

## **COMMUNITY GARDEN POLICY AND PLOT HOLDER AGREEMENT**

The Town of South Bruce Peninsula and County of Bruce supports the use of public and private land for community gardening. Community Garden sites will be subject to Council approval, and shall be used in accordance with the Community Garden Policy and Plot Holder Agreement. Where land is owned by the County of Bruce but leased to another party, use of that proposed site as a Community Garden shall be subject to the lessee's approval as well. Gardeners shall sign the Community Garden Plot Holder Agreement and abide by the Community Garden Policy.

Town of South Bruce Peninsula Community Gardens are outdoor spaces on designated public lands where Town of South Bruce Peninsula residents meet to grow and care for vegetables and flowers, and where the gardeners pay a small annual fee to the Town to register and rent their own plot and take initiative and responsibility for organizing, maintaining and managing the garden area.

### **Rules and Responsibilities**

1. Community Garden Plot Holders of the year prior will be given the first right of refusal for their plots. Plots will then be assigned on a first-come/first-serve basis.
2. Gardeners will pay an annual plot rental fee to rent a garden plot within the designated Community Garden Area located prior to June 1. Rental fees will be set by the Town of South Bruce Peninsula and reviewed on an annual basis.
3. If a gardener is unable to continue gardening, he/she shall notify the Town of South Bruce Peninsula Recreation Programmer. Gardeners wishing to cancel mid-season should notify Town of South Bruce Peninsula Recreation Programmer so that plots may be reassigned. There will be no fee reimbursement and all planted material must be removed by the gardener within seven (7) days of notification.
4. The period of the plot rental shall be seasonal. Fall cleanup of the garden is required. All above ground material, including stakes, must be removed by October 31.
5. All produce, crops, or personal property belonging to the gardener must be removed by October 31. Gardeners that reserve the same plot for the following year may only leave perennials in the garden plot. After the expiration of the above period, any produce, crops, or other personal property shall be disposed of at the discretion of the Town and the County, and there shall be no liability of such disposal. In the event that costs are incurred by the Town of South Bruce Peninsula, the Gardener will be invoiced.
6. The Garden plots site must be vacated from sunset to sunrise in the interest of security.
7. Each Community Garden plot will measures four (4) feet by eight (8) feet.
8. Town staff will supply, place and empty recycling and trash containers as part of routine property maintenance.
9. The Town will conduct the regular inspection of garden areas. If any contravention of rules is found, it may result in the cancellation of the gardener's privileges.
10. The Town of South Bruce Peninsula and the County of Bruce reserves the right to discontinue the program at any time with written notice to all gardeners.
11. Each gardener's contact information will be provided to the Town of South Bruce Peninsula.

12. Gardeners will notify the Town of South Bruce Peninsula Recreation Programmer if they will be absent for more than seven (7) days or if they have asked a friend to tend their garden plot.
13. No gardeners shall let anyone sublet, take over or use their plot without permission from the Town of South Bruce Peninsula Recreation Programmer.
14. If a gardener's garden bed is unkempt, they will be given ten (10) days' notice to clean it up. If they do not comply in ten days, their bed may be reassigned and their annual fee forfeited at the discretion of the Town of South Bruce Peninsula Recreation Programmer.
15. In the interest of their safety and in respect to fellow gardeners, smoking in Community Garden area is not recommended.
16. Children must be closely supervised.
17. Pets are not allowed in the garden.
18. Gardener will not feed dogs, cats or other animals around the garden.
19. All structures shall be approved by the Town of South Bruce Peninsula Recreation Programmer and must be in compliance with zoning and building requirements. Installation of any fencing, boards or any other materials to enclose the individual garden plots requires consent from the Town of South Bruce Peninsula Recreation Programmer.
20. Motorized vehicles are not permitted on grassed area and must park in designated parking areas. Cars may not be left idling while at the garden.
21. Please report any vandalism to the Town of South Bruce Peninsula Recreation Programmer.
22. Theft of property not belonging to a gardener will result in expulsion from the garden.
23. Any member who feels rules governing the garden have been violated is to provide a written complaint to the Town of South Bruce Peninsula Recreation Programmer.
24. Gasoline or other flammable or toxic substances are prohibited.
25. Use of herbicides, pesticides and black plastic mulches is prohibited.
26. Fertilizers must be used as per manufacturer's instructions and shall not be left on-site unattended at any time. Organic fertilizers are recommended.
27. Weeds and plant materials must be disposed of in designated compost areas.
28. Respect the Garden's property and assets. Use equipment and tools owned by the Community Garden responsibly and treat them with care. Return them to the shed promptly and clean to be stored neatly and securely for the safety and convenience of fellow gardeners. Tools are not to be taken home overnight.
29. Gardeners shall keep their plots weeded and tidy, and maintain tidy pathways surrounding their plots.
30. Gardeners will not plant corn or any tall crops where they will shade other people's plots unless the gardener can demonstrate that there will not be a negative effect.
31. Illegal plants are strictly prohibited.
32. Growth of cannabis is strictly prohibited.
33. Trees and other woody plants are not allowed on garden plots unless the gardener can demonstrate that there will not be a negative effect.
34. Vegetables, grains, berries, fruits, beans, herbs and flowers (annuals and perennials) are allowed on garden plots.
35. Gardeners will not plant invasive plants.
36. Gardeners will grow food in the garden plot only for personal consumption or to be distributed to a charity. Food may not be grown for commercial purposes.

37. No unattended or overnight watering permitted.
38. Gardeners must obey municipal water restrictions.
39. To lessen the threat of West Nile virus and mosquito breeding areas, do not leave any standing water in watering buckets or cans, plant pots, etc. Turn them upside down.
40. In the case of damage to the water system, or apparent leakage, turn off the water supply, if capable and notify the Town of South Bruce Peninsula Recreation Programmer immediately. Check bulletin boards to see where to turn off water systems.
41. Gardeners must notify the Town of South Bruce Peninsula of any leaks in the water line. All faucets must be turned off each night. Hoses must be neatly rolled up and stored in the storage shed.

**Gardener's Code of Conduct:**

1. Be considerate of neighbours when planting garden plots.
2. Pick only your own crops unless permission is given by the other gardener.
3. Gardeners are responsible for supervising those individuals they bring to the garden including other adults, youths and children.
4. Abide by all Town of South Bruce Peninsula By-laws.
5. Work to keep the garden a happy, secure, and enjoyable place where all participants can garden peacefully in a neighbourly manner.
6. Use on-site compost and trash bins as provided. Community Garden groups are encouraged to establish and maintain a composting area.
7. Laneways and paths are to be kept clear of obstacles. Tools and personal property must not be left on the site overnight.
8. Loud music is prohibited. Please respect the neighbours. I will respect the other gardeners. I will not have amplified sounds except through headphones.
9. Abusive or profane language and discrimination against others is prohibited.

Return completed forms to: Town of South Bruce Peninsula, Attention: Recreation Programmer, Box 310, 315 George Street, Wiarton, N0H 2T0

**Community Garden Plot Holder Agreement**

Name of Gardener(s): \_\_\_\_\_

Address: \_\_\_\_\_

Town: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Email: \_\_\_\_\_ Plot #: \_\_\_\_\_

Type of Garden:       Raised Bed       Ground Bed      Amount due: \_\_\_\_\_

Payment:  Cash    Debit    Cheque (Payable to Town of South Bruce Peninsula)

The Plot Holder voluntarily assumes any risk of injury, damage or legal action and releases and forever discharges The Licensee and The Corporation of the County of Bruce and their officers, employees, agents, and representatives (the "Licensee and the County"), from and against all liability, actions, claims, losses, costs and damages which may be brought against the Licensee and the County and which the Licensee or the County may incur, sustain or pay arising out of or in connection with the Plot Holder's use of and the Licensee's and/or the County's provision of or termination of land and/or a plot of land for community gardening and the County's provision of services, materials or facilities associated with community gardening. The Plot Holder releases and forever discharges the Licensee and the County, from any claim or demand whatsoever in respect of injury, death, loss or damage to property caused by or arising from the Licensee's or the Plot Holder's use of the Community Garden. The Plot Holder also agrees to hold and save harmless the Licensee and the County from any and all causes of action brought by third parties, including other Plot Holders, against the Licensee and the County arising out of the Licensee's or the Plot Holder's presence on or use of land for purposes associated with community gardening and/or arising out of any cause of action associated with the Licensee's or the County's provision of services, materials or facilities associated with community gardening. The relationship between the Plot Holder and the County and the Licensee is solely that of proprietor and a party licensed for the non-full-time use and occupation of County-owned land. The Plot Holder, in consideration of being granted permission to use and occupy a plot within the community garden, for the purpose of engaging only in permitted forms of community gardening, forever releases and waives any argument or claim the Plot Holder may have or may wish to make that a relationship of Landlord and Tenant exists between the Plot Holder and the Licensee or between the Plot Holder and the County. The Plot Holder acknowledges and agrees that nothing contained herein, and no action taken by the County, the Licensee or the Plot Holder shall confer on or vest in the Plot Holder any title or any interest of any kind including an ownership interest, or estate in the County-owned lands and the Plot Holder specifically releases and waives any argument or claim the Plot Holder may have or may wish to make that the Plot Holder has any interest of any kind including any kind of ownership interest, or estate in the County-owned land being used as a community garden.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

For further information, contact Jessica Pridham, Recreation Programmer, 519-534-1400 ext. 132 or email [Jessica.pridham@southbrucepeninsula.com](mailto:Jessica.pridham@southbrucepeninsula.com)

---

**For office use only:**

Plot Number Assigned: \_\_\_\_\_ Date and Time Received: \_\_\_\_\_

**Return completed forms to:  
Town of South Bruce Peninsula, Attention: Recreation Programmer,  
Box 310, 315 George Street, Warton, N0H 2T0**