

**VILLAGE OF BARTLETT**

**COMMITTEE AGENDA**

**FEBRUARY 4, 2020**

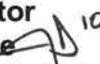
**POLICE & HEALTH, CHAIRMAN CARBONARO**

Traffic Calming Policy Request

Use of Tobacco and Nicotine Products in Village Owned Parks



**POLICE DEPARTMENT MEMORANDUM**  
**20-03**

**DATE:** January 27, 2020  
**TO:** Paula Schumacher, Village Administrator  
**FROM:** James J. Durbin, Deputy Chief of Police   
**RE:** Request to Enact a Neighborhood Traffic Calming Policy

The police department is requesting the Village Board consider enacting a Neighborhood Traffic Calming Policy.

Traffic calming is the application of traffic engineering and other physical measures designed to control traffic speeds, address traffic volumes, improve safety, and encourage driving behavior appropriate to the environment without creating new traffic problems in the process.

**Traffic Complaints**

Neighborhood traffic safety concerns are high on the list of complaints the police department receives throughout any given year. The neighborhood traffic complaints are often related to speeding autos in residential areas, cut-through traffic avoiding congestion on arterial streets, trucks using non-designated truck routes, or improperly parked vehicles creating unsafe roadway visibility or travel conditions.

Once received, the complaints are addressed in a timely manner by the department's patrol section or traffic unit. Initial response measures typically include extra patrols, increased enforcement actions, speed trailer deployment, speed surveys, and traffic volume counts (commonly referred to as traffic studies).

Follow up activity to these actions often includes a phone call by a supervisor or a traffic unit member to the concerned resident(s) who made the complaint(s) to determine if there has been a noticeable effect on the perceived problem or to provide the resident with data which either refutes or substantiates their complaint. Quite often, the department's initial responses to the complaint achieves the desired effect for both the resident and the police department. However, on occasion, when either the resident's perception to the problem has not changed, similar neighborhood complaints are received through additional sources, or the complaint has been validated through officers' direct observations and/or the collection of data produced by a traffic study, the police department must further its course of action to address the problem.

If additional action is warranted, the police department will continue to deploy all measures available in our "toolbox"—to include consultations with public works staff or traffic engineers to possibly identify physical environment changes within the neighborhood which might help alleviate the issue.

Frequently throughout all stages of the identification, enforcement, review, and follow-up process of addressing the traffic complaint, residents continually press village staff for readily identifiable solutions such as: lower speed limits, stop signs, no turn signs, and speed bumps/humps. Unfortunately, the police department tends to find the resident who made the initial complaint and claims to speak for, "the entire neighborhood who wants a speed bump," has not actually consulted with more than a handful of neighbors. Additionally, most of the general public is uninformed as to the professional standards, thresholds, or legal requirements which need to be considered prior to the installation of traffic signs, signals, speed bumps/humps, or other physical devices to achieve traffic calming.

## **North Avenue/Western Avenue Experience**

Internal police department documentation indicates we began to receive traffic safety-related complaints in the neighborhood areas of North Avenue/Western Avenue in May 2018. The complaint was in regard to vehicles not coming to a complete stop for the stop signs located at the intersection of North Avenue and Western Avenue. The police department periodically conducted extra patrols, conducted enforcement action, and deployed drone vehicles in response to the complaint.

The same complaint was renewed by a resident twice in September 2018 when a resident spoke at two Village Board meetings at which times she related to board members that although she had observed the police department taking enforcement action on occasion, she still felt unsafe in her own driveway or while out walking in the neighborhood due to the continual stop sign violations and traffic volumes on North Avenue. The same resident also reiterated those same traffic complaints at an October 2018 board meeting.

In October 2018, the police department received an additional traffic complaint from a separate resident regarding speeding autos and high traffic volumes on North Avenue through its GovOutreach system. The department's traffic unit was assigned to monitor the complaints coordinate enforcement actions, and communicate with the resident.

In response to the persistence of the resident who initially made the complaint regarding the stop signs, a situational compromise between the resident, the Village Board, police department, and public works department was arrived at in December 2018 with the installation of stop signs embedded with red-flashing LEDs at the intersection of North Avenue and Western Avenue.

Between December 2018, when the LED stop signs were installed, and August 2019 the police department continued to receive resident complaints about stop sign violations, speeding autos, truck traffic, and high traffic volumes in the neighborhood areas of North Avenue/Western Avenue. During this time, the police department conducted a high volume of extra patrols, wrote hundreds of citations for traffic violations in the area, conducted two separate traffic studies, engaged in ongoing conversations with multiple concerned residents—to include concerns about “too much” police presence in the neighborhood, engaged in conversations with business entities whose trucks were identified as violating established truck routes by using North Avenue for travel, responded to two FOIA requests for traffic study data, met with public works staff, and met with a traffic engineer in an effort toward finding viable solutions to the resident concerns. Throughout this timeframe, several residents continually pled with village staff to implement traffic calming measures: lower speed limits, post no turn signs, install speed bumps/humps, and even turn North Avenue into a dead-end street near Oak Avenue.

In August 2019, the police department hosted a public informational meeting and listening session. Present at the meeting were Chief of Police Patrick Ullrich, members of the police department's command staff, members of the police department's traffic unit, Public Works Director Dan Dinges, Village Engineer Bob Allen, and 27 village residents from North Avenue/Western Avenue neighborhood. The following resident concerns & suggestions were topics of discussion: speeding autos, high traffic volumes, truck traffic, stop sign violations, addition of speed bumps/humps, addition of no turn signs & “local traffic only” signs, designating Hickory Avenue a one-way street, closing of Western Avenue northbound from Railroad Avenue, closing of North Avenue eastbound at Oak Avenue, timing of traffic signals surrounding Oak Avenue/Railroad Avenue, asking GPS companies to deter their routes for truck traffic away from North Avenue, dislike of the LED embedded stop signs—most residents felt they were an eyesore, too much police presence for one single neighborhood, and requesting that BFPD ambulances to stop “jake braking” while driving through the neighborhood.



What became apparent from the meeting & listening session was that there was no singularly identifiable traffic-related complaint or concern from the neighborhood residents—each resident had their own perspective or perceived problem, and each resident had their own thoughts on a solution. Many of these individual solutions were driven by where or what street that particular resident lived on. Likewise, the majority of the residents' suggested solutions involved structural changes to the roadway or the addition of traffic calming devices. A final insightful observation was the fact that an overwhelming majority of residents present at the meeting did not like the LED embedded stop signs and the continuous flashing emitted from them—some residents asked to have them removed.

To date, other than the installation of the LED embedded stop signs, no other traffic calming measures have been instituted in the neighborhood. A study of the timing of the traffic signals surrounding the intersection of Oak Avenue/Railroad Avenue was conducted, and at the suggestion of the traffic engineering firm who conducted the study, the timing of the traffic signals was optimized based upon their findings.

### **Recommendation**

The Village should institute a formalized Neighborhood Traffic Calming Policy. The policy would allow village staff to address residents' neighborhood traffic-related safety concerns and requests for traffic calming measures in a more cohesive, organized process. The policy would also provide the Village Board with a standardized referral process for residents' traffic complaints or requests for traffic calming measures voiced at village board meetings or discussed directly with board members.

A Neighborhood Traffic Calming Policy would further serve to educate residents about the concepts related to traffic calming as well as the legal, professional, and industry standards which need to be considered prior to any traffic calming device installation. Most importantly, by design, the policy would ensure that the majority of residents within the particular neighborhood from which a resident is suggesting or seeking traffic calming measures would be afforded equal opportunity to either support or oppose such measure prior to implementation.

# Village of Bartlett Neighborhood Traffic Calming Policy

## Neighborhood Traffic Calming Policy Statement

This policy is intended to provide guidance to Village of Bartlett (Village) residents and staff members regarding the formal process that is to be followed for submitting and reviewing requests for traffic calming measures or devices. It is designed to reduce the negative impact of traffic on neighborhood streets and to improve safety without creating new traffic problems in the process. The process may involve the collection of data and implementation of different strategies for reducing traffic concerns in residential neighborhoods. When investigating traffic concerns, the Village of Bartlett is guided by legal and professional standards and practices as established by the Institute of Transportation Engineers (ITE), the Manual on Uniform Traffic Control Devices (MUTCD), the Illinois Vehicle Code (IVC), policies from the Illinois Department of Transportation (IDOT) and other industry practices.

- This policy is not intended to prevent or prohibit the Village from implementing traffic calming measures or installing traffic calming devices without following the guidelines outlined in this policy when there are temporary changes in traffic patterns needed to stage special events or accommodate construction, or when there is an obvious safety hazard or public safety condition. Examples include, but are not limited to high crash rates and recorded speeds well above a typical residential street.
- The Village will not consider lowering or altering the speed limit below 25 miles per hour on a residential street as established by ordinance and the IVC.
- In the case of traffic calming measures or devices already existing within the Village prior to the acceptance of this policy, those instances of measures or devices will be permitted under this policy. If those traffic calming measures or devices were to be removed, this policy will govern future measures or devices at those specific locations.

## Definitions

- **85<sup>th</sup> Percentile Speed**  
The measured speed where 85 percent of the vehicles on the street are traveling at or below. 15 percent of the vehicles using the roadway are therefore traveling at a greater speed.
- **Arterial Street**  
Arterial streets are primarily for through traffic, usually on a continuous route moving large volumes of traffic. Arterials should remain free flowing with limited access.
- **Average Daily Traffic (ADT)**  
The total number of vehicles that travel along a roadway (both directions combined) during a typical 24-hour period, usually measured on a midweek day (Tuesday, Wednesday or Thursday).
- **Collector Street**  
Collector streets serve the internal traffic movement within and between neighborhoods of the Village, and connect local streets with the arterial system.

# Village of Bartlett Neighborhood Traffic Calming Policy

- **Contact Person**  
The person initiating a request for the installation of traffic calming, or that person's designee.
- **Impact Area**  
The area, or neighborhood, that in the opinion of the police department, may be affected by the installation of traffic calming measures.
- **Local Street**  
Local streets are primarily for access to residences, businesses, or other abutting property.
- **Median Speed**  
Median speed is defined as speed at which the speed distribution is separated into two equal parts.
- **Non-residential Collector Street**  
Non-residential collector streets are collector streets that pass through a section of the Village where properties are commercial or industrial.

## What is Traffic Calming?

Traffic calming is the combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users, as defined by the ITE. At times, residents have expressed concerns about speeding, increased traffic volume, and other traffic-related safety issues in their residential neighborhoods. Often, the increase in traffic volume is most likely caused by motorists avoiding construction projects or congestion on arterial streets, re-routed neighborhood traffic due to obstacles at other outlets, or new residential or business developments creating increased traffic.

## Traffic Calming Process

This section describes the process, regulations, and requirements of the Village's Neighborhood Traffic Calming Policy.

### Street Eligibility

The Village **will not** implement traffic calming measures or devices, or conduct traffic calming studies:

- on Village "arterial" or "collector" streets.
- on roadways owned and maintained by another jurisdiction including, but not limited to the Illinois Department of Transportation (IDOT), Cook County Highway Department, or the DuPage County Division of Transportation (DuDOT).
- on Village streets that have more than two through lanes of traffic.
- on Village streets that modify the vertical grade of the roadway that are considered critical to emergency responses by the Bartlett Fire Protection District.

# Village of Bartlett Neighborhood Traffic Calming Policy

The Village also **will not** implement traffic calming measures such as road closures, unwarranted stop signs, “No Thru Traffic” or “Local Traffic Only” signage, turn prohibitions, one-way street designations, or “Children at Play” signage on Village streets.

- In regard to “No Thru Traffic” or “Local Traffic Only” signage, the Village cannot prohibit motorists from using a public roadway. Per the Manual of Uniform Traffic Control Devices (MUTCD), “Local Traffic Only” signs should be used where through traffic must detour to avoid a closing some distance beyond the sign, but where local traffic can move up to point of closure. The sign shall carry the legend “Road Closed [10] Miles Ahead-Local Traffic Only” or, optionally for urban use, “Road (Street) Closed to Thru Traffic”, and should be accompanied by appropriate warning and detour signing. The words “Bridge Out” or “Bridge Closed” may be substituted for “Road Closed” where applicable.
- Turn prohibitions such as “No Right Turn” or “No Left Turn” signs with or without peak hour limitations, and one-way street designations, are not used by the Village to address cut-through traffic concerns due to the high expectation for enforcement, and lack of support from existing neighborhoods unless there is an apparent safety hazard or concern.
- “Children at Play” signs are commonly requested in neighborhoods. However, they are not standard traffic control devices and have not been found to be effective in improving the safety of children. Residential areas commonly have children and the presence of these signs does not necessarily have a long-term effect on driver behavior. The Village’s policy is that such signs will only be installed adjacent to parks where there is an expectation on the driver’s part to see a concentration of children playing.

## STEP 1 — Report the Problem

Neighborhood groups, homeowners associations, individual residents or property owners should report traffic-related issues such as speeding, increased traffic volume or safety related problems on their residential street or request the installation of traffic calming measures by contacting the Bartlett Police Department’s Traffic Unit (traffic unit) in writing, email, or by calling (630) 837-0846. All requests must include the requestor’s name (contact person), address and daytime telephone number and/or e-mail address.

The traffic unit will review the request to determine the nature of the alleged problem, gather preliminary data and determine a primary approach in attempt to resolve the issue. Education, enforcement and inexpensive engineering solutions, such as additional signage, striping and pavement markings will be considered before neighborhood groups, homeowners associations, individual residents or property owners are allowed to start the neighborhood traffic calming petition process.

## STEP 2 — Neighborhood Traffic Calming Petition Process

If the issue cannot be resolved through education, enforcement or inexpensive engineering solutions, the traffic unit will first review the request with the Bartlett Fire Protection District so it can be given the opportunity to provide input prior to the approval or denial of any traffic calming measures or devices. If the Bartlett Fire Protection District is not opposed to the



# Village of Bartlett Neighborhood Traffic Calming Policy

request, the traffic unit will then request the initial contact person who made the complaint or raised the neighborhood traffic concern to begin the neighborhood traffic calming petition process to determine whether there is support from the neighborhood to consider a traffic calming project. It is the responsibility of the contact person to collect a petition from the residents documenting that at least 66 percent of all households, including owners or empty parcels, in the impact area(s) support the installation of the traffic calming measures on the identified street(s). All residents within the impact area shall be presented the opportunity to sign the petition. The police department or the village engineer shall define the impact area considering the location of intersecting roads, land use of nearby properties, and other factors present in the environment.

The contact person must sign the verification statement on each page of the petition stating that the signatures on the petition are valid and represent at least 66 percent of the households and vacant lots within the impact area. Only one signature per household/parcel shall be counted.

## **STEP 3 — Data Collection**

After the neighborhood traffic calming petition is received, the traffic unit will begin a traffic study to observe traffic patterns, line-of-sight conflicts, and collect the three-year traffic crash history, average traffic volume and speed data, including the median speed and 85<sup>th</sup> percentile speed on the identified street(s). The results will be shared with the Village of Bartlett Public Works Department (public works) and the village engineer.

### **Speeding Problem Thresholds:**

- The speed criteria considers the difference between the posted speed limit and the measured speed of vehicles over an averaged 24-hour period. To be considered, the 85<sup>th</sup> percentile speed along the street must exceed the speed limit by at least eight (8) miles per hour or the median speed must be at least 5 miles per hour over the posted speed limit.
- Village staff shall consider the type of neighborhood and the type of special conditions within the neighborhood such as schools within a 1,000 foot radius of the project street, special pedestrian generators within a 1,000-foot radius of the project street (libraries, parks, neighbor shops, etc.), and the absence of sidewalks on the project street.
- Village staff shall also consider all speed-related motor vehicle crashes at intersections or at mid-block locations. The street must have had three or more speed-related motor vehicles crashes within the past three years.

### **High Volume Problem Threshold:**

- In some cases, the reported problem is related to the volume of traffic on the residential street instead of the speed. Traffic volumes on the proposed street must be more than 400 vehicles per day but less than 4,000 vehicle per day to be eligible for traffic calming measures or devices.

# Village of Bartlett Neighborhood Traffic Calming Policy

## Stop Sign Thresholds:

- All stop sign requests shall be in accordance with the guidance from the MUTCD. The MUTCD indicates that yield or stop signs should not be used for speed control.

The installation of stop signs on public roadways is a common request made to control traffic speeds on residential roadways. However, the purpose of stop signs is to manage traffic at an intersection, not to slow down traffic. The perception is that people will stop for the signs therefore lowering the speed along the roadway.

## STEP 4 — Recommendation and Approval:

If the traffic study allows for traffic calming measures or devices to be implemented, the police department and public works department will further evaluate the type of measure(s) that may be appropriate by carefully weighing the advantages and disadvantages of each measure or device. The police department will then prepare a recommended course of action to be presented to the Village Administration for final review.

If appropriate traffic calming measures or devices cannot be accommodated for any reason, the neighborhood traffic calming petition shall be rejected. Upon rejection, the street or intersection for which the petition is requesting traffic calming measures or devices will be ineligible for further traffic evaluation for a 12 month period. The street or intersection in question may be re-evaluated after a 12 month period using the criteria contained in the Village's traffic calming policy unless there is a need to reevaluate it sooner due to a significant increase of motor vehicle crashes or other safety concerns.

The Village Board will review the staff's recommendations regarding any traffic calming measure or device installation for final approval. Residents within the impact area of any traffic calming project area are invited to attend the Village Board meeting for public comment.

## Temporary Traffic Calming Devices and Measures

Whenever possible and practical, Village staff may decide to phase in or install inexpensive temporary traffic calming measures or devices to ensure that the measures or devices will achieve the intended results prior to committing funding to construct permanent traffic calming measures or devices. A temporary installation also provides an opportunity to alter the geometrics of a measure or device or make other changes prior to permanent installation. Temporary measures or devices should resemble permanent measures or devices whenever possible.

If the temporary traffic calming devices or measures do not achieve the desired result of reducing the traffic-related issue, the Village shall remove the temporary traffic calming measures or devices without moving forward with the installation of the permanent traffic calming measures or devices.

# **Village of Bartlett Neighborhood Traffic Calming Policy**

## **Cost Responsibility**

The cost of installing traffic calming measures or devices on public roadways shall be financed by the Village and shall be constructed as funds become available and allocated in the Village's annual budget on a case by case basis.

## **Removal of a Traffic Calming Device**

Permanent traffic calming measures or devices shall be in place for a minimum of 12 months prior to consideration for removal. The procedure for removal of traffic calming measures or devices requested by residents of a project area shall be the same as the installation procedure. Documented and identified conditions considered in the installation of the measure or device shall have changed such that it is warranted for removal of the measure(s), and no negative traffic impact shall be apparent as requisites for removal. The Village shall be responsible for the cost of removing traffic calming measures or devices and restoring the pavement.



**Bartlett Police Department**  
228 S. Main Street, Bartlett, Illinois 60103

**Neighborhood Traffic Calming Petition Form**

Pursuant to the guidelines set forth in the Traffic Calming Policy, the initial contact person who made the traffic complaint or brought up the neighborhood traffic concern to the Bartlett Police Department is responsible for beginning the neighborhood traffic calming petition process to determine whether there is support from the neighborhood to consider a traffic calming project. In order for the Village of Bartlett to consider traffic calming measures or devices, the initial contact person must collect a petition from the residents documenting that at least 66% of the households, including owners or empty parcels, in the impact area(s) support the installation of the traffic calming measures or devices on the identified street(s). All residents within the impact area shall be presented the opportunity to sign the petition.

The attached map indicates the impact area that was defined by the Police Department or the Village Engineer. Based on the \_\_\_ properties, a minimum of \_\_\_ signatures is required. Please be aware that only one signature per household/parcel shall be counted. The person/group making the request must make all effort to notify every household and then return the petition to the Police Department within a 30 day period from the initiation of the neighborhood traffic calming petition process. Once the petition has been received, the Traffic Unit will begin a traffic study and share the results with Public Works and the Village Engineer.

A description of the traffic concerns will assist the Village in developing a possible solution. On the following lines, please provide the following information:

- Description of problem(s)
- Time(s) of day / day(s) of week when the problem occurs
- Possible causes of the problem
- Any other information the Village should be aware of regarding the problem

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# Agenda Item Executive Summary

Item Name	Prohibiting the Use of Tobacco Products and Alternative Nicotine Products on Village Owned Park Properties	Committee or Board	Committee
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## BUDGET IMPACT

Amount:	N/A	Budgeted	N/A
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List what fund	N/A
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## EXECUTIVE SUMMARY

As requested, the Staff has prepared a Draft Ordinance that would prohibit tobacco products, electronic cigarettes and/or alternative nicotine products on Village owned park properties, regardless of whether such smoking, vaping or use is occurring outdoors and not in an enclosed building or public space on any such property. These Village park properties include the Town Center Fountain Park, Koehler Fields, Bartlett Park (also referred to as Gazebo Park), Veteran's Memorial Park and Ruzicka Park.

Signs shall be posted stating "no smoking or vaping" at the designated park entrances and on or adjacent to the sign stating the name of the park.

The prohibition on smoking and vaping shall not apply to any other property used for roads, streets, highways, stormwater detention or retention, the golf course, public works, village hall or other public purpose. In addition, parks and forest preserves owned by the Bartlett Park District, the Forest Preserve Districts or the State of Illinois, shall also be exempt.

## ATTACHMENTS

Memo and Draft Ordinance

## ACTION REQUESTED

- For Discussion Only - To review and forward to the Village Board for a vote
- Resolution
- Ordinance
- Motion

Staff Roberta Grill, Planning & Development Services Director Date: 01/28/2020

**PLANNING AND DEVELOPMENT SERVICES MEMORANDUM**  
**20-12**

DATE: January 28, 2020

TO: Paula Schumacher, Village Administrator

FROM: Roberta B. Grill, PDS Director 

RE: Prohibiting the Use of Tobacco Products and Alternative Nicotine Products on Village Owned Park Properties

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As requested, the Staff has prepared a Draft Ordinance that would prohibit tobacco products, electronic cigarettes and/or alternative nicotine products on Village owned park properties, regardless of whether such smoking, vaping or use is occurring outdoors and not in an enclosed building or public space on any such property. These Village park properties include the Town Center Fountain Park, Koehler Fields, Bartlett Park (also referred to as Gazebo Park), Veteran's Memorial Park and Ruzicka Park.

Signs shall be posted stating "no smoking or vaping" at the designated park entrances and on or adjacent to the sign stating the name of the park.

The prohibition on smoking and vaping shall not apply to any other property used for roads, streets, highways, stormwater detention or retention, the golf course, public works, village hall or other public purpose. In addition, parks and forest preserves owned by the Bartlett Park District, the Forest Preserve Districts or the State of Illinois, shall also be exempt.

**RECOMMENDATION**

1. The Staff recommends forwarding the Draft Ordinance to the Village Board for a vote.
2. The Draft Ordinance is attached for your review.

ORDINANCE 2020 - \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 5 OF THE BARTLETT MUNICIPAL CODE TO ADD NEW CHAPTER 11 THERETO ENTITLED "USE OF TOBACCO PRODUCTS AND ALTERNATIVE NICOTINE PRODUCTS PROHIBITED ON VILLAGE OWNED PARK PROPERTY"**

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**BE IT ORDAINED** by the President and Board of Trustees of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, in exercise of its home rule powers, as follows:

**SECTION ONE:** That Title 5 of the Bartlett Municipal Code, entitled "POLICE REGULATIONS", is hereby amended to add new Chapter 11 entitled "USE OF TOBACCO PRODUCTS AND ALTERNATIVE NICOTINE PRODUCTS PROHIBITED ON VILLAGE OWNED PARK PROPERTY" as follows:

**5-11-1: DEFINITIONS:**

**5-11-2: PROHIBITED USE OF TOBACCO PRODUCTS, ELECTRONIC CIGARETTES AND/OR ALTERNATIVE NICOTINE PRODUCTS ON VILLAGE OWNED PARK PROPERTY**

**5-11-3: SIGNS:**

**5-11-4: EXEMPTIONS**

**5-11-5: PENALTY**

**5-11-1: DEFINITIONS:**

For purposes of this chapter, the following words and phrases shall have the following meanings ascribed to them:

**ALTERNATIVE NICOTINE PRODUCT:** A product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing or by any other means. "Alternative nicotine product" does not include cigarettes as defined in Section 1 of the Cigarette Tax Act<sup>1</sup> and tobacco products as defined in Section 10-5 of the Tobacco Products Act of 1995<sup>2</sup>, tobacco product and electronic cigarette as defined in this section, or any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose, any asthma inhaler prescribed by a physician for that condition and is being marketed and sold for that approved purpose or any therapeutic product approved for use under the Compassionate Use of Cannabis Pilot Program Act.<sup>3</sup>

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<sup>1</sup> 35 ILCS 130/1

<sup>2</sup> 35 ILCS 143/10-1, et seq.

<sup>3</sup> 410 ILCS 130/1, et seq.



**ELECTRONIC CIGARETTE:** Any device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation; any cartridge or container of a solution or substance intended to be used with or in the device or to refill the device; or any solution or substance, whether or not it contains nicotine intended for use in the device. The term "electronic cigarette" includes, but is not limited to, any electronic nicotine delivery system, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar products or devices, and any components or parts that can be used to build the product or device. "Electronic cigarette" does not include: cigarettes as defined in Section 1 of the Cigarette Tax Act<sup>4</sup> and tobacco products as defined in Section 10-5 of the Tobacco Products Tax Act of 1995<sup>5</sup>; tobacco product and alternative nicotine product as defined in this section; any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose; any asthma inhaler prescribed by a physician for that condition and is being marketed and sold solely for that approved purpose; or any therapeutic product approved for use under the Compassionate Use of Medical Cannabis Pilot Program Act.<sup>6</sup>

**NICOTINE:** Any form of the chemical nicotine, including any salt or complex, regardless of whether the chemical is naturally or synthetically derived.

**TOBACCO PRODUCT:** Any product containing or made from tobacco that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus, and any other smokeless tobacco product which contains tobacco that is finely cut, ground, powdered, or leaf and intended to be placed in the oral cavity. "Tobacco product" includes any component, part, or accessory of a tobacco product, whether or not sold separately. "Tobacco product" does not include: an electronic cigarette and alternative nicotine product as defined in this section; or any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

**VAPE OR VAPING:** Using an electronic cigarette or alternative vapor transmission modality to vape an alternative nicotine product.

**VILLAGE OWNED PARK PROPERTY:** Each of the following primarily vacant parcels of real property owned by the Village of Bartlett and that are used for active or passive recreation, open space, public gathering space, veteran's memorial or other public purposes:

Town Center Fountain Park. Parcel located at the Northeast corner of Main Street and Railroad Avenue, Bartlett, Illinois, legally described as follows:

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<sup>4</sup> 35 ILCS 130/1

<sup>5</sup> 35 ILCS 143/10-1, et seq.

<sup>6</sup> 410 ILCS 130/1, et seq.

LOT 1 IN THE BARTLETT TOWN CENTER SUBDIVISION OF PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 34, AND PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OD SECTION 35, BOTH IN TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 10, 2003 AS DOCUMENT NO. 0328310201.

Koehler Fields. The multi-sports complex generally located along and East of Illinois Route 25, South of Southwind Blvd., and North of the James Pate Philp State Park, legally described as follows:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 41 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 28 MINUTES 15 SECONDS WEST, (BEARINGS BASED ON THE TRI-COUNTY STATE PARK BOUNDARY SURVEY), ALONG THE EAST LINE OF SAID SOUTH EAST QUARTER, A DISTANCE OF 1394.88 FEET; THENCE NORTH 88 DEGREES 13 MINUTES 44 SECONDS WEST, A DISTANCE OF 463.43 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 13 MINUTES 44 SECONDS EAST, ALONG THE LAST DESCRIBED COURSE, A DISTANCE OF 463.43 FEET TO THE SAID EAST LINE OF THE SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 28 MINUTES 15 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 1258.08 FEET TO A POINT THAT IS 136.80 FEET, AS MEASURED ALONG SAID EAST LINE, NORTH OF THE POINT OF COMMENCEMENT; THENCE SOUTH 88 DEGREES 37 MINUTES 14 SECONDS WEST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 721.09 FEET; THENCE NORTH 00 DEGREES 28 MINUTES 15 SECONDS WEST, PARALLEL WITH THE AFORESAID EAST LINE OF THE SOUTHEAST QUARTER, A DISTANCE OF 556.89 FEET; THENCE SOUTH 88 DEGREES 37 MINUTES 14 SECONDS WEST, PARALLEL WITH THE AFORESAID SOUTH LINE, A DISTANCE OF 537.87 FEET TO THE EASTERLY RIGHT OF WAY LINE OF ILLINOIS ROUTE 25, BEING 33.0 FEET EAST OF THE CENTER LINE; THENCE NORTHERLY, ALONG SAID RIGHT OF WAY LINE, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 375,747.50 FEET AND A CHORD BEARING OF NORTH 02 DEGREES 41 MINUTES 22 SECONDS WEST, AN ARC DISTANCE OF 367.16 FEET; THENCE NORTH 88 DEGREES 37 MINUTES 14 SECONDS EAST, PARALLEL WITH THE AFORESAID SOUTH LINE OF THE EAST QUARTER, A DISTANCE OF 17.00 FEET TO A LINE THAT IS 50.00 FEET EASTERLY OF AND PARALLEL WITH THE SAID CENTERLINE; THENCE NORTHERLY, ALONG SAID PARALLEL LINE, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 375,746.50 FEET AND A CHORD BEARING OF NORTH 02 DEGREES 44 MINUTES 33 SECONDS WEST, AN ARC DISTANCE OF 329.1 FEET; THENCE NORTH 45 DEGREES 27 MINUTES 55 SECONDS EAST, A DISTANCE OF 55.35 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SOUTHWIND BOULEVARD PER DOCUMENT 2000K 093202; THENCE NORTH 89 DEGREES 40 MINUTES 20 SECONDS EAST, ALONG SAID RIGHT OF WAY LINE AND THE EASTERLY EXTENSION THEREOF, A DISTANCE OF 576.44 FEET; THENCE NORTHEASTERLY, ALONG THE PROPOSED RIGHT OF WAY LINE OF SOUTHWIND BOULEVARD, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 353.80 FEET, AN ARC DISTANCE OF 201.76 FEET TO A LINE THAT IS PARALLEL WITH THE AFORESAID EAST LINE OF THE SOUTHEAST QUARTER AND PASSES THROUGH THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 28 MINUTES 15 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 59.73 FEET TO THE POINT OF BEGINNING. BEING SITUATED IN THE VILLAGE OF BARTLETT, KANE COUNTY, ILLINOIS AND CONTAINING 1,321,204 SQUARE FEET (30.33 ACRES) MORE OR LESS.

Bartlett Park (sometimes alternatively referred to as Gazebo Park). The park property located North of North Avenue, East of Oak Avenue and West of Eastern Avenue, in the Village of Bartlett, legally described as follows:

2.42 +/- acre parcel in the County Clerk's Division of unsubdivided lands in the East 1/2 of the Northeast 1/4 of Section 34, Township 41 North, Range 9, East of the Third Principal Meridian, recorded May 31, 1895 as Document 2227310, in Cook County, Illinois, PIN 06-34-208-013

Veteran's Memorial Park. Parcel located South of Stearns Road, West of South Bartlett Road and Northwest of the Bartlett Trail in the Village of Bartlett, legally described as follows:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, AS FOLLOWS:  
BEGINNING AT THE INTERSECTION OF THE EAST LINE OF KENROY'S APPLE ORCHARD SUBDIVISION NO. 4 UNIT NO. 3, PER DOCUMENT NO. R77- 82081, WITH A LINE THAT IS 50.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH, ALONG SAID EAST LINE OF KENROY'S APPLE ORCHARD SUBDIVISION NO. 4 UNIT NO. 3, A DISTANCE OF 300.97 FEET; THENCE NORTHEASTERLY, A DISTANCE OF 419.67 FEET TO A POINT ON THE AFORESAID LINE THAT IS 50.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER AND IS 292.40 FEET, MEASURED ALONG SAID PARALLEL LINE, EAST OF THE POINT OF BEGINNING; THENCE WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 292.40 FEET TO THE POINT OF BEGINNING, BEING SITUATED IN THE VILLAGE OF BARTLETT, DUPAGE COUNTY, ILLINOIS AND CONTAINING 1.01 ACRE, MORE OR LESS.

Ruzicka Park. Athletic fields located West of Newport Blvd., South of Coral Avenue, and North of the Commonwealth Edison ROW in the Village of Bartlett, legally described as follows:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 1 AND THAT PART OF THE NORTHEAST QUARTER OF SECTION 2, BOTH IN TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 2, ALSO BEING THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF SECTION 1; THENCE SOUTH 88 DEGREES 47 MINUTES 01 SECONDS WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 340.00 FEET TO THE SOUTHEAST CORNER OF BARTLETT SUBDIVISION UNIT 1-D GREEN SPACE PER DOCUMENT NO. R82-056663; THENCE NORTH 01 DEGREE 12 MINUTES 59 SECONDS WEST, ALONG THE EAST LINE OF SAID DOCUMENT AND ALONG THE EAST LINE OF BARTLETT SUBDIVISION 1-D PER DOCUMENT R76-071777, A DISTANCE OF 516.05 FEET TO THE NORTHEAST CORNER OF LOT 276 OF SAID UNIT 1-D; THENCE NORTHEASTERLY, ALONG THE SOUTHERLY LINE OF CORAL AVENUE PER BARTLETT SUBDIVISION UNIT 1-E, DOCUMENT NO. R77-025424, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 745.00 FEET AND A CHORD BEARING OF NORTH 64 DEGREES 44 MINUTES 06 SECONDS EAST, AN ARC DISTANCE OF 100.38 FEET; THENCE CONTINUING ALONG THE SOUTHERLY LINE OF SAID CORAL AVENUE, BEING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1410.00 FEET AND A CHORD BEARING OF NORTH 65 DEGREES 32 MINUTES 08 SECONDS EAST, AN ARC DISTANCE OF 229.40 FEET; THENCE NORTH 70 DEGREES 11 MINUTES 48 SECONDS EAST, ALONG SAID SOUTHERLY LINE OF CORAL AVENUE, A DISTANCE OF 149.80 FEET; THENCE SOUTHEASTERLY, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00



FEET AND A CHORD BEARING OF SOUTH 63 DEGREES 53 MINUTES 50 SECONDS EAST, AN ARC DISTANCE OF 40.06 FEET, BEING ON THE WESTERLY LINE OF NEWPORT BOULEVARD; THENCE SOUTHERLY, ALONG THE SAID WESTERLY LINE, BEING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1600.00 FEET AND A CHORD BEARING OF SOUTH 09 DEGREES 01 MINUTE 30 SECONDS EAST, AN ARC DISTANCE OF 500.27 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 11 SECONDS EAST, ALONG SAID WESTERLY LINE OF NEWPORT BOULEVARD, A DISTANCE OF 189.07 FEET TO THE SOUTH LINE OF AFORESAID NORTHWEST QUARTER OF SECTION 1; THENCE SOUTH 89 DEGREES 55 MINUTES 49 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING. BEING SITUATED IN THE VILLAGE OF BARTLETT, DUPAGE COUNTY, ILLINOIS AND CONTAINING 7.569 ACRES, MORE OR LESS.

**5-11-2: PROHIBITED USE OF TOBACCO PRODUCTS, ELECTRONIC CIGARETTES AND/OR ALTERNATIVE NICOTINE PRODUCTS ON VILLAGE OWNED PARK PROPERTY**

It shall be unlawful to smoke, vape or use any tobacco product, electronic cigarette, and alternative nicotine product, or any of them, on any Village owned park property, regardless of whether such smoking, vaping or use is occurring outdoors and not in an enclosed building or public space on any such property

**5-11-3: SIGNS:**

The Village shall post conspicuous “no smoking or vaping” signs at the designated entrance(s), and on or adjacent to the park name sign at each Village owned park property. Such “no smoking or vaping” sign shall have a white field with the words “no smoking or vaping” printed in red letters, four (4) inches in height, or shall have the international no smoking symbol at least six (6) inches square in size and a symbol graphically indicating no vaping.

**5-11-4: EXEMPTIONS**

The prohibition on smoking and vaping set forth in Section 5-11-2 shall not apply to:

- A. Any other property owned, leased or used in whole or in part by the village and used for road, street, highway, stormwater detention or retention, golf course, public works, village hall, or other public purpose whether acquired by the Village by deed, lease, dedication, easement, license or permit, other than the Village owned park property specifically identified in Section 5-11-1 of this chapter under the definition “village owned park property”.
- B. All parks and forest preserves or unenclosed public lands owned by the Bartlett Park District, the DuPage County Forest Preserve District, the Kane County Forest Preserve District, or by the State of Illinois.
- C. Notwithstanding the exemptions provided in subsections A and B of this section, nothing contained herein shall exempt any building, or enclosed public place existing or erected on any village owned park property, or property owned by any other public



or private entity as defined in section 4-4-1 of this code, or from the applicable regulations set forth in the Bartlett Smoke and Vape Free Ordinance codified in Title 4 of Chapter 4 of this code.

**5-11-5: PENALTY**

Any person violating any provision of this chapter shall be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00).

**SECTION TWO: SEVERABILITY.** The various provisions of this Ordinance are to be considered as severable, and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

**SECTION THREE: REPEAL OF PRIOR ORDINANCES.** All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

**SECTION FOUR: EFFECTIVE DATE.** This Ordinance shall be in full force and effect upon its passage and approval.

ROLL CALL VOTE:

AYES:

NAYS:

ABSENT:

PASSED:

APPROVED:

\_\_\_\_\_  
Kevin Wallace, Village President

ATTEST:

\_\_\_\_\_  
Lorna Giless, Village Clerk

**CERTIFICATION**

I, Lorna Giless, do hereby certify that I am the Village Clerk of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, and that the foregoing is a true, complete and exact copy of Ordinance 2020-\_\_\_\_ enacted on \_\_\_\_\_, 2020 and approved on \_\_\_\_\_, 2020 as the same appears from the official records of the Village of Bartlett.

\_\_\_\_\_  
Lorna Giless, Village Clerk