

CITY OF MILPITAS
COMMUNITY GARDEN RULES AND REGULATIONS
DRAFT

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	\$60.00
Milpitas Resident, Senior Citizen (50 years and over)	\$15.00-
Non-Resident	\$90.00
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).
4. New plots are issued on a first-come-first-served basis. Milpitas residents **only** ~~will have first priority over non-residents to garden 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 Garden Coordinator so the plot may be reassigned.**
6. **Plotholders do not have any ownership interest in the plot and may not transfer a plot to anyone else, including a family member. A plot transfer is only allowed between spouses. 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. **A plotholder and /or assistant may not garden more than one garden plot.**
9. **A plotholder must be involved in the hands-on cultivation of his/her own plot.**

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. **No parking in or outside of garden is allowed. Street parking is available on Dixon Road and Boulder.** ~~Personal vehicles are permitted on the garden premises only to load and unload tools and materials.~~

Upon completion, vehicles will be moved to Dixon Road for parking. No parking is permitted on the site or surrounding School/Hetch-Hetchy property (see diagram).

14. 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. **Pllotholders 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 driveway.**
15. **Each plot holder will be issued a key for the locks on the garden gates. The key is not be shared with anyone other than your authorized assistant(s). ~~Pllotholders must erase the combination (turn all numbers to 0) upon opening the garden gate lock.~~** Pllotholders are required to close and lock all ~~gates and erase the combination~~ upon entering and leaving the garden. **If a key is lost, the pllotholder will be charged a \$5.00 replacement fee.** _____ Pllotholder Initial Here
16. **Pllotholders are not allowed to make copies of the key. If found in violation, it will result in the immediate revocation of the pllotholder'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.**
17. **Gardeners meetings will be held throughout the year. All gardeners must attend at least one Gardeners Meeting during the year.**
18. Garden hours: 2 hours after sunrise until sunset.
Power Equipment (i.e., fuel operated soil tillers) can be used during the following hours:
Monday-Friday, 9:00 am-8:00 pm; and Saturdays, Sundays, Holidays, 11:00 am-6:00 pm

Gardening

19. Produce from the garden is to be used for family consumption ~~and not as a commercial commodity (sold or used in a business).~~ **and may not be grown for sale, profit, or used in a business.**
20. All loose materials (refuse, tools, etc.) must be cleared from the area each day. Sheds of any kind are not permitted in plots.
21. Only flowers, fruits, vegetables, and herbs may be grown in the plots. Animal husbandry is not allowed. No planting of poisonous and/or illegal plants.
22. 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.
23. 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.**
24. Trees and fencing are not permitted in plots.
25. **No new/additional cactus, woody perennials (i.e., grapes and berries) will be permitted. Existing cactus, woody perennials (i.e., grapes and berries) must be remove by pllotholder when vacating plot.**
26. **All plants that spread roots or rhizomes (i.e., mint, horseradish, nettle) must be in an above ground container/planter that is moveable.**
27. **There is no planting of water intensive crops (i.e., sugar cane, taro) during periods of water conservation.**

28. Use of poison grains for rodent control is prohibited. Pesticides are not permitted in the garden. Please contact the Garden Coordinator for use of alternatives.
29. **Pllotholders should grow a variety of plants and should never grow less than two types of plants at one time.**
30. **Garden plots must be maintained year-round. Pllotholder must show evidence of active gardening, digging, sowing, planting, weeding, pruning, watering, harvesting, etc. once a week during the growing season. Pllotholders who do not actively garden during the winter either have to plant a cover crop, cover their plot with plastic or maintain their plot free of weeds.**
31. 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.
32. The **vandalism or** theft of produce, plants, **tools**, and/or other **gardeners' or City** property will be cause for immediate revocation of pllotholder privileges and possible criminal prosecution. If the individual involved is not a pllotholder, he/she will be turned over to the appropriate authorities. **Any pllotholder who witnesses any theft or vandalism of a plot, must notify the Garden Coordinator immediately.** _____ Pllotholder Initial Here

Watering

33. **Water hoses cannot be open-ended. All hoses must have an automatic shut-off nozzle.**
34. 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. _____ Pllotholder Initial Here

35. It is preferred watering be done before 10:00 am and after 4:00 pm, 7 days a week.

Drought Plan

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

Garden Team

37. **The Community Garden Coordinator will be assisted by a Garden Team. The Garden Team will consist of 3-5 pllotholders, who will serve a period of 3 years and 1 Parks, Recreation and Cultural 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:**
- Attend meetings with Coordinator (every 1-4 months)**
 - Provide feedback to Coordinator on garden issues (i.e.; maintenance, violations)**
 - Serve as liaisons with other gardeners to ensure 2-way communication**
 - Provide input on garden issues and future improvements**
 - Assist in planning Community Garden meetings, guest speakers, volunteer projects**

Interested plotholders 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

38. 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 plotholder.
 - B. If at the end of a 30 day period the problem has not been solved, **or arrangements have been made**, the plot will be reassigned to the next person on the waiting list. Annual fees will not be refunded.
 - C. Plotholders 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. Plotholders 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 plotholder's gardening privileges and plot without a refund.**

NOTE: Please contact Coordinator at (408) 586-3210, 457 E. Calaveras Blvd., 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 Plotholder: _____

Date: _____