Evanston Environment Board  
Thursday, May 12, 2011, 7:00 P.M.  
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Room 2200

AGENDA  
May 12, 2011

I. Approval of Minutes from April  
II. Citizen Comment  
III. Presentation by the Active Transportation Alliance, Barb Cornew and Adolfo Hernandez  
IV. Bikes and the MMTP, Hugh Bartling and Ellen King  
   a. Business Demo Project Update  
   b. Striping Cost Update  
V. Stormwater Management  
   a. Life Cycle Analysis of Pavement (L. Cheng)  
   b. Status of City/Board Collaboration and Sheridan Road Green Infrastructure Update  
VI. BCC Training, Carl Caneva  
   a. General BCC Review  
   b. Two-year workplan  
VII. Ongoing Business/News  
   a. Composting Ordinance Update (A.Viner/C.Hurley)  
   b. GBO Amendment Updates (P.Finnegan)  
   c. Wind Committee (K. Glynn)  
   d. Backyard Chickens (C. Caneva)  
   e. Milk Carton Recycling (A. Viner)  
   f. Disposable Bags (C.Hurley)  
   g. Board Leadership Elections – Per Article IV, Section 2 (Election of Officers) of our by-laws, Board members shall elect officers by majority vote at the June meeting of odd years.  
VIII. Open Discussion

NEXT MEETING – Thursday, June 9, 2011
MEETING MINUTES
EVANSTON ENVIRONMENT BOARD
Thursday, April 14, 2011
7pm
Lorraine H. Morton Civic Center
2100 Ridge Ave., Room #2200
Evanston, IL 60201

Members Present: Hugh Bartling, Susan Besson (Co-Chair), Likwan Cheng, Paige Finnegan (Co-Chair), Kevin Glynn, Ellen King, Anne Viner, Suzanne Waller, Laurie Zoloth

Members Absent: Dan Cox

Staff Present: Carl Caneva

Presiding Member: Susan Besson, Paige Finnegan

Declaration of Quorum
With a quorum present, Chairman Finnegan called the meeting to order at 7:03pm.

APPROVAL OF MEETING MINUTES of March 3, 2011
It was moved and seconded that the minutes of the March 3 meeting be approved. A voice vote was taken and the minutes were approved as written.

COMMITTEE REPORTS

Stormwater Management Update
i. C. Hurley spoke to P. Schneider about Green stormwater infrastructure. June is a date to develop a comprehensive meeting.

ii. Sheridan Road project: CH indicated the discussion focused on the parkway, specifically on improving stormwater infiltration.

iii. H. Sprague asked if the tree ordinance presented a barrier, CH indicated the issue was the protection of the perimeter of the trees, but had no specifics. CH indicated there was an interest in the demonstration but, was unsure as to what the specifics included. SB indicated a want to involve NU students. CH will coordinate with LC.

iv. LC stated he will be speaking at a Provost Conference on Saturday, and will mention to provost.
v. HS indicated a rain garden was installed at Hull Park, students were involved.

vi. LZ spoke about a 5th ward work day, led by ETHS students and selected students from NU. They received 250 fruit trees and they are looking for sites. EK stated the Ladd Arboretum Board might suggest locations for trees.

vii. LC performed research about lifecycle of impervious surfaces, and will update Board in May

viii. EK and CH spoke about the documentary Liquid Assets; CC will look into getting a copy.

ix. HS invited the Board members to visit his home where porous concrete has been laid.

**Bikes and the MMTP**

i. Business Demo Project Update

a. EK has been communicating with businesses, including the Evanston Athletic Club re: potential to improve bike parking in the downtown. LZ asked what the fixed cost of a bike 'U' rack was. HB stated they are proposing a bike corral that would take up a parking space. HB has been researching the cost, and has been in contact with the Active Transportation Alliance as well as CMAP. He indicated the City of Chicago was purchasing racks for $100.00 per U, not including installation. HB is researching interest in partnering to improve the bike parking situation. AV stated the project may need to focus on the building owner rather than the individual businesses. HB also stated they will be looking at Merchants Associations in the area to partner with.

b. Hugh described a system that uses raised curbs that delineate bike lanes. Suzette Robinson stated the issue is one of snow removal as well as cost. If areas were raised there are issues with equipment. SR indicated there are budgeting issues for these projects.

c. HB will continue to update the group, and will bring potential speakers to the board as well.
STAFF REPORTS

i. Backyard Chickens
   a. CC gave an update on backyard chickens and indicated complaints have increased and Health Department is addressing and will work with the backyard chicken group.

ii. Veolia Transfer Station
   a. CC gave an update regarding complaints
   b. EK indicated 40-50% was NU, the bulk of the waste is from private haulers
   c. EK indicated the facility process 500-700 tons per day. A best practice indicates it should be located on a 25 acre site.
   d. EK indicated there was a large amount of cardboard being dumped, recycling did end up at the transfer station.
   e. HB asked about the issue of idling on the Veolia site while the tarp is placed on top and while garbage is being transferred

UNFINISHED BUSINESS

i. Composting Ordinance Update
   a. SR gave an update regarding the Composting ordinance. It began at District 65, they asked for guidelines, but the City of Evanston did not have an ordinance or guidelines. The discussion began in earnest due to a rodent issue due to open composting. There are also a number of sites that have issues with regards to food scraps in piles. PF asked if the nuisance ordinance could be used to enforce the issue. SR stated the nuisance ordinance cannot be applied, due to an issue of access. AV stated she did not understand how the nuisance ordinance did not address this issue. SR stated
another goal of ordinance is to encourage proper composting.

b. SB stated if the goal is to produce appropriate composting why is a composting ordinance needed. SR stated there is a portion of a composting in the solid waste ordinance.

c. LZ stated the goal is to educate rather than issue fines for poor practices.

d. AV stated there are concerns with consistency with the State of Illinois, the ordinance is difficult to implement and interpret by residents. She is looking for an ordinance that is less punitive in nature.

e. SR welcomed the feedback from the group, and asked the group to submit their concerns and questions. Part of the ordinance will address training as well as providing containers.

f. AV suggested amending the solid waste ordinance, placing power and authority to address nuisance violations due to composting.

g. SR spoke about voluntary registration, stating it was needed to track the waste stream.

h. KG stated the problem with the composting ordinance is that you could compost correctly and still fall afoul of the ordinance.

i. HB requested an enumeration of composting complaints. SR indicated there have been 10-15 complaints over 3 years. SR indicated it was yard compost. AV asked CC about composting complaints; he stated the typical complaint involved piles of food on property.

j. LZ stated the solution should not be punitive via ordinance rather it should be promotional in nature. She suggested recognition and promotion.
k. CH asked for specific comments from the board
l. AV asked if the City would be open to exploring an amendment to the solid waste ordinance. SR indicated the City is open to hearing comments.
m. AV indicated an interest in discussing this issue with Catherine Hurley and legal, with something narrow and limited to address the issue.
n. EK indicated there were other effective ways to compost that were made illegal by the code, and was concerned with the ordinance.

ii. Upcoming Board Leadership Elections – Per Article IV, Section 2 (Election of Officers) of our by-laws, Board members shall elect officers by majority vote at the June meeting of odd years.

a. PF and SB urged members to consider presenting themselves as officers for the upcoming June elections.
b. CC will send final copy to members of the bylaws

iii. GBO Amendment Updates

a. CH coordinated a meeting on Monday night with discussion of an alternative compliance tract for commercial remodels. The GBO requires that for new construction between 10k and 20k, developers/property owners must choose 10-15 items from a to-be finalized list.

iv. Wind Committee

a. KG indicated there is a Mayor’s Wind Committee comprised of 20 members of which KG is one. He was impressed with the level of education and expertise on the Committee. There will be recommendations issued to council over the summer.

b. PF asked how many people applied. CH answered 50.
c. LZ asked about the bird argument and the aesthetic argument.
d. KG indicated the Audubon Society has indicated birds need to be studied.
e. KG also indicated an issue is with power. The closest station able to handle the electricity is on Church and Gross Pt. Rd.

v. Milk Carton Recycling

a. AV said she has spoken to District 65 about the program. Washington school relies heavily on parent volunteers that prepare the cartons for recycling. The discussion will move to the administrators at District 65 to discuss moving forward. She suggested going to milk carton recycling.com At middle school and high school plastic cartons are used and recycled. CH asked if there was a cost. AV indicated at Highland Park there was no cost. AV also spoke about food trays, and indicated there is some activity to accomplish this. CH will talk to DART about recycling Styrofoam to District 65, and will update the Board at the next meeting.

vi. Senate Bill 102: Plastic Bag and Film Recycling


a. PF spoke about plastic bags to go before A&PW on April 25, 2011. CH indicated the focus was all disposable bags with a $.05 tax to the retailer.

b. The focus of the current ordinance is to decrease the use of disposable bags and implement a tax. The tax would be implemented at the point of purchase.

ADJOURNMENT

The meeting was moved and seconded to adjourn. A voice vote was taken and the motion was approved at 9:13pm, April 14, 2011.

NEXT MEETING – Thursday, May 12, 2011

Respectfully Submitted,
Carl Caneva
Division Manager Health Department
Bike rack installation locations for this year are as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>Establishment</th>
<th>Sidewalk Width</th>
<th>Surface</th>
<th>Rack type</th>
<th>Physical Positioning</th>
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</thead>
<tbody>
<tr>
<td>1811 Central</td>
<td>Karlson Kitchens</td>
<td>15’</td>
<td>Concrete</td>
<td>1 U</td>
<td>Start 6’ West of tree grate</td>
</tr>
<tr>
<td>1814 Central</td>
<td>Dancing Bear Gallery</td>
<td>14’</td>
<td>Concrete</td>
<td>1 U</td>
<td>Start 5’ East of light pole</td>
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<tr>
<td>1900 Central</td>
<td>Chase Bank</td>
<td>PP</td>
<td>Concrete</td>
<td>3 U’s</td>
<td>Start 3’ North of the existing racks on Central St side of the property</td>
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<tr>
<td>1921 Central</td>
<td>Prairie Joe’s</td>
<td>18’</td>
<td>Concrete</td>
<td>3 U’s</td>
<td>Around corner on Prairie; perpendicular to curb; 5’ from curb; Start 4’ North of tree grate</td>
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<tr>
<td>1943 Central</td>
<td>Mille Fiori</td>
<td>13’</td>
<td>Concrete</td>
<td>3 U’s</td>
<td>Start parallel to diagonal cut; centered on cut In the mid-body of the bump-out</td>
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<tr>
<td>1811 Central</td>
<td>Karlson Kitchens</td>
<td>15’</td>
<td>Concrete</td>
<td>1 U</td>
<td>Start 6’ West of tree grate</td>
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<tr>
<td>600 Dempster</td>
<td>Thee Fishbowl</td>
<td>20’</td>
<td>Concrete</td>
<td>2 U’s</td>
<td>Start 3’ north of tree grate; on Chicago Ave side</td>
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<tr>
<td>1901 Howard</td>
<td>Bombay Kabob House</td>
<td>14’</td>
<td>Concrete</td>
<td>1 U</td>
<td>Start 4’ from curb; 4’ North of Signal/Light pole</td>
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<tr>
<td>500 Main</td>
<td>The Brothers Coffeehouse</td>
<td>20’</td>
<td>Concrete pavers</td>
<td>3 U’s</td>
<td>Start perpendicular to the curb, 4.75’ away from the curb, 3’ South from the planter; on Hinman Ave side</td>
</tr>
<tr>
<td>514 Main</td>
<td>Lucky Platter</td>
<td>14’</td>
<td>Concrete pavers</td>
<td>3 U’s</td>
<td>Start 3’ east of lamp post</td>
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<tr>
<td>824 Noyes</td>
<td>Hair &amp; Fitness Beauty</td>
<td>10’</td>
<td>Concrete</td>
<td>1 U</td>
<td>Start 9’ East of the tree grate</td>
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<tr>
<td>912 Noyes</td>
<td>Eatery Establishment</td>
<td>10’</td>
<td>Concrete</td>
<td>1 U</td>
<td>Start 3’ East of meter post # 1870</td>
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<tr>
<td>926 Noyes</td>
<td>Montessori</td>
<td>16’</td>
<td>Concrete</td>
<td>1 U</td>
<td>Start 4’ from curb; to 9’ East of tree grate</td>
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<tr>
<td>Location</td>
<td>Establishment</td>
<td>Sidewalk Width</td>
<td>Surface</td>
<td>Rack type</td>
<td>Physical Positioning</td>
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<td>1307 Sherman</td>
<td>Gamers Asylum</td>
<td>17’</td>
<td>Concrete</td>
<td>1 U</td>
<td>Start 8’ south from the edge of the building, 4’ away from the curb</td>
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<tr>
<td>1300 block Sherman</td>
<td>CTA Station</td>
<td>10’</td>
<td>Concrete</td>
<td>3 U’s</td>
<td>Start 2U’s North from the north edge of the building; 1U start north from the edge of the south planter</td>
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<tr>
<td>Existing Appendix A: Evanston Sustainable Building Measures for Interior Renovations</td>
<td>Proposed Appendix B: Evanston Sustainable Building Measures for New Construction</td>
<td>Notes</td>
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<td><strong>Stormwater Management:</strong></td>
<td><strong>Sustainable Site Development:</strong></td>
<td>Expand category</td>
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<td>All hardscape no less than 50% permeable.</td>
<td>Use permeable materials for at least 50% of driveways, patios, and walkways.</td>
<td>Green Homes for Chicago as reference</td>
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<td>Provide 50% pervious materials for at least 50% of non-covered parking area.</td>
<td>Green Homes for Chicago as reference</td>
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<td>Implement a stormwater management plan that captures and treats the stormwater runoff from 90% of the average annual rainfall using acceptable BMP’s which are capable of removing 80% of the average annual postdevelopment total suspended solids.</td>
<td>LEED Retail / NC as Reference</td>
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<td>Develop on a site documented as contaminated (by means of an ASTM E1903-97 Phase II Environmental Site Assessment, a local voluntary cleanup program or brownfield designation from a state, local or federal governmental agency)</td>
<td>LEED Retail / NC as Reference</td>
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<td>Provide secure bicycle racks and/or storage within 200 yards of building entrance capable of accommodating a minimum of 10 bicycles.</td>
<td>LEED Retail / NC as Reference</td>
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<td>Provide preferred parking for hybrid and electric vehicles for at least 5% of parking with a minimum of 1 preferred parking space.</td>
<td>LEED Retail / NC as Reference</td>
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<td>Use hardscape materials with an SRI value of at least 29 for 80% of impervious surfaces.</td>
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<td><strong>Water Use:</strong></td>
<td><strong>Water Use:</strong></td>
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<td>All plumbing fixtures - use WaterSense labeled as applicable.</td>
<td>All plumbing fixtures - use WaterSense labeled as applicable.</td>
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<td>Install a greywater or stormwater harvesting system</td>
<td>Install a stormwater harvesting system.</td>
<td>Green Homes for Chicago as reference</td>
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<td>Install drought-tolerant native or adapted landscape for at least 60% of non-paved and non-arable site area.</td>
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<td><strong>Lighting:</strong></td>
<td><strong>Lighting:</strong></td>
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<td>Install automatic daylighting controls in no less than 50% of interior spaces within 15 feet of perimeter.</td>
<td>Install automatic daylighting controls in no less than 50% of interior spaces within 15 feet of perimeter.</td>
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<td>Exceed the Lighting Power Density (LPD’s) of the current City of Evanston Energy Code by no less than 5%. Compliance to be shown using COMcheck.</td>
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<td>Exterior lighting fixtures shall all be Dark Sky compliant</td>
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<td>Provide exterior lighting controls which are compliant with section 9.4.1.3 of ANSI/ASHRAE/IESNA Standard 90.1-2007, without amendments</td>
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<td><strong>Mechanical:</strong></td>
<td><strong>Mechanical:</strong></td>
<td>Not applicable to new construction</td>
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<td>All warm air combustion furnaces: minimum Annual Fuel Utilization Efficiency (AFUE) of 90%.</td>
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<td>All Air Conditioners and Condensing Units &lt; 65,000 btu/h: minimum SEER rating of 15.</td>
<td>All Air Conditioners and Condensing Units &lt; 65,000 btu/h: minimum SEER rating of 15.</td>
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<td>All Electronically Operated Unitary Air Conditioners and Condensing Units &gt; 65,000 btu/h: minimum EER rating of 12.</td>
<td>All Electronically Operated Unitary Air Conditioners and Condensing Units &gt; 65,000 btu/h: minimum EER rating of 12.</td>
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<td>Commission the mechanical and lighting systems in accordance with ASHRAE guideline 0.</td>
<td>Commission the mechanical and lighting systems in accordance with ASHRAE guideline 0.</td>
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<td>Provide mechanical, lighting and miscellaneous electrical system monitoring with the capability to log the data for a minimum of 1 year.</td>
<td>Provide mechanical, lighting and miscellaneous electrical system monitoring with the capability to log the data for a minimum of 1 year.</td>
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<td>Perform Retro Commissioning under the Energy Star program for existing commercial building guidelines.</td>
<td>Offset X% of annual building energy use with renewable energy through one of the following approaches:</td>
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<td>Provide for 3% of the building annual energy use with onsite renewable energy production.</td>
<td>Off-peak Thermal Storage</td>
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<td>Solar PV</td>
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<td>Geothermal</td>
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<td>Solar Thermal?</td>
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<td>Purchase of Renewable Energy Credits?</td>
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<td>Existing Appendix A: Evanston Sustainable Building Measures for Interior Renovations</td>
<td>Proposed Appendix B: Evanston Sustainable Building Measures for New Construction</td>
<td>Notes</td>
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<tr>
<td>Register and obtain Building Operator Certification via the Midwest Energy Efficiency Alliance (MEEA) Program.</td>
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<td><strong>Building Enclosure:</strong></td>
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<td>Exceed the prescriptive envelope provisions of current City of Evanston Energy Code by no less than 17.5%. Compliance shall be shown using COMcheck.</td>
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<td>Exceed the prescriptive envelope provisions of current City of Evanston Energy Code by no less than 35%. Compliance shall be shown using COMcheck. (Worth 2 measures)</td>
<td>Exceed the prescriptive envelope provisions of current City of Evanston Energy Code by no less than 35%. Compliance shall be shown using COMcheck. (Worth 2 measures)</td>
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<td>Provide a vegetative roof over no less than 20% of the roof area.</td>
<td>Provide a vegetative roof over no less than 20% of the roof area.</td>
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<td><strong>Materials and Resources:</strong></td>
<td><strong>Materials and Resources:</strong></td>
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<tr>
<td>Building reuse – maintain no less than 75% of existing walls, floors and roof.</td>
<td>Storage and Collection of Recyclables - Provide recycling for occupants, customers and visitors and for the top 3 operations generated streams.</td>
<td>LEED Retail / NC as Reference</td>
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<td>Building reuse – maintain no less than 50% of non-shell elements.</td>
<td>Materials reuse - use salvaged, refurbished or reused materials for no less than 5% of the project</td>
<td>LEED Retail / NC as Reference</td>
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<td>No less than 75% of all new wood to be Forest Stewardship Council (FSC) certified.</td>
<td>No less than 75% of all new wood to be Forest Stewardship Council (FSC) certified.</td>
<td>LEED Retail / NC as Reference</td>
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<td>Reuse of resources – no less than 10% of project materials (sell, donate, reuse)</td>
<td>Construction Waste Management - Recycle and/or salvage at least 50% of non-hazardous construction and demolition.</td>
<td>LEED Retail / NC as Reference</td>
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<tr>
<td>a. Non-code windows for non-conditioned space;</td>
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<td>b. Lumber, wood scraps, reusable forms;</td>
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<td>c. Unused supplies;</td>
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<td>d. Fixtures and appliances.</td>
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<td>Use of recycled content materials – no less than 10% of project materials.</td>
<td>Use of recycled content materials – no less than 10% of project materials.</td>
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<tr>
<td>Use of recycled content materials – no less than 20% of project materials. (Worth 2 measures)</td>
<td>Use of recycled content materials – no less than 20% of project materials. (Worth 2 measures)</td>
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<td><strong>Interior Finishes:</strong></td>
<td><strong>Indoor Environmental Quality:</strong></td>
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Boards, Commissions, and Committees
Work Plan Guidelines

Step 1  Review purpose of BCC as defined by State Statute, Ordinance, or Resolution.

Step 2  Develop a mission statement that reflects that purpose.

Step 3  Discuss and outline any priorities established by Council.

Step 4  Brainstorm goals, projects, or priorities of the BCC and determine the following:
   A. Identify priorities, goals, projects, ideas, etc.
   B. Determine benefit, if project or item is completed
   C. Is it mandated by State or local law or by Council direction?
   D. Would the task or item require a policy change at Council level?
   E. Resources needed for completion? (staff support, creation of subcommittees, etc.)
   F. Completion time? (1-year, 2-year, or longer term?)
   G. Measurement criteria? (How will you know you are on track? Is it effective?, etc.)

Step 5  Prioritize projects from urgent to low priority.

Step 6  Prepare final Work Plan for submission to Rules Committee for review and approval in the following order:
   1. Cover Memo
   2. Listing of Members and Terms
   3. Work Plan

Step 7  Use your “approved” work plan throughout the term of the plan as a guide to focus in on the work at hand.

Step 8  Report out on work plan priorities to the Rules Committee at next assigned meeting in 2 years, which should include:
   A. List of “approved” priorities or goals
   B. Status of each item, including any additional resources required in order to complete
   C. If an item that was on the list is not finished, then indicate why it didn’t occur and list out any additional time and/or resources that will be needed in order to complete
The work plan should have a logical progression of the BCC purpose and mission based upon goals and objectives.

### Goal 1: The Goal defines the solution to the problems.

<table>
<thead>
<tr>
<th>Goal 1 Overall Objectives</th>
<th>Activities</th>
<th>Resources</th>
<th>Constraints</th>
<th>Strategy &amp; Actions</th>
<th>Measures of Effectiveness &amp; Data</th>
<th>Time-frame</th>
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<td>1.1) The objectives are more precise and definite goals.</td>
<td>• Realistic activities that can truly be accomplished.</td>
<td>• What may or will contribute to reaching the identified and selected objectives.</td>
<td>• Restrictions or barriers that must be overcome to reach the objectives.</td>
<td>• Short description of how to overcome constraints.</td>
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### Goal 2:

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AN ORDINANCE

Codifying and Amending Ordinance 14-O-09, as Amended by Ordinance 124-O-09, by Enacting a New Title 4, Chapter 25 of the City Code, “Green Building Ordinance”

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That Title 4 of the Evanston City Code of 1979, as amended, is hereby further amended by enacting a new Chapter 25 thereof, "Green Building Ordinance", to read as follows:

4-25-1: PURPOSE:

The purpose of this Chapter is to promote the public health, safety, and welfare by requiring that certain new construction projects, and the renovation of certain existing buildings, within the City of Evanston, employ sustainable design practices and/or building materials to promote energy conservation and improve environmental quality.

4-25-2: DEFINITIONS:

For the purpose of this Chapter, unless the context requires otherwise, the following terms shall have the following meanings:

ADDITION: Any portion added to an existing building.

BUILDING OFFICIAL: As defined in Section 4-2-2 of this Code.

COMMERCIAL: All uses as defined and included in the scope of the International Building Code as adopted by the City.

ESBMIR: The City of Evanston Sustainable Building Measures for Interior Renovations.
INTERIOR RENOVATION: Interior alteration, including remodeling, rehabilitation, or work otherwise contained mainly within the interior of a structure; this shall not include work for the sole purpose of improving a building system, such as HVAC, electrical, or plumbing.


SQUARE FEET: The gross square footage being constructed or renovated as listed on the building permit.


4-25-3: NEW CONSTRUCTION AND ADDITION REQUIREMENTS:

New construction and additions ten thousand square feet (10,000 sq. ft.) or greater to City-owned or fully or partly City-financed buildings, and new construction and additions ten thousand square feet (10,000 sq. ft.) or greater to all commercial and multi-family buildings, shall employ, as specified hereinafter, either ESBMIR or the version of the LEED for New Construction and Major Renovations (“LEED-NC”) Rating System applicable to said project in effect one hundred eighty (180) days prior to the date of application for a building permit, and shall achieve the following level of LEED certification:

(A) for City-owned or City-financed facilities: LEED Silver Rating or higher;

(B) for all commercial and multi-family buildings greater than twenty thousand square feet (20,000 sq. ft.): LEED Silver Rating or higher.

(C) for all commercial and multi-family buildings ten thousand square feet (10,000 sq. ft.) to twenty thousand square feet (20,000 sq. ft.): LEED Silver Rating or higher, or employ fifteen (15) ESBMIR measures.

4-25-4: INTERIOR RENOVATION REQUIREMENTS:

Interior renovations of all City-owned or City-financed facilities, all commercial buildings, and all multi-family buildings shall:

(A) employ the version of the LEED for Commercial Interiors (“LEED-CI”) Rating System applicable to said project in effect one hundred eighty (180) days prior to the date of application for a building permit and that each project shall achieve Silver Rating or higher of LEED certification; or
employ the version of the ESBMIR, included herein as Appendix A to this Chapter, in effect one hundred eighty (180) days prior to the date of application for a building permit and that each project shall employ no fewer than:

1. three (3) ESBMIR measures for projects less than five thousand square feet (5,000 sq. ft.);
2. five (5) ESBMIR measures for projects five thousand square feet (5,000 sq. ft.) to twenty thousand square feet (20,000 sq. ft.);
3. seven (7) ESBMIR measures for projects greater than twenty thousand square feet (20,000 sq. ft.).

4-25-5: REQUIREMENT REDUCTIONS:

A developer who presents clear and convincing financial evidence to the Planning and Development Committee of the City Council that full compliance with Sections 3 and/or 4 of this Chapter would render the proposed project financially infeasible may seek a reduction in the requirements as to render the project financially feasible. If a developer requests such a reduction, he/she shall provide a detailed explanation that demonstrates the financial infeasibility of full compliance with said requirements. If the Committee votes to recommend such a reduction, the City Council shall consider, at its next regularly-scheduled meeting, an ordinance that grants said reduction and specifies how the developer shall comply with the terms of Sections 3 and/or 4 of this Chapter.

4-25-6: DEVELOPER MEETINGS:

The City shall meet with developers of projects that will be covered by the terms of this Chapter to discuss possible incentives, including expedited plan review or financial assistance for the costs that may be associated with such a LEED Certified Silver project. Such meetings shall occur prior to any such developer making a permit application.

4-25-6: SUBMISSIONS:

(A) Any developer who proposes a project that, pursuant to this Chapter, must be certified LEED Silver or higher, shall submit to the Building Official, as a required part of any application for a building permit related to the project:
1. a proposed USGBC LEED credit checklist, signed by an accredited LEED Professional, that identifies the LEED credits the developer intends to pursue for the project, the parties responsible for each credit, and a brief description of how each credit shall be earned; and

2. documentation that said project has been registered with USGBC.

(B) Any developer who proposes an interior renovation project that proceeds pursuant to Section 4-(B) hereof employs ESBMIR instead of LEED shall submit to the Building Official, as a required part of any application for a building permit related to the project, a completed ESBMIR checklist that identifies the sustainable building measures the applicant shall employ.

(C) Any developer who proposes a project that, pursuant to Section 5 of this Chapter, receives a reduction that reduces the number of LEED credits required below the minimum number required for LEED certification, shall submit a revised USGBC LEED Credit Checklist and documentation that indicates the LEED credits the project shall pursue and a fee equal to seventy-five percent (75%) of the fee USGBC would require to review the project, to offset staff time to review the submission, which, but for the reduction, would be reviewed by the USGBC instead of City staff.

4-25-7: POST-CONSTRUCTION REVIEW:

(A) For any project that must be certified LEED Silver or higher pursuant to this Chapter, the developer shall submit to the Building Official a completed USGBC LEED Design Phase Review Approval letter before the Building Official may issue a Final Certificate of Occupancy ("FCO") for the project. The Building Official may request documentation related to the LEED credits earned prior to issuing the FCO.

(B) For any interior renovation project that proceeds employs ESBMIR measures pursuant to Section 4-(B) of this Chapter, the developer shall submit sufficient documentation to the Building Official, as a required part of any application for a building permit related to the project, a completed ESBMIR checklist that identifies the sustainable building measures the applicant shall employ. The Building Official shall require documentation for him/her to ascertain which of measures the developer actually employed and before the Building Official may issue a Final Certificate of Occupancy ("FCO") for the project. The Building Official may withhold a Final Certificate of Occupancy ("FCO") if fewer measures were employed than required by Section 4-(B) of this Chapter.
For any project that receives a reduction pursuant to Section 5 of this Chapter that reduces the number of LEED credits required below the minimum number required for LEED certification, the developer shall submit to the Building Official a USGBC LEED Credit Checklist and supplemental documentation that indicates the LEED credits the project pursued before the Building Official may issue a Final Certificate of Occupancy (“FCO”) for the project. The Building Official may request additional related documentation prior to issuing the FCO.

4-25-8: PENALTIES:

(A) USGBC-Certified Projects:

1. For any project that must be certified LEED Silver or higher pursuant to this Chapter, the developer of said project shall demonstrate compliance with the applicable LEED requirements by means of an independent report provided by the USGBC. Should a project fail to obtain the required LEED certification, the developer of said project, or its agents, successors, or assigns, shall owe the City a penalty to be calculated by the following formula:

   \[ P = \left( \frac{LSM - CE}{LSM} \right) \times CV \times 0.75\% \]

   \( P \) is the Penalty in dollars; \( LSM \) is the minimum credits needed to earn a LEED Silver rating, or LEED Silver Minimum; \( CE \) is the number of Credits Earned as documented in the USGBC report; and \( CV \) is the Construction Value as set forth in the building permit for the project.

(B) 2. Any such developer shall have two (2) years from the date of the issuance of the project’s FCO temporary certificate of occupancy to supply to the Building Official the independent report from the USGBC certifying the project’s LEED certification. Should any such developer fail to submit such a report in the time allowed, it shall owe the City a penalty calculated pursuant to Section 8-(A)-1 of this Chapter with a \( CE \) equal to zero (0).

(C) 3. If there is a dispute as to whether the project has complied with the applicable requirements set forth in Section 2 and/or 3 of this Chapter, or if the developer requires more time, the developer may appeal to the City Manager or his/her designee. The City Manager may reduce a penalty in whole or in part for good cause shown, taking into consideration the failure to comply with said requirements and the project’s impact on the City.
(B) Reduced LEED Credit Projects:

1. For any project that receives a reduction pursuant to Section 5 of this Chapter that reduces the number of LEED credits required below the minimum number required for LEED certification, the developer of said project shall demonstrate compliance with this Chapter. Should a project fail to demonstrate the required LEED certification, the developer of said project, or its agents, successors, or assigns, shall owe the City a penalty to be calculated by the following formula:

\[ P = \left( \frac{RM - CE}{RM} \right) \times CV \times 0.75\% \]

P is the Penalty in dollars; RM is the minimum number of LEED credits required by City Council pursuant to a reduction, or Reduced Minimum; CE is the number of Credits Earned as documented; and CV is the Construction Value as set forth in the building permit for the project.

2. Any such developer shall have six (6) months from the date of the issuance of the project’s temporary certificate of occupancy to supply to the Building Official the documentation that demonstrates the project’s compliance with this Chapter. Should any such developer fail to submit such a report in the time allowed, it shall owe the City a penalty calculated pursuant to Section 9-(B)-1 of this Chapter with a CE equal to zero (0).

3. If there is a dispute as to whether the project has complied with the applicable requirements set forth in this Chapter, or if the developer requires more time, the developer may appeal to the City Manager or his/her designee. The City Manager may reduce a penalty in whole or in part for good cause shown, taking into consideration the failure to comply with said requirements and the project’s impact on the City.

(C) ESBMIR Projects:

1. For any interior renovation project that employs ESBMIR pursuant to this Chapter, the developer of said project shall demonstrate compliance with this Chapter. Should a project fail to demonstrate the required number of ESBMIR measures, the developer of said project, or its agents, successors, or assigns, shall owe the City a penalty to be calculated by the following formula:
\[ P = \left( \frac{EM - MU}{EM} \right) \times CV \times 0.75\% \]

\( P \) is the Penalty in dollars; \( EM \) is the minimum number of ESBMIR Measures required; \( MU \) is the number of ESBMIR Measures used as documented, or Measures Used; and \( CV \) is the Construction Value as set forth in the building permit for the project.

2. Any such developer shall have six (6) months from the date of the issuance of the project’s temporary certificate of occupancy to supply to the Building Official the documentation that demonstrates the project’s compliance with this Chapter. Should any such developer fail to submit such a report in the time allowed, it shall owe the City a penalty calculated pursuant to Section 9-(C)-1 of this Chapter with an \( MU \) equal to zero (0).

3. If there is a dispute as to whether the project has complied with the applicable requirements set forth in this Chapter, or if the developer requires more time, the developer may appeal to the City Manager or his/her designee. The City Manager may reduce a penalty in whole or in part for good cause shown, taking into consideration the failure to comply with said requirements and the project’s impact on the City.

(B) The City shall invest any monies collected pursuant to this Section in a fund, established hereby, to be called the Sustainable Evanston Fund (the “Fund”). Monies deposited in the Fund shall be used exclusively to support the City’s Office of Sustainability, provide technical assistance and plan review for proposed green buildings, support education, training and outreach to the public and private sectors on green building practices, and other initiatives designed to support environmental sustainability. The City Manager shall administer the Fund in accordance with the City’s investment policy.

4-25-9: HISTORIC PRESERVATION:

The terms of this Chapter shall neither limit nor prohibit the applicability of the terms of Title 2, Chapter 9 of the City Code, as amended (the “Historic Preservation Ordinance”), to any construction or renovation project.

4-25-10: RECOMMENDATIONS:

The City encourages ongoing training regarding green building practices for all City project managers, operation staff, and maintenance staff who supervise building design, construction, and operations, and the application of LEED
criteria sustainable building practices to any construction or renovation project not subject to this Chapter, whenever such application is practicable.

4-25-11: SEVERABILITY:

If any provision of this Chapter or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Chapter that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Chapter is severable.

APPENDIX A: Evanston Sustainable Building Measures for Interior Renovations

Each bullet point below shall count for one measure unless otherwise noted below. Applicants may choose measures from various categories or several from one category.

Stormwater Management:
  • All hardscape no less than 50% permeable.

Water Use:
  • All plumbing fixtures - use WaterSense labeled as applicable.
  • Install a greywater or stormwater harvesting system.

Lighting:
  • Install automatic daylighting controls in no less than 50% of interior spaces within 15 feet of perimeter.
  • Exceed the Lighting Power Density (LPD’s) of the current City of Evanston Energy Code by no less than 5%. Compliance to be shown using COMcheck.

Mechanical:
  • All warm air combustion furnaces: minimum Annual Fuel Utilization Efficiency (AFUE) of 90%.
  • All Air Conditioners and Condensing Units < 65,000 btu/h: minimum SEER rating of 15.
  • All Electronically Operated Unitary Air Conditioners and Condensing Units > 65,000 btu/h: minimum EER rating of 12.
  • Commission the mechanical and lighting systems in accordance with ASHRAE guideline 0.
  • Provide mechanical, lighting and miscellaneous electrical system monitoring with the capability to log the data for a minimum of 1 year.
Perform Retro Commissioning under the Energy Star program for existing commercial building guidelines.

- Provide for 3% of the building annual energy use with onsite renewable energy production.
- Register and obtain Building Operator Certification via the Midwest Energy Efficiency Alliance (MEEA) Program.

**Building Enclosure:**
- Exceed the prescriptive envelope provisions of current City of Evanston Energy Code by no less than 17.5%. Compliance shall be shown using COMcheck.
- Exceed the prescriptive envelope provisions of current City of Evanston Energy Code by no less than 35%. Compliance shall be shown using COMcheck. (Worth 2 measures)
- Install an Energy Star-compliant roof.
- Provide a vegetative roof over no less than 20% of the roof area.

**Materials and Resources:**
- Building reuse – maintain no less than 75% of existing walls, floors and roof.
- Building reuse – maintain no less than 50% of non-shell elements.
- No less than 75% of all new wood to be Forest Stewardship Council (FSC) certified.
- Reuse of resources – no less than 10% of project materials (sell, donate, reuse)
  a. Non-code windows for non-conditioned space;
  b. Lumber, wood scraps, reusable forms;
  c. Unused supplies;
  d. Fixtures and appliances.
- Use of recycled content materials – no less than 10% of project materials.
- Use of recycled content materials – no less than 20% of project materials. (Worth 2 measures)
- Local/Regional Materials – No less than 10% of project materials or products that have been extracted, harvested or recovered, as well as manufactured, within 500 miles of the project site.
- Use 40 – 50 year material rated for roof replacements.
- Rapidly Renewable Materials - no less than 2.5% of the project.

**Interior Finishes:**
- Use low VOC finishes (Worth 1 measure for every 2 of the following):
  a. All paints and coatings;
  b. All field applied adhesives;
  c. All carpeting;
d. All furniture systems - Greenguard Certified;
e. All composite wood shall be free from urea-formaldehyde.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: ________________, 2011  Approved: ________________, 2011

Adopted: ________________, 2011  ________________, 2011

_______________________________
Elizabeth B. Tisdahl, Mayor

Attest: ________________
Approved as to form:

Rodney Greene, City Clerk  W. Grant Farrar, City Attorney
Memorandum

To: Honorable Mayor and Members of the City Council

From: Catherine Hurley, Sustainable Programs Coordinator

Subject: Ordinance 67-O-10, Enacting a Tax on Disposable Carryout Bags

Date: April 18, 2011

Recommended Action:
It is recommended that the City Council consider Ordinance 67-O-10 enacting a $0.05 tax on disposable shopping bags in Evanston.

Summary:
On September 13, 2010 the Administration and Public Works Committee was scheduled to consider Ordinance 67-O-10 enacting a tax on disposable plastic shopping bags drafted per request of Alderman Burrus. The ordinance was not presented at the September 13 meeting at the request of Alderman Burrus to allow for additional review.

Alderman Burrus has again requested that this issue come before the City Council.

Ordinance 67-O-10 is a revised version of the original drafted ordinance and would place a $0.05 tax on each disposable shopping bag given to customers of stores in Evanston. Store operators would be responsible for collecting the tax from the customers and remitting the moneys to the City on a quarterly basis. Store operators found liable for failing to collect and/or remit the tax would be subject to fines and/or suspension/revocation of their City-issued licenses. Moneys collected from this tax would be deposited into the Ecology Center Fund with at least 50% of the money being used for education and outreach related to disposable carryout bags.

Attachment:
Revised Ordinance 67-O-10
August 31, 2010 Staff Memo and Draft Ordinance 67-O-10
67-O-10

AN ORDINANCE

Enacting a Tax on Disposable Plastic-Shopping Carryout Bags

WHEREAS, the City of Evanston (“the City”) Strategic Plan (“the Plan”), adopted pursuant to Resolution 27-R-06, states that the City’s Natural Resources Vision is to be known as “the Green City” and commits the City to embracing the best ecological practices and policies in government, services and infrastructure; and

WHEREAS, Goal number 5 of the Plan is to “protect and optimize the City’s natural resources and built environment, leading by example through sustainable practices and behaviors” and specific objective “B” of Goal number 5 is to “identify and utilize new practices that will improve the quality of life and enhance the City’s sustainability;” and

WHEREAS, the production, use, and disposal of disposable plastic shopping carryout bags have significant adverse impacts on the environment; and

WHEREAS, disposable plastic shopping carryout bags frequently become litter and thereby a source visual blight; and

WHEREAS, to discourage and decrease the use of disposable plastic shopping carryout bags within the City, it is necessary to regulate such use; and

WHEREAS, it is in the best interest of the health, safety and welfare of the residents of the City that such regulation include a tax on disposable plastic shopping carryout bags, in order to discourage their use and thereby reducing their adverse impacts on the environment and the City,
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF

THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That the foregoing recitals are found as fact and incorporated herein by reference.

SECTION 2: That the Evanston City Code of 1979, as amended, is hereby further amended by the enactment of a new Title 3, Chapter 36 thereof, “Plastic Shopping Disposable Carryout Bag Tax,” to read as follows:

3-36-1: TITLE:

This Chapter shall be titled and referred to as the “Plastic Shopping Disposable Carryout Bag Tax.”

3-36-2: PURPOSE AND INTENT:

The purpose of this Chapter is to discourage the generation of waste in the form of Disposable Plastic Shopping Carryout Bags by creating an economic incentive for shoppers to use reusable shopping bags.

3-36-3: DEFINITIONS:

For the purposes of this Chapter, the words and terms listed shall have the meanings ascribed to them in this Section:

PLASTIC SHOPPING DISPOSABLE CARRYOUT BAG: A bag of any material, most commonly plastic film or Kraft Paper, designed for one-time use to carry customer purchases from a store. "Plastic Shopping Disposable Carryout Bag" shall not include the following: bags used by customers inside stores to package bulk items such as fruit, vegetables, nuts, grains, candy, or small hardware items, such as nails and bolts; bags used to contain or wrap frozen foods, meat or fish, whether pre-packaged or not, flowers or potted plants, or other items where dampness may be a problem; bags used to protect prepared foods or bakery goods; bags provided by pharmacists to contain prescription drugs; or newspaper bags, door-hanger bags, laundry-dry cleaning bags, or bags sold in packages containing multiple bags intended for use as food storage, garbage, pet waste, or yard waste bags.

STORE: Any of the following Uses, whether principal, accessory, and/or temporary, as defined in Section 6-18-3 of this Code, as amended: Convenience Store; Food Store Establishment; Open Sales Lot; Resale Establishment; Retail Goods Establishment; Type 2 Restaurant; and/or Wholesale Goods Establishment.
3-36-4: TAX IMPOSED:

Effective January 1, 2014, a tax of twenty-five cents ($0.25) is imposed on each Plastic Shopping Disposable Carryout Bag used by customers of any Store in the City of Evanston. The ultimate incidence of and liability for payment of said tax shall be borne by customers for the receipt and use of such Plastic Shopping Disposable Carryout Bags.

3-36-5: COLLECTION AND REMITTANCE OF TAX:

(A) **Collection**: Store operators in the City shall collect the tax authorized by this Chapter from their customers at the time of sale. Store operators shall not, in any way, reimburse any customer for any portion of said tax. Store operators shall indicate on each customer’s transaction receipt the number of Plastic Shopping Disposable Carryout Bags provided and the total amount of tax charged.

(B) **Remittance**: Every Store operator shall, on a quarterly basis, remit the taxes collected to the City and file with the City a return in a form prescribed by the City Manager or his/her designee. The return and accompanying remittance shall be due on or before the last day of the month following the end of the quarter during which the tax is collected or is required to be collected pursuant to this Chapter (i.e.: every April 30, July 31, October 31, and January 31).

3-36-6: ENFORCEMENT:

Whenever any Store operator fails to collect and/or remit the tax imposed by the terms of this Chapter, the City Manager or his/her designee may issue or cause to be issued a notice of violation or citation to said Store operator, to be heard in the City’s Division of Administrative Hearings pursuant to the terms of Title 11 of the City Code, as amended, or a court of competent jurisdiction. Nothing in this Section shall prevent the City from seeking to enforce the terms of this Chapter in any manner provided by law.

3-36-7: PENALTIES:

(A) **Fines**: Each day any Store operator is found liable for violating this Chapter shall constitute a separate offense that is subject to a daily fine of two hundred dollars ($200.00). Any such fine shall not relieve, reduce, or discharge the Store operator’s liability for the full amount of taxes not collected and/or remitted.

(B) **License Suspension/Revocation**: If a Store operator is found liable for failing to collect and/or remit the tax imposed by the terms of this Chapter, the City Manager may suspend and/or revoke any and all City licenses held by said Store operator related to his/her Store. Any suspension or revocation shall not relieve, reduce, or discharge the Store operator’s liability for the full amount of taxes not collected and/or remitted. The City shall not reinstate or renew any license of
any Store operator found liable for such a violation until he/she remits the taxes owed and pays any associated fine in full.

3-36-8: DISPOSITION OF MONEYS:

All moneys that the City collects pursuant to the terms of this Chapter shall be paid into the General Fund of the City Treasury to the City for deposit into the Ecology Center Fund. No less than fifty percent (50%) of the moneys collected pursuant to the terms of this Chapter shall be spent for the purposes of education and outreach related to Disposable Carryout Bags.

SECTION 3: That if any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced:_____________________, 2011  Approved:

Adopted:_____________________, 2011  __________________________, 2011

______________________________
Elizabeth B. Tisdahl, Mayor

Attest: Approved as to form:

______________________________
Rodney Greene, City Clerk  W. Grant Farrar, City Attorney
Memorandum

To: Honorable Mayor and Members of the City Council
From: W. Grant Farrar, Corporation Counsel
Subject: Ordinance 67-O-10, Enacting a Tax on Disposable Plastic Shopping Bags
Date: August 31, 2010

Recommended Action:
Ald. Burrus requested staff prepare an ordinance that taxes plastic shopping bags.

Funding Source:
n/a

Summary:
Ordinance 67-O-10 would place a $0.25 tax on each disposable plastic shopping bag given to customers of stores in Evanston. The production and disposal of such bags damage the environment and the bags frequently become litter. The purpose of the tax is to provide an economic incentive for shoppers to use reusable shopping bags.

Store operators would be responsible for collecting the tax from the customers and remitting the moneys to the City on a quarterly basis. Store operators found liable for failing to collect and/or remit the tax would be subject to fines and/or suspension/revocation of their City-issued licenses.

The Law Department drafted the ordinance. The Zoning Division reviewed the proposed “Store” definition therein and the Finance Division reviewed and approved of the proposed remittance mechanism.

Alternatives:
n/a

Attachment:
Draft Ordinance 67-O-10
AN ORDINANCE

Enacting a Tax on Disposable Plastic Shopping Bags

WHEREAS, the City of Evanston ("the City") Strategic Plan ("the Plan"), adopted pursuant to Resolution 27-R-06, states that the City's Natural Resources Vision is to be known as "the Green City" and commits the City to embracing the best ecological practices and policies in government, services and infrastructure; and

WHEREAS, Goal number 5 of the Plan is to "protect and optimize the City's natural resources and built environment, leading by example through sustainable practices and behaviors" and specific objective "B" of Goal number 5 is to "identify and utilize new practices that will improve the quality of life and enhance the City's sustainability;" and

WHEREAS, the production, use, and disposal of disposable plastic shopping bags have significant adverse impacts on the environment; and

WHEREAS, disposable plastic shopping bags frequently become litter and thereby a source visual blight; and

WHEREAS, to discourage and decrease the use of disposable plastic shopping bags within the City, it is necessary to regulate such use; and

WHEREAS, it is in the best interest of the health, safety and welfare of the residents of the City that such regulation include a tax on disposable plastic shopping bags, in order to discourage their use and thereby reducing their adverse impacts on the environment and the City,
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That the foregoing recitals are found as fact and
incorporated herein by reference.

SECTION 2: That the Evanston City Code of 1979, as amended, is
hereby further amended by the enactment of a new Title 3, Chapter 36 thereof, “Plastic
Shopping Bag Tax,” to read as follows:

3-36-1: TITLE:
This Chapter shall be titled and referred to as the “Plastic Shopping Bag Tax.”

3-36-2: PURPOSE AND INTENT:
The purpose of this Chapter is to discourage the generation of waste in the form of
disposable plastic shopping bags by creating an economic incentive for shoppers to use
reusable shopping bags.

3-36-3: DEFINITIONS:
For the purposes of this Chapter, the words and terms listed shall have the meanings
ascribed to them in this Section:

PLASTIC SHOPPING BAG: A bag of plastic film, designed for one-time use to carry
customer purchases from a store. "Plastic shopping bag" shall not include the following:
bags used by customers inside stores to package bulk items such as fruit, vegetables,
nuts, grains, candy, or small hardware items, such as nails and bolts; bags used to
contain or wrap frozen foods, meat or fish, whether pre-packaged or not, flowers or
potted plants, or other items where dampness may be a problem; bags used to protect
prepared foods or bakery goods; bags provided by pharmacists to contain prescription
drugs; or newspaper bags, door-hanger bags, laundry-dry cleaning bags, or bags sold
in packages containing multiple bags intended for use as food storage, garbage, pet
waste, or yard waste bags.

STORE: Any of the following Uses, whether principal, accessory, and/or temporary, as
defined in Section 6-18-3 of this Code, as amended: Convenience Store; Food Store
Establishment; Open Sales Lot; Resale Establishment; Retail Goods Establishment;
Type 2 Restaurant; and/or Wholesale Goods Establishment.
3-36-4: TAX IMPOSED:

Effective January 1, 2011, a tax of twenty-five cents ($0.25) is imposed on each Plastic Shopping Bag used by customers of any Store in the City of Evanston. The ultimate incidence of and liability for payment of said tax shall be borne by customers for the receipt and use of such Plastic Shopping Bags.

3-36-5: COLLECTION AND REMITTANCE OF TAX:

(A) **Collection:** Store operators in the City shall collect the tax authorized by this Chapter from their customers at the time of sale. Store operators shall not, in any way, reimburse any customer for any portion of said tax. Store operators shall indicate on each customer’s transaction receipt the number of Plastic Shopping Bags provided and the total amount of tax charged.

(B) **Remittance:** Every Store operator shall, on a quarterly basis, remit the taxes collected to the City and file with the City a return in a form prescribed by the City Manager or his/her designee. The return and accompanying remittance shall be due on or before the last day of the month following the end of the quarter during which the tax is collected or is required to be collected pursuant to this Chapter (i.e.: every April 30, July 31, October 31, and January 31).

3-36-6: ENFORCEMENT:

Whenever any Store operator fails to collect and/or remit the tax imposed by the terms of this Chapter, the City Manager or his/her designee may issue or cause to be issued a notice of violation or citation to said Store operator, to be heard in the City’s Division of Administrative Hearings pursuant to the terms of Title 11 of the City Code, as amended, or a court of competent jurisdiction. Nothing in this Section shall prevent the City from seeking to enforce the terms of this Chapter in any manner provided by law.

3-36-7: PENALTIES:

(A) **Fines:** Each day any Store operator is found liable for violating this Chapter shall constitute a separate offense that is subject to a daily fine of two hundred dollars ($200.00). Any such fine shall not relieve, reduce, or discharge the Store operator’s liability for the full amount of taxes not collected and/or remitted.

(B) **License Suspension/Revocation:** If a Store operator is found liable for failing to collect and/or remit the tax imposed by the terms of this Chapter, the City Manager may suspend and/or revoke any and all City licenses held by said Store operator related to his/her Store. Any suspension or revocation shall not relieve, reduce, or discharge the Store operator’s liability for the full amount of taxes not collected and/or remitted. The City shall not reinstate or renew any license of any Store operator found liable for such a violation until he/she remits the taxes owed and pays any associated fine in full.
3-36-8: DISPOSITION OF MONEYS:

All moneys that the City collects pursuant to the terms of this Chapter shall be paid into the General Fund of the City Treasury.

SECTION 3: That if any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: _________________, 2010  Approved:

Adopted: _________________, 2010  __________________________, 2010

______________________________
Elizabeth B. Tisdahl, Mayor

Attest:  Approved as to form:

______________________________
Rodney Greene, City Clerk

______________________________
W. Grant Farrar, City Attorney