

AMENDING TITLE 7, CHAPTER 7.70 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY INSERTING A NEW CHAPTER 7.70 – COMMUNITY GARDENS.

Title 7 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding a new Chapter 7.70 hereto as follows:

Chapter 7.70

COMMUNITY GARDENS

Sections:

- 7.70.010 PURPOSE AND PREAMBLE
- 7.70.020 Definitions
- 7.70.030 Community Gardening Regulations
- 7.70.040 Maintenance and Upkeep
- 7.70.050 Identifying and Securing Land
- 7.70.060 Land Use
- 7.70.070 Safety
- 7.70.080 Community
- 7.70.090 Sustainability

7.70.010 Purpose and preamble. Whereas, access to healthy and affordable food options is a key determinant of public health outcomes across the socio-economic spectrum;

WHEREAS, community garden projects provide satisfying labor and can be a source of seasonal employment and leadership development for both adults and youth;

WHEREAS, community garden projects encourage an urban community's food security and increase healthy, affordable food access, allowing residents to grow their own food and make it available to others;

WHEREAS, community gardens also build community among diverse groups of neighborhood residents and are a productive and beautifying use of vacant and/or abandoned land;

WHEREAS, communities with gardens experience less crime and vandalism and increase in property values;

WHEREAS, community gardens connect people to the environment and educate community members about sustainable living practices;

NOW THEREFORE, be it resolved that the City of Springfield, Massachusetts (the “City”) passes this Community Garden Ordinance that establishes the rules by which stakeholders must follow.

7.70.020 DEFINITIONS. The terms listed below, as included in this Ordinance, shall have the following meanings:

A. Beds: area of land that has been specifically cultivated for agricultural use; beds may be raised off of the ground level.

B. Community garden: Land that is gardened by a group of individuals sharing responsibility for the site either independently or under the auspices of a public or nonprofit organization.

C. Community gardening: growing food *within* cities, towns and even village settings; it is not growing food *outside* of built human environments.

D. Cultivated: Preparing and using (land) for crops or gardening; to break up (soil) in preparation for sowing or planting.

E. Environmentally Critical Area: Geologic hazard areas, steep slope areas, flood prone areas, wetlands, fish and wildlife habitat conservation areas, and abandoned landfills.

F. Garden Group: see Garden Entity

G. Garden Entity: a group of people operating a community garden; or a Micro Enterprise with the purpose of establishing and maintaining a community garden or residential garden.

H. Gardening Activity: any activity associated directly with the cultivation, harvesting, or maintenance of a community or residential garden

I. Micro Enterprise: a type of small business, often registered, having five or fewer employees and requiring seed capital of not more than \$35,000.

J. SFPC: The Springfield Food Policy Council; constituted in June 2010 and serves as a diverse group of stakeholders that provide a comprehensive examination and ongoing assessment of the Springfield food system as well as ongoing recommendations for policy and built environment solutions to improve access to fresh, affordable and culturally appropriate food for those who live and work in the City of Springfield.

K. Point of Contact: Designated contact person for a Garden Entity.

7.70.030 Community Gardening Regulations. A. In all zones, community gardens on all public and private lands are subject to compliance with all applicable provisions of the Springfield Zoning Ordinance, and the following provisions:

1. All gardening activity is allowed from dawn until dusk (provided that activities are not a nuisance to the abutters, (i.e., noise violations, etc.)) every day of the week.

a. Gardeners are permitted to sell excess produce at licensed venues, provided that food is grown in raised beds that are buffered from potentially contaminated soil.

b. If gardeners test the toxicity of soil, and results show that the soil is clean, raised beds are not required.

2. Signs: One (1) identification sign is permitted.

a. The sign shall provide information for the responsible entity.

b. The sign shall not be illuminated and shall comply with the size regulations of Springfield Zoning Ordinance.

3. All Community Gardens on both private and public land will receive guidelines from the SFPC. Garden Entities will also be required to submit an application to the City of Springfield Planning Department that addresses any probable impacts, including but not limited to:

a. A proposed site for a community garden.

b. A disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests or other purposes they are intended for.

c. A point of contact.

4. Additional guidelines for gardens:

a. Water Quality and Soils. Irrigation run-off cannot adversely affect adjacent properties, water bodies and environmentally critical areas, and proposed sediment and erosion control measures.

b. Traffic and Parking. Impacts related to the number of staff on-site during work hours, and the number of potential visitors regularly associated with the site, cannot adversely affect abutting properties.

c. Visual Impacts and Screening. Visual impacts relating to the proposed nature, location, design, and size of proposed features, structures and activities, including the location of composting activities and planting areas, and any existing or proposed screening must be addressed and not adversely affect abutting properties.

d. Odor. In all zones, at all times, all Garden Entities shall be responsible for maintaining their respective Community Gardens in compliance with Springfield Zoning Ordinance Article XV section 1511.5 relative to nuisance odors.

e. Agricultural Chemicals. Impacts related to the use of chemicals, including any fertilizer and pesticide cannot adversely affect abutting properties.

f. Mechanical Equipment. Impacts related to the operation of equipment, including noise, odors, and vibration cannot adversely affect abutting properties.

g. Structures. The structures for residential garden (i.e. greenhouses and hoop houses) will comply with state and city regulations and ordinances pertaining to neighborhood/lot.

h. Insurance. All community gardeners on City-owned land will be required to sign a “hold harmless clause” with the City.

7.70.040 Maintenance and Upkeep. A. Trash Removal. If necessary, and if resources are available, the City will provide an initial land clearing for free on city owned property.

1. Once the garden has been cleared by the City, gardeners are responsible for getting trash moved to a designated area at the garden site for City to collect.

2. The City will remove bulk items on city owned property, if resources are available, that get illegally dumped after the initial clearing.

3. Gardeners are responsible for collecting trash from the lot and the adjoining sidewalk and putting it in barrels for trash collection. An annual trash fee will be assessed by the City if municipal trash collection is desired.

4. Appearance.

a. Gardeners must maintain the site and tree belt. This includes cutting of the grass and overgrown vegetation, as well as, removal of trash and debris.

b. At the end of the growing season, all garden beds shall be cleared and cultivated, as appropriate.

5. Water.

a. The Springfield Water and Sewer Commission (“SWSC”) currently waives sewer disposal fees for accounts that are used for community gardening purposes.

b. If there is an existing water main installed near the lots, the SWSC may install a water service and/or tap for a fee to be paid by the community garden entity. Requests for installing a water service and/or tap must be made within six (6) months of anticipated installation.

c. Unless grant funding is found, community gardeners will be responsible for paying water fees, including the turn on/turn off fee and monthly fees even when water main is not in use.

6. Soil/compost.

a. The City will work with community gardeners to assist with compost delivery. Any community garden who desires compost must call or email and request it from the City. The City will arrange for the delivery of at least one truckload of compost to each garden in the late spring, annually, if requested by above deadline.

b. If gardeners plan to compost on-site, they must take steps to ensure that their respective Community Gardens are compliance with Springfield Zoning Ordinance Article XV section 1511.5 relative to nuisance odors. Any complaints about compost must be validated by the City of Springfield Code Enforcement Department.

7.70.050 Identifying and Securing City Owned Land. A. There will be a designated person on the SFPC Steering Committee who will be responsible for accepting requests about community gardens. That person will work with the appropriate City Department liaisons from

Housing, Parks and Recreation, and Planning about lots that are available as requests are received.

1. If the garden entity is looking for available, City-owned land, the SFPC will accept requests for community garden lots between the months of January to May. Lots will be identified with the help of City departments of Housing, Parks and Recreation, and Planning.

2. Appropriate lots for community gardening can be made available based on the following criteria:

- a. The lot is unlikely to be developed in the foreseeable future.
- b. There is a water line on or near the property, and/or the buildings on-site have non-toxic roofs so that rain water catchments are safe to practice.
- c. The lot receives adequate sunlight between April and October.
- d. There is street lighting nearby.

3. The SFPC is the liaison between the garden group and the City.

4. If the community garden is to be located on a publicly owned parcel, the City or Springfield Redevelopment Authority (“SRA”) and the gardeners shall sign a license and “hold harmless” agreement. Once the “hold harmless” agreement has been signed and the garden entity successfully maintains the site in compliance with this Ordinance for one (1) full season, the City or SRA shall elect to offer a five (5) year license agreement to allow that land to be used as a garden.

5. In the event that the City has concerns about the condition, operation, location or maintenance of a community garden, the City shall provide written notice to the community garden contact person, who shall have twenty-one (21) days to provide a written response to the City, addressing the stated concerns. In the event that a written response is not received by the City within the allotted time period set forth above, or the concerns set forth in the City’s written notice have not been fully corrected within thirty (30) days of receipt of said notice, the City reserves to the right to immediately withdraw from the land tenure agreement.

6. The City or SRA reserves the right to withdraw from the land tenure agreement if the following events occur, and shall provide the community garden contact person with a written forty-five (45) day notice of its intent to withdraw:

- a. If the garden entity fails to uphold the terms and conditions identified and set forth in the license agreement; or
- b. If there is significant change in the conditions, neighborhood, marketability, or opportunity for development occurs which calls for a different use of the land. In this circumstance, the City or the SRA shall work with the gardeners to make best efforts to secure a lot as close as possible to the garden entity by the next growing season.

7.70.060 Land Use. A. Garden entities are permitted to sell excess produce at licensed venues, provided that food is grown in raised beds that are buffered from potentially contaminated soil, and the sale of such excess produce is authorized by the Springfield Zoning Ordinance.

B. If garden entities test the toxicity of soil and results show that the soil is clean, raised beds are not required.

7.70.070 Safety. A. Liaison with the Police Department:

1. The SFPC subcommittee will forward to the Police Department a list of community gardens with contact information for each one each spring so the department knows the land is not abandoned and who to contact in case of emergency.

2. Police will take notice of garden sites when they drive by.

7.70.080 Community. A. In order to make the community aware of the gardens and the partnership with the City, a number of outreach methods will be used.

B. The SFPC maintains a page on the City website including information about the gardens and a link to a map of the gardens.

7.70.090 Sustainability. A. All existing community gardens that are listed and shown on the map created by the SFPC as of August 2011 will be “grandfathered” as an appropriate use of that current lot as of the date of passage of the ordinance.

B. Community support for gardening is growing in our city and as funding becomes available to city departments more resources may be allocated to gardening as appropriate. In the meantime, research and exploration into funding in partnership with the City will be prioritized.

APPROVED:

May 9, 2012

EFFECTIVE:

May 30, 2012

ATTEST:

WAYMAN LEE

CITY CLERK