

ELEMENTS TO INCLUDE IN A COMMUNITY GARDEN ORDINANCE

In crafting ordinances, localities must assess their context, such as the number, size and location of vacant lots, the climate, gardeners' interests in food production and marketing, the real estate market, and the potentially interested group of gardeners. In older cities, community garden ordinances may be a part of a larger effort of city restructuring to facilitate the process of returning abandoned, tax-delinquent property to "productive use." In other contexts where vacant public land is less of a problem, the people to be served by gardens may be the point of departure for programming and legislation. For example, the establishment of instructional gardening programs in schools may lead to youth involvement in community services.

In addition, the nonprofit and private sector entities that exist or can be created to meet local needs is another variable that must be considered. The model adopted by a locality should provide for the variables for planning actual gardens. It has been suggested that the following local strategies may be used for preserving and developing community gardens: inclusion in the local planning process; permission under zoning ordinances; budget allocations; and staff support by local government. Finally, the local legal context - specifically, whether state enabling legislation is desirable before seeking local support - must be considered in formulating an approach.

With these caveats, the following are common elements of many community garden ordinances or of "best practices" in successful local programs.

1. Assign the duty of inventorying vacant public lots and vacant private lots in low-income neighborhoods and the duty to make that information readily accessible to the public.
2. Authorize contracting with private landowners for lease of vacant lots.
3. Authorize use of municipal land for minimum terms long enough to elicit commitment by gardeners, such as five years, and provide for permanent dedication to the parks department after five years of continuous use as a community garden.
4. Provide for clearing of rubble and contamination where needed, and for regular trash collection.
5. Prepare land for gardening by tilling and building raised beds, configuring some gardens for access by disabled gardeners.
6. Provide for access to water without charge to gardeners.
7. Provide compost from the locality's recycling programs, if available.
8. Provide tools, hoses and secure storage facilities for tools and other necessary items.

9. Tap resources for training about gardening, including organic methods or pesticide use, and consulting about particular garden problems.
10. Provide technical assistance to support programs with youth, elderly, disabled, low income, and other populations depending on neighborhood needs and interests.
11. Provide signage, if requested.
12. Network with farmers' markets, entrepreneurship programs, vocational education, and organizational leadership programs.
13. Provide for liability insurance against personal injury.
14. Permit sale of excess produce by charitable organizations.
15. Provide trash collection service.
16. Provide maintenance for adjacent park property.
17. Provide favorable tax treatment for loan of private land.
18. Identify sources of program materials (for teachers, youth and senior counselors, etc.).
19. Provide a funding mechanism to cover the locality's costs in establishing a computer database and mapping program, property acquisition and maintenance, and technical assistance.

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Community Greening Review· 2000
Published by the American Community Gardening Association