



City of Delano
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City of Delano Community Garden Rules

This document sets out the rules that govern the community garden raised beds. These rules are intended to help all our gardeners grow fresh, healthy food in a thriving garden, to help create a sense of community among our gardeners, and to help the garden to be a good neighbor.

A. ACCESS TO THE GARDEN

Season: Weather and construction permitting, the City will have the gardens ready for planting on Saturday, May 7, 2022

Hours: Gardeners may be in the garden between 6 am and sunset.

B. GARDEN PLOTS

Dimensions: The City will identify each 8' x 4' raised bed with a number.

Use of Own Plot: Gardeners may use only the raised beds assigned to them by the City. Gardeners will maintain their plants within their gardens and will trim any plants that extend into neighboring plots. Gardeners may not alter the dimensions of their garden.

Fences, Cages, & Trellises: All fencing must not exceed 36" high. Interior trellises are allowed, but they must not shade neighbor's plantings and kept at least 1' inside of raised beds. All fencing, trellises and tomato cages must be removed at the end of the season. Non-removal may result in forfeiture of future garden rental.

Plantings: Gardeners may plant vegetables, fruits, and flowers. Gardeners may not grow any plants above 4 feet in height.

Supplies: Gardeners are solely responsible for the planning and management of their own gardens, including providing their own seeds, plants, fertilizer, and water buckets. The City will provide access to water, trash and compost bins.

Organic Methods: Gardeners must garden organically. Chemical fertilizers are not permitted. Use of compost, organic mulch, and weeding is always acceptable.

Water: Each gardener is responsible for watering his or her own plot. Gardeners will not overwater their plants.

Tools: Gardeners may bring their own tools into the garden, but they cannot store any tools in the garden. Gardeners are responsible for any damage caused by tools they bring into the garden and so should use them with care. Gardeners may not use any tools powered by gasoline, batteries, or electricity.

Plot Maintenance and Trash: Gardeners will maintain their gardens and adjacent paths in a clean and neat fashion, promptly removing any weeds, overgrowth, or other waste from their garden. Gardeners will promptly harvest edible plants. Gardeners are responsible for hauling and disposing of their own trash, such as weeds, boxes, trays, bags, packets, and similar items. Gardeners may not bring household trash or household compost to dispose of at the garden.

Yearly Clean-up: Gardeners will perform a yearly clean-up on their plots before garden closing on October 10, 2022. All vegetation and personal property must be removed from the garden by that date. The City will dispose of any remaining items.

Absence: Gardeners may not abandon their plots. Abandonment means failing to maintain a garden for two weeks. If a gardener expects to be away from the garden for more than two weeks, but less than two months, he or she must inform the City. The gardener and the City will then determine an alternative, such as a temporary substitute, acceptable to both. Gardeners who are away for more than 2 months will lose their gardens and any priority for a garden for the next year.

No Personal Property: Gardeners may not keep any personal property in or on their gardens when they are not in the garden. If gardeners leave personal property in their garden after the termination of their participation in the garden, the City will dispose of the property in any manner it sees fit.

Application Priority: The previous year's gardeners will have the first chance to reserve their same plots again for the next season. If those gardeners decline, the garden beds will be available to new gardeners, first to City residents on a first-come first-served basis as described in the preceding paragraph, then to nonresidents for any remaining unassigned plots.

C. CONDUCT

General Conduct: Gardeners are expected to be civil, honest, and cooperative in dealing with the City, garden neighbors, other gardeners, and guests of other gardeners.

Guests: Gardeners may bring guests, including children, into the garden, provided that the guests comply with the rules. Gardeners must supervise any child under the age of sixteen. Gardeners will be responsible for the conduct of children and their guests including making sure they do not damage or interfere with activities on other plots or otherwise engage in inappropriate conduct. Guest violations of these rules are treated as violations by the gardener.

Pets: Gardeners may not bring any pets or animals into the garden, with the exception of certified service animals, including for burial.

Respect Others' Property: Gardeners may not interfere with other garden beds or harvest another gardener's produce, without the explicit permission of the other gardener.

No Illegal Plants: Gardeners may not grow any plants considered illegal under state or federal law. For example, gardeners may not grow Cannabis sativa (marijuana), whether or not the use of marijuana may be lawful for medical purposes under state law.

Compliance: Gardeners must comply with all applicable local, state, and federal laws.

No Firearms: Gardeners may not carry, use, or store firearms in the garden.

No Smoking: Gardeners may not smoke in the garden.

No Alcohol/Drug Use: Gardeners may not consume or use alcohol or illegal drugs while on the garden premises. Gardeners may not bring alcohol or illegal drugs onto the garden premises. Gardeners may not come into the garden while under the influence of alcohol or illegal drugs.

No Fires or Cooking: Fires for any purpose, including but not limited to the burning of weeds, are prohibited in the garden.

No Loud Music: Gardeners may not play music or the radio at such a volume that the noise will be a nuisance to other gardeners or to the owners of property surrounding the garden.

No Sales: The garden is for personal, noncommercial use only; gardeners may not sell any produce or flowers grown in the garden.

No Transfers: The plot ownership may not be transferred to anyone outside of the owner's household or immediate family without the prior consent of the City.

Restroom: There will be a restroom onsite for gardeners and the public.

D. PROBLEMS

Dispute Resolution: Gardeners must contact the City about any disputes relating to the garden or with fellow gardeners. The City will have the power to hear these disputes and resolve them in the best interest of the garden.

Rules Violations: Gardeners may lose their rights to participate in the garden if they fail to comply with any of these rules. If a gardener:

- endangers other gardeners, City employees, neighbors, or other individuals;
- takes or uses another gardener's tools, supplies, or produce without permission;
- grows illegal plants;
- carries, uses or stores firearms in the garden;
- uses alcohol or illegal drugs in the garden; or
- fails to keep weeds under control;

the City may, at its discretion, terminate immediately the gardener's right to participate in the garden. Upon such termination, the gardener must leave the garden and remove all personal property from the garden by the end of garden hours on the day of termination and may not reenter without the City's permission.

If a gardener violates any of these rules, the City will inform gardener of the violation by sending an email and/or letter to correct the violation within one week after receipt of notice. If no response or correction has been made, the gardener will receive a written final notification that the gardener has forfeited gardening privileges and the plot for the remainder of the season, and will lose any priority to a garden plot for the next season. Terminated gardeners will be allowed to reapply for another garden only after one full season has passed, and only at the discretion of the City. Terminated gardeners are not entitled to any refunds or other payments from the City.

No Refund or Other Claims: Gardeners under no circumstances will be entitled, directly or indirectly, to any refunds, any direct, incidental, consequential, punitive, or other damages, any other forms of compensation from the City, or to obtain an injunction, specific performance, or other equitable remedy, as a consequence of termination from participation in the garden.

E. OTHER PROVISIONS

No Discrimination: The City will not discriminate against garden applicants or participants on the basis of race, color, national origin, religion, sex, disability, age, medical condition, ancestry, marital status, citizenship, sexual orientation, gender identity, or status as a veteran.