



Hayward Community Garden Policies



COMMUNITY GARDEN POLICIES

Table of Contents

1.0	Introduction	Page 2
2.0	Definitions	Page 3
3.0	Garden Elements	
3.1	Garden Plots	Page 4
3.2	Irrigation	Page 4
3.3	Storage Shed	Page 4
3.4	Compost Bin	Page 4
3.5	Greenhouse, Seed Propagation Area and Potting Table	Page 4
3.6	Pathways	Page 4
3.7	Gates and Fences	Page 5
3.8	Bulletin and Message Boards	Page 5
3.9	Signage	Page 5
3.10	Natural Exploration Area	Page 5
3.11	Decorative Garden Elements	Page 5
3.12	Waste Removal	Page 6
4.0	Organizational Structure	
4.1	Garden Governance	Page 6
4.2	Participation, Fees and Agreements	Page 7
4.3	Group/Communal Plots	Page 7
4.4	Waiver of Liability	Page 8
4.5	Maintenance	Page 8
4.6	Conflict Resolution	Page 8
4.7	Fundraising	Page 8
5.0	Regulations and Best Practices	
5.1	Domestic Pets	Page 9
5.2	Chemicals and Pesticides	Page 9
5.3	Resource Conservation	Page 9
5.4	Prohibited Activities	Page 10
5.5	Trees	Page 10
6.0	Miscellaneous	
6.1	Complaints	Page 11
6.2	Public Information	Page 11
	APPENDIX – Sample Thirty-Day Notice	Page 12

1.0 INTRODUCTION

The Hayward Area Recreation and Park District (HARD) is the largest independent park and recreation special district in the State of California and is comprised of the City of Hayward and the unincorporated areas of Castro Valley, San Lorenzo, Ashland, Cherryland, and Fairview.

The Hayward Community Garden is located at 25051 Whitman Street, Hayward, CA 94544 on 5.3 acres of land leased by PG&E to HARD. The first phase of improvements consists of 70+ gardening plots, each measuring approximately 400 square feet, for individual or shared use. Upon full implementation of the community garden master plan, the garden has the potential to provide 210 garden plots for gardeners who are responsible for maintaining the garden and pay garden fees to cover shared expenses.

In 2019, as a pilot project for the District's first officially sanctioned community garden, HARD will be managing and operating the Hayward Community Garden for the benefit of the community. The HARD's mission for the community garden includes:

- Establishing the Hayward Community Garden;
- Promoting community interest in gardening;
- Providing HARD residents with gardening, recreational, and socializing opportunities;
- Enabling local residents within HARD's boundaries to supplement their diets with home-grown produce; and
- Providing physical space for community gardeners to learn about resource conservation, urban gardening, and related issues in a safe, enjoyable environment.

These community garden policies are intended to provide a framework for garden management and operations, by addressing garden elements, organizational structure, and regulations and best practices for organic gardening. HARD's Community Garden Specialist shall be available to offer guidance and technical assistance to ensure success of Hayward Community Garden for the benefit of the community.

2.0 DEFINITIONS

Common area – a space within the community garden that is accessible to all gardeners and visitors

Communal plot or gardening area – allocated gardening space for cultivating vegetables, fruits and ornamentals available for all gardeners to participate in the planting, maintenance and harvesting through a managed program

Community garden – a site operated and maintained by committed volunteers where:

- A publicly owned parcel of land is used for growing ornamentals and/or produce for non-commercial use in individual, shared or communal plots, and
- Demonstration gardening or other instructional programming may be offered, and
- Shared tools and common expenses are covered through the collection of garden fees and/or donations.

Disability access – barrier-free accommodations for persons with a diversity of abilities

District – Hayward Area Recreation and Park District (HARD), which encompasses the City of Hayward and the unincorporated communities of Castro Valley, San Lorenzo, Ashland, Cherryland and Fairview

Garden Specialist – HARD's representative who shall perform the coordinating role for the management of the community garden

Garden member – a regular participant in a community garden who has signed a garden agreement specifying conditions for participation

Garden plot – allocated gardening space assigned to an individual or group of people for the cultivation of vegetables, fruits and ornamentals

Garden rules – a set of regulations or principles governing conduct within the garden adopted by the community gardeners and consistent with the Community Garden Policies

HARD – Hayward Area Recreation and Park District. Also herein referred to as "District".

Hazardous materials – any material that, because of its quantity, concentration or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the environment

Irrigation – the engineered means of supplying water to plants

Maintenance – the practice of keeping the garden safe for public use

Standard amenities – the necessary infrastructure for the basic function of a garden

Utilities – water, sewer and electricity

Wait list – a record of requests for a garden plot or a shared plot

Waste removal – removal of excessive vegetation and/or solid waste (organic, inorganic or hazardous) accumulation from a garden

3.0 GARDEN ELEMENTS

3.1 Garden Plots

- Ground-level plots are visibly defined with wooden borders and may not be modified or altered without the approval of the Garden Specialist.
- Request repairs to the Garden Specialist.

3.2 Irrigation

- Hose bibs are available throughout the garden. Hose bibs may not be modified or altered without the approval of the Garden Specialist.
- Trees in common areas are watered through irrigation bubblers.
- Garden fees cover the gardeners' expense of water to the garden.

3.3 Storage Shed

- All tools, supplies and materials stored within the community garden, including the storage shed, shall be shared for use by all gardeners.
- Community garden storage shed may not be used for private storage. The storing of personal materials is not permitted within the community garden.
- Shared tools, supplies and materials for the community garden may not be taken out of the community garden.

3.4 Compost Bin

- Compost bins consist of 3 compartments. Each compartment is designed with a lid secured at open and closed positions.
- Avoid placing any items that would obstruct access to and operation of the compost bins.
- Community gardeners may remove their organic waste for composting off site.

3.5 Greenhouse, Seed Propagation Area and Potting Table

- The greenhouse shall be restricted to group activities organized by the Garden Specialist.
- The greenhouse may be available for individual use upon approval by the Garden Specialist.
- Community gardeners may utilize the seed propagation area and potting table. These areas are to be returned in the same condition as previously found. All materials and supplies are to be put away, and ready for the next user.

3.6 Pathways

- Community gardeners are responsible for keeping common pathways adjacent to their garden plots weed-free at all times.
- Designated wheelchair accessible paths must be maintained level and free of obstacles. Contact the Garden Specialist to request repairs to wheelchair-accessible routes.

3.7 Gates and Fences

- Please keep garden gates closed when unsupervised to deter vandalism.
- Contact the Garden Specialist to request fence repairs.
- Community gardeners may not install permanent fencing.
- The installation of temporary fencing is subject to approval by the Garden Specialist.

3.8 Bulletin and Message Boards

- Please check the bulletin board regularly for garden rules, contact information and public announcements.
- General community announcements are permitted.
- Outdated materials should be removed promptly.
- Postings that are discriminatory or offensive in nature must be removed promptly.
- Commercial advertisements are not allowed unless with written permission by the Garden Specialist.

3.9 Signage

- Please observe and follow all posted signs.
- Community gardeners may request to have regulatory signs fabricated for enforcement.
- Community gardeners may fabricate their own signs for plant labels or standard warnings (e.g., "stay on path", "do not pick the flowers", etc.). These signs shall be visually compatible with the garden environment.
- Locate signage in optimal placement for its intended purpose.
- Signage, including the posting of announcements, must be garden-related.

3.10 Natural Exploration Area

- Keep the exploration area free of unsafe conditions.
- Children must always be supervised.
- No pets allowed.

3.11 Decorative Garden Elements

- With the public's safety in mind, *structural* garden elements which a person may sit on, stand on, walk under, or crawl under shall be the responsibility of HARD. Contact the Garden Specialist for maintenance or repairs.
- Community gardeners may install decorative, *non-structural* garden elements for non-human use; e.g. birdbath, statuary, bean poles, etc.
- Take caution when digging in the garden. Contact the Garden Specialist for location of any existing utilities if gardeners intend to dig deeper than 12" below the existing garden grade.
- The Garden Specialist reserves the right to restrict or limit garden elements.

3.12 Waste Removal

- Contact the Garden Specialist to remove excess organic waste, illegal dumping and hazardous materials at the community garden.
- Contact the City of Hayward Public Works at www.hayward-ca.gov to report illegal dumping and hazardous materials on public streets.

4.0 ORGANIZATIONAL STRUCTURE

4.1 Garden Governance

- HARD shall perform the role of Garden Specialist to oversee the Garden Rules. This role is not of control, but of leadership and to facilitate cohesion. The Hayward Community Garden shall be managed through democratic means within the District's policies. The Garden Specialist may assign specific responsibilities to a community gardener, or committee of community gardeners, to assist in the management of the garden.
- Below is a list of the typical Garden Specialist's responsibilities:
 1. Assign individual and shared plots on first come, first serve basis.
 2. Solicit and review proposals for group/communal plots.
 3. Maintain and publicly post a wait list of interested gardeners.
 4. Re-assign plots to those on the wait list.
 5. Orient all new gardeners to the community garden; i.e., explain water use, communal space use, workday expectations, etc.
 6. Collect signed plot agreement from all gardeners and provide a copy to the new garden member with the Garden Rules.
 7. Enforce the Community Gardener Plot Agreement, which specifies conditions for active participation. Community gardeners are required to sign the agreement indicating their intent to comply.
 8. Collect signed Waiver, Release and Hold Harmless Agreement.
 9. Maintain a list of all active gardeners.
 10. Post all documentation in a prescribed location in the garden, including but not limited to Garden Rules, standard plot agreement, 30-Day Notice for neglected plots*. See the Appendix for a sample of a 30-Day Notice.
(* based on the conditions for active participation as described in the garden's plot agreement)
 11. If a plot appears inactive, notify the gardener with first a verbal warning and then a written 30-Day Notice. See the Appendix for a sample of a 30-Day Notice.
 12. Coordinate garden workdays to maintain the communal spaces or to work on special projects, including four (4) minimum clean-up days annually along Whitman Street.
 13. Call garden-wide meetings at least twice a year for discussing issues, sharing ideas and goals, election of administrative roles, formulating committees, conducting workdays, etc.
 14. Maintain good relations with the outside world, surrounding community, and any pertinent public or private agencies that engage with community gardens.

4.2 Participation, Fees and Agreements

- Participation in a community garden and the opportunity to garden is open to all District residents. After resident requests for individual and shared plots are satisfied, these plots may be assigned in the following order:
 - To non-residents who are employed within the District boundaries
 - To non-residents and non-workers within the District boundaries

However, a non-resident may be asked to give up a plot assignment at any time to accommodate a District resident's request.

- To optimize opportunities for participation, the District is limiting each person to one individual or shared plot, or two plot assignments per household address. More than one person may be assigned the same plot.
- All community gardeners are welcome to participate in group/communal plots and activities.
- The right to participate may be revoked for non-compliance with the community garden's agreement. If participation conditions are not being met, then the Garden Specialist may proceed with a verbal warning and a 30-day written notice to non-performing community gardeners. If the non-performing community gardener does not respond within the 30-day period, then the right to participate is considered revoked and the plot shall be re-assigned to the next person on the wait list. See the Appendix for a sample 30-Day Notice.
- Garden participation is not restricted to plot assignments. Alternative participation opportunities shall be considered to non-plot holders, such as those who wish to garden in the common areas, or those who wish to enjoy being within a garden setting.
- Participation in the garden is not required for access. The general public is encouraged to access the community garden for enjoyment and shall be reasonably facilitated.
- The District shall establish an annual, base fee for all plot assignments to cover the cost of water and other common expenses, such as tools, supplies, events and special projects. An annual fee amount shall be specified in the garden plot agreement.

4.3 Group/Communal Plots

- To meet the expected demand for gardening space, HARD seeks to maximize participation through group/communal gardening programs that offer enriching programs and a community benefit that may include:
 - Teaching children to garden, harvest and cook with natural ingredients
 - Demonstration gardening
 - Hosting a community celebration, harvest event or workshops
 - Partnership with a local organization
 - Maintenance or management resources for the community garden
- HARD shall invite proposals from interested, organized groups to submit proposals that support HARD's mission. Preference shall be given to groups located within HARD's service area. Proposals may be evaluated for the following criteria:
 - Offer a community benefit
 - Conduct year-round use
 - Optimizes garden participation
 - Do not have a business-profit motive
 - Have proven resources for start-up and on-going support
 - Contribute to garden diversity
 - Contribute to garden maintenance, operations or communal experience

- As with individual and shared plots, the District shall establish an annual, base fee for group/communal plot assignments to cover the cost of water and other common expenses, such as tools, supplies, events and special projects. An annual fee amount shall be specified in the garden plot agreement.

4.4 Waiver of Liability

- Community gardening on District property is considered an unsupervised, volunteer activity. Each participant is required to sign a liability waiver prior to conducting any activity on District property. By signing the waiver, the participant acknowledges the risks involved by participating in the activity and accepts responsibility for his/her own actions.
- The liability waiver does not apply to non-garden participants unless performing work in the community garden.
- The District shall ensure a safe environment for garden participants.
- Visitors attending educational workshops or garden tours are not required to sign the liability waiver.

4.5 Maintenance

- Community gardener agreements describes the maintenance responsibility expected from each garden member.
- Plot-holding gardeners or groups shall be responsible for their assigned plots and to participate in the maintenance of the common areas.
- Individual plot agreements outline a temporary arrangement whereby maintenance responsibilities may be transferred to another person to accommodate periods of illness, pregnancy, travel, etc. for a maximum of three months within a 12-month period, and if there is a wait list.
- The community garden shall be maintained for safe public use always.
- Community gardeners are not permitted to use power tools on District property.
- Please request maintenance or repairs by the District to the Gardens Specialist.

4.6 Conflict Resolution

- Internal or external conflicts may arise that cannot be addressed so readily but may undermine the function of the garden. Such situations may be preventable or resolved through a democratic process. Parties involved may have an opportunity to provide input at a public forum. Establish ground rules at the start of the meeting to promote respect for each participant. The Garden Specialist or another neutral party shall conduct the meeting.
- Utilize mediation resources, such as a community arbitration board.
- Outreach to neighbors about the activities and events in the community garden through door mailers and public postings.
- The Garden Specialist is available for support and consultation with community gardeners and may intervene when necessary to resolve issues regarding the community garden on a circumstantial basis.

4.7 Fundraising

- Community gardeners may choose to fundraise for Hayward Community Garden. Proceeds may offset garden fees, fund unique elements for the garden (such as garden furnishings, bee hives, etc.) or be donated to the District for improvements (such as for the purchase and installation of a bench). In-kind gifts or services may also be donated to the community garden. Fundraising

activities on District land, gifts or in-kind donations may require approval or acceptance by the HARD Board.

- Generally donated garden supplies (hoses, shovels, plants, etc.) may be accepted by the community garden without the District's formal approval. Permanent fixtures (benches, decorative mosaic tiles, commemorative plaques, etc.) typically do require District acceptance prior to installation.
- Fundraising activities on District property will require a District permit. Prior to any fundraising effort, the Garden Specialist shall review the proposal for appropriateness, and inform on the process for approval.
- Conform to any District's gift policy.
- These policies do not apply to garden fees collected from the community gardeners.

5.0 REGULATIONS AND BEST PRACTICES

The following topics are guided by regulations adopted by the Hayward Area Recreation and Park District or are specific to Hayward Community Garden. Relevant excerpts are provided for convenience in the Appendix but is not intended to be all-inclusive. Community gardeners shall implement best practices for a sustainable environment.

5.1 Domestic Pets

- Dogs, domesticated cats, birds, fish, lizards, frogs and other domestic animals are not permitted in Hayward Community Garden.
- Farm animals shall be considered on a case by case basis.

5.2 Chemicals and Pesticides

- Use of fertilizers in public gardens must be organic-based for the protection of all gardeners, visitors and District property.
- No herbicides or pesticides may be used, except for organic-based materials, such iron phosphate for snail and slug bait.
- Certain plants are not responsive to herbicides, such as poison oak and blackberry.

5.3 Resource Conservation

- Community gardens should exercise best practices for water conservation, erosion prevention and energy efficiency. The cost of water usage is covered under the garden fees. However, as a resource of value, all current and future usage shall strive for efficiency to minimize waste.
- Exercise best practices in water conservation (e.g., drip irrigation, time of watering, clustering like plantings in zones, no overspray).
- While gardens may include and even encourage food crops that are water intensive, the management of water to support these crops should minimize any water waste.
- Ornamental plantings should be targeted to drought-resistant species.
- Hand-water or irrigate plants early in the day or late evening to minimize water loss due to evaporation.
- Apply a minimum 2" depth of mulch (bark, straw, compost, etc.) to prevent soil erosion, minimize evaporation, reduce soil compaction and moderate temperatures for plant roots.

5.4 Prohibited Activities

- Inappropriate behavior, including the removal of materials (flowers, fruit, vegetables, leaves, etc.) from park property without permission, is prohibited per HARD regulations. The list below is not intended to be exhaustive. Consult HARD's park regulations at www.haywardrec.org for more information.
- Unless with written permit by the District, the following are prohibited:
 - Removal or destruction of any plant
 - Injury, damage or destruction to wildlife
 - Serving, consumption or possession of alcoholic beverages
 - Use of tobacco, smoking or vaping
 - Selling and advertising. Giving away produce or plants generated in the garden at no cost or compensation is exempt.
 - Making or kindling fires
 - Littering
 - Excessive noise
 - Camping and lodging
 - Firearms, weapons and fireworks
 - Admission charge or gambling
- For enforcement, contact the HARD park rangers at (510) 881-6746 or (510) 881-6700 (after hours).

5.5 Trees

A tree is defined as a plant with a standard trunk and is 15 feet or more in height. Trees are a vital resource that provides a range of benefits, including cleaner air, erosion control, greening of public spaces, wildlife habitat and increased property values. For their protection, planting, removing and pruning of a tree may require a permit.

Policies:

- Gardeners are prohibited from planting a shrub or tree in a garden plot that will grow 6-feet in height or higher.
- Except for designated orchard areas, community gardeners may prune any plants less than 15 feet in height with the Garden Specialist's approval.
- Pruning of trees in the orchard may be performed only under supervision as approved by the Garden Specialist.
- The District is responsible for pruning or may oversee the pruning of trees 15 feet or more in height.
- Trees are subject to assessment by the District, which may recommend pruning to address public safety or improve the health of the tree.
- Pruning is not recommended for the primary purpose of increasing sunlight to the understory, opening up views, or for aesthetic reasons.
- Trees may not be planted within the PG&E right-of-way.

6.0 MISCELLANEOUS

6.1 Complaints

- Complaints or concerns may be forwarded to the Community Garden Specialist at HaywardCommunityGarden@haywardrec.org.

6.2 Public Information

- Direct requests for information on Hayward Community Garden, or for a garden plot, to the Garden Specialist at: HaywardCommunityGarden@haywardrec.org.

APPENDIX

Sample Thirty-Day Notice

Dear Gardener of Plot # :

The gardeners here at Hayward Community Garden have noticed that you have not maintained or sowed your plot for a long time.

The Community Garden Plot Agreement which you signed states the following:

REASSIGNMENT: The Garden Specialist shall notify non-active gardeners with a verbal, telephone or email warning. If active gardening does not resume within 15 days, or the gardener has not responded to messages from the Garden Specialist, or the garden member is not reachable, then a written 30-day notice to resume activity shall be issued.

If you clean your plot and surrounding area and inform the Garden Specialist of your intentions to plant in the near future, we will be pleased to keep you as a participant of the garden. However, if you have not done so within thirty days, we will reassign your plot to the next person on our waiting list; or in the absence of a waiting list, to the next person who inquires about getting a plot at the garden. We hope you understand our reasons for this action. We simply want everyone in our community to have an opportunity to garden. If you are not actively gardening, please consider giving up your plot to someone else who is interested in harvesting the goods of the earth. In the event that you do lose your plot assignment, feel free to sign up again on the waiting list.

Thank you for your cooperation.