

**CITY OF ABSECON**

**RESOLUTION 52-2024**

**A RESOLUTION ESTABLISHING RULES, REGULATIONS,  
APPLICATION PROCESSES, AND SELECTION CRITERIA FOR  
COMMUNITY GARDEN PLOT LICENSEES**

**WHEREAS**, the City of Absecon is proud to open a new community garden; and

**WHEREAS**, the garden will provide residents with the opportunity to grow plants and vegetables for private use.

**WHEREAS**, the governing body of the City of Absecon determined that building a community garden is in the best interest of the City, and

**WHEREAS**, the City of Absecon in conjunction with the Absecon Green Team Advisory Committee has established rules, regulations, application processes, and selection criteria to ensure the peace and good order of the garden area.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Absecon, County of Atlantic, State of New Jersey, that the Rules, Regulations, Application Processes, and Selection Criteria for community garden plot licensees for the 2024 season attached hereto and incorporated herein shall be adopted to keep peace and good order of the facility and made available to all members of the public interested in and/or wishing to use space in the community garden.

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

**This is to certify that this is a true  
copy of a Resolution adopted by the  
Council of the City of Absecon at a  
Regular Meeting held February 15<sup>th</sup>, 2024**

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

# **CITY OF ABSECON COMMUNITY GARDEN**

## **RULES & REGULATIONS**

Participants in the community garden will be subject to the following rules and regulations:

### **Rules of Operation**

**Hours:** Operating hours for the community garden shall be from dawn to dusk. No one is permitted to enter the community garden during non-operating hours. The entranceway to the community garden shall be locked during non-operating hours.

**Minimum Age Requirement:** All gardeners interested in renting a plot must be 18 years or older. Minors may assist in maintaining plots as long as they are supervised by a guardian.

**Gardening Season:** Planting, harvesting, and work related to same may only be performed during the gardening season. The gardening season shall commence May 1 and conclude October 31st.

**Harvesting:** Crops must be harvested once they are mature. Leaving mature crops to rot will not be permitted.

**Community Gardening Watering System:** The water must be turned off after each use. If the water is routinely left on, the City will be forced to only allow watering to take place on specific days and times as determined by the City staff

**Weeding:** Maintenance of garden plots includes WEEDING. All weeds, rocks and other similar waste are to be disposed of in the designated receptacles or taken off site.

**Invasive Plants:** No invasive species of plants may be planted in the community garden. The Community Garden Coordinator shall have sole authority to determine whether a plant is an invasive species.

**Cultivation Methods:** The City of Absecon reserves the right to bar the usage of fertilizers and/or herbicides. For the health and safety of all participants, only green methods and products are to be used in the Community Garden. The Absecon Community Garden aims to be one hundred percent organic, free from pesticides, and nonorganic fertilizers. In-ground conventional gardening, wherein plants are placed directly into native soil, is banned. All participants will garden exclusively in their designated plot.

**Garden Access:** Gardeners will be given a code for the use of the facility. Sharing the code without permission from the Community Garden Coordinator is prohibited.

**Pests:** Gardeners must remove bug infested and diseased vegetation promptly from the garden via plastic bags or another vessel to minimize infestations in neighboring plots. It is prohibited for the diseased vegetation to be added to the composting area or tossed over the fence to prevent contamination and to ensure the integrity of the plots.

**Non-Vegetation Items:** Trellises, supports, or cages are permitted as long as they do not exceed 5 feet and do not shade another's plot. Decorations, flags, ornaments are permitted as long as they do not exceed 5 feet and do not shade another's plot.

**Garden Activity:** Gardeners must show evidence of activity no later than May 15, or two weeks after they join if the season has begun. This includes weeding of their plot and nearby pathways and surrounding areas even if they do not plant until later. Failure to do so will result in a violation notice.

### **Rules of Conduct**

**Behavior:** All gardeners must maintain good conduct and civil behavior at all times. Verbal and or physically abusive behavior will not be tolerated. All gardeners will refrain from borrowing or removing anything from the beds of other gardeners. In the event vandalism or theft is discovered, participants will notify the Community Garden Coordinator immediately. Anyone caught in the act of vandalism or theft will be immediately removed and permanently banned from the Community Garden. No participant will water another gardener's bed unless asked to do so. All gardeners and their visitors shall comply with all applicable laws, rules and regulations of the United States, the State of New Jersey and the City of Absecon. Gardeners shall also be bound by the rules and regulations that are in place for the use of the City's parks and recreation areas.

**Garden Absences:** All participants will notify the Community Garden Coordinator if they are unable to maintain their plots for any period of time or if they wish to turn their plot over to the Community Garden Coordinator. All application fees and rental payments are non-refundable.

**Visitors, Guests, Children:** The Gardener agrees to accompany and supervise any guest, visitor, and/or children brought into the community garden at all times and also agrees to be responsible for the conduct of any of these parties. The City of Absecon nor the Absecon Green Team Advisory Committee will be held responsible for any injuries sustained by any visitor, guest or child.

**Pets:** Pets and other animals are prohibited from entering the gardening areas. **Smoking:**

Smoking is prohibited on the premises of the community garden.

**Fall Cleanup:** All plants and weeds must be completely removed from their beds by the end of the season, October 31st. A thoroughly cleaned bed is a condition for application in future seasons.

### **Violation of Membership Rules**

In the event the Gardener violates any of the community gardens rules, policies, or practices the Gardener will be issued a written notification by the Community Garden Coordinator and will be provided with reasonable opportunity to redress/correct the violation. In the event that no redress/correction is made and no response to the notification is received within two (2) calendar weeks of the date of the written notification, a second notification will be issued.

If no redress/correction is made and no response is received within two (2) calendar weeks following the second notice, a final notice will be issued informing the gardener of the suspension, or total forfeiture of gardening privileges and access to the garden plot(s). A gardener's violation of any rules may result in the gardener being prohibited from future participation in the Community Garden.

In the event the gardener violates any of the City of Absecon's rules, terms or conditions set forth herein, the gardener's participation may be immediately suspended and may result in permanent loss of the gardener's plot. There will be no refund for suspension as the membership and application fees are non-refundable.

### **Application Process**

Anyone from the public may apply for participation in the Community Garden. Applicants will submit an application form to the Clerk's Office with a \$10 non-refundable processing fee. Applications will be reviewed by the Absecon Green Team Advisory Committee and 13 applications will be selected for seasonal membership. If selected for participation, applicants will sign a hold harmless agreement in the form attached and will pay a membership fee of \$50 to secure their spot for the season.

### **Selection Criteria**

The Absecon Green Team Advisory Committee will strive to select applicants based on perceived need; however, the Absecon Green Team Advisory committee will take many factors into consideration when selecting participants, including but not limited to: resident status, housing situation, perceived enthusiasm, Green Team support, and gardening know-how. In subsequent seasons, gardeners who thoroughly followed all rules in the previous season will be given preference as well.

**Release, Indemnification and Hold Harmless Agreement**  
**Between: City of Absecon and Absecon**

1. (Community Gardener) agrees to release, defend, indemnify and hold harmless the City of Absecon, its officers, agents and employees from and against any claims, causes of action, attorney's fees and expenses, arising out of related to the community garden.
2. The facilities will be used for the following purposes only:
  - a. Planting and harvesting of vegetables, herbs or annuals by individual gardeners for personal use.

I UNDERSTAND THAT BY SIGNING THIS AGREEMENT, I AM AGREEING TO RELEASE, INDEMNIFY AND HOLD HARMLESS THE CITY OF ABSECON FROM ALL CLAIMS THAT MAY BE ASSERTED IN CONNECTION WITH MY PARTICIPATION IN THE COMMUNITY GARDEN ON THE CITY OF ABSECON PREMESIS. I FULLY UNDERSTAND THE CONSEQUENCES OF THIS AGREEMENT AND HAVE KNOWINGLY AND VOLUNTARILY ENTERED INTO THIS AGREEMENT.

Gardener Full Name: \_\_\_\_\_

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

Witnessed by:

\_\_\_\_\_ Sign:\_\_\_\_\_  
Print Name