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TO:	CHAIR AND MEMBERS PUBLIC SAFETY COMMITTEE MEETING ON JANUARY 24, 2012
FROM:	GEORGE KOTSIFAS DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICIAL
SUBJECT:	BAN ON SHARK FIN PRODUCTS

RECOMMENDATION



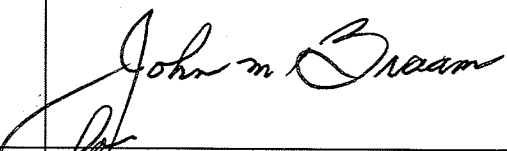
That, on the recommendation of the Director of Building Controls and Chief Building Official, this report **BE RECEIVED** for information.

BACKGROUND

At its meeting of November 21, 2011, Municipal Council resolved as follows: *"That the Civic Administration BE DIRECTED to take the necessary steps to implement a ban on shark fin products within the City of London and that the appropriate Federal and Provincial Ministers, the Association of Municipalities of Ontario and the Federation of Canadian Municipalities BE ADVISED of the City of London's position with respect to this matter."*

Attached (Schedule A) is a draft Shark Fin By-law, prepared with the assistance of the City Solicitor's Office. The draft by-law is modelled on the City of Mississauga's Shark Fin By-law, with certain revisions. The City of Mississauga passed a Shark Fin By-law on October 12, 2011 with an enactment date of June 30, 2012. The City of Toronto passed a Shark Fin By-law on October 25, 2011 with an exemption until September 1, 2012.

On December 8, 2011, Official Opposition Fisheries and Oceans Critic, Fin Donnelly introduced a Private Members Bill which received First Reading in the House of Commons to ban the importation of shark fins by amending the Federal Fish Inspection Act and Fisheries Act..

PREPARED BY:	
	
O. KATOLYK, MLEO (C) MANAGER OF LICENCING AND MUNICIPAL LAW ENFORCEMENT SERVICES	
PREPARED AND RECOMMENDED BY:	REVIEWED & CONCURRED BY:
	
G. KOTSIFAS, P. ENG. DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICIAL	PAT. MCNALLY, P. ENG. EXECUTIVE DIRECTOR - PLANNING, ENVIRONMENTAL & ENGINEERING SERVICES

Attachments

cc: L. Marshall, Solicitor II

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SCHEDULE A

Bill No.
2012

By-law No.

A by-law to prohibit the possession, purchase, sale, trade, distribution, consumption, or preparation for consumption of Shark Fins within the City of London;

WHEREAS subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended ("*Municipal Act, 2001*") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS subsection 8(3) of the *Municipal Act, 2001* authorizes a municipality to regulate or prohibit a matter for which it may pass a by-law under section 10 of the *Municipal Act, 2001*;

AND WHEREAS subsection 8(4) of the *Municipal Act, 2001* provides that a by-law may be general or specific in its application and may differentiate in any way and on any basis a municipality considers appropriate;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS subsection 10(2) paragraph 5 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws respecting the economic, social and environmental well-being of the municipality;

AND WHEREAS subsection 10(2) paragraph 6 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS subsection 10(2) paragraph 8 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws respecting the protection of persons and property;

AND WHEREAS subsection 10(2) paragraph 9 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws respecting animals;

AND WHEREAS there are reports that the consumption of shark fins and shark fin derivative products by humans may cause serious health risks, including risks from mercury;

AND WHEREAS there are reports that the practice of shark finning (where a shark is caught, its fins are sliced off while many are still alive, and the live animals returned to the sea severely and almost always fatally wounded) constitutes a serious threat to the oceans' ecosystems and biodiversity;

AND WHEREAS there are reports that over 70 million sharks are being slaughtered every year for their fins, at a rate which experts predict could result in the loss of many shark species within a decade;

AND WHEREAS the City of London is or may become a market for shark fins where shark fin soup is or may be prepared and consumed in various establishments;

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AND WHEREAS the risk to the health of the City's inhabitants and the negative impact to the oceans' ecosystems, posed by the consumption and trade in shark fins, are both municipal issues and affect the citizens of London;

AND WHEREAS environmental protection has emerged as a fundamental value in Canadian society and the common future of every Canadian community depends on a healthy environment;

AND WHEREAS reducing the market for shark fins in the City of London conforms to the precautionary principle as it applies to the loss of shark species and the resulting negative impact to the oceans' ecosystems;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1.0 Definitions

1.1 For the purposes of this By-law:

"City" means The Corporation of the City of London;

"Council" means the Municipal Council for the City;

"Municipality" means the geographic area of the City of London;

"Shark" means a fish of the taxonomic superorder Selachimorpha that is commonly referred to as a shark and includes any fish that belongs to a species under the common name of shark;

"Shark Fin" means the raw, dried, or processed fin or tail of a Shark, and without limitation includes any product derived therefrom.

2.0 Administration

2.1 The City's Municipal Law Enforcement Services shall be responsible for the administration and enforcement of this By-law.

3.0 General Prohibitions

3.1 No person shall possess, purchase, consume, sell, offer for sale, trade or distribute any Shark Fin within the Municipality.

3.2 No person shall prepare for consumption, or cause to be prepared for consumption, any Shark Fin within the Municipality.

3.3 No person shall process, or cause to be processed, any Shark Fin within the Municipality.

3.4 No person shall possess, purchase, sell, offer for sale, trade or distribute anything within the Municipality that is described as containing Shark Fin, or that is described as made from Shark Fin, including, without limitation, shark fin soup.

4.0 Inspection

4.1 Inspections under this By-law may be conducted pursuant to the City's Inspections By-law.

5.0 Penalty

5.1 (1) Every person who contravenes any provision of this By-law is guilty of an offence.

(2) A director or officer of a corporation who knowingly concurs in the contravention of this By-law is guilty of an offence.

5.2 Any person convicted under this By-law is liable:

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- (a) upon a first conviction, to a maximum fine of \$15,000;
- (b) upon a subsequent conviction, to a maximum fine of \$30,000.

5.3 Despite section 5.2, where the person convicted is a corporation, the corporation is liable:

- (a) upon a first conviction, to a maximum fine of \$30,000;
- (b) upon a second conviction, to a maximum fine of \$75,000.

6.0 Exemptions

6.1 For a limited period of 180 days from the date this by-law is enacted, there shall be an exemption from the prohibitions set out in sections 3.1, 3.2, 3.3 and 3.4 if the Shark Fins were within the Municipality prior to the day this By-law is enacted.

7.0 Validity & Interpretation

7.1 If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

8.0 Short Title

8.1 This By-law may be referred to as the "Shark Fin By-law".

9.0 Enactment

9.1 This By-laws shall come into force and effect on the day it is passed.

PASSED in Open Council

, 2012

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First reading -
Second reading -
Third reading -