



THE CORPORATION OF THE CITY OF MISSISSAUGA

BY-LAW NUMBER .0268:2011

A by-law to prohibit the possession, sale, trade
distribution of shark fins or derivative products

WHEREAS section 8 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (hereinafter the "*Municipal Act 2001*") states 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 section 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 11 of the *Municipal Act 2001*;

AND WHEREAS section 11 (2) 5. of the *Municipal Act 2001*, authorizes a municipality to regulate matters related to the economic, social and environmental well-being of the municipality;

AND WHEREAS section 11 (2) 6. of the *Municipal Act 2001*, authorizes a municipality to regulate matters related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS section 11 (2) 8. of the *Municipal Act 2001*, authorizes a municipality to regulate matters for the protection of persons within the municipality;

AND WHEREAS the City of Mississauga is a leader in environmental issues as evidenced by the Green Pillar of the Strategic Plan which has as its principle "Mississauga is a city that values its shared responsibility to leave a legacy of a clean and healthy natural environment.";

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

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

AND WHEREAS the City of Mississauga is a market for shark fins where shark fin soup is prepared and consumed in various establishments;

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 that affect the citizens of Mississauga;

NOW THEREFORE the Council of The Corporation of the City of Mississauga **ENACTS** as follows:

PART I - DEFINITIONS

1. For the purpose of this By-law:

“City” means The Corporation of the City of Mississauga and for clarification includes the territorial jurisdiction of the City of Mississauga where the context requires;

“Compliance and Licensing Enforcement Section” means the Compliance and Licensing Enforcement Section of the City’s Enforcement Division, or any successor section or division;

“Council” means the elected council for the City;

“Expenses” means any and all sums of money actually spent or required to be spent by the City, and shall include but not limited to all charges, costs, administrative fees, HST, outlays, legal fees and losses;

“Officer” means a Person employed by the City to perform the duties of enforcing its By-laws and appointed by Council as a Municipal Law Enforcement Officer;

“Shark” means a fish 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 otherwise processed detached fin, or the raw, dried, or otherwise processed detached tail, of a Shark or any derivative product of a Shark Fin.

PART II – ADMINISTRATION

2. The Compliance and Licensing Enforcement Section of the City shall be responsible for the administration and enforcement of this By-law.
3. Section 4, 5, and 6 do not apply where the shark fins were purchased and brought within the City prior to the enactment of this By-law.

PART III - GENERAL PROHIBITIONS

4. No person shall possess, sell, offer for sale, trade, or distribute shark fins within the City.
5. No person shall prepare for consumption or process shark fins within the City.
6. No person shall cause shark fins to be prepared for consumption or processed in the City.

PART IV - ENFORCEMENT

7. An Officer acting under this By-law may, at any reasonable time, enter and inspect any property, including all buildings and structures thereon, to determine whether there is compliance with this By-law.

PART V - PENALTY

- 8. (1) Every person who contravenes any provision of this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended and the *Municipal Act, 2001*, as each may be amended from time to time.
- (2) In addition to Subsection 37 (1) of this By-law, any person who is charged with an offence under this By-law by the laying of an information under Part III of the *Provincial Offences Act* and is found guilty of the offence is liable:
 - (i) on a first conviction to a fine of not more than \$15,000.00, and
 - (ii) on any subsequent conviction to a fine of not more than \$30,000.00.

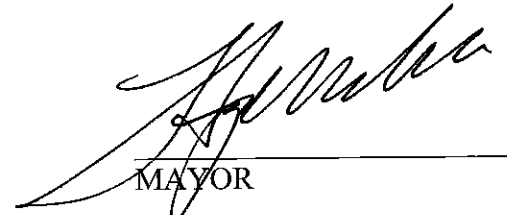
PART VI - VALIDITY & INTERPRETATION

- 9. If a court of competent jurisdiction declares any provisions or part of a provision of this By-law to be invalid or to be of no force and effect, it is the intention of Council in enacting this By-law that the remainder of this By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.
- 10. All words importing the singular shall include the plural and the converse of this also applies.
- 11. This By-law comes into force and effect when it is enacted and passed by Council.

PART VII - SHORT TITLE

- 12. This By-law shall be known and may be cited as the "Shark Fin By-law".

ENACTED AND PASSED this 12 day of October, 2011.


MAYOR


CITY CLERK

APPROVED
AS TO FORM
City Solicitor
MISSISSAUGA

Date Oct 11 11