

COMMUNITY GARDENING PROGRAM 2006 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 has 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 them and keep them relevant to changing conditions. If you have suggestions or concerns, please call the Community Gardening 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. If you feel these rules place unfair restrictions on you, then perhaps you should reconsider your decision to garden in a community situation.

Because the Community Gardening Program has only one paid City staff person (who is not paid to be a policeman!), everyone shares in the responsibility of enforcing these Rules and Regulations. Please voice your concerns about rule violations directly to the person in question or to volunteer staff. City staff will be notified by volunteers when necessary.

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

Anyone age 18 or older who lives in San José or one of its neighboring towns (including Campbell, Cupertino, Los Gatos, Milpitas, Monte Sereno, Santa Clara, Saratoga, and Sunnyvale). However, San José residents have priority over non-residents when plots are assigned.

All plotholders, regardless of residency, share the same privileges.

III. Plot Allocation, Registration, and Fees

1. One garden plot per individual or household. The Community Gardening 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. However, family and friends are welcome and encouraged to participate.
3. Garden plots are issued on a year-to-year basis, from January 1 – December 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. 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 one or more 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 garden management team.
9. New plotholders 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 only. **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 volunteer management team sets the fee(s), which can 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.

IV. Gardening Guidelines

A. ORGANIC GARDENING

The Community Gardening Program adheres strictly to the gardening principles, concepts, and practices popularly called “organic.” 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 Guidelines” 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. 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. To prevent the spread of rust, garlic is to be planted in November and harvested by May.
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. Volunteer staff 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.

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 staff and/or on an ongoing basis.
3. Plotholders are required to attend scheduled garden cleanups or make alternative arrangements with garden staff 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 staff.
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 volunteer staff.
6. Plotholders must be involved in the hands-on cultivation of their plots, though family and friends are welcome to share in the responsibility.
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 volunteer staff.
9. Plotholders must notify volunteer staff of the following: water leaks or other irrigation problems; graffiti, theft, or 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. 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 loud offensive behavior is not permitted.
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.
6. **BATHROOM:** Proper bathroom facilities must be used. Urinating or defecating in the community garden is prohibited.
7. **GARBAGE:** Pack it in, pack it out. 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 and permanent revocation of your garden plot.
11. **IRRIGATION SYSTEM:** Any alterations to the irrigation system must be approved by volunteer staff. 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, the Community Gardening Program at (408) 793-4165, or on the weekend, call the City of San José Call Center at (408) 535-3500.
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:** No smoking in the garden when other, non-smoking gardeners are present. Cigarette butts should be disposed of properly.
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 away from garden plots.