



Kerr Community Garden Program Information, Policies, Regulations, and Procedures

Growing Gardens office phone: 303-443-9952

Website: <http://www.growinggardens.org>

These rules are effective Jan 1, 2023 and govern the Kerr Community Garden Program
(the "Program")

During their participation in the Program, individuals are expected to consider the impact that their decisions have on their plot neighbors, and the community as a whole. **This is not a Program of ownership, but one of stewardship.** With this in mind, we have developed a set of rules for participation in the Program. All Gardeners are responsible for being familiar with and obeying all garden rules.

Additionally, when there are matters needing attention that fall outside of the written rules, Growing Gardens' staff reserve the right to make decisions related to these matters which may be beyond what is written in the rules, and by participating in the Program, you agree to abide by those decisions. If you have any questions, please contact your Garden Leader first, then the Growing Gardens office. Growing Gardens reserves the right to revise these Policies and Regulations at any time without notice.

Garden Information

Gardening Season: January 15th – November 15th.

Community Garden Program provides:

Water (regulated by the city and weather conditions)
Free, unlimited mulch for pathways is available at Hawthorn and Hickory
Tools & wheelbarrows on site

Gardeners are responsible for:

Annual Program participation fee
4 hours (or more) of community service assistance for the garden per plot per year
A clearly worked, weeded and harvested plot all growing season
Clear, weed-free pathways around their plot
Any additional plot needs
Maintaining current address, phone numbers and email address with the Growing Gardens office
Positive community participation in the Community Garden Program

Optional supplies gardeners are responsible for:

Seeds
Fertilizer, herbicides and insecticides: ALL MUST be organic
Hoses
Drip irrigation systems
Hand tools
Row covers

Garden Leaders

Garden Leaders are volunteers, and are appointed by Growing Gardens staff to assist with managing the implementation of the Community Garden Rules. The role of the Garden Leaders is to provide support for gardeners and to serve as liaisons between the gardeners and the Growing Gardens staff. Their responsibilities include: hosting garden orientation, planning work days, issuing Garden Warnings, hosting social events, and serving as the primary communication contact for the gardeners. Garden Leaders are a great resource for questions and concerns and will try to provide information or coordinate help. Garden Leader contact information is distributed to registered gardeners prior to March 1st.

Primary Gardeners

Growing Gardens will assign garden plots to one individual, known as the Primary Gardener. This individual is solely responsible for ensuring that the assigned plot and pathways remain in compliance with the Program rules. Primary Gardeners are expected to actively participate in gardening the plot assigned to them, and must be physically present in the garden throughout the season to work the plot. They are also responsible for ensuring that individuals whom they invite to garden with them remain in compliance with the Program rules. Primary Gardeners will be held responsible for rule violations that occur from their guests and Additional Gardeners.

Additional Gardeners

Primary Gardeners may list one Additional Gardener for the plot at the time of registration. If the Primary Gardener voluntarily relinquishes the plot assignment, the Additional Gardener is the only person eligible for first right of refusal to the plot. If no Additional Gardener is listed, the plot will be made available to the public. Primary Gardeners are ineligible to be listed as Additional Gardeners on any registration form, and individuals can only be listed as an Additional Gardener for one plot. Additional Gardeners will not automatically receive regular seasonal emails or notifications from Growing Gardens, but may request to receive regular garden related emails.

Garden Policies

Plot Assignment

Growing Gardens staff determine which garden plots are assigned to gardeners. All Community Garden Program participants require registration through Growing Gardens. Renewal of the same garden plot from year to year is not guaranteed, and Growing Gardens staff make the final decisions as to which gardeners are eligible to renew their registration in the Program. Factors in determining renewal eligibility include (but are not limited to) community impact, Program participation, plot and pathway maintenance, and compliance with the community garden Program rules.

Refunds/Termination

If a garden plot is voluntarily relinquished and notification given to the Growing Gardens office by April 1st, the plot will be reassigned and half of the plot fee and the full water fee (if applicable) will be refunded. No refunds will be given after this date. Growing Gardens has the right to terminate gardeners from the Program at any time for any reason within its sole discretion, including failure to comply with the Policies and Regulations or failure to positively participate in the Program if it deems necessary. No refunds will be issued for plots that have been revoked.

Community Service Requirement

Four (4) hours of Community Service time (per plot per year, regardless of plot size) must be completed and recorded each season to participate in the Community Garden Program. This is in addition to the maintenance of the plot and pathways assigned to the Primary Gardener at the beginning of the season. This will be tracked closely. **The deadline to complete and record community service hours is November 15th.** Community Service hours not recorded by November 15th will not count toward the requirement. Community service hours must be recorded to Growing Gardens by logging them online using the link on the Growing Gardens website. If you do not have access to the internet, please call the Growing Gardens office to report the following information relating to your completed community service hours: your name, plot number, task(s) completed, date completed, and number of hours completed. If four (4) hours of Community Service time (per plot per year, regardless of plot size) are not completed and recorded by the deadline, the Primary Gardener will be invoiced for the incomplete or unrecorded hours. Incomplete or unrecorded hours are billed at \$22/hour. Primary Gardeners are responsible for ensuring that either the required hours are completed and reported by the deadline, or that the invoice for incomplete and unreported hours is paid by the invoice deadline November 30. Failure to pay the invoice by the due date will mean a gardener is ineligible to renew their participation in the Program.

There are many tasks needing completion and we are open to unique and creative suggestions on how individuals can complete the community service requirement each year. Specific garden work days are often scheduled throughout the season, and participation in these work days can be counted towards the required community service hours. For other garden events and/or activities, please coordinate with your Garden Leader.

Examples of activities available to complete Community Service requirement:

Assist an injured or ill gardener to maintain their plot and pathways

Maintain garden tools or wheelbarrows

Attend garden work days

Maintain garden tool sheds

Volunteer at Growing Gardens Events

Volunteer at Growing Gardens volunteer days

Organize a food donation program at your garden site

Volunteer in the Growing Gardens Office

Seasonal Payment

It is each gardener's responsibility to pay the community garden plot fee and water fee (if applicable) at the time of registration. If you cannot pay your plot fee at the time of registration, please contact Growing Gardens to request a payment plan.

Gardeners may also apply for a reduced rate plot fee. Gardeners with an income level that falls into the Low, Very Low, or Extremely Low income brackets in the Boulder AMI Index are eligible for the Reduced Rate pricing. Gardeners must provide verification paperwork to show that they qualify for the reduced rate according to the Boulder County AMI Index. Gardeners that Examples include: copy of Medicaid card, proof of TANF eligibility, copy of SNAP card, proof of WIC eligibility, proof of residence in public housing, or proof of disability (SSI, SSDI, or letter from an agency or physician).

Sharing Surplus

Most gardens have a food donation program that is organized by a gardener. For more information, please contact your Garden Leader. Please note that it is not permitted to sell excess produce from Community Garden plots.

Garden Regulations

1) Plot and Pathway Maintenance Regulations

Plot Maintenance

Plots must be reasonably maintained. Reasonably maintained means weeds kept under control and plants are regularly cared for, pruned, watered and harvested. Plants must not exceed plot boundaries, or shade out a neighboring plot. By November 15th all non-wintering plants inside of the garden plot must be removed as well as stakes, walls of water, row covers, etc. Garden related items must be secured in the plot to ensure that they do not blow away. You may not store bags of leaves/organic matter over the winter.

Plot Neglect/Abandonment

Plots must be obviously worked and weed control begun by April 15th. Any abandoned or unworked plots will be reassigned and no refund given.

If you are unable to keep or maintain your plot you must contact the Growing Gardens office and your Garden Leader immediately.

Path Maintenance

It is each gardener's responsibility to keep their paths clear and weed-free (the half of the path closest to the assigned plot). Pathways around each plot are to be no less than 4 feet wide. Paths must be clear and weed-free. Putting mulch or planting clover in gravel pathways is not permitted as an acceptable means of weed control. Planting the internal garden pathways is prohibited. All pathways must remain free of personal items. Growing Gardens reserves the right to enforce pathway maintenance as it sees fit.

Composting

Compost removal containers are available at the garden for all of the compostable garden waste. Please do not overfill compost bins. If bins are full, please contact Growing Gardens and wait until bins have been emptied to add any compostable debris. Please do not leave piles of debris in front of the compost bins. The bins cannot be emptied if there is debris in front of them. If bins are full you can leave compost piles in your plot until the bin is emptied. Personal composting bins are not permitted in community garden plots or common areas.

Trash

Please pack out all trash.

Manure Application

If a gardener chooses to apply manure to their plot, manure must be "aged" and needs to be immediately watered down and thoroughly worked into the soil within forty-eight hours of delivery.

Weeds

There are many weeds in the community gardens. Weeds compete with other plants in the garden and can quickly become invasive. If weeds are left to go to seed they will affect neighboring gardens as well. If a Garden Leader sees too many weeds in the garden plot or the plot looks unworked the Primary Gardener will receive an email or written Garden Warning from Growing Gardens or the Garden Leader. For details regarding Garden Warnings, please reference the "Plot Maintenance or Vehicle Violation Notification" under Procedures in the Conduct Regulations section of the Program Rules.

Organic Only

Herbicides, insecticides and fertilizers made from synthetic chemicals are **NOT** permitted.

Fences

Fences within the Kerr Community Garden are permitted, but must be temporary, easily removable and can not exceed 2-feet in height.

Accessory Garden Structures

No new shade structures are allowed inside garden plots. Current shade structures will be reviewed on an annual basis. If Growing Gardens deems them to be unsafe, these shade structures will be required to be removed immediately. No permanent structures are allowed in garden plots. Temporary trellising, hoop row covering and cold frames are allowable. These shall not exceed 6ft in height nor exceed a footprint of 3'x3'. All trellising or hoop row covers must be contained entirely inside the plot, must be secured, removable if needed, and shall not shade the neighboring garden plots. No furniture, trash or items other than garden related items are allowed in the garden. (One bench, or the equivalent, is acceptable.) Accessory gates, art, etc not specifically used for gardening are subject to review by Growing Gardens.

Water & Hoses

Use of water should always be controlled. Drip irrigation and timers are required. All gardeners must purchase and install a drip irrigation system for their garden plot by June 15th. Gardeners must check drip irrigation systems for leaks on a regular basis.

Keep hydrants in the "off" position when drip systems are not in use. It is recommended to use Teflon tape at all connection points between hydrants, timers and hoses to prevent leaking and cracking of plastic parts when tightened. Check drip systems for leaks on a regular basis.

Gardeners must use drip irrigation as their primary method of watering. The most efficient times for operating a drip system is during early morning or late afternoon/evening hours. This reduces evaporation and maximizes absorption of water into the soil. Hand-watering is permitted for spot watering or as a limited secondary watering method. This is also preferred during morning or evening hours. Hoses can not be left running unattended.

Drip irrigation systems may not contain bubblers, sprayers or sprinkler components. Soaker hoses that are 1/4" or smaller are permitted; 1/2" inch soaker hoses are not.

Prior to May 15th and after September 15th all hoses, drip irrigation and timers must be disconnected by

4pm and remain disconnected overnight unless otherwise directed by Garden Leaders and/or Growing Gardens staff. This is to prevent damage to the water systems due to nighttime low temperatures.

Not Allowed in the Gardens

Marijuana or hemp cultivation, bee hives, tires, pressure treated wood, carpet, barbed wire, plastic lined beds or pathways, plastic or rubber mulch, audible music (use headphones please), selling produce, unleashed pets and unsupervised children are not allowed in the gardens. Smoking of any kind, vaping and chewing tobacco is not allowed in the gardens or within 15 feet of any garden entrance. Tobacco may infect plants and spread the tobacco mosaic virus. Existing trees in the garden will be individually reviewed by Growing Gardens, and may be maintained, or removed as Growing Gardens sees fit. No new trees may be planted.

Tools

Basic tools and wheelbarrows are kept on site at the gardens for everyone's use. The tool shed code is given out during garden plot registration. Please reach out to your Garden Leader if you need a reminder of the code.

Responsible community tool use:

As respectful gardeners, we cherish our community tools, we use them carefully, we leave them better than before we used them, and we put them away for safekeeping before we leave the garden.

- ***Please use each tool for its intended purpose***
- ***Clean tools when you are finished using them***
- ***Put each tool in its proper storage spot before you leave***
- ***If needed, ask other gardeners about the correct use of tools***
- ***If you see a tool being misused, kindly offer assistance***
- ***If a tool needs repair or attention, please let your Garden Leader know***

The Community Garden Program is not responsible for any personal tools, etc.

Other

Growing Gardens cannot anticipate every gardening situation, but it is within our discretion to create, interpret and enforce rules as situations arise in the best interest of the program.

2) Vehicle Access Regulations

Kerr Gardens:

NO vehicles are allowed in the Kerr Community Gardens.

Other

Growing Gardens cannot anticipate every vehicle situation, but it is within our discretion to create, interpret and enforce rules as situations arise in the best interest of the program.

3) Conduct Regulations

Gardeners are encouraged to dress in a manner that is thoughtful of the public, communal nature of the garden sites and interaction with youth programming happening at the site.

No community gardener shall:

1. Steal, damage, or misuse any Growing Gardens property or the property of another participant
2. Smoking, of any kind, of any substance including, but not limited to: smoking cigarettes, e cigarettes, vaping, marijuana and chewing tobacco is not allowed in the gardens or within 15 feet of any garden entrance. Tobacco may infect plants and spread the tobacco mosaic virus.
3. Commit harassment of any person including
 - a. Lays a hand upon, shoves, strikes, or threatens another gardener, staff or community member
 - b. Engages in obscene gestures, objectionable demonstrations
 - c. Uses foul language (swearing) or abusive verbal attack upon another gardener, staff or community member
4. Commit indecent exposure
5. Bring a "weapon" into the gardens. Legal knives with blades no longer than 3 ½ inches in length are

not weapons when used as gardening tools. This prohibition does not apply to police officers carrying service weapons in accordance with their department's policies.

6. Possess or sell illegal drugs in or around the gardens.
7. Fail to leave any portion of the gardens immediately upon being told to do so by a Growing Gardens employee or landowner or land manager.
8. Failure to involve a manager in a dispute
9. Disturb other gardeners or employees so as to substantially interfere with their use of the gardens or constitute a general nuisance. Disturbances may arise from inappropriate use of personal equipment including, but not limited to: cellular phones, computers, radios, music players, MP3 players, and conversations which contain any offensive utterance, gesture, or display, which tends to incite an immediate breach of peace. Gardeners who yell, harass, or are disrespectful of employees, vendors or other gardeners will also be considered a disturbance.
10. Solicit donations of money or anything of value, or sell or take orders for anything of value in any garden with the exception of persons who have entered the gardens in order to conduct a commercial transaction with Growing Gardens.
11. Enter the garden while that person's abilities are impaired to the slightest degree by alcoholic beverages, marijuana or illegal drugs or remain in the garden in such a state of impairment.

Other

Growing Gardens cannot anticipate every conduct situation, but it is within our discretion to create, interpret and enforce rules as situations arise in the best interest of the program.

Procedures:

Growing Gardens implores a four-tiered system to ensure compliance with its Policies and Regulations. Notwithstanding the below, Community Gardens has the right to terminate a plot for any reason within its sole discretion. No refunds will be issued for plots that have been terminated. Growing Gardens staff, property landowners, or property managers may intervene to prohibit any activity or behavior that appears to present an immediate danger to staff, gardeners, or any other person on the property. Growing Gardens may alert the landowner or land manager of any gardener who violates the Policies or Regulations.

Gardener's acknowledgement of these Procedures will be kept on file along with their application to participate in the Program. Growing Gardens will also keep a copy of all Policy or Regulation violations as notified per the below in addition to other relevant communications.

1. Plot Maintenance or Vehicle Violation Notification

- a. Notification-** A gardener whose plot is not in compliance with the Plot Maintenance or Vehicle Regulations will receive a Garden Warning email or letter (when an email address is not available). The Garden Warning will specify the Plot Maintenance or Vehicle Regulation(s) that are currently in violation.
- b. Steps to Remedy the violation –** The gardener must remedy the specified violation if such violation is able to be remedied within seven (7) days of the date that the Garden Warning was sent. If a gardener is not able to remedy the violation prior to the deadline, the gardener must contact the Growing Gardens staff before the deadline to request an extension. Growing Gardens will review all cases individually and make the final decision regarding the extension request within its sole discretion depending on the circumstance. In the case the violation is not remedied within the seven (7) day period and no extension was granted, then it is assumed the gardener has forfeited the plot and the plot may be suspended within the discretion of Growing Gardens pursuant to the Suspension provision outlined below. Any gardener who receives two (2) Garden Warnings in one growing season will be placed on Probation as detailed below.

2. Probation

- a. Definition–** Any gardener who 1) violates any Policy or Conduct Regulation or; 2) receives two (2) or more Garden Warnings in one growing season, may be placed on probation. During this time, the gardener is allowed to continue gardening for the remainder of the gardening season with the expectation that he or she will comply with the Policies and Regulations and the

violation has been immediately remedied. Probation may be lifted at the beginning of the following garden season so long as the gardener is in compliance with all Policies and Regulations.

- b. Notification**– A gardener placed under probation will be notified by Growing Gardens immediately if Growing Gardens' staff is present in the garden at the time of the violation and/or via (a) an email address supplied by the gardener when he or she registered for the plot, (b) a warning posted on the garden plot, and (c) a phone call to the phone number supplied by the gardener when they registered. Growing Gardens staff will alert the garden leader(s), landowner, and land managers of the violation and the actions being taken by Growing Gardens.
- c. Remedy of the Violation** – A gardener on probation can continue to garden in their plot as long as 1) the violation is immediately remedied (if applicable to be remedied) and 2) he or she continues to comply with all of the Policies and Regulations. The gardener's probation may end at the beginning of the following garden season assuming the gardener is in full compliance. If the gardener violates their probation by violating any Policy or Regulation before garden season expires, he or she will be immediately suspended for the duration of the gardening season.
- d. Dispute of Violation** – Gardeners who believe they have been unfairly placed on probation may dispute the probation within seven (7) days of the date notification of the violation by the Growing Gardens staff. Disputes must be submitted in writing to the Growing Gardens office and must include concrete evidence and/or eye witness accounts showing that the violation did not occur or explain the circumstances of the violation. This information will be reviewed by Growing Gardens staff on a case by case basis and Growing Gardens staff reserves the right to make final decisions regarding the probation within its sole discretion.

3. Suspension

- a. Definition** – Any gardener who 1) violates their probation; 2) violates a Policy or Conduct Regulation twice within a period of two (2) growing seasons; or 3) violates a Policy or Regulation in a manner that Growing Gardens deems extreme, may be suspended from the Growing Gardens Community Garden Program. A suspended gardener cannot participate in the Community Garden Program for the remainder of the gardening season and will not receive a plot refund. Their garden plot may be reassigned to another gardener from the waitlist or maintained by Growing Gardens. If the gardener does not comply with the suspension, he or she will be terminated from Growing Gardens' Community Garden Program and not be allowed to apply for participation in the Community Garden Program in the future.
- b. Notification** – Suspended gardeners will be notified by Growing Gardens staff in person and immediately if staff is present at the time of the violation and /or via (a) an email address supplied by the gardener when he or she registered for the plot or (b) a warning posted on the garden plot, and (c) a phone call to the phone number supplied upon registration. Growing Gardens staff will alert the garden leader(s), landowner, and land managers of the violation and the actions being taken by Growing Gardens.
- c. Effect of Suspension**– A suspended gardener will have the opportunity to clear his or her plot and collect their belongings within seven (7) days of the date of notification of the suspension. After seven (7) days, any items that remain in the plot shall become property of Growing Gardens/ the Community Garden and will be disposed of, donated, or reassigned to a new gardener within Growing Gardens' discretion. A Gardener who is suspended from the Program may apply to participate in the Program in future growing seasons, however, eligibility to return to the Program shall be determined within the sole discretion of the Growing Gardens staff and shall depend on the severity of the violation.
- d. Dispute of Violation** – Gardeners who believe they were unfairly suspended may dispute the suspension within three (3) days of the date of notification of the violation by the Growing Gardens staff. Disputes must be submitted in writing to the Growing Gardens office and must include visual evidence and eye-witness accounts showing that the violation did not occur or explain the circumstances of the violation. This information will be reviewed by Growing Gardens staff on a case by case basis and Growing Gardens staff reserves the right to make final

decisions regarding the suspension within its sole discretion. In the case that Growing Gardens determines that the gardener's suspension will be lifted, the gardener will be able to finish the growing season on probation. Growing Gardens may require gardeners to participate in mediation services and/or other dispute resolution activities in addition to agree to additional participation terms to continue in the Program.

4. Termination

- a. Definition** – A gardener who does not comply with his or her suspension or if Growing Gardens staff determines, in its sole discretion, that the community gardener creates a public safety hazard, creates an unsafe environment or acts in a manner that is contrary to the spirit of the Program, Growing Gardens may immediately terminate the gardener from the Growing Gardens' Community Garden Program. Terminated Gardeners will not be allowed to reapply for participation in the Community Garden Program at any point in the future.
- b. Notification** – Terminated gardener will be notified by Growing Gardens staff in person and /or via (a) an email address supplied by the gardener when he or she registered for the plot or (b) a warning posted on the garden plot, and (c) a written letter of termination. Growing Gardens staff will alert the garden leader(s), land owner, and land managers of the violation and the actions being taken by Growing Gardens.
- a. Effect of Termination**– A gardener who is terminated from the Program will not be given the opportunity to remedy any non-compliance and the gardener must immediately remove his or her personal items from the gardens. Terminated gardeners will not be allowed to return to the garden property. All items that remain in the plot seven (7) days after termination will become property of Growing Gardens/ the Community Gardens and will be either disposed, donated, or reassigned to a new gardener within Growing Gardens' discretion. Seven (7) days after the date of termination, Growing Gardens staff will reassign the plot to a gardener(s) on the waitlist.
- e. Dispute of Termination** – If a gardener believes they were unfairly terminated from the Community Garden Program, he or she may dispute the termination within three (3) days of the date of notification of termination. Disputes must be submitted in writing to the Growing Gardens office and must include visual evidence and eye-witness accounts showing that the probation or suspension violation did not occur or explain the circumstances leading to the decision by the Growing Gardens staff to terminate. This information will be reviewed by Growing Gardens staff on a case by case basis and Growing Gardens staff reserves the right to make final decisions regarding the suspension within its sole discretion. In the case that the Growing Gardens determines that the gardener's termination will be lifted, the gardener may be able to finish the growing season on suspension. Growing Gardens may require gardeners to participate in mediation services and/or other dispute resolution activities in addition to agree to additional participation terms to continue in the Program.

5. Renewal

- a.** Renewals will be available **in January** of each year. Renewal of the same plot is not guaranteed.
- b.** In an attempt to maintain a safe, harmonious and enjoyable experience in the Community Garden Program, Growing Gardens reserves the right not to renew the plot of a gardener who has been a disruption to the Community Garden Program, regardless of whether or not they have been placed on probation or suspension during the course of the year.
- c.** Growing Gardens reserves the right to move gardeners to different plots on a garden property or to different garden locations, as necessary to maintain an adequate balance between the properties, to accommodate different property initiatives, programming and other community or resource needs and to attempt to reduce conflicts within the Program.