



Cook County
Environmental Commission
2020 Annual Report

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BRIDGET DEGNEN
COOK COUNTY COMMISSIONER
12TH DISTRICT

January 26, 2020

Honorable President Toni Preckwinkle and Cook County Board of Commissioners:

In April 2019, the Environmental Commission was established by the Cook County Board via an ordinance I sponsored. The Environmental Commission is comprised of nine (9) members and its purpose is to identify and execute initiatives that reduce environmental damage within Cook County. The enabling Ordinance requires an annual report be completed and filed with the Board every January outlining the Commission's goals and accomplishments. Below is a list of the accomplishments of the new Commission.

- I. The Commission members took its first field trip to a local waste facility in January to learn more about the nature and type of products comprising Cook County's waste stream, the volume of products recycled, the sorting process and weaknesses in Cook County's recycling process.
- II. During its February 10, 2020 meeting, the Commission voted on its first three goals:
 - a. Industrial Composting in large arenas and government facilities;
 - b. Tree planting throughout the County to increase the urban tree canopy; and
 - c. Amending the City of Chicago's weed ordinance to allow for native gardens.
- III. For its June 2020 meeting, the Commission moved to virtual meetings in response to COVID-19. As part of this adjustment, the Commission established teams. Each team was tasked with creating a policy paper on one of the three goals. The policy papers were to document reasons why the Commission chose each goal, actions needed to accomplish each goal, and an implementation plan. The group was divided as follows:
 - a. Industrial Composting: Commissioner Dennis Deer, Dr. Mark Potosnak, Victoria Wilson, and Robert Mead

- b. Tree Planting: Margaret Schneemann, Sarah Lovinger, Alderman George Cardenas
 - c. Chicago Weed Ordinance/Native Gardens: Commissioner Bridget Degnen, Dr. Douglas Stotz
- IV. In August, each team presented its policy paper to the Commission members. During the October and December 2020 meetings, the policy papers were discussed and revised. The current drafts of each policy paper are attached as appendices in this report. The policy papers are intended to be living documents, updated regularly to reflect progress until each intended goal is performed in final.
- V. During the December 2020 meeting, the Commission discussed the concrete steps needed to implement each of the policy paper initiatives in 2021. Each member was assigned a task. We look forward to our first meeting of February 2021 as we move from the planning stage to the implementation stage.

This Commission, like much of the world, was forced to pivot and adjust our expectations on productivity due to the COVID-19 pandemic. We made changes and remained focused on the Commission's goals as the climate change crisis remains a present threat. The Commission and I look forward to reaching our goals and continuing the fight to combat Climate Change.

Yours,

A handwritten signature in cursive script that reads "Bridget Degnen".

Bridget Degnen

Chair, Cook County Environmental Commission

COOK COUNTY ENVIRONMENTAL COMMISSION

2019 – 2021 MEMBERS

All nine commission members' appointments were approved by the Cook County Board of Commissioners in September and October 2019. Each commission member serves for a two-year term.

Commissioner Bridget Degnen – Chair, County Representative

- Commissioner of the 12th District

Commissioner Dennis Deer – Vice Chair, appointed by County Board President

- Commissioner of the 2nd District

Appointees

Alderman George Cardenas – City Representative/Mayoral Appointee

- Alderman of the 12th Ward, Chair of the City Council's Health and Environmental Protection Committee

Douglas Stotz, PhD – Non-Profit Representative

- Senior Conservation Ecologist at the Field Museum

Margaret Schneemann – Environmental Economist Representative

- Water Resource Economist at the University of Illinois Extension Sea Grant College Program

Mark Potosnak, PhD – Higher Education Representative

- Associate Professor and Chair of Environmental Science and Studies at DePaul University

Robert Mead – Corporate Representative

- Environmental Manager at Ingredion Incorporated

Sarah Lovinger, MD – North Triad Representative

- Physician and Director of Physicians for Social Responsibility

Victoria Wilson -- South Triad Representative

- Environmental Specialist & Sustainability Consultant and Executive Director of Naturally Urban Environmental Inc.

COOK COUNTY ENVIRONMENTAL COMMISSION

2021 CALENDAR

February 22, 2021

April 19, 2021

June 14, 2021

August 9, 2021

October 18, 2021

December 6, 2021

All meetings to be held at 9:00 am

COOK COUNTY ENVIRONMENTAL COMMISSION ORDINANCE

Sec. 2-540. - Short title.

This Division shall be known and may be cited as the Cook County Environmental Commission (Commission).

Sec. 2-551. - Purpose.

There is hereby created an Environmental Commission to serve the following purpose:

- (a) Ensure Cook County is a leader in combating global warming.
- (b) Create a working group of environmental professionals from Cook County's public and private sectors working together to devise and implement initiatives to combat global warming.
- (c) Promote sustainable legislation and policy aimed at reducing the carbon footprint within the geographic borders of Cook County.
- (d) Serve as a model for other governments by proactively combatting climate change with innovative and practical environmental initiatives.

Sec. 2-542. - Cook County Commission on Environmental Sustainability Membership.

- (a) The Commission will be composed of nine members including the original sponsor of this bill, who shall serve as Chair. The Chair shall be responsible for designating a successor if she ceases to serve as a Commissioner.
- (b) Six members shall be appointed by the Chair. These members shall represent the following:
 - (1) One member of the Commission shall be a representative from the north triad of Cook County.
 - (2) One member of the Commission shall be a representative from the south triad of Cook County.
 - (3) One member of the Commission shall be a representative from a not-for-profit.
 - (4) One member of the Commission shall be a corporate stakeholder with experience working on environmental initiatives.
 - (5) One member of the Commission shall be a representative from higher education or academia.
 - (6) One member of the Commission shall have a background in environmental economics.
- (c) The President of the Cook County Board of Commissioners shall appoint one member of the Commission. This person shall serve as the Vice Chair of the Commission.
- (d) The Mayor's Office of the City of Chicago shall appoint one member of the Commission.

(e) All appointments shall be confirmed by the Cook County Board.

Sec. 2-543. - Term and vacancies.

(a) Each member shall serve two-year terms.

(b) The Chair shall serve for the duration of her term as a Cook County Commissioner. The Chair may serve consecutive terms.

(c) Commission members may be reappointed for consecutive terms.

(d) Vacancies on the Commission shall be filled in the same manner that original appointments were made and shall be filled for the unexpired term of the member whose appointment has become vacant.

Sec. 2-544. - Qualifications of members.

(a) All members shall have like-minded goals stated in the Purpose section of this Division.

(b) All members shall have subject matter knowledge, experience and/or education in environmental sustainability matters.

Sec. 2-545. - Meetings.

(a) This Commission shall hold a meeting at least once every even numbered month, and meetings shall commence the second even numbered month following creation of the Commission.

(b) Meeting dates shall be set for the following year, in December of the preceding year.

(c) Should a member of the Commission miss three consecutive meetings, the Commission may choose to remove the member, and the original appointing member shall appoint a new member pursuant to subsection 30-976(c).

(d) This Commission shall be subject to the Open Meetings Act, 5 ILCS 120/1 et seq, and the Freedom of Information Act, 5 ILCS 140/1 et seq.

Sec. 2-546. - Powers, duties, and responsibilities.

(a) The Commission shall serve as a working Commission and in an advisory role to the Cook County Board on matters relating to environmental sustainability, reduction of greenhouse gases and reduction of environmental impacts in Cook County. The Commission shall be responsible for:

(1) Considering environmental impacts on surface water, groundwater, air and land in Cook County and making appropriate recommendations to the Cook County Board, local municipalities and the Chicago City Council to mitigate harmful impacts and promote positive change;

(2) Creating an annual work plan in furtherance of the Commission's goals and solicit input from stakeholders via its members.

- (3) Beginning in January 2020, creating an annual report and presenting it to the Cook County Board via the Environment and Sustainability Committee; and
- (4) Collaborating in regional environmental associations and with other local environmental stakeholders.

Sec. 2-547. - Division scheduled to be repealed on November 30, 2022.

- (a) *Repeal of division.* This Division is repealed on November 30, 2022.

APPENDIX A

INDUSTRIAL COMPOSTING POLICY PAPER

Goal

The goal of the Cook County Environmental Board and its Industrial Composting Subcommittee is to establish or enhance comprehensive industrial food scrap collection and/or onsite composting programs at relatively high-volume food service providers such as sports arenas, hotels, hospitals, jails, government buildings, museums, universities and K-12 schools. This will be facilitated in the short term by promoting programs at county-run facilities as a model for subsequent implementation at other private and non-governmental facilities. To accomplish this goal, web-based educational resources will be developed and the use of the composted food scraps at Cook County urban gardens will be encouraged.

Composting Benefits

Composting food scraps/organic waste has a number of benefits: reducing total solid waste inputs to landfills, reducing methane emissions from decomposing food waste at landfills and providing composted material rich in nutrients for agricultural purposes. As landfill space becomes limited due to excessive amounts of waste, many are reaching or breaching capacity, and thus large-scale composting initiatives are emerging out of necessity to reduce solid waste ([University of Georgia](#)). Without composting, organic waste often is left in landfills, where it releases a harmful, powerful greenhouse gas known as methane (CH₄). If organic waste is composted properly, methane emissions are reduced considerably ([EPA, 2020](#)).

In agricultural settings, composting often lessens, or totally eradicates, the need for chemical fertilizer, and leads to improved crop yields. Composting is also ecologically helpful as it absorbs carbon, as well as increases water absorption in soil. Additional environmental benefits include: aiding in wetland and rainforest land restoration, helping in rebuilding habitats for native species, and aiding in remediating toxic or hazardous land and soil (EPA, 2020). “Compost can additionally provide cost savings over conventional soil, water and air pollution remediation technologies, where applicable. It also enhances water retention in soils, and provides carbon sequestration benefits” (EPA, 2020). Gardening centers, landscapers and nurseries can also use food waste for composting in their soil to aid in better plant health.

Composting versus landfilling for urban areas

Chicago residents are currently estimated to produce 55 million pounds of food waste a month with most of the waste ending up in landfills (USDA, 2010). Each ton of organic waste that is disposed of via landfill releases about one ton of carbon dioxide equivalents of greenhouse gases (Department of Primary Industries and Regional Development, 2018). Most of the released gas is methane which, as discussed before, is an extremely potent greenhouse gas, so composting proves to be a beneficial stride towards increased sustainability (EPA, 2017). While

composting does release carbon dioxide, an analysis of composting versus landfilling demonstrates the environmental benefits.

When considering the entire process of composting versus the process of landfilling organic waste, there are environmental costs associated with transportation. Current literature is not conclusive about this added cost, but if composting is located closer to urban areas, the hauling emissions are reduced ([Collective Resource Compost](#)). On the other hand, landfill box trucks can carry around 40 yards of waste while individual composting pickup may be up to seven yards; the effects of transportation size and carrying capacity are complicated. Further inquiry is needed when considering this aspect, but shorter hauling distances of food scraps are certainly beneficial.

Composting Challenges

To be effective from a climate change standpoint, food scrap composting facilities must avoid the release of methane. One option is to capture the methane gas emitted during the breakdown of the materials, but this is technically difficult and a permit is necessary. In addition, the captured gas must be either flared to the atmosphere or conditioned before further re-use. A second option is to ensure aerobic decomposition, but this does require expertise and active management.

The Illinois EPA regulates compost facilities with two categories: 1) Landscape and 2) Organic (food scraps). Landscaping waste is prohibited from being landfilled while food scraps are not. Food scrap composting is strictly a voluntary landfill avoidance decision organizations make based on a host of factors, including but not limited to cost reduction, landfill avoidance and environmental benefits.

The Illinois EPA has permitted composting facilities in seven regions throughout the state. Within Region 2 (City of Chicago and Suburban Cook) there are 25 permitted facilities but only two are permitted to handle food scraps. The remaining facilities are only permitted to handle landscape waste. Cook County has 24 compost facilities and only two are permitted to handle food scraps. The two food scrap compost facilities are located in the South Triad of Cook County, requiring long distances for organizations who want to compost from other parts of Cook County.

Composting itself requires organizations to have multiple waste containers. For instance, businesses might typically have a single container (2, 4, 6 or 8 yards) for all waste (recycle, food, general dunnage) or possibly two containers, one for waste and one for recycling. In order to compost, another container must be used. This new container might be a pest issue and will likely cost more money. This forces businesses to evaluate the cost/benefit of composting versus simply sending food scraps to landfills. Space considerations may also prohibit some businesses from composting.

Due to the lack of organizations that compost food scraps, waste haulers may not solicit new business for food scrap waste. This creates a chicken and egg problem: There is an insufficient number of businesses, but adding just a few businesses is too expensive. More information is needed on the hauling/processing side to determine how to improve the economics versus the alternative of landfilling the same material.

Potential Areas for Further Study

As highlighted above, there is a significant cost associated with hauling food scraps separately. This is particularly true for compost that has not been dried and is acerbated when relatively few facilities need this service. This leads to routes that have long travel distances between stops. In addition to the financial cost, there is the fossil fuel usage associated with these longer routes. Additional information from the companies that haul food scraps would help businesses to switch to composting and reduce these transportation costs.

One area of composting that solves the hauling issue is composting on-site. The subcommittee has learned that the county jail has undertaken on-site composting. In a conversation with the facility, the committee learned that a food scrap drier has been purchased. The subcommittee will continue to review the benefits and costs of food scrap dehydration.

There appears to be a significant gap in food scrap composting facilities that are convenient for Suburban Cook County. The number of permitted facilities that can handle food scraps is very low and as discussed the location makes the cost part of composting less economical. There would need to be facilities capable of handling this new type of waste located closer to the source.

Solution and Implementation

Businesses are more likely to compost food scraps if they can save money on their overall operating costs. For many businesses that have one or two containers, there are fewer issues with sorting waste inside the business and the need for additional outside containers. If the costs for composting were less than disposal and the inconvenience of composting minimal, more business might be inclined to switch. Also, providing institutions with monetary or tax incentives would encourage composting programs. Near term, fostering successful models of implementation will both provide guidance to others and also help solve the chicken and egg problem of reaching a critical mass. Cook County government facilities can serve this role.

An important aspect of implementation is education. In the underserved communities of the West and South Side of Chicago, it will be critical to have a sound strategy for assuring those targeted areas get good information in order to make a positive impact on composting. Additionally, providing education programs and facilitating partnerships between businesses and composting facilities would be beneficial. The Illinois Food Scrap Coalition (LFSC, illinoiscomposts.org) is a not-for-profit that helps organizations in developing a compost

program and can be a partner. Zero Waste Chicago has good information about where residential composting is conducted (<https://zerowastechicago.com/compost>).

Having an end user for composted food scraps is also critical. There are many urban gardens in Chicago, but they have difficulty with getting and processing a sufficient amount of food scraps for fertilizing their urban gardens (DeLorenzo et al 2020). The pilot project should consider partnering directly with an urban garden to test the feasibility of a direct link between the producer of food scraps and a user of composted material.

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Zero Waste Chicago

<https://zerowastechicago.com/compost>

APPENDIX B

TREE PLANTING

A Proposal to Improve Tree Canopy Cover in Cook County

On February 10th, 2020, the Cook County Environmental Commission voted to establish three policy goals relating to industrial composting, native plants management, and tree canopy management as a part of its 2020 Goals. As members of the Cook County Environmental Commission Working Group on Tree Canopy Management, we are responsible for the development of policy recommendations to improve tree canopies in Cook County. This document will outline a planning proposal to improve tree canopy cover and management in Cook County's urban and suburban areas through legislative measures. Tree canopies can produce many benefits as they increase green space, improve air quality and are instrumental to alleviate the urban heat island effect, while improving the mental and physical well-being of people living in urban and suburban cities. Of special importance to the Cook County Environmental Commission, trees also function as carbon sinks and help reduce carbon emissions.

The City of Chicago and Cook County have plans in place to plant trees and maintain current and future tree plantings. The region is no stranger to non-profits and other entities that have studied its tree canopy extensively. Those experts, notably those associated with The Chicago Region Trees Initiative (CRTI), are instrumental to identify and map the current state of tree canopies in Cook County and to recommend priority areas of focus.

Tree Canopy Benefits

Tree canopies provide hyper-local socio-economic benefits. A 2010 study demonstrated that property values could be elevated by thousands of dollars with an increased presence of greenspace. The study used a spatial lag-model to discover that increasing greenspace near households by 1% could increase property values by 0.7% (Conway, Kahle, Jerrett, Li, and Wolch, 2010). In this way, home values, and community values, could increase with a greater presence of trees and greenery (Conway, Kahle, Jerrett, Li, and Wolch, 2010). Well-maintained greenspace offers curb appeal throughout neighborhoods and a welcoming community space for residents to congregate. Well-lit and maintained open space with adequate recreational space and seating easily becomes a neighborhood staple and makes the case that tree planting and maintenance alone is not enough.

Furthermore, tree-density and green space have quantifiable mental and physical health benefits, which further emphasizes why tree-distribution is a social equity issue. A study in Denmark found that children who grew up without green space in their community were up to

55% more likely to develop a psychiatric disorder later in life than those who did not, independently of other risk-factors (Arge, Engemann, Mortensen, Pedersen, and Svenning, 2019, p. 5188–5193). This finding was consistent with a study conducted in London, which found that individuals in urban areas without trees were more likely to have prescriptions for anxiety or depression medications than those who lived in areas with greenery (M. Taylor, B. Wheeler, M. White, 2015).

Trees also appear to reduce crime. Studies show that poorly-maintained greenspace can actually lead to increased instances of crime, so long-term design and maintenance plans should be prioritized and interwoven into the tree-planting program (Chen, Li, and Li, 2016). A study in Vancouver showed a clear inverse relationship between tree presence and crime, with a greater presence of trees leading to significantly fewer occurrences of property crime in the downtown area (Chen, Li, and Li, 2016). Other studies found that instances of public housing property crimes were reduced by 48% when greenery was present (Frances, K. and Sullivan, W. 2001), and occurrences of violent and domestic crime in public housing were reduced by 25% (Brunson, 1999).

The economic, environmental, and health benefits of trees increase with tree age and maintenance, so that the value of a tree increases over time (Xiao, P.S. et al. 2018). According to the Chicago Regional Trees Initiative (CRTI), a partnership of over 200 organizations working on urban tree canopy issues in the Greater Chicago Region, trees in the region are not surviving to maturity (Nowak et al. 2013). For this reason, it is critically important to focus not only on planting new trees, but also on efforts that preserve trees to maintain the overall tree canopy in Cook County and increase the survival rate and longevity of tree plantings. Factors impacting survival rate include: disease, development and construction activities, species selection and planting location, maintenance.

A Disproportionate Tree Canopy in Cook County

Tree distribution and maintenance are disproportionately neglected in low-income, minority neighborhoods. This practice stems from historic systematic housing discrimination and the wealth and investment gap in communities of color. Researchers studied the relationship between urban forest cover, household density, and income in various municipalities across the state and concluded that higher-income areas experience a greater presence of trees and greenery than lower-income areas (Iverson, L., and Cook, E., 2000, p.122). Some studies have indicated that vulnerable communities reap greater benefits from improved tree canopies and greenery compared to high-income communities, and depriving vulnerable communities of tree canopies is ultimately depriving monetary, health, and welfare benefits to residents who may need, or value, those benefits most (Cabieses, Dadvand, Fairley, Gidlow, McEachan, Nieuwenhuijse, Prady, Smith, Van Gent, and Wright, 2016).

Cook County contains municipalities with both the greatest and the smallest urban forest cover in Illinois. In 2015, Oak Park was named the first municipal arboretum in the state, while West

Haven had the fewest trees in 2000 (Iverson, L., and Cook, E., 2000, p. 119-120). Another review of the literature on green space in Cook County reveals documented social inequities particularly within the City of Chicago, where people living in South and West sides of the city have disproportionately limited access to parks and greenery (Graf, 2019). In the City of Chicago, many low-income, immigrant, undocumented residents of color with preexisting health conditions such as asthma live near industrial sites and heavy diesel trucking that compromises the local air quality and residents' health and quality of life. In part, this green space inequality could be connected to discrimination in how the Chicago Park District has allocated funds in the past (Graf, 2019). Improved tree canopies will not solve all the health and well-being detriments traceable to systematic environmental racism and discrimination, however, improving and increasing tree canopies planting is an immediate step towards improving outdoor air quality. Implementing tree canopy improvement programs in communities on the South and West sides, which have historically had inequitable access to trees and greenspace, could help reverse this imbalance and offer not only space to congregate but also beautification that supports air quality and can lead to a decrease in crime in these neighborhoods.

A Collaborative Effort to Improve the Tree Canopy Cover in Cook County

The Commission's proposed tree canopy policy recommendations must prioritize increasing healthy tree canopies in highly populated, polluted, low-income areas with few existing trees to better social and public health and to encourage hyper-local economies in Chicago and Cook County. By the end of December 2020, we will have drafted a model ordinance for introduction to the City of Chicago City Council in early 2021. The ordinance will focus on tree protection policies (tree removal and replacement).

The next step is to conduct an environmental scan of existing tree protection policies and programs, identifying both the baseline/current policies in place as well as "star policies" that have been positively effective beyond any standard or baseline tree policy. Policies to look out for include those that protect mature trees, which provide the most benefits to communities, including a scan of other tree canopy improvement programs that address inequality. Mechanisms such as MWRDs StormStore pilot relating to tree credits and other innovative financing are important to note. We will continue to engage on and align with the priorities of the Chicago Region Trees Initiative (a non-profit collective that has extensively studied and documented trees already planted in our region) and also the City of Chicago Urban Forestry Advisory Board (an upcoming Board of elected-officials and arborists dedicated to increasing the city's urban canopy). Information gathered from the scan will inform the ordinance and related policy recommendations that will seek to address barriers to improving the tree canopy and encourage tree canopy improvement through the replacement of trees that have either been removed during development or knocked down by natural weather events (extreme storms, drought).

We will also provide recommendations on baseline tree maintenance and care to trouble-shoot trees that are in distress in addition to a review process to remove trees that incorporate input from experts. The legislation will serve as model ordinance language for municipalities to adopt.

We believe that improving tree canopy planting trees offers many benefits including improved air quality, increased stormwater retention, a shared human connection to the natural environment, improved neighborhood appeal and property values, and above all, can help address the urgent need to lower carbon emissions. We hope you will support our plan to increase the tree canopy throughout Cook County.

APPENDIX C

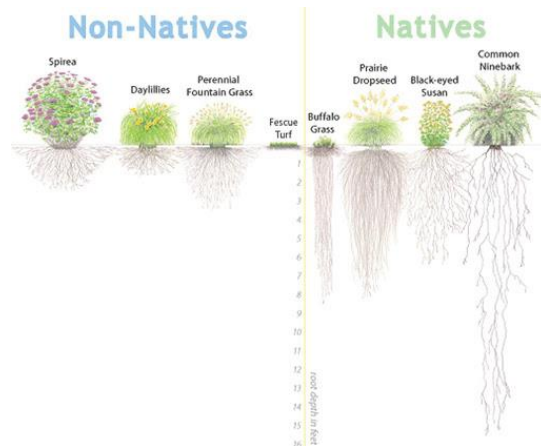
CHICAGO WEED ORDINANCE AND NATIVE GARDENS

The Problem

Current weed ordinances are not environmentally sound or financially beneficial. The city of Chicago has spent millions of dollars on storm water runoff management, and current gray infrastructure has proven ineffective at controlling runoff, as it is either at, or past, capacity for runoff interception. The current Chicago Weed Ordinance is broad and vague, leading to tickets and excessive fines for those who are purposefully cultivating native gardens. Many native plants are seen by street sanitation workers as weeds, and fines are generally upheld in courts because of the broad language. A copy of the current Chicago Weed Ordinance is attached as Exhibit A. In sum, the ordinance states that any person who owns or controls property within the city must cut or otherwise control all weeds on such property so that the average height of such weeds does not exceed ten inches. In the city's "Rules and Regulations for Weed Control" code, weeds are defined as "vegetation that is not managed or maintained by the person who owns or controls the property on which all such vegetation is located and which, on average, exceeds 10 inches in height."

Weed Ordinance Revision Benefits

Native Plants provide numerous community and ecological benefits. Much like trees, they aid in pollution sequestration which can consequently lead to better health outcomes in communities. They can also aid in storm water runoff absorption which can help save the city money on mitigation spending, and can also create ecosystems for local, invaluable species. While green roofs and green infrastructure are important and ecologically sound solutions for runoff, another green solution would be: allowing citizens to grow native plants in their yards, which can aid significantly in storm water runoff absorption. Native plants can additionally provide habitats for vital species, such as pollinators (on which human beings rely for survival). Without pollinators, humanity would likely experience crop failure, food shortages, and loss of vital vegetation that oxygenates our world. Creating ecosystems for local pollinators should be of the utmost importance across municipalities, and allowing citizens to grow native plants is a way to facilitate these necessary ecosystems for pollinators. Native plants can also add aesthetic value to homes and businesses, which is an additional bonus. Additionally, native plants are low-maintenance, and thus cost less to sustain. They also require less water than most perennials, which helps reduce water usage in households.



Potential Solution and Implementation

Amending the Chicago weed ordinance to distinguish between the purposeful cultivation of native plants and neglected yards is the first necessary step. A proposed amendment is attached as Exhibit B. After speaking with several Chicago alderman, we are cautiously optimistic we will have a sponsor or sponsors to bring this ordinance for a vote. If this is passed by the City, an education plan will be implemented to encourage people to grown native gardens without fear of fines.

Exhibit A

The current Chicago Weed Ordinance

§ 7-28-120. Weeds – Penalty for violation – Abatement – Lien.

(a) Any person who owns or controls property within the city must cut or otherwise control all weeds on such property so that the average height of such weeds does not exceed ten inches. Any person who violates this subsection shall be subject to a fine of not less than \$600 nor more than \$1,200. Each day that such violation continues shall be considered a separate offense to which a separate fine shall apply.

(b) All weeds which have not been cut or otherwise controlled, and which exceed an average height of ten inches, are hereby declared to be a public nuisance. If any person has been convicted of violating subsection (a) and has not cut or otherwise controlled any weeds as

required by this section within ten days after the date of the conviction or finding of liability or judgement, , the city may cause any such weeds to be cut at any time. In such event, the person who owns or controls the property on which the weeds are situated shall be liable to the city for any and all costs and expenses incurred by the city in cutting the weeds, plus a penalty of up to three times the amount of the costs and expenses incurred by the city. Such monies may be recovered in an appropriate action instituted by the corporation counselor or in a proceeding initiated by the department of streets and sanitation or the department of health at the department of administrative hearings. The penalties imposed by this subsection shall be in addition to any other penalty provided by law.

(c) The costs and expenses plus the amount of any applicable penalty incurred pursuant to subsection (b) of this section shall constitute a lien against the affected property if the city, or the person performing the service by authority of the city, in its or his own name, files a notice of lien in the office of the county recorder, or in the office of the registrar of titles if the property is registered under the Torrens System. The notice of lien shall consist of a sworn statement setting out:

- (1) A description of the real estate sufficient for identification thereof;
- (2) The amount of money representing the cost and expense incurred by the city or payable for the service plus the amount of any applicable penalty incurred pursuant to subsection (b) of this section;
- (3) The date or dates when the cost or expense was incurred by the city.

The notice of lien shall be filed within 60 days after the cost and expense and any applicable penalty is incurred; provided, however, that nothing in this section shall be construed to prohibit the City from collecting any amount of money owed to the City as set forth in the findings, decision and order of an administrative law officer or in a judgment entered by a court of competent jurisdiction or in any other manner permitted by law.

Upon payment, after notice of lien has been filed, of the amount of money representing the cost and expense incurred by the city, plus the amount of any applicable penalty incurred

pursuant to subsection (b) of this section, the lien shall be released by the city for filing by the owner at the recorder of deeds.

Nothing in this section shall be construed to prevent the city from acting without notice to abate a nuisance under this section, where such nuisance poses an imminent threat to the public health, safety or welfare or in the event of any other emergency. Nor shall any provision of this section be construed to deny to any person any statutory or common law right to abate a nuisance, or to prevent the city from seeking any remedy that may be provided by law. If emergency abatement under this section is required, the city may recover any and all costs associated with such emergency abatement under Section 1-20-020.

(Prior code § 99-9; Amend Coun. J. 12-20-89, p. 10123; Amend Coun. J. 12-4-02, p. 99931, § 4.3; Amend Coun. J. 7-28-10, p. 97912, § 4; Amend Coun. J. 11-16-11, p. 13798, Art. II, § 6; Amend Coun. J. 11-16-11, p. 14596, Art. II, § 1)

Exhibit B

Draft Language

§ 7-28-120. Weeds – Penalty for violation – Abatement – Lien.

Latest version.

(a) Any person who owns or controls property within the city must cut or otherwise control all weeds on such property so that the average height of such weeds does not exceed ten inches. Any person who violates this subsection shall be subject to a fine of not less than \$600 nor more than \$1,200. Each day that such violation continues shall be considered a separate offense to which a separate fine shall apply.

(b) Before a fine is issued under subsection (a), the city must give a person who owns or controls the property a notice of violation and provide an opportunity for an administrative hearing under section 2-14-030(3) to oppose the violation.

(c) An exception to § 7-28-120(a) and (d) herein is the intentional cultivation of a planned natural landscape area for aesthetic or wildlife promotion, to attract and aid pollinators, aid carbon sequestration, to offset and control soil loss, to promote storm-water infiltration and transpiration of storm water. Plants in a planned natural landscape area are not subject to an average 10-inch height restriction. Intentional cultivation of a planned natural landscape area must be demonstrated by the person that owns or controls the property by either showing i-iv, or by v:

- i. Clearly defining the landscape area border with stones, bricks, pavers, fencing or similar border materials. The defined border must be at least two feet from the closest city owned sidewalk or street; and
- ii. The landowner or occupant controlling the property must be able to identify a majority of the plant species in the landscape area; and
- iii. The landscape area may not extend onto neighboring properties; and
- iv. The landscape area shall be on property zoned for residential, small business or mixed use; or
- v. By registering the property's address on the Managed Native Garden Registry, pursuant to Chapter 10-32-055 of the Municipal Code of Chicago.

(d) All weeds which have not been cut or otherwise controlled, and which exceed an average height of ten inches, are hereby declared to be a public nuisance. If any person has been convicted of violating subsection (a) and has not cut or otherwise controlled any weeds as required by this section within ten days after the date of the conviction or finding of liability or judgement, the city may cause any such weeds to be cut at any time. In such event, the person who owns or controls the property on which the weeds are situated shall be liable to the city for any and all costs and expenses incurred by the city in cutting the weeds, plus a penalty of up to three times the amount of the costs and expenses incurred by the city. Such monies may be recovered in an appropriate action instituted by the corporation counselor or in a proceeding

initiated by the department of streets and sanitation or the department of health at the department of administrative hearings. The penalties imposed by this subsection shall be in addition to any other penalty provided by law.

(e) The costs and expenses plus the amount of any applicable penalty incurred pursuant to subsection (d) of this section shall constitute a lien against the affected property if the city, or the person performing the service by authority of the city, in its or his own name, files a notice of lien in the office of the county recorder, or in the office of the registrar of titles if the property is registered under the Torrens System. The notice of lien shall consist of a sworn statement setting out:

- (1) A description of the real estate sufficient for identification thereof;
- (2) The amount of money representing the cost and expense incurred by the city or payable for the service plus the amount of any applicable penalty incurred pursuant to subsection (b) of this section;
- (3) The date or dates when the cost or expense was incurred by the city.

The notice of lien shall be filed within 60 days after the cost and expense and any applicable penalty is incurred; provided, however, that nothing in this section shall be construed to prohibit the City from collecting any amount of money owed to the City as set forth in the findings, decision and order of an administrative law officer or in a judgment entered by a court of competent jurisdiction or in any other manner permitted by law.

Upon payment, after notice of lien has been filed, of the amount of money representing the cost and expense incurred by the city, plus the amount of any applicable penalty incurred pursuant to subsection (d) of this section, the lien shall be released by the city for filing by the owner at the recorder of deeds.

Nothing in this section shall be construed to prevent the city from acting without notice to abate a nuisance under this section, where such nuisance poses an imminent threat to the

public health, safety or welfare or in the event of any other emergency. Nor shall any provision of this section be construed to deny to any person any statutory or common law right to abate a nuisance, or to prevent the city from seeking any remedy that may be provided by law. If emergency abatement under this section is required, the city may recover any and all costs associated with such emergency abatement under Section 1-20-020 .

(Prior code § 99-9; Amend Coun. J. 12-20-89, p. 10123; Amend Coun. J. 12-4-02, p. 99931, § 4.3; Amend Coun. J. 7-28-10, p. 97912, § 4; Amend Coun. J. 11-16-11, p. 13798, Art. II, § 6; Amend Coun. J. 11-16-11, p. 14596, Art. II, § 1)

§ 7-28-005. Definitions.

Latest version.

Except as otherwise provided in this chapter, the following terms shall have the following meanings, unless the written context clearly indicates that another meaning is intended:

“Owner” shall have the meaning ascribed to the term in Section 13-4-010.

“Weed” or “weeds” shall mean a plant out of place where it is not intentionally sown. It includes plants that pose a health, safety or fire risk. This definition includes plants that predominantly negatively affect human activity and require some form of action to reduce its effect on the economy, human health or amenity including but not limited to noxious weeds defined by 8 IAC 220.60.