

BY-LAW NO.

A by-law of the City of Ottawa to amend By-law No. 2017-92 to address cannabis and vaping on Right of Way patios.

The Council of the City of Ottawa enacts as follows:

1. Section 1 of the By-law No. 2017-92 entitled “A by-law of the City of Ottawa to Regulate Right of Way Patios on City Highways” as amended, is amended by repealing the definitions of “ashtray”, “smoke” or “smoking”, “smoking product”, and “water pipe”, and substituting the following definitions therefor:

“ashtray” means a receptacle for ashes and for cigar and cigarette butts, whether tobacco, cannabis or any other substance;

“smoking” means to hold, or otherwise have control over any lighted tobacco, lighted cannabis, or any other lighted substance that produces vapour, smoke, or gases that may be inhaled or exhaled, and includes use of a cigarette, pipe, water pipe, or any other smoking equipment;

“smoking product” means any substance whose primary purpose is to be burned or heated to produce vapours, gases, or smoke, which may be inhaled, and shall include but is not limited to non-tobacco herbal shisha, cannabis or any other substance;

“water pipe” means a device, whether called a water pipe, hookah or any other name, that burns or heats a smoking product, with which the vapour, smoke or gases may pass through liquid prior to being inhaled, and excludes an electronic cigarette as defined under the Smoke-Free Ontario Act, 2017.

2. Section 1 of the said By-law No. 2017-92 is amended by repealing the definition of “electronic cigarettes act” and substituting the following definition therefor:

“Smoke-Free Ontario Act, 2017” means the *Smoke-Free Ontario Act, 2017*, S.O. 2017, c. 26, Sch. 3, as amended, and any regulation passed under it;

3. Section 1 of the said By-law No. 2017-92 is amended by inserting the following definitions:

“cannabis” has the same meaning as in subsection 2 (1) of the *Cannabis Act* S.C. 2018, c.16, as amended;

“electronic cigarette” means a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, that contains a power

source and heating element designed to heat tobacco, nicotine, cannabis or any other substance, and produces a vapour intended to be inhaled by the user of the device;

“vaping” means any of the following:

- (a) inhaling vapour from an electronic cigarette;
- (b) exhaling vapour from an electronic cigarette; or
- (c) holding or otherwise having control of an activated electronic cigarette;

4. Subsection 49(1) of the said By-law No. 2017-92 is repealed and the following subsection is substituted therefor:

- (1) The holder of a ROW patio permit shall post a sign as required by the Smoke-Free Ontario Act, 2017, indicating that smoking and vaping are not permitted within the permitted area.

5. Subsection 49(2) of the said By-law No. 2017-92 is repealed and the following subsection is substituted therefor:

- (2) The holder of a ROW patio permit shall ensure that no person engages in smoking or vaping within the permitted area.

6. Subsection 49(5) of said By-law No. 2017-92 is amended by adding the word “permit” immediately following the words “ROW patio”.

EFFECTIVE DATE

7. This by-law shall come into effect November 1, 2019.