

RO-09-13

**AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON,
COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO
AMEND CHAPTER 137, PARKS AND RECREATION AREAS, OF
THE CODE OF THE TOWNSHIP OF WASHINGTON TO
PROVIDE FOR A COMMUNITY GARDEN**

WHEREAS, the Township wishes to provide community members an accessible place to garden and encourages and supports the community's interest in organic gardening and desires to establish a public facility where gardeners may share and exchange ideas while producing healthy food for friends and family.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Washington, in the County of Morris, and State of New Jersey, as follows:

SECTION 1. Chapter 137, Parks and Recreation Areas, is hereby amended and supplemented by the addition of Section 137-7, Washington Township Community Garden, to read as follows:

“§137-7 Washington Township Community Garden

- A. Establishment. A permanent community garden is hereby established within the Township of Washington to be located at Palmer Park on Bartley Road in the Township and shall be designated as the Washington Township Community Garden. The community garden may be expanded or relocated from time to time on Township property as designated by the Township Committee.
- B. The Washington Township Community Garden Committee. The community garden shall be managed by the Washington Township Community Garden Committee who shall enforce the rules and regulations set forth in this ordinance under the direction of the Recreation Director. The Washington Township Garden Committee may require gardeners to sign a use agreement to supplement the rules and regulations set forth in this ordinance, provided that the Township Administrator has approved the terms of the use agreement.
- C. Use of Garden. The community garden is available to all residents of the Township age 14 and over, on a first come, first

served basis for the purpose of growing fruits and vegetables, flowers and herbs. The community garden is also available to non-residents provided there are plots available after registration has been open to residents for thirty (30) days, except that for calendar year 2013, the registration waiting period for non-residents will be waived. Non-residents may rent for only one year at a time. Each person renting a plot shall be required to enter into an agreement governing the use of the plot(s) with the Washington Township Community Garden Committee as well an agreement with the Township of Washington pursuant to paragraph F of this section.

D. Fees. No person shall be permitted to maintain a plot in the Washington Township Community Garden unless they have registered for the plot, signed the required agreements and paid the applicable fee.

(1) The annual fee for rental of an 8 x 8 foot plot shall be \$20 for a resident and \$30 for a non-resident. The fee for a three year rental shall be \$50.

(2) The annual fee for rental of an 8 x 16 foot plot shall be \$35 for residents and \$45 for non-residents. The fee for a three year rental shall be \$80.

(3) Fees are payable to the Township of Washington, are non-refundable and must be paid at the time of registration for the plot.

(4) No more than two plots may be rented by a household.

(5) Veterans must register for a plot but will not be required to pay the annual rental fee.

E. Rules and Regulations. The use of the Washington Township Community Gardens will be subject to the following rules and regulations:

(1) Hours: Dawn to dusk. Gates must be kept closed and locked at all times.

(2) Season: May 1 through November 15 or as otherwise established by the Washington Township Community

Garden Committee. Cultivation and planting must be started by June 1 and plots must be tended through the time of fall clean-up. Persons renting plots are expected to spend at least four hours per week on plot maintenance in order to cultivate a productive and attractive garden plot.

- (3) Parking: In designated areas only.
- (4) Structures: Elaborate garden structures, fountains or the use of multiple decorative items is prohibited. The Washington Township Garden Committee must approve any structures or decorative items used in an individual plot to be sure that such structures do not shade adjacent plots.
- (5) Weeds: All waste, weeds, etc shall be disposed of off-site except for compostable matter which may be disposed of in areas designated by the Washington Township Garden Committee.
- (6) Water: Water from the watering spigots provided in the community garden is non-potable and is for use in the garden only. Hoses are not permitted. Water must be securely turned off after each use.
- (7) Fertilizers and Pesticides. The use of non-organic pesticides, fungicides, herbicides and fertilizers are prohibited.
- (8) Pets: Pets and other animals are prohibited at all times.
- (9) Smoking: Smoking is prohibited at all times.
- (10) No invasive species or corn may be planted in the community garden without the consent of the Washington Township Community Garden Committee.
- (11) Rules of Conduct: All gardeners and their visitors shall observe the rules of conduct established by the Washington Township Community Garden Committee as well as the rules and regulations for the use of Township parks and recreation areas set forth in §137-1.

- F. Indemnification: All persons using the Washington Township Community Garden assume any and all risks associated with the use of the community garden. Prior to use of the community garden, each person shall execute and deliver to the Township a hold harmless and indemnification agreement.
- G. Violations. Use of the community garden is a privilege. The Township reserves the right to revoke the use of the community garden by any person for failure to observe the rules and regulations established in this Ordinance or by the Washington Township Garden Committee. Upon violation of any rule or regulation, a written notice will be issued and the violator will be given a reasonable opportunity to correct the violation. If the violation does not cease or is not cured within 14 days, a second written notice will be issued. If the violation has not ceased or been cured within 14 days of the second notice, the use of the community garden for the remainder of the season may be revoked and the plot may be re-assigned. Any person whose permission to use a plot is revoked may appeal the decision to the Recreation Director who shall hold a hearing on the matter within 15 days of the revocation.”

SECTION 2. Chapter 137, Parks and Recreation, §137-1, Prohibited acts, paragraph B, is hereby amended to read as follows:

“B. Except while using the Washington Township Community Garden in accordance with the regulations set forth in §137-7, dig or remove any soil, shrubs, or plants or other wood materials.”

SECTION 3. All ordinances of the Township of Washington, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5. This Ordinance may be renumbered for codification purposes.

SECTION 6. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

ATTEST:

**TOWNSHIP OF WASHINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY**

Deborah A. Burd, Acting Township Clerk

Kenneth W. Short, Mayor