

Authority: Licensing and Standards Committee Item 7.2,
as adopted by City of Toronto Council on, 2011
Enacted by Council:

CITY OF TORONTO

BY-LAW No.

To prohibit the possession, sale and consumption of shark fin and shark fin food products.

WHEREAS the consumption of shark fin and shark fin products may have an adverse impact on the health, safety and well-being of persons, and on the economic, social and environmental well-being of the City of Toronto; and

WHEREAS the *City of Toronto Act, 2006* (the “Act”) provides that Council may pass by-laws in respect of animals, the health, safety and well-being of persons, the economic, social and environmental well-being of the City and the protection of persons and property, including consumer protection; and

WHEREAS the Act further provides that Council may pass by-laws to establish a system of escalating fines;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. As used in this by-law, the following terms shall have the meaning indicated:

DWELLING UNIT — Real property used or designated for use as a home or as a place in which one or more persons may sleep.

INSPECTOR — Any person undertaking an inspection required for the purposes of the enforcement of this by-law and shall include a by-law enforcement officer and a person who is an agent of or employed by the City to enforce its by-laws.

PROPERTY - A building or structure or part of a building or structure, and includes the lands and premises appurtenant to a building or structure and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections on the property, and includes vacant property.

SHARK – Any of approximately 400 species of marine carnivorous fishes of the class Chondrichthyes (subclass Elasmobranchii).

SHARK FIN – 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.

2. No person shall possess, consume or sell shark fin or shark fin food products within the City of Toronto.

3. Subject to compliance with section 377 of the *City of Toronto Act, 2006*, an inspector may enter in or upon the property of any person, including a dwelling unit, at any reasonable time for the purposes of inspecting the property and determining whether this by-law is being complied with, and may for that purpose:
 - (1) require the production for inspection of documents or things relevant to the inspection;
 - (2) inspect and remove documents and things relevant to the inspection for the purpose of making copies or extracts;
 - (3) require information from any person concerning a matter related to the inspection; and
 - (4) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
4. An inspector may, where an inspector has been prevented or is likely to be prevented from exercising his or her powers under section 3, undertake an inspection pursuant to an order issued under section 378 of the *City of Toronto Act, 2006*.
5. Every person who contravenes the provisions of this by-law, and every director or officer of a corporation who knowingly concurs in a contravention of the provisions of this by-law by the corporation, is guilty of an offence and is liable to a fine of not more than:
 - (1) \$5,000 for a first offence;
 - (2) \$25,000 for a second offence; or
 - (3) \$100,000 for a third or subsequent offence.
6. Despite section 2, a person may, prior to September 1, 2012, possess, consume or sell shark fin or shark fin food products if the shark fin or shark fin food product is lawfully present in the City of Toronto on the day this by-law comes into force.

ENACTED AND PASSED this day of , A.D. 2011.

FRANCES NUNZIATA
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)