



AGENDA

Human Services Committee

Monday, June 6, 2022

Lorraine H. Morton Civic Center, James C. Lytle City Council Chambers, Room 2800
6:00 PM

Page

(I) CALL TO ORDER/DECLARATION OF A QUORUM: ALDERMAN REID

(II) APPROVAL OF MINUTES OF THE REGULAR MEETING

HS1. **Approval of the Minutes of the Regular Meeting of the May 2, 2022** 6 - 10

Staff recommends approval of the minutes of the regular meeting of May 2, 2022

For Action

[Human Services Committee - May 02 2022 - Minutes](https://www.cityofevanston.org/government/city-clerk/public-comment-sign-up)

(III) PUBLIC COMMENT

Those wishing to make public comments at the Human Services Committee meetings may submit written comments in advance or sign up to provide public comment by phone or video during the meeting by completing the City Clerk's Office's online form at <https://www.cityofevanston.org/government/city-clerk/public-comment-sign-up> or by calling/texting 847-448-4311.

Community members may watch the Human Services meeting online at www.cityofevanston.org/channel16 or on Cable Channel 16.

(IV) ITEMS FOR CONSIDERATION

- HS2. **Resolution 38-R-22 Approval of an Honorary Street Name Sign Designation** 11 - 18

Staff recommends the adoption of Resolution 38-R-22, designating the portion of Simpson St. between Darrow Ave. and Dewey Ave. with the Honorary Street Name Sign, “JoAnn Avery Way.”

Three street signs are made for the honoree. One sign is installed at each end of the designated one block area, and the third sign is given to the honoree. The approximate total cost to create all three signs is \$200. Funds for the honorary street name sign program are budgeted in the Public Works Agency, Public Service Bureau - Traffic Operations' materials fund (Account 100.40.4520.65115), which has a fiscal year 2022 budget of \$58,000 and a year to date balance of \$36,000.

For Action

[Resolution 38-R-22 Approval of an Honorary Street Name Sign Designation](#)

- HS3. **Ordinance 19-O-22, Amending Portions of the City Code 9-5-20, “Noises Prohibited” and City Code 8-3-1 (A), “Enumeration of Particular Nuisances”.** 19 - 25

Councilmember Revelle recommends approval of Ordinance 19-O-22, Amending Portions of the City Code 9-5-20, “Noises Prohibited” and City Code 8-3-1 (A), “Enumeration of Particular Nuisances”.

For Action

[MEMO Ordinance 19-O-22, “Noises Prohibited”](#)
[ORDINANCE 19-O-22 Noises Prohibited and 8-3-1, Enumeration of Nuisances](#)
[Loudspeaker Permit Application](#)

- HS4. **Ordinance 56 -O-22, Removing Title 9, Chapter 5, Section 18-1 “Obedience to Police in Public Places** 26 - 28

Per Councilmember Reid’s referral, the approval of Ordinance 56-O-22, deleting Title 9, Chapter 5, Section 18-1 “Obedience to Police in Public Places” is being recommended.

For Action

[MEMO 56 -O-22, “Obedience to Police in Public Places](#)
[ORDINANCE 56-O-22 Obedience to Police in Public Places](#)

- HS5. **Ordinance 54 -O-22, Modifying Title 9, Chapter 5, Section 18- 4 “Resisting Or Interfering With Police”** 29 - 31

Per Councilmember Reid’s referral, the approval of Ordinance 54-O-22, modifying Title 9, Chapter 5, Section 18-4 “Resisting or Interfering with Police.”

For Action

[MEMO 54-O-22 “Resisting Or Interfering With Police](#)
[ORDINANCE 54-O-22 Resisting or Interfering with Police](#)

- HS6. **Ordinance 59-O-22, Modifying Portions of the City Code 7-10-2.”** 32 - 35
Parks Hours and Operation”.

Councilmember Reid recommends the approval of Ordinance 59 -O-22, modifying portions of the City Code 7-10-2, Parks Hours and Operation.”

For Action

[Memo Modifying Park Hour Operations Code 7-10-2](#)
[Ordinance 59-O-22 - Park Closure Amendment 7-10-2](#)

- HS7. **Ordinance 55-O-22, Deleting Title 9, Chapter 5, Section 14 “Reckless** 36 - 39
Conduct.”

Per Councilmember Reid’s referral, the approval of Ordinance 55-O-22, deleting Title 9, Chapter 5, Section 14 “Reckless Conduct” is being recommended.

For Action

[MEMO Ordinance 55 -O-22, “Reckless Conduct](#)
[ORDINANCE 55-O-22 Reckless Conduct](#)

- HS8. **Ordinance 58-O-22 making changes to Title 9, Chapter 5, Section 10,** 40 - 46
“Alcoholic Beverages and Cannabis; Consumption/Possession
Public Property’

Councilmember Reid recommends the approval of Ordinance 58-O-22 by making changes making changes to Title 9, Chapter 5, Section 10, “Alcoholic Beverages and Cannabis; Consumption/Possession Public Property.”

For Action

[MEMO 58 -O-22 “Alcoholic Beverages and Cannabis Consumption](#)
[Possession Public Property’](#)
[ORDINANCE 58-O-22 Amending 9-5-10 Alcoholic Beverages and](#)
[Cannabis Consumption Possession on Public Property](#)

HS9. **Ending distribution of the portion of the daily crime bulletin which includes the names and addresses of persons arrested in the City**

HS10. **Ordinance 57 -O-22, Title 9, Chapter 5, Section 11 “Public Nudity; Urinating or Defecating in Public** 47 - 49

Per Councilmember Reid’s referral, the discussion to make changes to Ordinance 57-O-22, Title 9, Chapter 5, Section 11 “Public Nudity; Urinating or Defecating in Public.” is recommended to the Human Services Committee.

For Action

[MEMO 57-O-22, “Public Nudity Urinating or Defecating in Public](#)
[ORDINANCE 57-O-22 Amending 9-5-11 Public Nudity](#)

HS11. **Removal of the Burglar's Tool Ordinance 9-5-2 from the City Code** 50 - 55

The Human Services Committee is seeking the legal interpretation whether the City has authority to regulate a felony or misdemeanor of this the Burglar's Tool Ordinance.

For Action

[Memo - COE Authority to Regulate Burglar's Tools As a Misdemeanor or Felony](#)
[46-O-22, Deleting Title 9, Chapter 5, Section 2 Burglars Tools of the City Code](#)

(V) ITEMS FOR DISCUSSION

HS12. **Environment Board Report** 56 - 61

Staff recommends the Human Services Committee accept and place on file the Environment Board Report

For Action: Accept and Place on File

[Environment Board Report](#)

HS13. **Fireworks Policy** 62

Per Councilmember Burn’s referral, a Fireworks Policy for discussion at the Human Services Committee Meeting is approved.

For Discussion

[Fireworks Policy Memo](#)

(VI) ITEMS FOR COMMUNICATION

(VII) ADJOURNMENT



City of
Evanston™
MINUTES

Human Services Committee

Monday, May 2, 2022 @ 5:00 PM

Lorraine H. Morton Civic Center, James C. Lytle City Council Chambers, Room 2800

**COMMITTEE MEMBER
PRESENT:**

Bobby Burns, Councilmember, Juan Geracaris, Councilmember,
Devon Reid, Councilmember, Eleanor Revelle, Councilmember, and
Peter Braithwaite, Councilmember

**COMMITTEE MEMBER
ABSENT:**

STAFF PRESENT:

Ike Ogbo, Health & Human Services Director

1. **CALL TO ORDER/DECLARATION OF A QUORUM: ALDERMAN REVELLE**
The meeting was called to order at 5:07 p.m.
2. **APPROVAL OF MINUTES OF THE REGULAR MEETING**
 - A. **Approval of the Minutes of the Regular Meeting of the April 4, 2022**

Staff recommends approval of the minutes of the regular meeting of April 4, 2022

For Action

Moved by Councilmember Peter Braithwaite
Seconded by Councilmember Juan Geracaris

Ayes: Councilmember Juan Geracaris, Councilmember Eleanor Revelle, and
Councilmember Peter Braithwaite

Carried 3-0 on a recorded vote

3. **PRESENTATIONS**
 - A. **Evanston Project for Local Assessments of Needs (EPLAN)**

Don Ziegler Chair of the Evanston Health Advisory Council (EHAC) spoke in favor of the Evanston Project for Local Assessment of Needs (EPLAN) of the Health and Human Services Department.

Kristen Meyers the Community Health Specialist of the Health and Human Services Department gave the IPLAN presentation. Kristen and Greg Olsen the Public Health Manager has been working on the EPLAN for the past 18 months. The findings of the plan illustrates the health priorities of the community, the three priorities focus for the next five years are Racial and Health Equity, Mental Health and Climate Resilience.

4. PUBLIC COMMENT

A. Yvi Russell doesn't support the proposed ordinance to lift the park closure time. She also "strongly object to Northwestern not being subject to any noise ordinance regulations since they produce the most noise in my neighborhood".

B. Betty Bogg Executive Director for Connection for the Homeless is headquartered in the fifth ward and serves primarily poor people of color.

Ms Bogg has been alerted to mistruths that are being asserted in public meetings and wanted to address them.

Lack of oversight led to increase crime:

She acknowledges the increase calls to emergency services at the Margarita Inn and staff will be comparing data of other sites, and the Police reports. A meeting is scheduled for mid-May with City officials and staff to discuss the findings.

Not providing wrap around services:

Connections for the Homeless not only provides case management but also onsite physical and mental healthcare, group and individual counselling and substance use support.

C. Chair Revelle read the comment submitted via email

Ann and Thomas McMahon they have serious reservations about allowing people to be present at night in City parks.

D. Chair Revelle read the comment submitted via email.

Jerry Fuller is "not in favor of repealing the ordinance that prohibits overnight use of city parks".

5. ITEMS FOR CONSIDERATION

A. **Approval of 2022 Funding Allocations for Case Management and Safety Net Services**

The Social Services Committee (SSC) and staff recommend that the Human Services Committee approve the FY2022 funding allocations for Case Management and Safety Net Services, implementing the second year of the two-year grant cycle that focuses resources on residents with the greatest needs and barriers to accessing services. The SSC approved these allocations on April 14, 2022; the Human Services Committee recommendation will go to City Council for approval in May. This memo and attachments provide input to the Committee about recommended allocations and agency outcomes.

Moved by Councilmember Peter Braithwaite

Seconded by Councilmember Devon Reid

Ayes: Councilmember Bobby Burns, Councilmember Juan Geracaris,
Councilmember Devon Reid, Councilmember Eleanor Revelle, and
Councilmember Peter Braithwaite

Carried 5-0 on a recorded vote

B. Ordinance 44-O-22, Deleting Title 3, Chapter 11, Section 8 “Photographers, Transient” of the City Code

Councilmember Reid requests that the Human Services Committee makes a recommendation to the City Council to adopt Ordinance 44-O-22, Deleting Title 3, Chapter 11, Section 8 “Photographers, Transient” of the City Code.

Moved by Councilmember Devon Reid
Seconded by Councilmember Bobby Burns

Ayes: Councilmember Bobby Burns, Councilmember Juan Geracaris,
Councilmember Devon Reid, and Councilmember Eleanor Revelle
Nays: Councilmember Peter Braithwaite

Carried 4-1 on a recorded vote

C. Ordinance 46-O-22, Deleting Title 9, Chapter 5, Section 2 “Burglar’s Tools” of the City Code

Councilmember Reid requests that the Human Services Committee makes a recommendation to the City Council to adopt Ordinance 46-O-22, Deleting Title 9, Chapter 5, Section 2 “Burglar’s Tools” of the City Code

Motion to table

Moved by Councilmember Devon Reid
Seconded by Councilmember Bobby Burns

Ayes: Councilmember Bobby Burns, Councilmember Juan Geracaris,
Councilmember Devon Reid, Councilmember Eleanor Revelle, and
Councilmember Peter Braithwaite

Carried 5-0 on a recorded vote

6. ITEMS FOR DISCUSSION

A. Discussion regarding Councilmember Reid's referral to End Park Closures and Police Intervention for Mere Presence at a Park.

The Parks and Recreation Board does not recommend amending portions of the City Code 7-10-2, "Parks Hours of Operation," that would strike the provision that makes it "unlawful for any person to use, occupy, play in, lounge about or loiter in any park or playground or building or structure therein at times other than those designated as hours of operation herein."

Its Councilmember Reid opinion that it should not be illegal to get off work late and take a walk in the parks to decompress. He further stated National Parks are open 24 hours and recently Paris opened their parks for late access. He sees no compelling reason to have a park closure.

Audrey Thompson, Director Parks and Recreations stands by the Parks and Recreation Board recommendations.

Councilmember Braithwaite does not support ending park closures.

Councilmember Revelle does not support ending park closures.

Motion to refer back to the Parks and Recreation Board for further discussion.

Moved by Councilmember Devon Reid

Seconded by Councilmember Bobby Burns

Ayes: Councilmember Bobby Burns and Councilmember Devon Reid

Nays: Councilmember Juan Geracaris, Councilmember Eleanor Revelle, and Councilmember Peter Braithwaite

DEFEATED. 2-3 on a recorded vote

7. ITEMS FOR COMMUNICATION

A. Review of Evanston Police Complaints and Comments Report

Staff recommends the Human Service Committee accept and place on file to review the Evanston Police Complaints and Comments Report.

Moved by Councilmember Juan Geracaris

Seconded by Councilmember Peter Braithwaite

Ayes: Councilmember Bobby Burns, Councilmember Eleanor Revelle,

Councilmember Peter Braithwaite, and Councilmember Juan Geracaris

Carried 4-0 on a recorded vote

8. ADJOURNMENT

Meeting ajourned at 7:04 p.m.

CAO

Mayor



Memorandum

To: Members of the Human Services Committee
From: Audrey Thompson, Parks & Recreation Director
CC: Parks and Recreation Board
Subject: Resolution 38-R-22 Approval of an Honorary Street Name Sign Designation
Date: June 6, 2022

Recommended Action:

Staff recommends the adoption of Resolution 38-R-22, designating the portion of Simpson St. between Darrow Ave. and Dewey Ave. with the Honorary Street Name Sign, "JoAnn Avery Way."

Funding Source:

Three street signs are made for the honoree. One sign is installed at each end of the designated one block area, and the third sign is given to the honoree. The approximate total cost to create all three signs is \$200. Funds for the honorary street name sign program are budgeted in the Public Works Agency, Public Service Bureau - Traffic Operations' materials fund (Account 100.40.4520.65115), which has a fiscal year 2022 budget of \$58,000 and a year to date balance of \$36,000.

Committee Action:

For Action

Summary:

The Honorary Street Name Sign program was established in 1996 to allow citizens the opportunity to honor individuals or groups that have contributed significantly to the City of Evanston through cultural, historical, or humanitarian acts. The Parks and Recreation Board administers the program through the Parks and Recreation Department. The request for an honorary street name sign designation has to originate with a Councilmember, and each Councilmember may have one honorary designation approved each year. Honorary street name signs are displayed for a period of ten years, and the portion of a street so designated is one block long.

On May 26, the Parks and Recreation Board reviewed the honorary street name sign application submitted by Councilmember Bobby Burns and Ms. Beth Jacobs and recommended approval.

Attachments:

[Resolution 38-R-22](#)

[Honorary St Name Sign Application](#)

6/6/2022

38-R-22

A RESOLUTION

**Designating that Portion of Simpson St
Between Darrow Ave and Dewey Ave with the
Honorary Street Name Sign, “JoAnn Avery Way”**

WHEREAS, JoAnn Avery has been a tremendous advocate of artistic, written and creative expression through her forty years of work at Family Focus of Evanston, teaching generations of children to express themselves through dancing, writing and the arts; and

WHEREAS, Ms. Avery is a tireless humanitarian, generously and quietly providing people in the community with what they need through her efforts organizing holiday donations, outings for children during vacation days, and single-handedly moving Family Focus programming online when it was necessary due to the Covid-19 pandemic; and

WHEREAS, Ms. Avery's commitment to the Evanston community has enabled many children to stay on track in their development, and many caregivers to feel pride and satisfaction of knowing their children are well; and

WHEREAS, Ms. Avery has been a dedicated and central member of Family Focus and the Evanston community, supporting and raising generations of families through her hard work; and

WHEREAS, Ms. Avery is a living piece of Evanston's history, contributing to the legacy and connection in the Evanston Community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:

SECTION 1: The foregoing recitals are hereby found as fact and incorporated herein by reference.

SECTION 2: On behalf of the entire citizenry of the City of Evanston, the City Council hereby expresses appreciation for JoAnn Avery by designating that portion of Simpson Street between Darrow Avenue and Dewey Avenue with the Honorary Street Name Sign, "Joann Avery Way."

SECTION 3: This Resolution 38-R-22 will be in full force and effect from and after the date of its passage and approval in the manner provided by law.

Daniel Biss, Mayor

Attest:

Approved as to form:

Stephanie Mendoza, City Clerk

Nicholas E. Cummings, Corporation Counsel

Adopted: _____, 2022



Parks and Recreation Department
2100 Ridge Avenue
Evanston, Illinois 60201
T 847.448.4311
TTY 847.866.5095
www.cityofevanston.org

City of Evanston Honorary Street Name Sign Application Form

PURPOSE OF PROGRAM: The Honorary Street Name Sign program was established to allow citizens the opportunity to honor people who have contributed greatly to the City of Evanston through cultural, historic, or humanitarian acts. Request for an honorary designation has to originate with an Alderman and each Alderman may have one honorary designation approved each year. Honorary street name signs are displayed for a period of ten-years and the portion of a street so designated is one block long. The program is administered by the Parks and Recreation Board through the Parks and Recreation Department. Final approval is granted by the Evanston City Council.

PLEASE FILL OUT THE APPLICATION BELOW:

NAME OF HONOREE: JoAnn Avery Way
(as it would appear on the street sign)

PROPER STREET NAME: Simpson St

INTERSECTING STREETS AT EACH END OF THE ONE BLOCK AREA:

Between Dewey Ave and Darrow Ave

PLEASE CHECK ALL THAT APPLY, AND GIVE A BRIEF EXPLANATION FOR EACH OF THE APPLICABLE CRITERIA. A STREET CAN BE NAMED FOR AN INDIVIDUAL, OR GROUP/DESIGNATION.

CULTURAL IMPACT TO CITY: _____

Ms. JoAnn Avery has been a tremendous advocate of artistic, written and creative expression through her work for forty years at Family Focus of Evanston. She has taught generations of children to express themselves in writing journals and poetry, dancing, and making artistic displays. She has organized and sponsored regular performances and programs several times a year for the community. She has organized many volunteer contributors to Family Focus also to teach specific cultural skills to the children.

Her focus of advocacy is that each child should have a voice and a sense of personal expression. She has helped children appreciate black culture and heritage and feel the pride of the black community through personal expression and voice.

Ms. JoAnn has also led the Grandparent's Group for decades and that group has partnered with Northlight Theatre to perform several times. They have read from their own writings and that group is famous for their writing skills which have led to the publication of two books on Amazon: *Grandparents Rock* and *Family Focus Faces 2020 With Poetry*. These books are

community gems of expression, as well as fundraisers, as the royalties have all gone back to Family Focus of Evanston.

Ms. JoAnn Avery has been a strong force in bringing Evanston's cultural expression to the fore and to make it a shared experience.

X HISTORICAL IMPACT TO CITY: _____

Ms. JoAnn Avery has been the Director of Programming at Family Focus of Evanston for many years and has worked there for 40 years. She is the heart of Family Focus and what it provides for school age children. She has now raised generations of families through her dedication and effort. She is a living piece of Evanston's history and knows the importance of the legacies and connections in the community.

X HUMANITARIAN EFFORTS: _____

Ms. JoAnn Avery is a tireless humanitarian and basically helps people all day and night. Although she works at the Family Focus of Evanston Center, she is on the computer and phone until late at night, making sure every child and caregiver in the program has exactly what they need, whether it's a calming conversation, a turkey for Thanksgiving, or information on how to fix their I-Pad. Ms. JoAnn Avery is incredibly generous and quietly provides the community with their needs. She organizes holiday donations, outings for children during vacation days, and she single-handedly moved the Family Focus programming online when it was necessary due to the Covid pandemic. Her efforts have caused many children to be able to stay on track in their development and many caregivers to feel the pride and satisfaction of knowing their children are well.

X CLOSE ASSOCIATION WITH EVANSTON: _____

Ms. JoAnn Avery is Evanston. We joke that everyone in the town knows her and it may be true, or at least someone in their family does. She has been in this town and right at the center of it for decades.

X CLOSE ASSOCIATION WITH EVANSTON: _____

Ms. JoAnn Avery is Evanston. We joke that everyone in the town knows her and it may be true, or at least someone in their family does. She has been in this town and right at the center of it for decades.

X

___ DISTINGUISHED CAREER BROUGHT TO THE CITY: _____

Ms. JoAnn Avery has been dedicated and central to Family Focus of Evanston for 40 years. She has risen to Program Director but has always been vital to the running of the organization. She is an example of a person who works with a community and a team with grace, and leads by quiet, hard-working example.

X GEOGRAPHICAL RELATIONSHIP OF STREET TO FOCUS OF INTEREST

The street is near Family Focus of Evanston where Ms. JoAnn Avery has worked, served and flourished for 40 years.

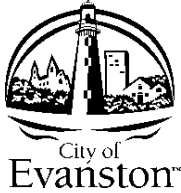
X A LIVING INDIVIDUAL (EXCLUSIVE OF CITY OF EVANSTON STAFF)

Signature of Applicant: *Bobby BSA* Date: 4/15/22
(Alderperson)

Applicant's Address: _____ Phone _____
Email: _____

Signature of Applicant: Beth Jacobs Date: 4/6/22

Applicant's Address: 805 Central Street Phone _____
 312-787-4011
Email: jacobsbethpen@gmail.com



Memorandum

To: Chair and Members of the Human Services Committee

From: Ike C. Ogbo, Director, Health and Human Services Department

CC: Alex Ruggie, Assistant City Attorney

Subject: Ordinance 19-O-22, Amending Portions of the City Code 9-5-20, "Noises Prohibited" and City Code 8-3-1 (A), "Enumeration of Particular Nuisances".

Date: May 30, 2022

Recommended Action:

Councilmember Revelle recommends approval of Ordinance 19-O-22, Amending Portions of the City Code 9-5-20, "Noises Prohibited" and City Code 8-3-1 (A), "Enumeration of Particular Nuisances".

Funding Source:
N/A

Council Action:

Summary:

Specifically, Ordinance 19-O-22 removes a section of 9-5-20 prohibiting noises that "make, continue, or permit any loud, unnecessary or unusual noise which annoys a reasonable person of ordinary sensibilities, disturbs, injures or endangers the comfort, health, peace or safety of others within the limits of the City." The portions of the 9-5-20 and 8-3-1 (A) are extremely vague, subjective and difficult to enforce fairly.

Ordinance 19-O-22 also amends Section F, "Loudspeakers, Amplifiers, Paging Systems" to define the sound level in a manner not to be louder than 75 dB (A) at the property line of the premises from which the sound is being generated.

A permit will be required for the use of any machine or device specified in this Section used within one hundred fifty (150) feet of residentially zoned property. A copy of the permit application is attached to this transmittal memorandum.

Legislative History:

The previously amended Ordinance presented at City Council on April 25, 2022 was directed to be further revised.

Attachments:

Ordinance 19-O-22 Amending Portions of the City Code 9-5-20, "Noises Prohibited" and City Code 8-3-1(A), "Enumeration of Particular Nuisances plus a copy of the permit application.

3/2/2022
3/28/2022
3/29/2022
4/4/2022
5/27/2022
6/01/2022

19-O-22

AN ORDINANCE

Amending Portions of the City Code 9-5-20, “Noises Prohibited” and 8-3-1, “Enumeration of Particular Nuisances”

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

SECTION 1: City Code 9-5-20, “Noises Prohibited” of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

9-5-20. - NOISES PROHIBITED.

~~It shall be unlawful for any person within the City to make, continue, or permit any loud, unnecessary or unusual noise which annoys a reasonable person of ordinary sensibilities, disturbs, injures or endangers the comfort, health, peace or safety of others within the limits of the City. Noise in violation of this Section is a public nuisance.~~

The following acts are declared to be loud, disturbing and unnecessary noise in violation of this Section; however, this shall not be construed to exclude other noise violating this Section.

SECTION 2: City Code 9-5-20(F), “Loudspeakers, Amplifiers, Paging Systems” of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

(F) Loudspeakers, Amplifiers, Paging Systems:

~~2. Music and Amplified Sound: Location Within One Hundred Fifty Feet of Residentially Zoned Property:~~ The operating of, or permitting to be operated, any receiving set, phonograph, loudspeaker, sound amplifier, paging system or other machine or device for the production or reproduction of sounds in such a manner as

~~to be louder than 75 dB(A) at the property line of the premises from which the sound is being generated, that distinct and loudly audible noises are emitted upon or proximate to a public way, which public way is within one hundred fifty (150) feet of property used for residential purposes.~~

3. Restrictions Upon Hours of Permitted Use: No machine or device specified in Subsection (F)1. or (F)2. of this Section shall be operated between the hours of 10:00 p.m. and 7:00 a.m. from Sunday evening through Friday morning, and between 11:00 p.m. and 7:00 a.m. from Friday evening through Sunday morning and on those evenings preceding national holidays and legal school holidays enumerated in 105 ILCS 5/24-2, in such a manner as to be plainly audible at a distance of fifty (50) feet from the location of such set, instrument or device.

4. Permit Required. Any person, group, association, organization, business or other similar entity desiring to use in an outdoor area any machine or device specified in this Section must first obtain a permit for said use. A permit shall not be issued for a loudspeaker to be used within one hundred fifty (150) feet of residentially zoned property.

5. Exemptions. Organizations, businesses or similar entities that have obtained a Special Event Permit approved by the City Council, are exempt from Subsection (F)2 of this Section. Additionally, educational institutions are exempt from Subsections (F)2 and (F)4 of this Section.

6. For any person found guilty of violating this Subsection (F), the fine shall be fifty dollars (\$50.00) for the first offense, one hundred and fifty dollars (\$150.00) for a second offense within one year of the first offense, and not less than two hundred and fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00) for each subsequent offense within one year of the first offense.

SECTION 3: City Code 8-3-1, "Enumeration of Particular Nuisances" of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

8-3-1. ENUMERATION OF PARTICULAR NUISANCES.

In addition to those things which are elsewhere, by this Code, declared to be and constitute nuisances, the presence of the following within the City is declared to be detrimental to the public health, safety, and welfare and constitutes a nuisance:

- (A) ~~Sounds, animals, or things which interfere with the peace or comfort or disturb the quiet enjoyment of any person in the City;~~

- ~~(B)~~ (A) Anything which is made, permitted, used, kept, maintained, operated, or any building or any animal that is kept in a manner which is offensive, nauseous, dangerous to life, limb, or property, or detrimental to the health and/or safety of the persons residing in or traveling through that area;
- ~~(C)~~ (B) Any filthy, foul, or offensive matter or liquid of any kind discharged into any street, alley, or public place, or on any adjacent lot or ground;
- ~~(D)~~ (C) Any lot, ground, or premises, within the City, on which stagnant water may be standing so as to become or likely to become foul, putrid, offensive, harborage for insect and/or rodents or detrimental to the health and comfort of persons residing in the vicinity thereof;
- ~~(E)~~ (D) The emission of dense smoke from the chimney or smokestack of any building or premises or from any garbage or rubbish container.
- ~~(F)~~ (E) Any spoiled, tainted, or diseased perishable agricultural commodity;
- ~~(G)~~ (F) Trees, shrubs, bushes, weeds, or plants permitted to grow or accumulate on premises adjacent to any street or alley or other public way in a manner as to obstruct the view and endanger traffic conditions;
- ~~(H)~~ (G) The presence of brush, weeds, or grass at a height of one foot or more, dead, or dying trees, stumps, roots, any abandoned or derelict vehicle or solid waste material, on land within the city;
- ~~(I)~~ (H) To spit upon any public sidewalk, floor or any public conveyance or upon the floor or wall of any theater, hall, assembly room or public building;
- ~~(J)~~ (I) The presence of flies, mosquitoes, or other animal or insect pests in considerable numbers about any place is hereby declared a nuisance, and it shall be the duty of the Public Health Director or the City Manager or his/her designee to abate such nuisance and the cause thereof;
- ~~(K)~~ (J) For any person in control of, causing or permitting any dog or other animal to be on property owned or possessed by such person to fail to remove excrement left by such dog or other animal to a proper receptacle within twenty-four (24) hours;
- ~~(L)~~ (K) In addition to what is herein declared to be a nuisance, those offenses known to the common law or of the state or federal statutes as nuisances may, in case the same exist within the City, be treated as such and proceeded against as provided in this Code.

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

SECTION 5: 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 6: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 7: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: _____, 2022

Approved:

Adopted: _____, 2022

_____, 2022

Daniel Biss, Mayor

Attest:

Approved as to form:

Stephanie Mendoza, City Clerk

Nicholas E. Cummings, Corporation Counsel



City of Evanston Loudspeaker Permit Application (6/14)

Submit this application to the City of Evanston, Parks, Recreation and Community Services Department, 2100 Ridge Ave. Evanston, IL 60201 or fax to (847) 448-8051 or email pbelcher@cityofevanston.org, not less than fourteen (14) days prior to the day of the event. If you have any questions, please call the Parks, Recreation and Community Services Department at (847)866-2914.

Background Information:

Organization/Individual Name: _____

Principal Address: _____

Applicant representing this event:

Name: _____

Work Phone: (____) _____

Address: _____

Home Phone:(____) _____

E-Mail: _____

Cell Phone:(____) _____

Event Information:

Name of Event: _____

Address of Event: _____ Estimated number of participants: _____

Date(s): _____ Hours of Loudspeaker Operation: _____ a.m./p.m. Finish: _____ a.m./p.m.

Please indicate the number of loudspeakers to be used: _____ Sm. _____ Med. _____ Lg. _____

Please check the type of sound to be emitted:

Speech Recorded Music Live Music Other: _____

Is the Event a Fundraiser? Yes No Beneficiary: _____

Registration Fee: Yes No Charge: \$ _____

Applicant's Statement of Agreement: I hereby affirm that the above information is true and correct in describing the intent of this application. I, _____, the undersigned, agree to use the loudspeakers in a careful and prudent manner so as not to cause complaints from neighbors and I agree to lower or terminate the amplification levels when requested.

(Signature of Applicant)

(Date)

FOR OFFICE USE ONLY:

Approved Not Approved By: _____ Date: _____

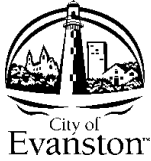
(Parks, Recreation and Community Services Staff)

Reason for Denial: _____

CC: Ward Alderman and Police Department

Requirements/Restrictions (City Code 9-5-20-F)

- Restrictions upon hours of permitted use:
 - Weekday Hours (Sunday through Thursday) 7:00 a.m. to 10:00 p.m.
 - Weekend Hours (Friday, Saturday, and holidays) 7:00 a.m. to 11:00 p.m.
- Loudspeaker permits are prohibited within one hundred fifty (150) feet of residentially zoned property.
- Number and size of speakers may be limited based on nature of event
- Even with Loudspeaker Permit approval, Police Department reserves the right to request immediate shut off of amplification based on neighborhood complaints.
- Provisions For University Permits
 - A completed Outdoor Event Request Form from Norris Center Event Management Office must be submitted along with the application.
 - Per agreement between the City of Evanston and Northwestern University, the City can only approve permit requests for events on the landfill (east of Sheridan Road).
 - Loudspeakers must be directed towards the lake.



Memorandum

To: Chair and Members of the Human Services Committee.

From: Alison Leipsiger, Policy Coordinator City Manager's Office

Subject: Ordinance 56 -O-22, Removing Title 9, Chapter 5, Section 18-1
"Obedience to Police in Public Places"

Date: May 27, 2022

Recommended Action:

Per Councilmember Reid's referral, the approval of Ordinance 56-O-22, deleting Title 9, Chapter 5, Section 18-1 "Obedience to Police in Public Places" is being recommended.

Funding Source:

N/A

Council Action:

Summary:

Section 9-5-18-1 "Obedience to Police in Public Places" requires a person violating any provision of City Code cease such violation upon the request of a police officer, prohibiting them from refusing to obey. The current Ordinance makes it unlawful to disobey the command or the direction of a Police Officer. Ordinance 56-O-22 removes this section from Code entirely.

6/06/2022

56-O-22

AN ORDINANCE

Deleting 9-5-18-1 “Obedience to Police in Public Places” of the City Code

WHEREAS, the Evanston City Council has determined it is in the best interest of the City to ensure that the City Code is not vague, ambiguous or superfluous, and

WHEREAS, City Code 9-5-18-1 is superfluous as a person may already be under arrest for breaking a law and should be charged with breaking that law, and

WHEREAS, the Evanston City Council has determined it is in the best interest of the City to remove this superfluous section of the City Code, and

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

SECTION 1: City Code 9-5-18-1, “Obedience to Police in Public Places” of the Evanston City Code of 2012, as amended, is hereby deleted to read as follows:

~~9-5-18-1. OBEDIENCE TO POLICE IN PUBLIC PLACES.~~

~~Any person, in or on any public place in the City, who is violating any provision of this Code or any statute of the state shall immediately cease such violation upon the request of a police officer. It shall be unlawful for any person to refuse to obey the command or direction of a police officer.~~

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

SECTION 3: 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: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

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

Introduced: _____, 2022

Approved:

Adopted: _____, 2022

_____, 2022

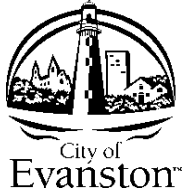
Daniel Biss, Mayor

Attest:

Approved as to form:

Stephanie Mendoza, City Clerk

Nicholas E. Cummings, Corporation Counsel



Memorandum

To: Chair and Members of the Human Services Committee

From: Alison Leipsiger, Policy Coordinator City Manager's Office

Subject: Ordinance 54 -O-22, Modifying Title 9, Chapter 5, Section 18- 4 "Resisting Or Interfering With Police."

Date: May 27, 2022

Recommended Action:

Per Councilmember Reid's referral, the approval of Ordinance 54-O-22, modifying Title 9, Chapter 5, Section 18-4 "Resisting or Interfering with Police."

Funding Source:

N/A

Council Action:

Summary:

Ordinance 54-O-22, specifies that a person will violate Section 9-5-18-4 "Resisting Or Interfering With Police" with a fine of \$750 for each offense if resisting or interfering with the officer's duties is in relation to criminal code enforcement, and in any way physically prevent the officers from doing their lawful duty. The modification to the Ordinance deletes the language when a person "in any way" "offers" and "attempts to rescue any person in the police custody" from the Code as the police officer discharges his/her lawful duty.

54-O-22

AN ORDINANCE

Amending Portions of 9-5-18-4 “Resisting or Interfering with Police” of the City Code

WHEREAS, the Evanston City Council has determined it is the best interest of the City to ensure that its City Code is not vague and ambiguous, and

WHEREAS, certain terms in 9-5-18-4 could be considered vague and ambiguous, the City Council proposes the changes below,

WHEREAS, the term “interfering” is vague and may be applied unfairly or unjustly, and

WHEREAS, under the City’s current code, protesting could be considered interfering; and

WHEREAS, the Evanston City Council has determined it is in the best interest of the City of Evanston to clarify any vague terms within the City Code, and

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

SECTION 1: City Code 9-5-18-4, “Resisting or Interfering with Police” of the Evanston City Code of 2012, as amended, is hereby amended to read as follows:

9-5-18-4. RESISTING OR INTERFERING WITH POLICE.

Whoever resists any member of the police force in the discharge of his/her duties, in relation to criminal code enforcement, ~~in any way physically~~ interferes with or prevents him/her in the discharge of his/her lawful duty, ~~or offers~~ or in any manner assists any person in the custody of any member of the police force to escape or

attempts to escape from such custody, ~~or attempt to rescue any person in such custody,~~ shall be fined seven hundred fifty dollars (\$750.00) for each offense.

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

SECTION 3: 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: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

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

Introduced: _____, 2022

Approved:

Adopted: _____, 2022

_____, 2022

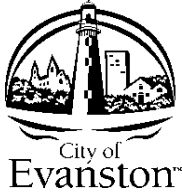
Daniel Biss, Mayor

Attest:

Approved as to form:

Stephanie Mendoza, City Clerk

Nicholas E. Cummings, Corporation Counsel



Memorandum

To: Chair and Members of the Human Services Committee.

From: Alison Leipsiger, Policy Coordinator City Manager's Office

Subject: Ordinance 59-O-22, Modifying Portions of the City Code 7-10-2." Parks Hours and Operation".

Date: June 1, 2022

Recommended Action:

Councilmember Reid recommends the approval of Ordinance 59 -O-22, modifying portions of the City Code 7-10-2, Parks Hours and Operation."

Funding Source:
N/A

Council Action:

Summary:

Ordinance 59-O-22, will make it unlawful for a person or group of persons to remain in a park if creating noise audible from a distance greater than 50 feet, as well as, prohibit activity other than quiet sitting, walking, or exercise between the hours of 10pm and 5am.

Additionally, Ordinance 59-O-22 will shift hours of operation to decrease noise nuisances beginning at 10pm instead of 11pm. Lakefront fishing will remain available during the months of April through October however; fishing hours will align with regular park usage hours.

6/06/2022

59-O-22

AN ORDINANCE

Amending Portions of Title 7, Chapter 10, Section 2 “Hours of Operation” of the City Code

WHEREAS, public spaces within the City of Evanston should be used to their full potential; and

WHEREAS, sitting quietly in a public space at night does not affect nearby residents; and

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

SECTION 1: City Code 7-10-2, “Hours of Operation” of the Evanston City Code of 2012, as amended, is hereby amended to read as follows:

7-10-2. HOURS OF OPERATION.

(A) *Playgrounds/Tot Lots.* Unless otherwise specifically designated herein, the hours of operation of any public playground or tot lot shall be eight o'clock (8:00) A.M. to nine o'clock (9:00) P.M. daily. For purposes of this Chapter, "playgrounds" are defined as play equipment and apparatus designed for use by children ages two (2) through twelve (12), and "tot lots" are defined as play equipment and apparatus designed for use by children ages two (2) through five (5).

~~(B) *Parks.* Unless otherwise specifically designated herein, the hours of operation of public parks shall be six o'clock (6:00) A.M. to eleven o'clock (11:00) P.M. daily.~~

Fishing from lakefront parks is permitted only as follows:

1. From the north and south walkways at the Church Street boat ramp;

2. ~~From five o'clock (5:00) A.M. to eleven o'clock (11:00) P.M.~~ During the months of April, May, June, July, August, September, and October.

(C) *Prohibited Acts.* It shall be unlawful for any person to use, ~~or occupy, play in, lounge about or loiter in any park or playground or~~ any City Park building or structure therein at times other than those designated as hours of operation ~~herein by the~~ Director of Parks, Recreation and Community Services. From (10:00) P.M. to (5:00) A.M no person shall remain in or enter a public park other than to sit, walk, or exercise quietly. A person or group of persons making noise audible from a distance greater than 50 feet shall not remain in a park from 10:00 PM to 7:00 AM.

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

SECTION 3: 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: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

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

Introduced: _____, 2022

Approved:

Adopted: _____, 2022

_____, 2022

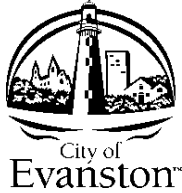
Daniel Biss, Mayor

Attest:

Approved as to form:

Stephanie Mendoza, City Clerk

Nicholas E. Cummings, Corporation
Counsel



Memorandum

To: Chair and Members of the Human Services Committee

From: Alison Leipsiger, Policy Coordinator City Manager's Office

Subject: Ordinance 55-O-22, Deleting Title 9, Chapter 5, Section 14 "Reckless Conduct."

Date: May 27, 2022

Recommended Action:

Per Councilmember Reid's referral, the approval of Ordinance 55-O-22, deleting Title 9, Chapter 5, Section 14 "Reckless Conduct" is being recommended.

Funding Source:

N/A

Council Action:

Summary:

Section 9-5-14 "Reckless Conduct" prohibits a person from throwing stones or missiles at a building, car, train, tree, or other public or private property or upon or at a person along with a \$500 fine for each offense. The adoption of Ordinance 55-O-22 will entirely remove this section of the City Code.

6/06/2022

55-O-22

AN ORDINANCE

Deleting Title 9, Chapter 5, Section 14 “Reckless Conduct” of the City Code

WHEREAS, the Evanston City Council has determined it is in the best interest of the City to ensure that its City Code is not vague, ambiguous or repetitive, and

WHEREAS, City Code 9-5-14 includes a provision which exists elsewhere in the City Code and is therefore repetitive, and

WHEREAS, the prohibition of throwing a small object that is unlikely to cause any damage is vague and may be applied unfairly, and

WHEREAS, the Evanston City Council finds it in the best interest of the City to remove and clarify the repetitive and vague language of this City Code section, and

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

SECTION 1: City Code 9-5-14, “Reckless Conduct” of the Evanston City Code of 2012, as amended, is hereby deleted to read as follows:

~~9-5-14. RECKLESS CONDUCT.~~

~~It shall be unlawful for any person to throw or cast any stone or other missile upon or at any building, railroad car, tree or other public or private property or upon or at any~~

~~person in any street, avenue, alley, lane, public place or at enclosed or unenclosed grounds in the City, or aid or abet in the same. Any person violating this Subsection shall be fined five hundred dollars (\$500.00) for each offense.~~

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

SECTION 3: 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: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

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

Introduced: _____, 2022

Approved:

Adopted: _____, 2022

_____, 2022

Daniel Biss, Mayor

Attest:

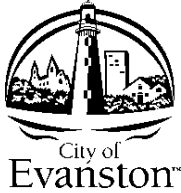
Approved as to form:

Stephanie Mendoza, City Clerk

Nicholas E. Cummings, Corporation Counsel

55-O-22

~3~



Memorandum

To: Chair and Members of the Human Services Committee

From: Alison Leipsiger, Policy Coordinator City Manager's Office

Subject: Ordinance 58-O-22 making changes to Title 9, Chapter 5, Section 10, "Alcoholic Beverages and Cannabis; Consumption/Possession Public Property"

Date: May 27, 2022

Recommended Action:

Councilmember Reid recommends the approval of Ordinance 58-O-22 by making changes making changes to Title 9, Chapter 5, Section 10, "Alcoholic Beverages and Cannabis; Consumption/Possession Public Property."

Funding Source:
N/A

Council Action:

Summary:

The amendment of the City Ordinance changes Section 9-5-10 to continue disallowing the consumption of alcohol and cannabis products in vehicles on public right-of-way but removing the language regarding possession of open containers of cannabis and alcohol in vehicles. Also, the amendment of City Ordinance revises 9-5-10 (C) 1-2 ,by disallowing the consumption of alcohol and cannabis products in public buildings such as public buildings, parks, beaches, highways, streets, alleys, sidewalks, parkways and public parking lots but removing the language regarding being in possession of open alcohol and cannabis containers in personal and public settings.

Additionally, the amendment of the City Ordinance changes Section 9-5-10-1(A) by removing the language for those under 21 years of age who only attempt to purchase alcohol or cannabis products. No changes are considered to allow the purchase or possession of alcohol or cannabis products to anyone under 21 years of age.

Furthermore, the amendment to the City Ordinance revises Section 9-5-10-2 by deleting the entire section as it pertains to persons under 19 years of age being violation of the Ordinance by being present in proximity to legal drinking unless at a licensed facility for the sale of alcohol.

58-O-22

AN ORDINANCE

Amending Portions of Title 9, Chapter 5, “General Offenses” of the City Code

WHEREAS, the State of Illinois legalized the recreational use of cannabis in 2020 with the passage of the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ *et. seq.*; and

WHEREAS, the Illinois Cannabis Regulation and Tax Act regulates consumption of cannabis in public and therefore the regulation on use in the City Code is superfluous, and

WHEREAS, the Evanston City Council has previously determined it will allow alcohol to be consumed at a lakefront park; and

WHEREAS, the Evanston City Council has determined that being near illegal activity should not be illegal in and of itself and therefore not regulated in the City of Evanston, and

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

SECTION 1: City Code 9-5-10, “Alcoholic Beverages and Cannabis; Consumption/Possession Public Property” of the Evanston City Code of 2012, as amended, is hereby amended to read as follows:

**9-5-10. ALCOHOLIC BEVERAGES AND CANNABIS;
CONSUMPTION/POSSESSION PUBLIC PROPERTY.**

Except as otherwise provided below, no person shall within the corporate limits of the City.

- (A) *Transport:* Transport any alcoholic beverage or cannabis products within the passenger area of any motor vehicle except in the original container and with the seal unbroken.
- (B) *Consumption In Vehicles:* ~~Consume or have on his/her person open containers of alcoholic beverages or cannabis products in or on any part of any motor vehicle upon any public right-of-way.~~
- (C) *Consumption In Public:*
1. ~~Consume or have on his/her person or in or about personal property open containers of alcoholic beverages or cannabis products in public buildings, parks, beaches, highways, streets, alleys, sidewalks, parkways and public parking lots. Notwithstanding any of the foregoing, service of alcoholic beverages at a sidewalk cafe authorized for such service pursuant to Subsection 7-2-6(D) of this Code and possession and consumption of alcoholic beverages by patrons at such cafes shall be permitted.~~
 2. ~~Have on his/her person or in or about personal property containers of alcoholic beverages or cannabis products in public buildings, parks, or beaches.~~
 3. Except for patrons of the Canal Shores Golf Course or individuals attending a special event on the golf course, persons cannot consume or have on his/her person or in or about personal property containers of alcoholic beverages on the Canal Shores Community Golf Course. This Section shall not be construed to prohibit the consumption or possession of alcoholic beverages within an area bounded by the north wall and the east wall of the American Legion building at 1030 Central Street and by the intersection of a line one hundred (100) feet west of the American Legion building and a line one hundred (100) feet south of said building, provided that appropriate State and City liquor licenses are in effect for the American Legion building premises.
- (D) *Violation:* Any person found violating any of the provisions of this Section shall be fined not less than five hundred dollars (\$500.00), nor more than seven hundred and fifty dollars (\$750.00) for each offense. It shall not be a defense to any citation written for any violation of any provision of this Section that the containers of alcoholic beverages were empty at the time the citation was issued.

This Section shall not be construed to prohibit the possession or consumption of alcoholic beverages within public buildings, on streets, alleys, sidewalks, parkways and public parking lots in conjunction with an authorized event where such event and use of said alcoholic beverages has been disclosed in writing to and authorized by the City Manager or his/her designee.

This Chapter shall not be construed as conflicting with or limiting enforcement of the Illinois Cannabis Control Act, 720 ILCS 550/, the Compassionate Use of Medical

Cannabis Program Act, 410 ILCS 130/1, or the Illinois Cannabis Regulation and Tax Act 410 ILCS 705/, as amended from time to time.

SECTION 2: City Code 9-5-10-1, "Purchas, Possession, or Acceptance of Gift by Persons Less Than 21 Years of Age; Consumption By Persons Less Than 21 Years of Age" of the Evanston City Code of 2012, as amended, is hereby amended to read as follows:

9-5-10-1. PURCHASE, POSSESSION, OR ACCEPTANCE OF GIFT BY PERSONS LESS THAN 21 YEARS OF AGE; CONSUMPTION BY PERSONS LESS THAN 21 YEARS OF AGE.

Except as otherwise provided below, no person less than twenty-one (21) years of age shall within the corporate limits of the City:

- (A) *Purchase Or Possession Of Alcoholic Liquor or cannabis products:* Purchase ~~or attempt to purchase~~ alcoholic liquor or cannabis products, accept a gift of alcoholic liquor or cannabis products, or have alcoholic liquor or cannabis products in his/her possession.
- (B) *Consumption:* Consume alcoholic liquor or cannabis products.
- (C) *Exception:* The possession and dispensing, or consumption of alcoholic liquor or cannabis products by a person less than twenty-one (21) years of age in the performance of a religious service or ceremony, or under the direct supervision and approval of the parents or parent of such underage person in the privacy of a home is not prohibited.

SECTION 3: City Code 9-5-10-2, "Presence Restricted" of the Evanston City Code of 2012, as amended, is hereby deleted to read as follows:

~~9-5-10-2. PRESENCE RESTRICTION.~~

~~Presence Restriction: It shall be unlawful for any person under the age of nineteen (19) to be or to remain in any room, apartment, house, place or vehicle which is not licensed for the sale of alcoholic liquor, when such person knows alcoholic liquor is being consumed by persons under the age of nineteen (19) therein, except as otherwise provided in this Chapter; provided however, a person shall not be in violation of this Subsection where the room, apartment or house is that person's actual place of domicile, unless that person permits the use of the room, apartment or house when such person knows or in the exercise of ordinary care should know of a substantial probability that such place is or will be used by persons under the age of nineteen (19) for the consumption or possession of alcoholic liquor.~~

SECTION 4: City Code 9-5-10-3, "Pedestrians Under Influence of Alcohol or Drugs" of the Evanston City Code of 2012, as amended, is hereby amended to read as follows:

9-5-10-3. PEDESTRIANS UNDER INFLUENCE OF ALCOHOL OR DRUGS.

A pedestrian who is under the influence of alcohol or any drug to a degree which renders himself/herself a hazard shall not walk, without adequate assistance to reasonably mitigate the hazard, or be operate a bicycle, motorized scooter, or any other personal propulsion tool upon any public right-of-way.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: 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 7: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 8: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: _____, 2022

Approved:

Adopted: _____, 2022

_____, 2022

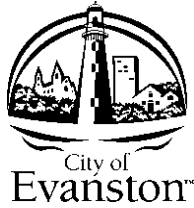
Daniel Biss, Mayor

Attest:

Approved as to form:

Stephanie Mendoza, City Clerk

Nicholas E. Cummings, Corporation
Counsel



Memorandum

To: Chair and Members of the Human Services Committee

From: Alison Leipsiger, Policy Coordinator City Manager's Office

Subject: Ordinance 57 -O-22, Title 9, Chapter 5, Section 11 "Public Nudity; Urinating or Defecating in Public"

Date: May 27, 2022

Recommended Action:

Per Councilmember Reid's referral, the discussion to make changes to Ordinance 57-O-22, Title 9, Chapter 5, Section 11 "Public Nudity; Urinating or Defecating in Public." is recommended to the Human Services Committee.

Funding Source:

N/A

Committee Action:

For Discussion

Summary:

Ordinance 57-O-22 modifies Section 9-5-11 "Public Nudity; Urinating or Defecating in Public" by eliminating the provision that singles out the prohibition of showing of female body parts, creating an unequal standard between two genders and creating ambiguity for transgender and non-gender conforming residents.

6/06/2022

57-O-22

AN ORDINANCE

Amending Portions of Title 9, Chapter 5, Section 11 “Public Nudity; Urinating or Defecating in Public” of the City Code

WHEREAS, the City of Evanston City Council prioritizes gender equality;
and

WHEREAS, as currently adopted, City Code 9-5-11 creates an unequal standard between two genders and creates ambiguity for transgender and non-gender conforming residents; and

WHEREAS, the proposed changes promote gender equality within the City of Evanston.

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

SECTION 1: City Code 9-5-11, “Public Nudity; Urinating or Defecating in Public” of the Evanston City Code of 2012, as amended, is hereby amended to read as follows:

9-5-11. PUBLIC NUDITY; URINATING OR DEFECATING IN PUBLIC.

- (A) It shall be unlawful for any person to appear in a public place in a state of nudity or to make any indecent exposure of his/her person. For purposes of this Section, nudity shall be defined as: The showing of the human male or female genitals, pubic areas or buttocks, ~~or female breast with less than a fully opaque covering of any portion thereof below the top of the nipple. Women breastfeeding in public are exempt from this definition.~~
- (B) It shall be unlawful for any person to urinate or defecate:

- 1. In or on a public street, alley, sidewalk, yard, park, building, structure, plaza, public or utility right-of-way, or other public place; or
- 2. In public view.
 - (a) It shall be a defense to prosecution for urinating or defecating that the person was in a restroom.

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

SECTION 3: 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: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

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

Introduced: _____, 2022

Approved:

Adopted: _____, 2022

_____, 2022

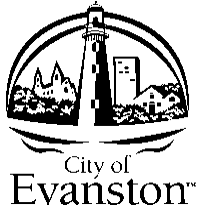
Daniel Biss, Mayor

Attest:

Approved as to form:

Stephanie Mendoza, City Clerk

Nicholas E. Cummings, Corporation Counsel



MEMORANDUM

To: Chair and Members of the Human Services Committee Meeting
From: Mari Johnson, Assistant City Attorney
Subject: Removal of the Burglar's Tool Ordinance 9-5-2 from the City Code
Date: May 27, 2022

Recommended Action:

The Human Services Committee is seeking the legal interpretation whether the City has authority to regulate a felony or misdemeanor of this the Burglar's Tool Ordinance.

Summary:

The Illinois Constitution, provides that local units of government may become home rule units. Ill. Const.1970, art. VII, § 6 and home rule units may:

"[e]xcept as limited by this Section, * * * exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare[.]"

Ill. Const.1970, art. VII, § 6(a).

The power granted to home rule units does not have to be exclusive, but may exist concurrently with the state. The Illinois Constitution dictates:

"Home rule units may exercise and perform concurrently with the State any power or function of a home rule unit to the extent that the General Assembly by law does not specifically limit the concurrent exercise or specifically declare the State's exercise to be exclusive."

Ill. Const.1970, art. VII, § 6(i).

The court has has determined that when deciding whether a home rule unit may legislate in a specific area, the "[p]owers and functions of home rule units shall be construed liberally." Ill. Const.1970, art. VII, § 6(m). The only limits on a municipality's autonomy are those imposed by the Illinois Constitution or by the Illinois General Assembly exercising its authority to preempt

municipalities in specific instances. *City of Wheaton v. Loerop*, 399 Ill. App. 3d 433, 434 (2d Dist. 2010). However, Article VII, section 6(d)(2), of the Illinois Constitution specifically provides that “[a] home rule unit does not have the power * * * (2) to define and provide for the punishment of a felony.” Ill. Const. 1970, art. VII, § 6(d)(2). The Committee on Local Government of the 1970 Illinois Constitutional Convention explained that this provision “specifically withholds from home-rule units the power to define and punish felonies, but leaves them free to impose fines and jail sentences for less serious *514 offenses.” 7 Record of Proceedings, Sixth Illinois Constitutional Convention 1602 (hereinafter cited as Proceedings). *City of Chicago v. Roman*, 184 Ill. 2d 504, 513–14, (1998).

Therefore, the City may regulate for the protection of public health, safety, morals and welfare, but it may not go beyond the limitations that have been established by statute. This means that the City is authorized to pass and prosecute ordinances dealing with criminal acts, but the ordinances cannot be inconsistent with the criminal laws of the State. 65 ILCS 5/1-2-1.1. Subsequently, it can be inferred that municipalities may regulate an act and provide for a punishment, but may not reclassify an act determined by state law to be a misdemeanor and make it a felony and vice-versa. To do so would be inconsistent with the criminal laws of the State.

There is no case law that is on point with this particular issue and State law does not preempt the City from making its own ordinance as it relates to the possession of burglar's tools. It is advised that the City not attempt to classify the possession of burglar's tools as either a misdemeanor or a felony, but it may choose to impose a fine.

Additionally, in the case of the City's burglar's tool ordinance, if the City chooses to keep a burglar's tools ordinance, it is recommended that City adopt a new ordinance that is more closely aligned with the State law (720 ILCS 5/19-2). The City's current ordinance is substantially similar to a City of Chicago ordinance that was deemed invalid by the Illinois Supreme Court. In *City of Chicago v. Mulkey*, 44 Ill.2d 558 (2d Dist. 1970), the Supreme Court held that the City of Chicago ordinance was invalid because the City of Chicago could not validly prohibit the possession of such tools under all circumstances and "there is no rational connection in common experience between the basis fact of possession and the inference that the ordinance would draw therefrom." *Id* at 561. The Court stated that it "is true that considerations of comparative convenience relating to the production of evidence to establish the purpose for which the tools were to be used argues in favor of the validity of the ordinance. But the offense involved in this case is punishable by a fine, with an added provision for imprisonment if the fine is not paid." *Id*. The Court also found that comparative convenience alone was insufficient to sustain the validity of such a presumption. *Id*.

The City of Chicago ordinance stated: "It shall be unlawful for any person to have in his possession any nippers of the description known as burglar's nippers, pick lock, skeleton key, key to be used with a bit, jimmy, or other burglar's instrument or tool of whatsoever kind or description, unless it be shown that such possession is innocent or for a lawful purpose, under a penalty of not less than one hundred dollars nor more than two hundred dollars."

Whereas, the City of Evanston's ordinance reads: "It shall be unlawful for any person to have in his/her possession any nippers of the description known as "burglar's nippers", "picklock", "skeleton key" to be used with a bit, jimmy or other burglar's instruments or tools of whatsoever kind or description, unless it be shown that such possession is innocent or for a lawful purpose." COE ord. No. 9-5-2.

It must be noted that the City of Evanston's ordinance allows for a fine (COE ord. No. 1-4-1), but unlike the City of Chicago's ordinance, does not provide for jail time. However, due to the fact the nearly identical language has been deemed invalid by the Supreme Court, it is advised that the City remove or replace the current language in the City's ordinance.

For reference:

Illinois State Law:

"(a) A person commits possession of burglary tools when he or she possesses any key, tool, instrument, device, or any explosive, suitable for use in breaking into a building, housetrailer, watercraft, aircraft, motor vehicle, railroad car, or any depository designed for the safekeeping of property, or any part thereof, with intent to enter that place and with intent to commit therein a felony or theft. The trier of fact may infer from the possession of a key designed for lock bumping an intent to commit a felony or theft; however, this inference does not apply to any peace officer or other employee of a law enforcement agency, or to any person or agency licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. For the purposes of this Section, "lock bumping" means a lock picking technique for opening a pin tumbler lock using a specially-crafted bumpkey." 720 ILCS 5/19-2

City of Chicago current ordinance:

A person possesses burglary tools when he possesses any tool, key, instrument, device, or any explosive suitable for use in breaking into any building, housetrailer, watercraft, aircraft, vehicle, railroad car, or any depository designed for the safekeeping of property, or any part thereof, with intent to enter any such place and with intent to commit therein a felony or theft.

A person convicted of the possession of burglary tools shall be fined not less than \$25.00 nor more than \$500.00. 8-4-180 Possessing burglar's tools.



Memorandum

To: Members of the Human Services Committee
From: Alison Leipsiger, Policy Coordinator
CC: Chief Richard Eddington
Subject: Ordinance 46-O-22, Deleting Title 9, Chapter 5, Section 2 "Burglar's Tools" of the City Code
Date: May 2, 2022

Recommended Action:

Councilmember Reid requests that the Human Services Committee makes a recommendation to the City Council to adopt Ordinance 46-O-22, Deleting Title 9, Chapter 5, Section 2 "Burglar's Tools" of the City Code

Committee Action:

For Action

Summary:

Section 9-5-2 regards burglar's tools. It prohibits any person from having certain tools unless it can be shown that such possession is innocent or for a lawful purpose. Ordinance 46-O-22 would remove that provision. The Police Department staff can provide a stance on whether the benefit of removing this section of the Ordinance outweighs the reasons for allowing this section to remain as is.

Attachments:

[46-O-22 Amending 9-5-2. Burglar's Tools AR](#)

46-O-22

AN ORDINANCE

Deleting Title 9, Chapter 5, Section 2 “Burglar’s Tools” of the City Code

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

SECTION 1: City Code Title 9, Chapter 5, Section 2, “Burglar’s Tools” of the Evanston City Code of 2012, as amended, is hereby deleted to read as follows:

~~9-5-2. BURGLAR’S TOOLS.~~

~~It shall be unlawful for any person to have in his/her possession any nippers of the description known as "burglar's nippers", "picklock", "skeleton key" to be used with a bit, jimmy or other burglar's instruments or tools of whatsoever kind or description, unless it be shown that such possession is innocent or for a lawful purpose.~~

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

SECTION 3: 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: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

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

Introduced: _____, 2022

Approved:

Adopted: _____, 2022

_____, 2022

Daniel Biss, Mayor

Attest:

Approved as to form:

Stephanie Mendoza, City Clerk

Nicholas E. Cummings, Corporation
Counsel

~2~



Memorandum

To: Members of the Human Services Committee
CC: Members of the Environment Board
From: Cara Pratt, Sustainability and Resilience Coordinator
Subject: Environment Board Report
Date: June 6, 2022

Recommended Action:

Staff recommends the Human Services Committee accept and place on file the Environment Board Report

CARP:

Implementation, Accountability, & Partnerships

Council Action:

For Action: Accept and Place on File

Summary:

Attached is report prepared for the Human Services Committee by the Environment Board.

Attachments:

[Human Services Committee Update June 2022](#)
[Protecting Evanston's urban forest 5.16.22](#)

June 6, 2022

To: Human Services Committee
Councilmembers E. Revelle (Chair), P. Braithwaite, B. Burns, J. Geracaris, D. Reid

From: Evanston Environment Board

Subject: Update, review of accomplishments, and recommendations

Climate action has been the primary overarching focus of the Environment Board over the last three years. This includes policies and practices related to mitigation (cutting greenhouse gas emissions) and resilience (preparing for changes underway and protecting vulnerable populations). We have also addressed other environmental issues and concerns, including the air quality study, the leaf blower ordinance, and the source of sand for replenishing the City's beaches..

Recently, the Board's most active subcommittee has been the CARP Implementation Task Force, chaired by Jerri Garl. The Zero Waste Working Group meets periodically with Solid Waste Coordinator Brian Zimmerman. Smaller task forces work on communications, the Ladd Arboretum, and other topics.

This spring, we drafted the climate emergency declaration, which the City Council adopted on April 25. Following are other recent and pending topics we are addressing:

- **Climate action dashboard and renewed community engagement** — The CARP Implementation Task Force is working with staff to identify a contractor to develop an online dashboard that will track progress on CARP goals and facilitate community engagement.
- **Plastic bag ordinance** — In response to a staff memo presented to us in April, we recommended keeping exemptions to a minimum, noting that CARP calls for “[eliminating] petroleum-based, single-use products through phasing out the use of single-use plastics by 2025.”
- **Tree protection** — In May, at the request of the Planning & Development Committee, we prepared a backgrounder and recommendations, which include an immediate moratorium on removal of trees 8”+DBH and developing a process for long-term tree protection. See attached.
- **Ecological landscape management/no-mow May** — In response to a referral regarding “no-mow May,” we are preparing a memo that puts the issue in the larger context of CARP goals and landscape management practices. This will be completed by July.
- **Natural areas** — Two years ago, we developed an ordinance that defined natural areas and established a process for designating them; Council adopted this in January 2021. Staff suggested that a green space plan would help with implementation. Green space planning was folded into a larger parks and green space plan RFP, which recently closed. We recommend that Environment Board members and natural area stewards be involved in this planning process.

The Environment Board has no other updates or referrals for the Human Services Committee at this time.

Protecting Evanston's urban tree canopy

Evanston Environment Board

May 2022

A healthy and resilient city needs a thriving urban forest. That's why Evanston's urban tree canopy features prominently in our Climate Action & Resilience Plan (CARP). Maintaining and expanding Evanston's urban tree canopy (UTC) has become urgent in the face of climate change. Trees cool streets and houses, cut energy use, clean the air, intercept stormwater, and sequester and store carbon. Big, old trees provide exponentially greater benefits than young trees.

These images from a [Chicago Region Trees Initiative report](#) make it clear that the urban tree canopy does not stop at property boundaries. They also demonstrate one reason why a healthy urban tree canopy is essential for public health — areas with low tree canopy cover are hotter. ("Tree canopy" refers to the area covered by trees when viewed from above. "Urban forest" refers to all of the trees in a city.)

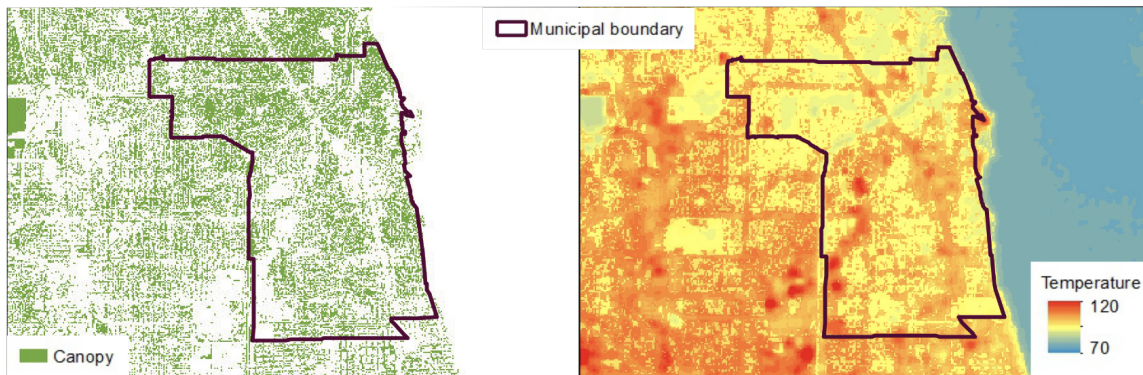


Figure 13: The image on the left shows tree canopy and on the right shows surface temperature. Surface temperature was calculated using a landsat image from September 2014. Areas that have higher tree canopy tend to have lower temperatures.

Evanston's urban forest is under threat. In recent years, pests and diseases have taken a serious toll, especially on the City's elms and ashes. Building projects have also resulted in removal of a number of exceptionally old, valuable trees, including oaks. In addition, predictions are that as the climate continues to warm, not all species native to this region will adapt.

Evanston's urban forest is a public resource for which we all share responsibility. In the face of these challenges, we need to plant more trees, but we also need to do a better job of establishing young trees and keeping them alive once they mature. The City Forestry Division has instituted good arboricultural practices in planting and care of public trees — diversifying the population of trees on public land so that they are less vulnerable to future pests and diseases and instituting a proactive cyclical pruning schedule. Residents and business owners can help by watering and mulching trees in the public right-of-way, protecting them from mowers and other hazards, and reporting conditions that may need attention from City arborists.

Property owners also have an important role to play in caring for trees on privately owned land — trees that form a significant percentage of the urban tree canopy, a resource from which we all benefit. Many take this responsibility seriously. But aside from the weak provisions* of the current [Tree Preservation ordinance](#) (7.8.8), there are no policies or programs that directly address the health and longevity of these trees.

**The current ordinance protects trees located on any privately owned parcel of two acres or more planned for a subdivision, and private trees within a planned development — in practice, very few trees.*

“Designing a comprehensive and fair tree ordinance is always hard and almost always full of trade-offs,” in the words of Conservation Law Foundation’s Deanna Moran ([interview](#) on WBUR, January 24, 2020). This has been true here in Evanston.

There have been efforts to strengthen protection of Evanston’s trees since CARP was adopted in December 2018. In May 2021, staff proposed [updates to the Tree Preservation section](#) of City code, and in July they returned to the Planning and Development Committee (P&D) with a marked-up version of the ordinance and [proposal](#) that “removal of trees on private property be subject to approval, which may result in an approval conditional on replanting, an approval with no replanting, or a denial; approval would depend on factors including the nature of the request, the health of the tree, the hazard potential of the tree, the size and species of the tree, and the impact of a denial on all stakeholders (including the community at large).” They asked for an additional staff person in the 2022 budget to manage the program; this was initially included in, then cut from the budget. Over the following months, Public Services Coordinator Emily Okallau went to ward meetings and gathered comments. On November 11, 2021, she reported to the Environment Board that “responses are 45% positive, 45% skeptical, and 10% negative.” On February 28, 2022, she presented her [report](#) to P&D. Councilmembers were generally favorable in their response and asked the Environment Board to develop “more specific recommendations.” The Board designated a task force on April 14. Our observations and recommendations follow.

There are successful models. Communities along the North Shore and in other parts of the country are rewriting their ordinances to extend stronger protections to all trees. Cambridge, Massachusetts, offers a recent example we believe is especially relevant to Evanston. Some of our recommendations are based on their experience.

Shared values and principles are the foundation for planning. The primary purpose of a strengthened tree protection ordinance is to protect public health, and equity is a key focus. We recommend that an ordinance reflect these principles*:

- Everyone should be subject to the ordinance
- Protect more trees
- Protect the largest trees
- Ensure equitable application of the ordinance
- Encourage replanting on private property

Recommendations

Start with a moratorium. In Cambridge, the purpose of a moratorium was to give the City staff and Council time “to work out a more nuanced and comprehensive set of tree rules” ([WBUR](#) January 24, 2020). It also was intended to stop people from rushing to cut down trees. Here’s [how it worked](#): In February 2019, the Cambridge City Council passed an ordinance amendment regulating cutting of “significant trees,” at the time defined as 8”+DBH (diameter at breast height). This ordinance was set to expire after one year (later extended for several months). Under this temporary ordinance, removal of any “significant” private property tree required a permit, which was to be issued only when one of the following circumstances could be demonstrated: the tree is dead or dangerous; an emergency exists relative to public health, safety, or welfare; removing the tree may result in a healthier tree canopy; or the tree poses a significant risk to an adjacent existing structure. Any property owner or contractor who removed a tree in violation of the ordinance would have to pay into the City’s tree replacement fund and might be subject to a stop work order, injunction, or fines up to \$300 for each day the violation continued. Permits, with adequate documentation, could be filed after the fact in cases where there is imminent danger. A [postcard](#) notified property owners of these rules. (There were separate rules for large properties.)

Budget for staff to manage the program beginning during the moratorium. This could be temporary until a final ordinance is adopted, but it is essential. Staff support will be needed in two areas: technical expertise for reviewing permit applications and (at least during the moratorium) community education and engagement.

Gather data. In an April 2022 [webinar](#), Cambridge Councillor Zondervan (at ~58:30) emphasized the importance of starting with data. During the moratorium period, by requiring permits, the City was able to collect data about reasons for removal. They had also recently completed a [LIDAR canopy study](#) and worked with Green Cambridge on a [citizen science project](#) using Google Earth. Evanston should also use a moratorium period to collect data on permit applications, numbers of tree removals, reasons for tree removal, and equity concerns. This will also be a time to assess whether staffing is adequate.

Establish a forest management plan and communicate it. During the moratorium period, Cambridge also adopted its [Urban Forest Master Plan](#) (January 2020 Technical Report Presentation) and met with community groups to discuss alternative strategies. There are templates and guidelines available for development of plans through the [Chicago Region Trees Initiative](#). The Cambridge example demonstrates the value of a strong, visual presentation grounded in the data. (See also the informative [Cambridge urban forest website](#).)

Make maximum use of parkland and open space for tree planting and naturalized landscaping.

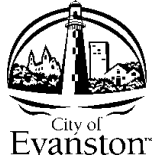
Evanston is in the process of commissioning an updated parks and green space management plan. This should support the goal of maintaining and expanding Evanston’s urban tree canopy.

Involve the community. Community and civic groups have important contributions to make. These include volunteer groups with basic arboricultural skills (such as the natural area stewards), tree advocates like Natural Habitat Evanston, members of the Environment Board who are prepared to serve as tree ambassadors, and others. They could take the lead in an education and communication campaign in coordination with the City tree protection staff person. In Cambridge, the City formally recognized a [Tree Task Force](#) made up of community volunteers.

Encode stronger protections and equitable principles in law. If a moratorium begins in June 2022, a final ordinance could be passed by June 2023. In Cambridge, the [Tree Protection Ordinance Amendment](#) adopted on June 28, 2021, expanded the definition of “significant tree” to include those 6”+. It also adds a new category, “exceptional trees,” which are 30”+ DBH. It requires a payment into the tree replacement fund calculated by a complicated formula, now \$850/inch. Resident property owners owe 10% of that, less if a sufficient number of replacement trees are planted. Species is up to the owner, but the tree must be maintained for 10 years. There are exceptions similar to those in the provisional ordinance adopted during the moratorium period. The [ordinance amendment](#), [tree removal mitigation requirements](#), and [tree removal permit application](#) are written in clear, simple language. We recommend using these documents as models, adapting them to reflect the work already done by the City of Evanston’s Forestry staff and data collected during the moratorium period.

Establish a tree fund using permit fees to support tree planting and maintenance throughout the City. In Cambridge developers building affordable housing can apply for these funds.

Use ARPA funds for tree planting in neighborhoods with lower tree canopy cover. Note that [Massachusetts has set aside \\$25 million](#) in ARPA funding for this purpose. The Environment Board has already provided staff and Council with a proposal. This could be paired with workforce training in green jobs.



Memorandum

To: Chair and Members of the Human Services Committee.

From: Ike C. Ogbo, Director, Health and Human Services Department
CC: Chief Richard Eddington, Police Department

Subject: Fireworks Policy

Date: May 31, 2022

Recommended Action:

Per Councilmember Burn's referral, a Fireworks Policy for discussion at the Human Services Committee Meeting was recommended.

Funding Source:

N/A

Council Action:

Discussion

Summary:

Section 5601.1.3, of the Evanston Code prohibits the possession, manufacturing, storing, selling or using of fireworks and explosives except with the approval of the Fire Official. The Committee seeks to understand the role the Evanston Police play in handling and responding to reports of fireworks. Additionally, the discussion will lead to providing advice to the Committee for residents especially during July 4th celebrations and events.