

### Document 3

#### **Amendments to By-law No. 2003-446, as amended to prohibit the use of water pipes on outdoor patio encroachments and at café seating**

THEREFORE the Council of the City of Ottawa enacts as follows:

1. Section 1 of By-law No. 2003-446 entitled “A by-law of the City of Ottawa to regulate encroachments on city highways”, as amended, is amended by adding the following definitions:

“charcoal” means a combustible substance whose primary purpose is to burn or heat a smoking product;

“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, and other plant material or oils intended for inhalation;

“use”, with respect to a water pipe, includes the carrying of any lighted or heated water pipe as well as inhaling or exhaling vapour, smoke, or gas associated with or resulting from water pipe use;

“water pipe” means a device, whether called a water pipe, hookah or any other name, that burns or heats a tobacco or non-tobacco substance or a combination thereof, with which the vapor, smoke or gases may pass through liquid prior to being inhaled.

2. Section 84 of the said By-law No. 2003-446, is amended by adding the following:

84. (4) The holder of an outdoor patio encroachment permit shall ensure that no one uses a water pipe within the outdoor patio encroachment area.

84. (5) The holder of an outdoor patio encroachment shall not, within the outdoor patio encroachment area, display or permit to be displayed, a water pipe or component of a water pipe that contains or has on it a smoking product, residue of

a smoking product, charcoal, or liquid that smoke or gases may pass through prior to being inhaled.

3. Section 91P of the said By-law No. 2003-446 is amended by adding the following:

91P. (4) The holder of a café seating permit shall ensure that no one uses a water pipe within the café seating area.

91P. (5) The holder of a café seating permit shall not, within the café seating area, display or permit to be displayed, a water pipe or component of a water pipe that contains or has on it a smoking product, residue of a smoking product, charcoal, or liquid that smoke or gases may pass through prior to being inhaled.