

**COMMUNITY GARDEN POLICY
CITY OF WILMINGTON
Adopted by Council Resolution 8/4/2015**

Background and History

The City of Wilmington receives numerous requests from citizens and groups to plant community gardens.

The City of Wilmington recognizes community gardens and community garden policies have become a common municipal service and that community gardening provides multiple benefits including:

- Creating opportunities for citizens in neighborhoods that are underserved in terms of access to fresh, nutritious food
- Providing places for social and cultural events which have the ability to strengthen local communities
- Providing educational opportunities
- The ability to enhance a public space
- The ability to increase a sense of community ownership and stewardship
- The ability to offer a focal point of community organizing which can lead to community-based efforts to deal with other social concerns

Community gardening is aligned with City Council's focus areas of Welcoming Neighborhoods and Public Spaces and Civic Partnerships

Eligibility and Criteria

This policy is intended to govern community gardens operated by a non-profit agency or a neighborhood association ("qualified entity") for cultivating vegetables, fruits and ornamentals on City-owned property.

The qualifying entity should have a mission that benefits the "greater good" of the community and shall utilize the garden to produce food and/or flowers for the use of group members, neighbors or other non-profit agencies. Crops shall not be grown for the financial benefit of the entity's owners and/or shareholders.

The qualifying entity shall have the ability to and conform to the procedures listed in this policy.

The qualifying entity shall develop and operate the gardens according to a user agreement which will specify terms of use, management responsibilities and access procedures including the specific terms:

- The term of the user agreement may not exceed five years.
- The term of the agreement may be renewed for additional terms if the garden is deemed successful and there are no conflicts with other uses of the property.
- At termination of the agreement, the qualifying entity shall return the property to its pre-garden condition if the City chooses not to accept any improvements that may have been made.

Procedures

City Participation

City staff support of community gardens shall be limited.

- The City will assist in assessing and determining appropriate and eligible land suitable for the development of community gardens
- Assist interested entities in a community outreach plan
- Assist qualifying entities on the execution of a user agreement with the City
- Review, approval and inspection of proposed improvements.
- The community garden shall be developed at no out-of-pocket cost to the City.

Maintenance

Community gardens are public spaces and must maintain a neat appearance through the year, including winter. Community garden plots must be and maintained year-round on a consistent basis. Gardeners who have weedy or untended plots will be notified in writing and asked to remedy the problems by a specified date in the user agreement. If not remedied, the City shall restore the property to acceptable conditions and charge the cost of the restoration to the qualifying entity. Day-to-day maintenance is the responsibility of the community gardeners. Maintenance should include ongoing efforts to control weeds, maintain healthy plants, remove dead or diseased growth, keep shared garden resources neat and orderly, preserve natural resources and reduce pests. In the fall, gardens must be cleaned, cover cropped, mulched, or planted with winter crops.

Irrigation

The City will assist the qualifying entity in arranging for water service (meter and service lateral) from the Cape Fear Public Utility Authority for gardens on City-owned property where water utilities already exist, however, the City will not fund new infrastructure improvements for the sole purpose of establishing a community garden. Qualifying entities must pay to establish water service at garden sites where water utilities do not exist and the garden is the sole use of the site.

Automatic sprinkler systems are not typically compatible in a community garden. No automatic watering systems are allowed. In community gardens, irrigation is typically achieved through

hand watering with a hose. The use of rainwater collection systems is allowable. Gardeners must be in the garden while watering.

In gardens where the qualifying entity establishes new water services, the on-going monthly cost for water shall be borne by the qualifying entity. The City will invoice once per month, and the qualifying entity will have thirty (30) days from the date of the invoice to submit their payment to the City.

Tool Shed/Structures

Structures are permitted as long as they do not encroach into areas outside of the community garden area and meet ADA requirements and City and County permit requirements. Prior to the construction or installation of a structure, plans must be submitted to the City for review and approval. The City reserves the right to inspect the installation of any structures. The qualifying entity must remove the structure upon termination of the user agreement if the City chooses not to accept the improvement.

Children/Pets

Children must be accompanied by an adult in the garden. Do not leave children unsupervised. Well-mannered, leashed dogs are allowed in the garden. Owners are required to clean up after their dogs.

Pesticides/Herbicides

Pesticides/Herbicides may not be used without the consent of the Parks and Recreation Superintendent or her designee.

Pathways

Pathways determine the circulation into and within the garden. The selection of path materials must meet ADA requirements and should allow for wheelchair access for equal access to programs available in the garden; i.e., not all paths need be designed for wheelchair access. Pathway construction should be low maintenance.

Signage

Each community garden should be identifiable with standard and recognizable signage. Other signage common to parks and community gardens should be standardized to minimize visual clutter. Proposed signage shall be submitted for review and approval to the City's Signage Committee and will be subject to all applicable ordinances.

Fundraising

Fundraising activities in the community garden are prohibited unless written permission is obtained from the City Manager or his designee.

Location

Community gardens are most appropriately located in an unused or underused public space such as a City-owned empty lot or City-owned neighborhood greenspace area. Qualifying

entities will be directed to those types of locations if guidance in selecting a location for a community garden is requested. In some cases, the City will permit a community garden to be located in a public park. Community gardens will not be permitted in regional parks or on athletic facilities. Community Gardens may be considered in neighborhood parks that are located more than one mile from a grocery store or other similar source of fresh produce retail market.

Public Access

Community gardens are un-staffed public facilities used largely by garden members but are intended to be accessible to all. If the garden is located in a park, the casual park visitor shall “in general” be permitted to share in the community garden environment. Individual community gardens may request restricted access based on unique conditions that shall be evaluated on a case-by-case basis, subject to the City Manager’s approval.

Crops

Each qualifying entity is responsible for dealing with the garden material generated from their gardens, keeping in compliance with the requirement that crops shall not be intended for the financial benefit of its gardeners. Gardeners should compost in a contained area within their own garden plot or take material home and dispose of it in a yard waste container. Gardeners shall not dump or pile garden materials in the community garden or adjacent areas of the public space. Bringing food scraps from participants’ homes to compost in the plot, including cooked foods, meats, dairy, eggs, or bones is strictly prohibited. Compost piles should be regularly turned and watered to promote active composting and avoid creating habitat for rats, mice, wasps, and hornets.

Submittal requirements

Interested entities will be required to submit a community garden application form to the City of Wilmington’s Parks and Recreation Division. If staff determines the interested entity is eligible and meets program criteria contained within this policy, a recommendation for a user agreement will be made to the Community Services Department Director. If staff determines the entity is ineligible or does not meet the program criteria contained within the policy, staff will inform the applicant in writing.

The establishment of community gardens will require broad community support and a number of individuals committing to maintain the garden. It is the City’s objective that by going through a community outreach process interested entities will be able to determine a real interest and support within their community for a garden. If you are an individual interested in gardening, City staff will attempt to put you into contact with an existing qualifying entity.

City staff will require the interested entity to prepare and implement a community outreach plan. Staff will work with the applicant to design the public outreach plan. Staff may require that a public meeting be conducted before making a recommendation. Should a public

meeting be required, staff will determine the appropriate notification methods which may include written notice of such a meeting to affected property owners within a one mile radius of the proposed project. The interested entity will be required to submit a list of persons and organizations contacted about the meeting and the date of contact. A roster of persons in attendance, a summary of issues discussed at the meeting and a description of any changes to the garden proposal made by the applicant as a result of the meeting shall be submitted to staff.