

**CITY OF ABSECON**

**ORDINANCE 05-2024**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 250 “PARKS, PLAYGROUNDS AND RECREATION AREAS” THE CODE OF THE CITY OF ABSECON TO PROVIDE THE ESTABLISHMENT OF A COMMUNITY GARDEN AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT THEREWITH**

**WHEREAS**, the governing body wishes to provide gardening and recreational opportunities to the City of Absecon residents by establishing a Community Garden; and

**WHEREAS**, the governing body finds that establishing a Community Garden is in the best interest of the City; and

**WHEREAS**, the City of Absecon seeks to create a community garden on a designated area of City property located in Block 72 Lots 6 and 23, also known as the “Dr. Jonathan Pitney Park”, 939 Pitney Road, Absecon, New Jersey, 08201; and

**WHEREAS**, the City of Absecon continues to work toward Sustainable Jersey certification, the “action” of creation of a Community Garden will qualify the municipality for points toward certification; and

**WHEREAS**, The City of Absecon in conjunction with the Absecon Green Team Advisory Committee will develop modest rules and regulations to ensure the peace and good order of the garden area to be adopted and amended by City Council Resolution.

**WHEREAS**, the Mayor and City Council have determined it to be in the best interest of the public health, safety, and welfare to amend Chapter 250 to establish a Community Garden and provide for its maintenance, care, and operation.

**BE IT ORDAINED**, by the Mayor and City Council of the City of Absecon, County of Atlantic and State of New Jersey as follows:

**SECTION 1:** A new Article III entitled “Community Garden” shall be created in Chapter 250 – “Parks, Playgrounds and Recreation Areas” of the City Code.

**SECTION 2:** In Chapter 250 – “Parks, Playgrounds and Recreation Areas” under Article III “Community Garden” shall be added the following as a new section §250-24 entitled “Preamble”:

The City of Absecon has created a Community Garden for the benefit of its residents on a designated area of City property located in Block 72 Lots 6 and 23, also known as the “Dr. Jonathan Pitney Park”, 939 Pitney Road, Absecon, New Jersey, 08201. The Absecon Green Team Advisory Committee with the aid of the City of Absecon will construct infrastructure for the community garden with fencing and up to fifteen 8’x4’x2’ raised garden beds. These beds will be made available to the public on a seasonal basis; May 1 through October 31. Members of the public wishing to participate must submit an application in accordance with the then currently adopted Community Garden Rules and Regulations by the deadline set forth therein to the City Clerk’s office along with a non-refundable

processing fee of \$10, if selected they will pay a fee set by the Community Garden Rules and Regulations, not to exceed \$100, to secure their garden bed for the season.

**SECTION 3:** In Chapter 250 – “Parks, Playgrounds and Recreation Areas” under Article III “Community Garden” shall be added the following as a new section §250-25 entitled “Rules and Regulations”:

The Absecon Green Team Advisory Committee will establish Community Garden Rules and Regulations for the operation of the Absecon Community Garden which shall be approved and adopted by City Council by Resolution and may thereafter, from time to time, be amended by City Council Resolution. These rules and regulations will be enforced by the then current Community Garden Coordinator, a volunteer appointed position of the Absecon Green Team Advisory Committee.

**SECTION 3:** In Chapter 250 - Parks, Playgrounds and Recreation Areas under Article III “Community Garden” shall be added the following as a new section §250-25 entitled “Selection of Gardeners”:

The selection of gardeners shall be conducted by the Absecon Green Team Advisory Committee. The selection process will be based upon specific criteria set forth in the Community Garden Rules and Regulations. Two of the raised beds will be reserved for the Green Team Advisory Committee for the purpose of the production of food donations. The remaining beds will be available to the public through the selection process.

**SECTION 4:** All ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 5:** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 6:** This Ordinance shall take effect upon passage and publication as provided by law.

**DATED: February 15<sup>th</sup>, 2024**

**SIGNED: \_\_\_\_\_**  
**Kimberly Horton, Mayor**

**ATTEST: \_\_\_\_\_**  
**Carie A. Crone, RMC, Municipal Clerk**

Passed on first reading at a regular meeting of the Municipal Council held on February 1<sup>st</sup>, 2024. Laid over and advertised for public hearing and final adoption on February 15<sup>th</sup>, 2024.