

COMMUNITY GARDENS PROGRAM 2011 RULES AND REGULATIONS

I. Overview

San José Community Gardens are intended to be beautiful, safe, and peaceful oases amidst the fast-paced life of Silicon Valley. The following set of rules and regulations have been designed for the following reasons:

- To ensure that community gardens are safe
- To ensure that community gardens are pleasant places to be and to look at: for gardeners, neighbors and the general public
- To establish fairness and equity among community gardeners
- To prevent damage to the land and groundwater
- To protect the future of community gardens in San José

As in any group endeavor, individuals must give up some of their individuality to accommodate the function of the group. Community gardening is no exception.

The Rules and Regulations are reviewed and revised annually in an ongoing effort to improve and keep them relevant to changing conditions. If you have suggestions or concerns, please call the Community Gardens Program office at 793-4165. However, unless official changes are made, you must abide by these rules and regulations as they are currently written. Failure to do so may result in the forfeiture of gardening privileges.

Because the Community Gardens Program has only one paid City staff person, everyone shares in the responsibility of enforcing these Rules and Regulations. Please voice your concerns about rule violations directly to the person in question, the garden manager or City Staff.

II. Who can participate in the San José Community Gardens Program?

Anyone age 18 or older who lives in San José may participate in the City of San Jose Community Gardens Program.

III. Plot Allocation, Registration, and Fees

1. One garden plot per individual or household. The Community Gardens Program uses the following guidelines to ensure that this rule is applied uniformly:
 - A community gardener may not garden more than one garden plot
 - Two (or more) adults living at the same address can each have their own garden plot if they garden only their own plot **AND** if they file their taxes independently and neither (none) is claimed as a dependent of the other
2. The person whose signature appears on the Registration Form is considered the primary plotholder and is ultimately responsible for the garden plot.
3. Garden plots are issued on a year-to-year basis from February 1 – January 31.
4. Current plotholders in good standing have the option of renewing their garden plots each year.
5. Returning plotholders must complete the Community Garden Registration Form and pay their annual water fee by the registration deadline of January 31. Those who do not meet the registration deadline will forfeit their gardening privileges and have their garden plot assigned to a new gardener.
6. If there are no vacant garden plots, prospective gardeners may add their name to the community garden waiting list, and they will be contacted—in the order on the waiting list—when garden plots become available.
7. Plotholders who relinquish their garden plot for any reason must notify someone on the Garden Management Team either verbally or in writing.
8. Plotholders who relinquish their garden plot may not directly transfer their plot to anyone else, including family or friends. Garden plots that become available will be re-assigned to new gardeners by the Community Gardens Program Coordinator or the Garden Management Team.
9. New plot holders must complete the Community Garden Registration Form and pay their annual water fee before they can begin gardening.
10. Payment of annual water fees is to be made by check or money order. **Cash is not accepted.**
11. Annual water fees are non-refundable, unless proof of a family or medical emergency is provided.
12. A fee will be charged annually to cover expenses related to water usage and basic upkeep of the garden. Each garden's management team sets the fee(s), which may also include a cleanup deposit, a fee for special events or projects, etc.
13. The Garden's Management Team will determine a pro-rated water fee for new plotholders who begin gardening mid-year.

14. Four (4) ADA accessible garden plots are available at Guadalupe Community Garden. Individuals with a disability will have priority in renting any of the four ADA accessible garden plots. If any of these four ADA garden plots are not occupied, those plots may be rented out temporarily to the general public. Please note: Those said garden plots must be relinquished immediately if and when an individual will require an ADA garden plot.

The definition of disability will be in accordance with the **Americans with Disabilities Act** (ADA) of 1990, Title 42, Chapter 126.

IV. Gardening Guidelines

A. ORGANIC GARDENING

The Community Gardens Program adheres strictly to the gardening principles, concepts, and practices popularly called “organic.” The use of pesticides, herbicides, chemical fertilizers, or other such substances or practices inconsistent with organic gardening are prohibited and may result in the immediate revocation of gardening privileges. *(Please refer to the “Garden Product Policy Guidelines” on page 8 for more information.)*

B. PLANTING SCHEDULE

1. Community garden plots must be planted and maintained year-round.
2. Summer gardens must be planted by May 1st.
3. Remains of summer gardens must be removed by December 1st.
4. To prevent the spread of rust, garlic is to be planted in November and harvested by May. When garlic is left in the ground for too long, it is possible for rust to form on the garlic and then spread to other gardeners’ plots.
5. Plotholders must plant cover crops if they do not actively garden during the winter.

C. PLANTING GUIDELINES

1. Plotholders may grow vegetables, fruits, herbs and flowers in their plot.
2. Plotholders may not plant **trees or woody perennials** in their plot. Those trees and woody perennials already existing in garden plots can be removed at the earliest convenience or when the plant goes dormant.
3. Crops should be rotated.
4. Plotholders should grow a variety of plants and should never grow less than two types of plants at any one time.
5. The Volunteer Management Team must approve planting of water-intensive crops such as taro and sugar cane. Growing of rice is prohibited.
6. Respect the need of your neighbors’ plants for sunlight. Do not plant tall crops in a way that will cause excessive shading to nearby plots.
7. Place all plants and trellises at least 12” inside plot perimeter. Do not construct or erect trellises more than 6’ high. Arbors are not allowed.

V. Plotholder Responsibilities

1. Plotholders are responsible for the year-round maintenance of their garden plots and the surrounding pathways. Plots and pathways must be kept free of weeds, trash and other debris at all times.
2. Common areas are maintained as a shared responsibility by all gardeners. Such maintenance will occur at garden cleanups scheduled by the Volunteer Management Team and/or on an ongoing basis.
3. Plotholders are required to attend scheduled garden cleanups or make alternative arrangements with the Volunteer Management Team to assist in the maintenance of the garden.
4. Plotholders may contribute to the community garden in additional ways, such as making phone calls, writing newsletters, etc., as coordinated with the Volunteer Management Team.
5. Plotholders must attend garden meetings (if your garden schedules meetings). If you are unable to attend a meeting, you must make alternative arrangements with the Volunteer Management Team.
6. Plotholders must be involved in the hands-on cultivation of their plots.
7. Plotholders may not pay for someone else to garden their plot.
8. In the event of a family emergency, illness or injury, vacation, or other unforeseen circumstance, plotholders may arrange for other people to tend their garden plot, but plotholders must also notify the Volunteer Management Team.
9. Plotholders must notify the Volunteer Management Team of the following: irrigation problems such as water leaks, graffiti, theft, vandalism, rule violations, pest or disease problems.
10. Plotholders and their guests must comply with all rules and regulations.
11. Primary plotholders will be held accountable for the behavior of their guests.

VI. Violations of Community Gardens Program Rules & Regulations

The Volunteer Management Team is authorized by the City to enforce these Rules and Regulations, and in doing so will take action, including dismissal, against any gardener who is in Violation according to the Due Process. When a gardener violates the Program Rules and Regulations, the violation will be reported using the Violation Incident Report (see pg. 6 for an example) which will be issued to the gardener by the Garden Manager. Failure to acknowledge the Violation Incident Report by not signing the Report will be an admission of guilt and may result in the forfeiture of your participation in the Program.

DUE PROCESS

- Step 1 – Verbal Warning
- Step 2 – Written Warning – no more than two per year
- Step 3 – City Staff to give dismissal notice
- Step 4 – (Optional) Gardener may request for an appeal, in writing (letter or e-mail), within 10 business days of receiving the dismissal notice
- Step 5 – Dependent upon committee recommendation, City Staff to give final written notice

ESTABLISHING A COMMITTEE

1. Every individual community garden will establish a committee to oversee the due process as an Appeal Board.
2. The committee does not replace the manager, but helps with difficult decisions.
3. The committee must be made up of at least five currently registered gardeners from that garden.
4. The committee should reflect the diversity of the garden as much as possible, including, but not limited to ethnic background, age and length of time a gardener has been at the garden.
5. The committee will follow the Appeal Board Guidelines as set forth by the Community Gardens Program Coordinator. Please see Program Coordinator for a copy of the guidelines.

VIOLATIONS WARRANTING IMMEDIATE DISMISSAL

1. Theft of tools and equipment
2. Theft of produce and plants
3. Vandalism of tools, equipment and City Property
4. The use of alcoholic beverages and illegal drugs of any kind, in any area of the City's Community Gardens
5. More than two written warnings in a calendar year
6. Failure to pay registration fee by the deadline

Violation Incident Report

(SAMPLE)

Date: _____

Time: _____

Community Garden: _____

Name of Gardener

Name (first/last): _____ Plot #: _____

Description of Violation (Brief description – if needed, continue on back of page)

Reference; Community Gardens Program Rules & Regulations

Page _____ Section _____ Paragraph _____ Line _____

Additional Witnesses (if applicable)

First Name: _____ Last Name: _____ Plot #: _____

First Name: _____ Last Name: _____ Plot #: _____

Action Taken

- 1. First Warning Verbal Written
- 2. Second/Final Warning Written Reported to City Staff

I have received a copy of this report: _____	
Gardener Signature	
Garden Manager Signature: _____	Date: _____

VII. At the Community Garden

1. **HOURS OF OPERATION:** Community gardens are open from sunrise to sunset. (Cornucopia and El Jardín open at 8:30 a.m.)
2. **BEHAVIOR:** Foul language or offensive behavior is prohibited.
3. **GATES:** In general, garden gates should be kept closed and locked at all times.
4. **CARS:** Vehicles are not allowed in the garden, except in designated parking areas.
5. **WATER:** The amount of water used determines future water fees. No unattended watering. All gardeners are authorized to turn water off if it has been left unattended. Excessive water use may result in a fine as determined by the garden manager.
6. **BATHROOM:** Proper bathroom facilities must be used. Urinating or defecating in the community garden is prohibited.
7. **GARBAGE:** Unless your garden has arranged for garbage removal, you must take any garbage you generate with you to discard elsewhere. Discarding of garbage on the ground or in compost or green waste piles is prohibited.
8. **GREEN WASTE:** Weeds and plant material should be composted on-site or placed in the green waste collection area(s). Green waste should not be thrown away or left in the pathways.
9. **NO SELLING:** Produce from community gardens is primarily for family consumption. Excess food can be preserved for future use, shared with friends or neighbors, or donated to local food banks. **You may not sell your produce.**
10. **HARVESTING:** Harvest only from your own plot. The unauthorized taking of produce from another gardener's plot will result in the immediate revocation of your garden plot.
11. **IRRIGATION SYSTEM:** Any alterations to the irrigation system must be approved by the Volunteer Management Team. No alterations can be made to the irrigation system on Fridays, Saturdays, Sundays, or holidays because of the risk of an accident and the limited availability of City staff during these times. In the event of an irrigation emergency, you should contact your garden manager and/or the Community Gardening Program at (408) 793-4165. On weekends, please call the City of San José Call Center at (408) 535-3500. Any alterations to the MAIN irrigation line are prohibited.
12. **TOOLS:** Garden-owned tools are for garden use only and should be cleaned and returned to the toolshed after use. Tools must be kept locked in the toolshed overnight and should never be taken off the garden premises.
13. **SMOKING:** Smoking in the community garden is prohibited.
14. **CONTROLLED SUBSTANCES:** No alcoholic beverages or illegal drugs of any kind allowed.
15. **ANIMALS:** Pets are not allowed in community gardens. Feral cats can be kept at a garden for rodent control if the following guidelines are strictly followed:
 - If agreed upon by a majority of gardeners in a committee
 - No more than 3 cats per garden
 - All cats must be neutered and immunized
 - When cat caretakers leave the garden, they must take the cats with them or make appropriate arrangements for their future care
 - Cats must be fed in an area far way from garden plots

Garden Product Policy Guidelines

The use of materials or products harmful to humans is prohibited. The use of fertilizer material or tillage methods harmful to the soil's structure, fertility or microorganisms is prohibited.

	Allowed	Prohibited
PEST AND DISEASE CONTROL	<ul style="list-style-type: none"> • bacillus thuringiensis(Bt) • soap spray • pepper and onion spray • sulfur • wood ashes • sour milk solution • tanglefoot • marigolds • netting • lady bugs • lace wings • beneficial nematodes • dormant oils • micro-cop or equivalent (orchard use only) • diatomaceous earth (DE) • baking soda • Borax, boric acid • Sluggo • mole and gopher traps 	<ul style="list-style-type: none"> • rotenone • pyrethrum (pyrethrate, pyrethroids) • nicotine sulfate • malathion • diazinon • sevin • organophospates • Roundup • Finale • Dursban • organochlorides • chlorpyrifos
FERTILIZERS	<ul style="list-style-type: none"> • Cottonseed • blood, bone, horn and hoof meals • kelp • manure • compost • liquid fish or seaweed • similar fertilizers classed as "organic" 	<ul style="list-style-type: none"> • ammonium sulfate • muriate of potash • superphospates • highly soluble chemical fertilizer