

CITY OF MILPITAS  
COMMUNITY GARDEN RULES AND REGULATIONS

The Recreation Program Coordinator or his/her authorized representative will act as the Community Garden Coordinator, hereafter referred to as "Coordinator."

**Plot Assignments & Fees**

1. An annual plot fee will be assessed to all plotholders. The following fee schedule will apply:

Milpitas Resident	\$60
Milpitas Resident, Senior Citizen (50 years and over)	\$15.00

**A one time refundable deposit of \$100.00 is required. Deposit is returned when the plot is relinquished and cleaned out by the plotholder to satisfaction of Coordinator.**
2. Plotholders may not begin gardening until their annual plot fee is paid in full. Registration packets will be mailed from the Recreation Services office annually.
3. It is the responsibility of each plotholder to provide the Coordinator with an up-to-date address, telephone number, and email address (if applicable). Milpitas residents must provide two proofs of Milpitas residency (i.e. a photo ID such as CA Driver's License or CA ID Card, and a current utility bill, bank statement or credit card statement).
4. New plots are issued on a first-come-first-served basis. Only Milpitas residents are eligible to be assigned plots. Any individual interested in obtaining a plot should contact the Coordinator or the Recreation Services Office. If a plot is not available immediately, the individual's name will be placed on a Waiting List. The City reserves the right to hold up to 10% of the plots for educational use by local schools and/or City Programs.
5. Plotholders who do not intend to continue gardening the plot for any reason should promptly notify the Coordinator so the plot may be reassigned.
6. Plotholders do not have any ownership interest in their assigned plot. Plot assignments may only be transferred to the plotholder's spouse, and only by the Coordinator upon written request from the assigned plotholder. Plots cannot be sublet.
7. No person may use a vacant plot without prior written approval from the Coordinator and payment of the annual fee. Only one plot is allowed per household. Gardens will be confined to designated areas.
8. Plotholders can only garden his/her assigned plot.
9. Plotholders must physically cultivate their assigned plot but may have unpaid assistance from friends and family.

**Gardener Conduct**

10. The behavior of family members and friends is the plotholder's responsibility. No one is permitted to engage in loud, offensive, or boisterous activity within the garden enclosure.
11. No alcohol, smoking, illegal drugs of any kind or fighting allowed in, or around the Community Garden at any time.
12. Pets other than certified Service Animals are not permitted in the garden at any time.

13. All plots must be maintained in a manner acceptable to the Coordinator. This includes normal weeding, watering and general care of the assigned plot. The surrounding pathways are to be kept free of weeds-encroaching plants and debris. Plotholders are responsible for at least one half the width of the pathway adjacent to the garden plot and 3 ft. of the pathway if adjacent to the main entryways.
14. Each plot holder will be issued a key for the locks on the garden gates. The key is not to be shared with anyone outside of immediate family and spouses. Plotholders are required to close gates and lock all locks upon entering and leaving the garden. If a key is lost, the plotholder will be charged a \$100.00 replacement fee.  
\_\_\_\_\_ **Plotholder Initial Here**
15. Plotholders are not allowed to make copies of the key. If found in violation, it will result in the immediate revocation of the plotholder's gardening privileges and plot without a refund, and pay the cost of replacing the locks and keys for the entire garden and other gardeners.
16. Gardeners Meetings will be held on a quarterly basis. All gardeners must attend at least one Gardeners Meeting during the year. Plotholders who fail to attend at least one meeting will not be able to renew.
17. Garden hours: Sunrise until Sunset.  
Power Equipment (i.e., fuel operated soil tillers) can be used 7:00 am-Sunset.

### **Gardening**

18. Produce from the garden is to be used for family consumption and may not be grown for sale, profit, or used in a business.
19. All loose materials (refuse, tools, etc.) must be cleared from the area each day. Sheds of any kind are not permitted in plots.
20. Only flowers, fruits, vegetables, and herbs may be grown in the plots. Animal husbandry is not allowed. Only plant species that do not present a danger to others and that produce edible food may be grown. No illegal plants are allowed.
21. Tall plants such as corn, sugar cane and sunflowers must be located such that they do not produce shade on adjoining plots and do not protrude into pathways.
22. Trellises of any kind must be kept no higher than five (5) feet. Perimeter fences are not to be used as trellises. All trellises must be cleaned of all non-producing annuals soon after the plants stop producing.
23. Trees and permanent structures are not permitted in plots.
24. Cactus and woody perennials must be kept pruned to a height of no more than 6 feet and may only be grown along the south side of the assigned plot.
25. All plants that spread roots or rhizomes (i.e., mint and horseradish) must be in an above ground container/planter that is not a permanent structure.
26. There is no planting of water intensive crops (i.e., sugar cane, taro) allowed.
27. Use of poison grains for rodent control is prohibited. Pesticides are not permitted in the garden. Please contact the Coordinator for use of alternatives.
28. Monoculture – exclusively growing only one cultivar – may not be practiced in any assigned plot.

29. Assigned plots must be maintained in all seasons. Plots should not lay fallow and must be kept free of excessive weed growth.
30. Compost piles may be made only in areas designated by the Coordinator for that use. No trash is permitted in compost piles. Individual plots may have a compost pile no larger than 3' wide by 3' long by 3' high, and the pile must be within the plot boundaries.
31. Vandalism or theft of produce, plants, tools, and/or other gardeners' or City property will be cause for immediate revocation of plotholder privileges and possible criminal prosecution. If the individual involved is not a plotholder, he/she will be turned over to the appropriate authorities. Any plotholder who witnesses any theft or vandalism of a plot, must notify the Garden Coordinator immediately. \_\_\_\_\_ **Plotholder Initial Here**

### Watering

32. To encourage water conservation, gardeners are required to stay in the vicinity of their plots while watering. All gardeners are requested to turn off all faucets at unattended plots. Drip Irrigation and timer systems may be used with the approval of the Coordinator.  
  
I understand approval must be obtained from the Coordinator prior to installation of drip irrigation and timer systems. \_\_\_\_\_ **Plotholder Initial Here**
33. It is preferred that watering be done before 10:00 am and after 4:00 pm, 7 days a week.

### Vehicle Access

34. Personal vehicles are permitted at the Cesar Chaves Community Garden for the purpose of loading and unloading equipment and supplies only. Vehicles must be relocated to the street via the approved access road when done loading/unloading. Community Garden loading and unloading is only allowed on the graveled area on the south side of the garden.
35. Vehicle access is only permitted on the designated access road (gravel pathway that begins at Weller Elementary School's front parking lot on Boulder Street). No vehicle access is allowed from Dixon Road or Coelho Street.
36. Vehicles are not allowed on the access road during the hours of 7:45-8:30 am and 1:45-2:30 pm, Monday-Friday, when school is in session (school's drop-off and pick-up times).
37. Only vehicles with a valid California Disabled Person Parking Placard or a Disabled Person License Plate are permitted to park on the south side of the garden for the duration of their garden visit. Vehicles cannot park inside the Community Garden.
38. Each plot holder will be issued a Community Garden Vehicle Pass with his/her plot number. The pass must be visible when driving on the access road and at the Community Garden.
39. Vehicle access and parking allowances are subject to change to be in accordance with the most current City of Milpitas and Milpitas Unified School District Joint Use Agreements.
40. If a plotholder violates any of the above Vehicle Access rules, the result may be the immediate revocation of the plotholder's gardening privileges and plot without a refund.

**Drought Plan**

40. In the situation where the State of California or City of Milpitas declares a water shortage, plotheolders will be required to adhere to the water conservation measures instituted by the State/City. If a plotheolder violates the measures instituted, the result will be the immediate revocation of the plotheolder's gardening privileges and plot without a refund.

**Garden Team**

41. The Coordinator will be assisted by a Garden Team. The Garden Team will consist of 5 plotheolders who will serve a term of 3 years and 1 Parks, Recreation & Culture Resources Commissioner. The goal of the Garden Team is to improve the structure of the Community Garden program. Duties will include, but are not limited to:
- a. Attend meetings with Coordinator (every 1-4 months)
  - b. Provide feedback to Coordinator on garden issues (i.e.; maintenance, violations)
  - c. Serve as liaisons with other gardeners to ensure 2-way communication
  - d. Provide input on garden issues and future improvements
  - e. Assist in planning Community Garden meetings, guest speakers, volunteer projects

Interested plotheolders can submit a Garden Team Application. Recreation Services staff will conduct interviews from the applicants and select the Garden Team members.

**Non-Compliance/Violations and Consequences**

42. In the event of non-compliance with any of the above rules, this procedure will be followed:
- A. The Coordinator will issue a written warning to the individual plotheolder.
  - B. If at the end of a 30 day period the problem has not been solved, or arrangements have been made to resolve the problem, the plot will be reassigned to the next person on the waiting list. Annual fees will not be refunded.
  - C. Plotheolders may appeal any action to the Community Garden Coordinator in writing within 30 days of notice of the action. The Coordinator will submit a staff report and recommendation to the PRCRC at their next regularly scheduled meeting for review and appropriate action.
  - D. Plotheolders are only allowed two (2) violations in a year. A third violation in the same year will result in the revocation of the garden plot and no refund of annual fees.
- **Please Note: Depending on the severity, a non-compliance/violation may result in the immediate revocation of the plotheolder's gardening privileges and plot without a refund of fees and deposit.**

**NOTE:** Please contact Coordinator at (408) 586-3408, 40 N. Milpitas Boulevard, Milpitas, California, 95035, if you would like more information on these rules and regulations or any other aspect of the Community Garden Program.

I have read the Community Garden Rules and Regulations and understand that non-compliance will result in plot and fee forfeiture.

Signature of Plotheolder: \_\_\_\_\_

Date: \_\_\_\_\_