 2003 in Red Deer.

Policy Issue

Does Council support the City regulating certain sporting events by way of a commission established by bylaw?

History

The City of Red Deer does not have a bylaw establishing a Boxing & Wrestling Commission. In 1993 Council passed a bylaw to appoint the Edmonton Boxing & Wrestling Commission to supervise a specific boxing event in Red Deer on June 12, 1993. On April 6, 1998 Council passed a resolution again appointing the Edmonton Boxing & Wrestling Commission to supervise a boxing event in Red Deer on May 8, 1998. As shown below this resolution included not just the May 8 event but also other similar events.

“RESOLVED that Council of The City of Red Deer hereby authorizes The City of Edmonton Boxing and Wrestling Commission to supervise boxing, wrestling and similar matches within the city of Red Deer provided that such events meet all legislative and legal requirements.”

In addition, Council passed a resolution asking the Province to appoint a Provincial sanctioning body that would govern these events province wide. The request was sent to Alberta Community Development on April 8, 1998 however to my knowledge, the Province took no action.

In 2003, the Edmonton Commission advised that they would:

- Not supervise an event in another municipality unless a bylaw authorizing this takes place. Also they are reviewing the extent that they even wish to supervise events outside of Edmonton.
- Not supervise "toughman" events, due to the lack of safe rules and regulations.

Legislation

Prizefights are governed within Federal and Provincial legislation as set out hereunder.

Criminal Code - Federal

Engaging in prize fight

83. (1) Every one who

- (a) engages as a principal in a prize fight,
- (b) advises, encourages or promotes a prize fight, or
- (c) is present at a prize fight as an aid, second, surgeon, umpire, backer or reporter,

is guilty of an offence punishable on summary conviction.

Definition of "prize fight"

(2) In this section, "prize fight" means an encounter or fight with fists or hands between two persons who have met for that purpose by previous arrangement made by or for them, but a boxing contest between amateur sportsmen, where the contestants wear boxing gloves of not less than one hundred and forty grams each in mass, or any boxing contest held with the permission or under the authority of an athletic board or commission or similar body established by or under the authority of the legislature of a province for the control of sport within the province, shall be deemed not to be a prize fight.

R.S., 1985, c. C-46, s. 83; R.S., 1985, c. 27 (1st Supp.), s. 186.

From the information available, the above legislation was developed in the earlier part of the 20th century in response to "bare knuckle fights" and the risks associated with those events. Most of the reported criminal cases dealing with this section appear to have taken place in the 1920's.

Basically the criminal code says that prize fights are illegal unless it:

1. Is a boxing contest between amateur sportsmen (amateur is not defined in the criminal code however is defined in the Merriam-Webster dictionary as "one who engages in a pursuit, study, science, or sport as a pastime rather than as a

profession, or one lacking in experience and competence in an art or science". However, Appendix A from Boxing Canada describes the differences between Amateur and Professional Boxing.); and

2. Certain size boxing gloves are used; and
3. The boxing contest has permission from a provincial sport authority.

If a martial arts competition is an encounter or fight with fists or hands between two persons who have met for that purpose by previous arrangement made by or for, then the event is a "prizefight" and illegal. If a martial arts competition can be deemed a "amateur boxing contest" then it may be eligible to be sanctioned by a provincial sport authority. If martial arts competitions are not considered prizefights then it appears no regulations apply.

The application and enforceability of the criminal code legislation is unclear. In speaking with the RCMP, if a complaint were raised regarding an illegal event, they would investigate and then seek crown counsel's direction on enforcement.

Municipal Government Act (MGA) - Provincial

Prior to 1995 Section 238 of the MGA provided that a municipality may appoint a board or commission to control and regulate boxing, wrestling, and similar matches in the city. After 1995 amendments were made to the MGA that excluded the above clause.

Subsequently in 2002 the Province, as a result of lobbying from the City of Edmonton, again amended the MGA and inserted a new section related to this subject as noted below:

535.1

- (1) In this section, "commission" means a commission established by bylaw for controlling and regulating boxing matches or wrestling matches, or both.
- (2) A commission and its members, officers, employees and any volunteers performing duties under the direction of any of them are not liable for anything said or done or omitted to be done in good faith in the performance or intended performance of their functions, duties or powers under this Act or any other enactment.
- (3) Subsection (2) is not a defense if the cause of action is defamation.

It is unclear if a Combative Arts Commission falls within the scope of the section 535.1. It is my understanding that the City of Edmonton plans to ask for a further amendment to the Act to clearly state that martial arts falls within the scope of this legislation. It is also not clear if this section is in response to the Criminal Code legislation noted above, or Section 7 of the present Municipal Government Act that allows bylaws dealing with safety, health and welfare of people, activities and things in, on, or near a public place. Section 7 could be used to authorize a municipality to pass a bylaw generally dealing with athletic contests if a council felt the municipality should or needed to regulate that contest. This is not done for any other sport but if Council felt that municipal regulation of a sport was needed authority to do so is there.

Appendix B does list the provincial sport associations. Many of these also have national associations that govern and provide direction for their sport. The province does have the ability to authorize these organizations to regulate and supervise events within their particular sport.

Municipal Liability

The extent of municipal liability depends on a policy decision relating to the expectations of the general community for the Council to regulate boxing, wrestling, and martial arts events within the city of Red Deer.

If Council does not form a commission or authorize another commission to supervise events, then the City is not subject to any liability for claims arising out of boxing or wrestling contests or other forms of fighting competitions.

If Council does establish a commission, either by creating Red Deer's own body or by passing a bylaw allowing the Edmonton Commission to have authority in Red Deer, the City is exposed to potential liability for the negligent acts or omissions of the commission. It makes no difference whether the City has its own commission or appoints Edmonton's commission.

The City's insurance does provide the coverage for any sporting event that the City hosts. Boxing, wrestling or other fight-type events are covered but are considered by the City insurers as higher risk and warrant the establishment of regulations to mitigate that risk. Section 535.1, referred to previously, of the MGA provides some additional protection to the City if a commission was established. The real issue with section 535.1 is whether or not this protection will actually serve to hold the City harmless from claims for injury occurring in fighting events. Little case law is available on this subject.

In speaking with our Risk Management and Insurance Analyst, he recommends that if Council does establish a commission and thus expose the City to potential liability, then

the City should have total control over the commission. This includes the establishment of policies and procedures to ensure safety and minimize the liability risk. Strict compliance of these policies and procedures is needed along with documentation of that compliance. The use of the Edmonton Boxing and Wrestling Commission may not allow for this type of hands on control.

Another consideration is the resources required for setting up the commission and the minimization of risk. If the commission were set up on a volunteer basis, the City would still need representation to ensure it operates in the desired manner.

In the end, the Analyst recommends that "if" the City establishes a commission, it not involve a third party such as the Edmonton Commission, and strict policies and procedures be in place with enforcement and documentation.

Options

The options available to Council and the pros and cons to each are listed below:

Option	Pros	Cons
1. Do not pass a bylaw to establish a commission.	<ul style="list-style-type: none"> • No liability exposure. • No costs or resources required related to establishing and operate a commission. 	<ul style="list-style-type: none"> • No standards are in place or enforced relating to fighting contests.
2. Pass a bylaw to establish a commission	<ul style="list-style-type: none"> • Standards are in place and enforced relating to fighting contests. 	<ul style="list-style-type: none"> • Liability Exposure • Regulations need to be established & enforced. • Budget allocation required. • No in-house resource available to take on this responsibility. • Only pertains within the boundaries of Red Deer. • Applies to public and privates places where events are held.
3. Pass a bylaw to authorize the Edmonton Boxing & Wrestling Commission to	<ul style="list-style-type: none"> • Standards are in place and enforced relating to fighting contests. 	<ul style="list-style-type: none"> • Liability Exposure • Regulations need to be established & enforced. • Budget allocation

supervise Red Deer events.		required. <ul style="list-style-type: none">• No in-house resource available to take on this responsibility.• Only pertains within the boundaries of Red Deer.• Applies to public and privates places where events are held.
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Discussion

Legally there is no requirement for the City to become involved in regulating boxing, wrestling or other fight type events.

From a policy perspective Council may feel there is a need to ensure and enforce reasonable standards of officiating and medical control for fighting contests which take place in Red Deer so that the prospects of serious injury is minimized. If this is the case then the issues of liability, resources, and costs arise. If Council wishes to pursue the passing of a bylaw more investigation is required and costs identified.

In speaking with the Recreation, Parks, and Culture Manager he does not recommend that the City begin to regulate certain sports within Red Deer by way of a special commission.

Recommendation

1. That the request of Mr. St-Louis for the City to pass a bylaw to either establish a Combative Arts Commission or authorize the Edmonton Boxing and Wrestling Commission to supervise boxing, wrestling, and martial arts events within Red Deer, be denied.
2. That if Council does consider options 2 or 3, a budget be established to investigate this issue further following which a report be brought back to Council identifying in detail the legal, resources, and budget implications.



Kelly Kloss
Manager

DIFFERENCE BETWEEN AMATEUR (OLYMPIC) and PROFESSIONAL BOXING

Up-dated

The main differences are in the Rules as well as in the Objectives of the two sports, with different safety standards and records. Because of this distinction, unlike in other sports, athletes as well as referees and judges of professional boxing are not permitted to participate in amateur and Olympic boxing events. The following are a few examples of the differences between amateur and professional boxing. It is recognized that while the rules for amateur boxing are the same all over the world, rules for professional boxing can vary significantly, and in a few countries or states may have now equalled or even exceeded safety standards of amateur boxing in some instances. The purpose of this web page is to provide factual information in the light of much confusion and misconception. No bias against or preference for a particular sport is expressed, implied, or intended.

Aspect	Amateur	Professional	Safety
Rules	Are geared to protect the health and safety of the athlete. Uniform in all 190 AIBA affiliated countries.	Rules vary from country to country, sometimes even within one country.	Uniform rules mean uniform safety standards.
Rounds	4 rounds (3 rounds for females) of 2 minutes each. Shorter rounds for novices and boxers under 17.	From 4 rounds of 3 minutes up to 12 rounds of 3 minutes each. Two- minute rounds for females.	Longer bouts are said to increase the risk of injury. For that reason, professional boxing no longer has 15 round fights.
Gloves	10 oz. for competitions, specially designed to cushion the impact. White area denotes striking surface. Must have AIBA approved label.	6, 8, and 10 oz. gloves, depending on jurisdiction.	Not only the weight, but also the design and material of gloves are factors.
Headguards	Compulsory for all competitions since 1971 in Canada, since 1984 world-wide.	Prohibited.	Headguards reduce cuts by 90 %, ear lobe injury by 100 %.
Singlets (Tops)	Mandatory for males and females.	Prohibited for males.	Tops prevent rope burns, keep gloves cleaner.
Vaseline, Grease	Prohibited.	Allowed.	Possible eye / vision irritant. Said to prevent "leather-burn."
Standing Eight-Count	Given to a boxer in difficulty. After 3 eight-counts in a	Usually does not exist.	Purpose is to protect the boxer before getting

	round or 4 in total, the bout is stopped.		hurt.
Duties of Referee	First priority is to protect the boxers, and to enforce the rules in the ring. The referee does not keep score.	To enforce the prevailing rules. In some jurisdictions, the referee keeps score. In recent years, actions of referees to stop the fight when a boxer is injured or helpless have been exemplary.	The role and actions of the referee are important in preventing serious injuries.
Injuries	The bout is stopped when there is much bleeding, or cuts, swelling around the eye.	The bout is not stopped unless the injured boxer is unable to continue (TKO).	Blood and swelling around the eyes impair vision and make it hard to defend against blows.
RSC - Outclassed	If a boxer is overmatched, and has difficulty defending against a far superior opponent, the referee stops the contest.	No such rule.	Mismatches can be a cause of injuries, and while rare, can happen in both sports, in spite of rules and all efforts to prevent or end them.
Novice Class	Boxers who have competed in 10 events or less are in the Novice class, and can compete only against other Novices.	No such rule.	This rule seeks to prevent mismatches and to make bouts more even and fair.
Fouls	There are 21 fouls (forbidden, unfair or dangerous tactics) which lead to warnings and point penalties if committed. Disqualification after 3 warnings.	Some tactics considered fouls in amateur boxing are permitted in professional boxing.	Clean boxing without fouls makes the sport safer.
Objectives	To win on points by landing more correct scoring blows on the opponent's target area. Knock-downs do not result in extra points. Knock-outs are accidental, and not an objective.	For point decisions, aggressiveness, knock-downs, injuring ("marking") the opponent, can also count. KO's are an objective, as a high knock-out record can lead to higher earnings.	Acute knock-outs are concussions. Less than 1 % of amateur bouts end in knock-outs. Over 25 % of pro fights end in KO's, over 50 % in KO's or TKO's.
Terms	Coach Boxer Bout	Trainer Fighter Fight	



What is Boxing Canada (CABA)?

Boxing Canada (CABA) is the National Sport Governing Body for Amateur Boxing in Canada. Affiliated with the International Amateur Boxing Association (AIBA), it is a member sport of the Canadian Olympic Association and the Commonwealth Games Association.

Incorporated (1969) under the laws of Canada with letters patent as a not-for-profit amateur sport organization, the objects of the Canadian Amateur Boxing Association (Boxing Canada) are reflected in its Mission Statement: *"To promote, encourage, and develop the widest participation in amateur boxing in Canada, and the highest proficiency amongst its members in pursuit of excellence."*

The mandate of CABA includes development and maintainance of uniform rules and regulations governing amateur boxing competitions in Canada, coaching and officials development, national and international competitions, National Team Programs (development, training and competition) and international relations.

Boxing Clubs, club members, as well as club and provincial competitions are under the jurisdiction of the respective affilated Provincial/Territorial amateur boxing association (Branches).

BOXING CANADA

Canadian Amateur Boxing Association (CABA)

888 Belfast Road, Ottawa, ON Canada, K1G 0X6

Telephone: (1-613) 238-7700 FAX:(1- 613) 238-1600

E-mail: caba@boxing.ca

Links:

 [Directory of Boxing Canada \(CABA\)](#)

 [Calendar of Events 2001](#)

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Community Development

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SPORT & RECREATION

Provincial Sport Associations (A-G)

The Provincial Sport and Recreation Associations provide a variety of programs and services to Albertans. The Ministry currently provides financial assistance to support the operation of 73 Provincial Sport Associations and 25 Provincial Recreation Associations.

Provincial Sport Associations A - G

- | | |
|---|--|
| Alberta Alpine | Alberta Amputee Sport & Recreation Association |
| Alberta Bowhunters and Archers Association | Athletics Alberta |
| Badminton Alberta | Alberta Amateur Baseball Council |
| Alberta Basketball | Alberta Baton Twirling Association |
| Biathlon Alberta | Alberta Bicycle Association |
| Alberta Sports and Recreation Association for the Blind | Alberta Bobsleigh |
| Bowling Federation of Alberta | Alberta Amateur Boxing Association |
| Alberta Broomball Association | Alberta Recreational Canoe Association |
| Alberta Sprint Racing Canoe Association | Alberta Whitewater Association |

- [Sports & Recreation Links](#)
- [NCCP](#)
- [Alberta's Future Leaders Energize Workshop](#)
- [Go Girl](#)
- [International Sport Exchange](#)
- [Percy Page Centre](#)
- [Provincial Sport and Recreation Association Sport Championship Inventory](#)
- [Zone Sport Strategy](#)

- [Related Links](#)
- [Development Initiative Program](#)
- [Hosting Program](#)
- [Park and Wildlife Value Program](#)
- [Conferences and Events](#)

Alberta Cerebral Palsy Sport Association	Alberta Colleges Athletic Conference
Alberta Cricket Association	Cross Country Alberta
Alberta Curling Federation	Alberta Deaf Sports Association
Disabled Skiers Alberta	Canadian Amateur Diving Association – Alberta Section
Alberta Equestrian Federation	Alberta Fencing Association
Field Hockey Alberta	Skate Canada – Alberta–Northwest Territories/Nunavut Section
Football Alberta	Alberta Freestyle Skiing Association
Alberta Golf Association	Alberta Gymnastics Federation

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Community Development

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Location: [Alberta Government Home](#) > [Community Development Home](#) > [ASRPWF Home](#) > [Programs & Services](#) > [Sport Provincial Associations](#) > [Provincial Sport Associations \(H-Z\)](#)



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SPORT & RECREATION

Provincial Sport Associations (H-Z)

The Provincial Sport and Recreation Associations provide a variety of programs and services to Albertans. The Ministry currently provides financial assistance to support the operation of 73 Provincial Sport Associations and 25 Provincial Recreation Associations.

Provincial Sport Associations H - Z

- | | |
|---------------------------------------|--|
| Hockey Alberta | Alberta Horseshoe Pitchers |
| Judo Alberta | Karate Alberta Association |
| Alberta Lacrosse Association | Lawn Bowls Association of Alberta |
| Alberta Luge Association | Alberta Orienteering Association |
| Alberta Racquetball Association | Alberta Rhythmic Sportive Gymnastics Federation |
| Ringette Alberta | Alberta Rowing Association |
| Alberta Rugby Union | Alberta Sailing Association |
| Alberta Schools' Athletic Association | Alberta Senior Citizens Sport and Recreation Association |
| Alberta Federation of Shooting Sports | Alberta Ski Jumping and Nordic Combined Association |
| Alberta Soaring Council | Alberta Soccer Association |
| Alberta Amateur Softball | Alberta Special Olympics |

- [Sports & Recreation Links](#)
- [NCCP](#)
- [Alberta's Future Leaders Energize Workshop](#)
- [Go Girl](#)
- [International Sport Exchange](#)
- [Percy Page Centre](#)
- [Provincial Sport and Recreation Association](#)
- [Sport Championship Inventory](#)
- [Zone Sport Strategy](#)

- [Related Links](#)
- [Development Initiative Program](#)
- [Hosting Program](#)
- [Park and Wildlife Viewing Program](#)
- [Conferences and Events](#)

Association	
Alberta Amateur Speed Skating Association	Sport Medicine Council of Alberta
Alberta Sport Parachuting Association	Squash Alberta
Swim Alberta	Synchro Alberta Association
Alberta Table Tennis Association	Alberta Tae Kwon Do Association
Alberta Team Handball Federation	Tennis Alberta
Alberta Triathlon Association	Alberta Universities Athletic Association
Alberta Volleyball Association	Alberta Water Polo Association
Water Ski Alberta	Wheelchair Sports Alberta
Alberta Amateur Wrestling Association	Alberta Weightlifting Association

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Comments:

We recommend that Council elect not to undertake a direct role in the authorization and supervision of combatitive arts competitions either through a Red Deer Commission or the delegation of responsibility to another Commission, such as that currently established in Edmonton. We note that there are large numbers of sport and recreation competitions within the community which are not regulated by the Municipality. Many of them are regulated through a provincial association and we believe that this is a responsible direction for any sport. There is no particular reason for Council to distinguish competitive arts from numerous other sports in which injury is a potential. We do acknowledge the usefulness of combatitive sports following a consistent set of standards relative to safety. We recommend that Council correspond with the Provincial Government via the Department of Community Development to request their proactive collaboration with all groups involved in this sport across the Province with the aim of developing a Provincial level commission. This commission could establish standards and provide a degree of oversight and regulation to these activities throughout the entire Province.

We assume that as attention to this issue increases at the Provincial level, clarification would be sought relative to Federal legislation which currently requires updating beyond the 1920's definitions.

"G.D. Surkan"
Mayor

"C. Jensen"
Acting City Manager



Council Decision – March 13, 2006

Legislative & Administrative Services

DATE: March 14, 2006
TO: Greg Scott, Recreation, Parks & Culture Manager
FROM: Kelly Kloss, Legislative & Administrative Services Manager
SUBJECT: Request from Mr. Len Koivisto for The City to Pass a Bylaw for the Establishment of a Red Deer Boxing Commission

Reference Report:

Letter from Mr. L. Koivisto, dated January 9, 2006 and Recreation, Parks & Culture Manager, dated March 6, 2006

Resolutions:

"Resolved that Council of the City of Red Deer having considered the correspondence from Mr. Len Koivisto, dated January 9, 2006, re: Request to Pass a Bylaw for the Establishment of a Red Deer Boxing Commission, and the report from the Recreation, Parks and Culture Manager, dated March 6, 2006, hereby agrees not to pursue the establishment of a Red Deer Boxing Commission."

Report Back to Council: No

Comments/Further Action:



Kelly Kloss
Manager

/chk

c Director of Community Services
City Solicitor

BYLAW NO. 3156/00-2005

Being a Bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer to govern the construction, placement and use of portable signs.

COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, ENACTS AS FOLLOWS:

Schedule "D" - Sign Regulations of Bylaw No. 3156/96 is hereby amended as follows:

1 By adding to Section 1 (1) the following new definitions:

"Corner Lot" for the sole purpose of section 49 means; "that portion of any site abutting two streets".

"Frontage" for the sole purpose of section 49 means; "that portion of any site abutting the street".

2 By deleting from Section 1(1) the "Temporary Sign" definition.

3 By deleting from Section 1(1) the current definition of "Portable Sign" and replacing it with the following new definition:

"Portable Sign" means any sign or advertising device that can be carried or transported from one site to another, which does not rely on a building or a fixed concrete foundation for its structural support and includes signs commonly known as mobile signs, temporary signs, inflatable signs or devices or banners, whether tethered to a building or not, vehicles placed in a location for advertising purposes, but does not include an A-board or real estate sign or signage permanently attached and forming part of motor vehicles used in the day to day conduct of a business."

4 Section 49 is deleted in its entirety and replaced with the following:

Portable, Temporary and Inflatable Signs and Banners

"49 (1) Intent:

(a) portable signs are intended for temporary on site advertising relating to the commercial activities of the landowner or tenants. Third party advertising is not permitted on portable signs with the exception only of promotions of not for profit organizations;

(b) the portable sign owner or licensee, not the City, will determine which tenant(s) shall have the benefit of the portable sign; and

- (c) a portable sign being used to advertise activities or events with the exception of not for profit organizations may only be located on a site where the event or activity is taking place.

(2) Districts in which Portable Signs are allowed:

Subject to the provisions of this part, portable signs are a permitted use in C1, C1A, C3, C4, I1, I2 and discretionary in all other districts. Banners and inflatable signs are a discretionary use in all districts.

(3) Specific locations in which Portable Signs are allowed:

- (a) a maximum of one portable sign per site frontage will be allowed but not on any site which contains an "A" board;
- (b) the landowner or a lessee with the consent of the landowner of a site for which a portable sign is proposed may apply for a portable sign permit;
- (c) an application for portable sign permit must include a site plan showing the proposed location of the portable sign, all dimensions of the sign including height and face area of the sign, the design of the sign including a photograph of same, the type of construction, material and finish of the sign, the manner of stability and support of the sign, the distance from curb lines, property lines and driveway locations;
- (d) notwithstanding (c) herein, a portable sign must be wholly located on the property of the landowner who has been granted a permit;
- (e) notwithstanding (a), (b), (c) or (d) above, no portable sign shall be located closer than 100 linear m to any other portable sign; and
- (f) a portable sign may only be located at the specific location for which a permit is granted.

(4) Portable Sign Standards:

- (a) a portable sign shall be installed, serviced, removed, and accessed from within the property on which the sign is located;
- (b) a portable sign shall not exceed 4.0m² per face, nor shall any such sign exceed 3.0m in height from grade;
- (c) no portable sign shall be illuminated or employ any flashing or sequential lights or any mechanical or electronic device to

produce or simulate motion;

- (d) a portable sign shall not interfere with pedestrian and/or vehicular traffic;
- (e) notwithstanding 4(d) above, no portable sign shall be located closer than 1.5m to a property line or within 3m of any access/egress to/from a property or within 10m of any intersection;
- (f) a portable sign must be stabilized but shall not use unsightly or potentially hazardous methods. The means by which stability is to be provided shall be included as part of the permit application. An inflatable sign may, however, use guy wires;
- (g) a portable sign shall be removed immediately on ceasing to be in use; and
- (g) a portable sign in use, shall at all times be maintained in good condition and, specifically, shall contain lettering and signage which is secure and complete. Any damaged or missing signage must be repaired within 24 hours of knowledge of same coming to the attention of the permit holder.

(5) Permit and Fees:

- (a) no portable sign shall be erected without a permit and if applicable, a validating marker or ID tag from the City of Red Deer Inspections & Licensing Manager; The fee payable for a sign permit for a portable sign shall be \$85.00;
- (b) an applicant for a portable sign permit shall provide all of the information required by these provisions, and include such other information as the Inspections & Licensing Manager may reasonably require;
- (c) no portable sign may be placed other than at a location approved by the Inspections & Licensing Manager and shown on a site plan forming part of the permit application;
- (d) the maximum length of a permit is 60 days. The maximum duration of display at one location for each portable sign shall be 60 days twice in a calendar year, provided, however, that no portable sign shall remain at one location for more than 60 consecutive days at a time. A site shall remain free of portable signs for a minimum of 60 consecutive days before a further permit for such site can be issued. No permit may be applied for more than 7 days in advance of the date of placement;

- (e) portable signs shall be removed on or before the date on which the permit expires; and

(6) Short Term Seasonal Activity Portable Signs:

On application the Inspections & Licensing Manager may in his sole discretion permit the placement of a portable sign for short term seasonal activities but in any event for a period not exceeding 30 days. The license fee for such permit shall be \$25.00.

(7) Inflatable Signs:

- (a) except as enumerated herein, all provisions applicable to portable signs generally shall apply to inflatable signs;
- (b) an inflatable sign shall be tethered or anchored and shall be touching the surface to which it is anchored;
- (c) an inflatable sign shall not exceed the maximum free standing sign height allowable for the district;
- (d) there shall be a maximum of 1 inflatable sign per site, but no inflatable sign shall be permitted on the site containing any other portable sign;
- (e) an inflatable sign may be placed on a site twice within a calendar year, but for not more than 30 days at a time; and
- (f) an inflatable sign may not be located on the roof of a structure."

(8) Banners:

- (a) a banner shall not be displayed at any one site for longer than 90 consecutive days and for no more than 180 days within a calendar year;
- (b) the application for a permit respecting a banner shall indicate the location and the area the banner will cover but in no circumstance will a banner be permitted on any structure other than a permanent building;
- (c) notwithstanding the above, a banner size shall not exceed 10% of the gross area of the face of the structure to which it is attached;
- (d) a banner shall be maintained in good condition and promptly removed if damaged; and

(e) except as enumerated herein, all provisions applicable to portable signs generally shall apply to Banners.

(9) Exception:

These provisions do not apply to portable signs including banners erected by the City or the RCMP as warning signs in connection with traffic speed or safety."

5 By deleting subsection 58(2) in its entirety and replacing it with the following:

"(2) No billboard, wall sign, or painted wall sign, including supergraphics or portable sign shall be allowed to advertise adult entertainment or services which feature nudity."

6 In all other respects, Schedule "D" of Bylaw No. 3156/96 is hereby ratified and confirmed.

READ A FIRST TIME IN OPEN COUNCIL this 19th day of December 2005.

READ A SECOND TIME IN OPEN COUNCIL this day of 2006.

READ A THIRD TIME IN OPEN COUNCIL this day of 2006.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2006.

MAYOR

CITY CLERK

Item No. 2

BYLAW NO. 3156/B-2006

Being Bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA ENACTS AS FOLLOWS:

Bylaw No. 3156/96 is hereby amended as follows:

1 By adding the following new section 35.1:

“35.1 OFFENCES AND PENALTIES

- (1) No person shall:
 - (a) fail to comply with a development permit or subdivision approval or conditions forming part thereof;
 - (b) fail to comply with an order under section 545, 546, 551, 567 or 645;
 - (c) fail to comply with a decision of the subdivision and development appeal board;
 - (d) obstruct or hinder any person in the exercise or performance of the person’s powers under this bylaw; or
 - (b) make use of land in a manner contrary to the provisions of this Bylaw.
- (2) A person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable upon summary conviction to the specified penalty set out in Schedule “E”, or in the case of an offence for which there is no specified penalty, to a fine of not less than \$250.00 and not more than \$10,000 or to imprisonment for not more than one year, or to both fine and imprisonment.
- (3) Where a Bylaw Officer reasonably believes that a person has contravened any provision of this Bylaw, the Bylaw Officer may, in addition to any other remedy at law, serve upon the person a violation ticket, in the form provided under the Provincial Offences Procedures Act, allowing payment of the specified penalty for the particular offence as provided in Schedule “E” of this Bylaw, and the recording of such payment by the Provincial Court of Alberta shall constitute acceptance of a guilty plea and the imposition of a fine in the amount of the specified penalty.
- (4) Where a person is convicted of a second, third or subsequent offence under a particular section of this Bylaw, and where that offence has occurred within 12 months after the date of the occurrence of the first offence under that section of this Bylaw, the specified penalties applicable upon conviction for such second, third or subsequent offence shall be the amount set out in columns two and three, respectively, of Schedule “E”.

- (5) This section shall not prevent any Bylaw Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedures Act, or from laying an information in lieu of issuing a violation ticket.
- (6) A Bylaw Officer who believes on reasonable grounds that a sign is not authorized pursuant to this Bylaw may remove and impound the sign:
- (a) in the case of a sign for which a permit is issued, after 7 days notice to the sign permit holder, delivered to the address shown on the sign permit; or
- (b) in the case of a sign for which no permit has been issued, without prior notice to any person.
- (7) Notwithstanding subsection (6), a Bylaw Officer may not remove a sign which is located in or upon or which is affixed to a building without either the consent of the owner of the building, the consent of the owner of the sign or a court order.
- (8) Following the impounding and removal of a sign, the Development Officer for the City shall cause a notice to be sent to the owner of the sign (if known) or to the owner of the premises from which the sign is removed, advising of the removal. The owner of the sign may secure its release from impound upon payment in full of all applicable impounding and storage charges at the rates specified in Schedule "E" of this Bylaw.
- (9) An impounded sign which has not been redeemed within 60 days of the date of service of notice as specified in subsection (8), may be disposed of by the City without further notice to any person and without any liability to compensate the owner of the sign.
- 2 Sections 59 to 61 of Schedule "D" are deleted.
- 3 In all other respects, Bylaw No. 3156/96 is hereby ratified and confirmed.

READ A FIRST TIME IN OPEN COUNCIL this 16th day of January 2006.

READ A SECOND TIME IN OPEN COUNCIL this day of 2006.

READ A THIRD TIME IN OPEN COUNCIL this day of 2006.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2006.

MAYOR

CITY CLERK

SCHEDULE "E"**SPECIFIED PENALTIES FOR OFFENCES UNDER LAND USE BYLAW**

<u>Description of Offence</u>	<u>First Offence</u>	<u>Second Offence</u>	<u>Third or Subsequent Offence</u>
Schedule "D" Section 3 - Displaying a Sign without a required permit	\$500.00	\$1,000.00	\$5,000.00
Schedule "D" - Displaying a Sign in contravention of this Bylaw	\$500.00	\$1,000.00	\$5,000.00
Displaying a Sign in contravention of the conditions of a development permit	\$500.00	\$1,000.00	\$5,000.00
Section 8 (1) Commence Development Without Permit	\$500.00	\$1,000.00	\$5,000.00
Section 40 (1) or (2) Breach restrictions on corner sites	\$150.00	\$250.00	\$500.00
Section 44 Commercial vehicle in residential district	\$150.00	\$250.00	\$500.00
Section 45 (a), (b) or (c) Commercial vehicle/trailers in a front yard or store dilapidated vehicle	\$150.00	\$250.00	\$500.00
Section 47 (1) Permit living or sleeping in trailer	\$150.00	\$250.00	\$500.00
Section 58 (1) (a) or (b) Construct temporary building without permit or contrary to Bylaw	\$200.00	\$400.00	\$600.00
Section 62 (1) or (3) Accessory building contrary to Bylaw	\$150.00	\$250.00	\$500.00

IMPOUNDING AND STORAGE CHARGES

<u>Item</u>	<u>Authorized Charge</u>
Impounding of signs	\$100.00 per sign
Storage of signs: less than or equal to 1.5 m ²	\$3.00 per sign per day
Storage of signs: greater than 1.5 m ²	\$5.00 per sign per day

BYLAW NO. 3156/H-2006

Being a bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1. That "Use District Map D15" contained within "Schedule B" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 4/2006 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this day of 2006.

READ A SECOND TIME IN OPEN COUNCIL this day of 2006.

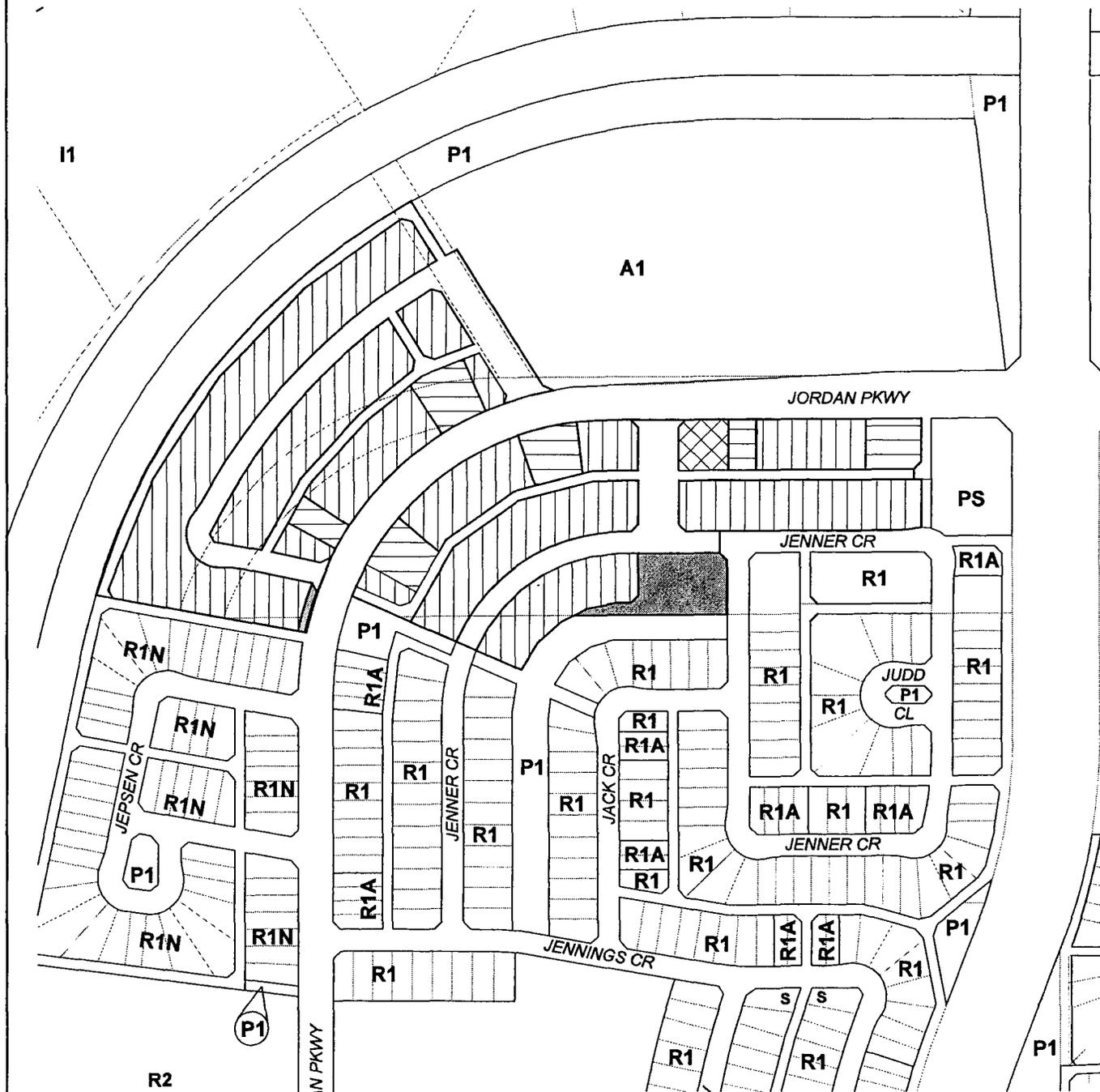
READ A THIRD TIME IN OPEN COUNCIL this day of 2006.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2006.

MAYOR

CITY CLERK

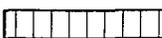
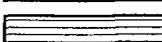
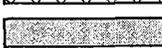
The City of Red Deer *PROPOSED LAND USE BYLAW AMENDMENT*



AFFECTED DISTRICTS:

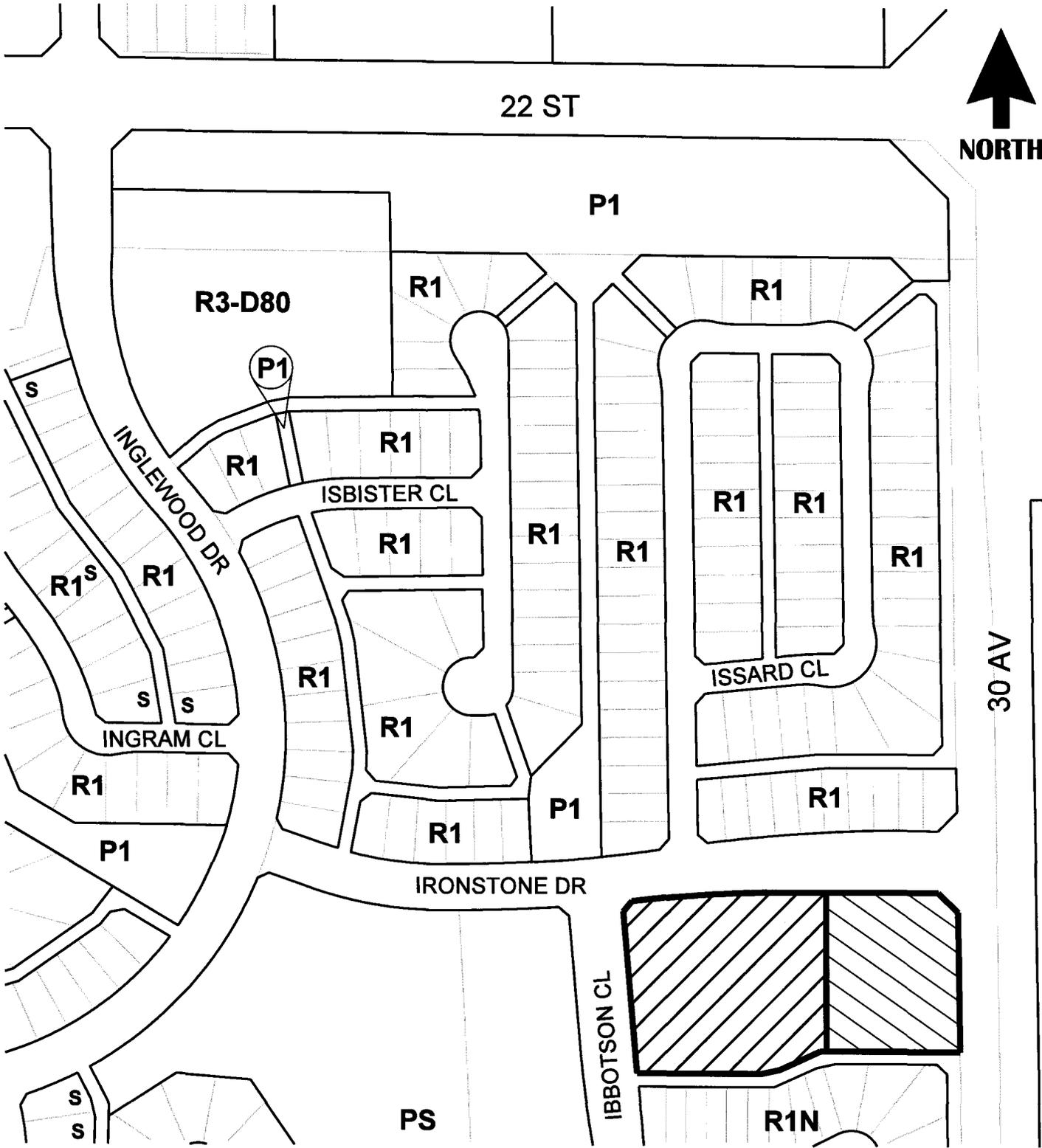
- A1 - Future Urban Development District
- R1 - Residential (Low Density) District
- R1A - Residential (Semi-Detached Dwelling) District
- PS - Public Service (Institutional or Governmental) District
- P1 - Parks and Recreation District

Change from :

- A1 TO R1 
- A1 TO R1A 
- A1 TO PS 
- A1 TO P1 

MAP No. 4 / 2006
 BYLAW No. 3156 / H - 2006

The City of Red Deer PROPOSED LAND USE BYLAW AMENDMENT



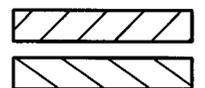
AFFECTED DISTRICTS:

- R2 - Residential (Medium Density) District
- R3 - Residential (Multiple Family) District

Change from :

R2 D23 to R2 D57

R3 D81 to R3 D57



Item No. 5

BYLAW NO. 3156/J-2006

Being a bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

- 1. That "Use District Map D15" contained within "Schedule B" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 6/2006 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this day of 2006.

READ A SECOND TIME IN OPEN COUNCIL this day of 2006.

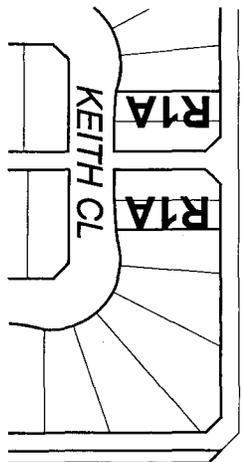
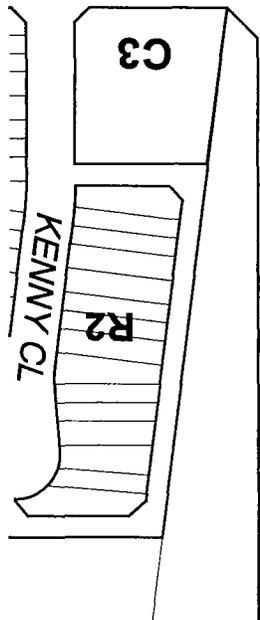
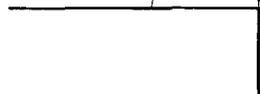
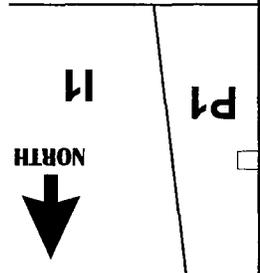
READ A THIRD TIME IN OPEN COUNCIL this day of 2006.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2006.

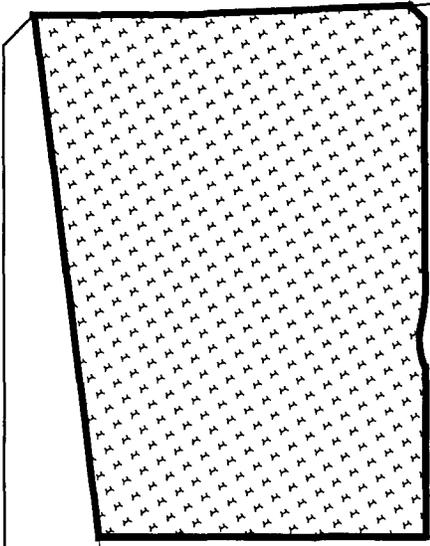
MAYOR

CITY CLERK

The City of Red Deer PROPOSED LAND USE BYLAW AMENDMENT

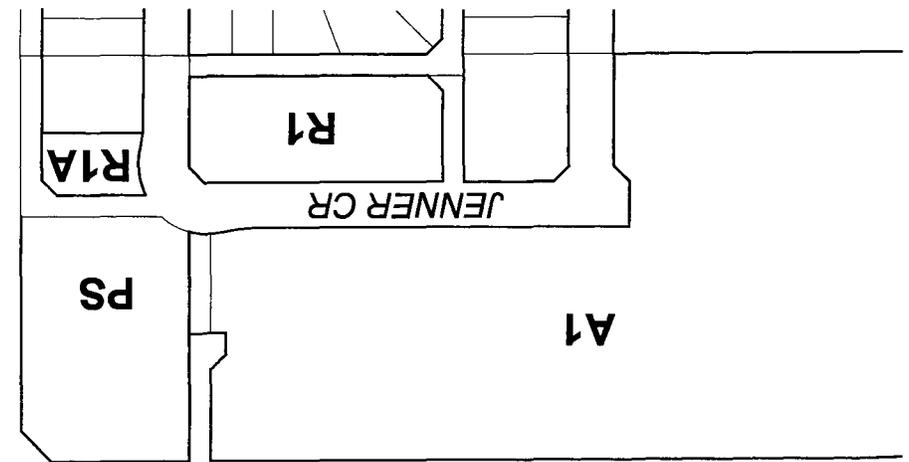
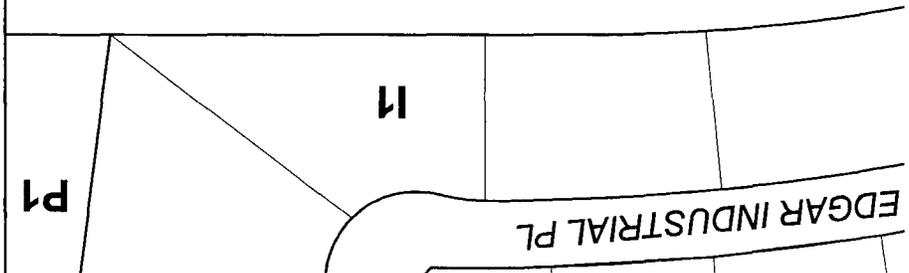


TAYLOR DR



P1

CANADIAN PACIFIC RAILWAY



JORDAN PKWY

EDGAR INDUSTRIAL PL

AFFECTED DISTRICTS:

- A1 - Future Urban Development District
- PS - Public Service (Institutional or Governmental) District

Change from :
A1 TO PS

