

City of Tampa

Parking Community Garden (PCG) Bylaws

All members participating in the Parking Community Garden are required to read the following bylaws and sign an acknowledgement receipt stating the intent to comply with all the rules and regulations of the garden specified within the bylaws.

Article I: Establishment

The Parking Community Garden administered by the City of Tampa Parking Division has been established for the following reasons:

- Encourage the increase of time spent outdoors by city staff and residents,
- Foster healthy eating habits among city staff and residents,
- Foster community inclusion through engagement in a common hobby,
- Activate underutilized space on City property for a community benefit,
- Provide educational opportunities for community members focusing on water reclamation, recycling, and composting.

Article II: Mission

The mission of the Parking Community Garden is to provide equitable access to gardening space that encourages healthy nutritional and environmental habits while bolstering civic culture and community. The Parking Division seeks to provide an amicable environment and welcomes all residents who seek membership— no matter the individual's age, race, gender, ability, sexual orientation, class, religion, and ethnicity. The Parking Community Garden is just one step in our commitment to sustainability.

Article III: Garden Hours & Access

The Parking Community Garden will be open from sunrise to sunset. There shall be no access to the garden after these hours except for designated Parking Division and Community Garden Staff.

To gain access to the Parking Community Garden as well as the tool shed Primary Gardeners must utilize a Bluetooth enabled smartphone and download the required app. Primary Gardeners will be provided access to both locks upon award of a garden bed(s) within the garden.

Article IV: Garden Administration

The Parking Community Garden is fully governed by the Parking Division within the City of Tampa Mobility Department. The maintenance of garden equipment as well as garden operations are under the complete jurisdiction of the Parking Division.

All garden related operation, maintenance, and leadership decisions will be made by Parking Division staff assigned to oversee the Parking Community Garden. Input on such decisions may be sought from current and prospective Parking Community Garden members, but the final decision shall remain at the discretion of the Parking Division.

Article V: Membership

Section 1. Eligibility Requirements

Any individual that wishes to participate in the Parking Community Garden as a primary gardener must:

- Be at least 18 years of age
- Be a resident (or current employee) of the City of Tampa
- Be in good standing with the Parking Community Garden Site Rules (Attachment A) and bylaws
- Sign a copy of the Parking Community Garden Bylaws and site rules stating the individual will abide by these rules

A Parking Community Garden Member can be defined as any individual that has been awarded a garden bed within the Parking Community Garden. A maximum of two garden beds may be awarded per household, but there shall only be one primary gardener per household.

Section 2. Primary and Secondary Gardeners

Primary gardeners at the Parking Community Garden must be approved Parking Community Garden members as defined by the Parking Community Garden Bylaws, which require 1) signing a membership contract and participation waiver for each growing season, 2) being assigned to a garden bed, 3) being 18 years of age or older, 4) residing within the City of Tampa or being a current City of Tampa employee, 5) being in good standing with the Parking Community Garden Site Rules and Bylaws. Secondary gardeners are guests of the primary gardener.

2.1 Primary Gardeners

The primary gardener is the individual designated in the membership contract as the garden bed owner, and is the main point of contact for all correspondence related to the assigned garden bed. All members on the contract are collectively and severally bound by the contract. The

primary gardener shall maintain a current email, phone number, and address on file with PCG administration. Primary gardeners are expected to tend to their garden bed at a minimum of once (1) per week, and may ONLY work in the garden bed assigned to them.

2.2 Secondary gardeners

The secondary gardeners are guests of the primary gardener that have been identified and approved in the contract. They may be individuals that fall outside the requirements for primary gardener (i.e. they do not need to be 18 years or older, sign a membership contract, etc.). Secondary gardeners are the sole responsibility of the primary gardener who they attended the garden with. The primary gardener will be liable for any actions done by their secondary gardener(s). Secondary gardeners may ONLY work in garden beds assigned to their primary gardener. ALL secondary gardeners that the primary gardener plans to bring, must be approved by Parking Community Garden staff ahead of time and must sign a participation waiver prior to entering the garden area.

Section 3. Membership and Compliance

All garden beds will be monitored by Parking Community Garden staff for compliance with the Site Rules (Attachment A). In the case of non-compliance, an email, phone call, or personal contact shall be made to the Primary Gardener acknowledging the evidence of non-compliance and seeking a plan for compliance.

The primary gardener shall have seven (7) days from the date of the notice of non-compliance to bring their garden bed into compliance with Parking Community Garden Bylaws and Site Rules.

In the event that the primary gardener cannot bring their garden bed into compliance within their allotted seven (7) day grace period:

- Membership with the Parking Community Garden will be terminated.
- All plants shall be removed or tilled into the soil at the discretion of the Parking Community Garden staff.
- Any personal items left in the garden bed following termination shall become property of the Parking Community Garden
- The primary gardener will be ineligible to apply for Parking Community Garden membership for two (2) calendar years from the date of termination from the program.
- The garden bed may be reassigned at the discretion of the Parking Community Garden staff.

Repeated documented instances of non-compliance (defined as three instances in one season or at least one instance in three consecutive seasons) shall be grounds for the termination of Parking Community Garden membership.

Section 4. Assignment of Garden beds

Garden beds are to be awarded and assigned through a lottery selection system, where eligible members are picked through a drawing. Drawings will be separated by category— General City of Tampa resident, ADA accessible, and City of Tampa staff. Garden bed number and location preferences will not be considered during the assignment process.

Article VI: Garden Policies and Expectations

Section 1. Member Expectations

As an inclusive neighborhood space, the Parking Community Garden is committed to providing a safe and welcoming space for all members wanting to partake in the garden. Garden participants are expected to confront any language or behavior that conflicts with this policy in a constructive and respectful manner.

Section 2. Garden Policies

- a. The consumption of alcohol and tobacco products, including e-cigarettes, is strictly prohibited on the Parking Community Garden premises.
- b. All garden beds within the garden are individually managed by the assigned gardener. Only the primary and secondary gardener(s) can work on their assigned garden bed.
- c. The Parking Community Garden adheres to organic growing practices; all chemical pesticides and fertilizers are PROHIBITED from being used within the garden. This extends to any materials that can leach toxic substances into the garden, such as chemically treated wood.
- d. Pets, with the exception of certified service animals, are prohibited from entering the garden.
- e. All Parking Community Garden gardeners shall be bound to by garden expectations and rules as outlined in the Parking Community Garden Site Rules (Attachment A)

Article VII: Grievances

Members are expected to be respectful of each other and are encouraged to resolve disagreements through dialogue with each other. In the case that a garden member wants to raise a formal grievance, they may submit one to Parking Community Garden staff in writing at the Parking Executive Office on the 3rd floor of Ft. Brooke Garage (107 N Franklin St) directly above the YMCA and Streetcar Station. Parking Community Garden staff will review the grievance and issue a recommendation within 30 days.

Article VIII: Indemnification & Hold Harmless

By signing below and submitting an application for membership with the Parking Community Garden, the individual hereby acknowledges and agrees that participation in the Parking Community Garden, the individual assumes all risk of injury or harm relating to the Parking Community Garden, which may be caused by the action, inaction or negligence of the individual, or the action, inaction, negligence of others, including the City of Tampa.

The individual agrees to assume all risk of injury or harm relating to the Parking Community Garden and agrees to release, indemnify, defend, and forever discharge the City of Tampa, its officers, agents, or successors and assigns, from all liability, claims, demands, damages, losses, costs, expenses, and the causes of action due to death, injury, loss, or damage to the individual.

The individual hereby releases the City of Tampa and its employees, agents, contractors, successors and assigns, of and from any and all claims for injury, loss, damages, actions and causes of action, claims and demands whatsoever, whether known or unknown, and whether or not founded in law, and of and from any and all manner of suits, liabilities, losses, covenants, agreement, promises, damages, claims and demands, including but not limited to, those arising out of or in any way connected to the Parking Community Garden, and all acts or omissions related thereto, whether or not caused in whole or part by the negligence or other misconduct by the City of Tampa.

I (FIRST NAME, LAST NAME) _____ herein referred to as “the individual” or “primary gardener” attest that I have read and accepted these bylaws in full and without reservation. I agree to abide by them and the site rules while I am a member of the Parking Community Garden.

Signature

Date

Attachment A

Parking Community Garden Site Rules

The Parking Community Garden (PCG) is a program of the Parking Division of the City of Tampa Mobility Department and is located on the grounds of Whiting Street Garage. Those authorized to work on the grounds as active gardeners have an obligation to act in accordance with the below described Site Rules.

I. GARDEN ACCESS; GARDEN BEDS & ASSIGNMENTS

a. GARDEN ACCESS

- i.* Only Primary Gardeners and PCG Staff are authorized to access the PCG Site.
- ii.* Secondary Gardeners may access the Parking Community Garden but only with the presence of the garden bed's Primary Gardener and after completing and submitting a participation waiver to PCG staff.
- iii.* Admittance to the Parking Community Garden by any person that is not presently authorized is not permitted.

b. GARDEN BED SIZES AND ACCESSIBILITY

- i.* There are 51 total garden beds in the PCG and all garden beds are 2'x2'x4'.
- ii.* Nine garden beds are designated for use by members with special needs or disabilities and are wheelchair accessible. These garden beds have an accessible pathway for access and are 4' in width or wider. These garden beds are reserved specifically for individuals meeting these requirements and will be assigned to members not meeting these criteria only if there are unclaimed garden beds remaining after the awarding process.
- iii.* The remaining 40 garden beds have grass pathways that are 2' wide.

c. GARDEN BED ASSIGNMENTS

- i.* Garden beds will be awarded based on a random lottery drawing from a pool of qualified applicants for all PCG Garden beds annually (in January).
- ii.* Existing Primary Gardeners will be given preference in garden bed awarding from year to year should they wish to keep their garden bed.
 - 1.* The remaining vacant garden beds will then be awarded as identified in section I(d)(i).
- iii.* A Primary Gardener shall not be assigned more than two garden beds within the Parking Community Garden.
- iv.* Specific garden beds will be randomly assigned to awarded Primary Gardeners.

II. GARDEN SEASONS

- a. Parking Community Garden seasons run from February through July for the Spring season and from August through December for the Fall season.
- b. PCG growing years run from February through December.

III. GARDEN BED COMPLIANCE

a. COMPLIANCE REQUIREMENTS

- i.* Garden bed compliance includes:
 - 1. Harvesting fruits and vegetables regularly;
 - 2. Pruning all plants so that they are contained within the assigned garden bed;
 - 3. Keeping the garden bed from becoming overrun with weeds;
 - 4. Removing plants at the end of their life;
 - 5. Keeping the garden bed planted throughout the awarded season(s);
 - 6. Keeping the area surrounding the garden bed free of weeds and obstructions;
- ii.* Primary Gardeners are expected to maintain the garden bed at all times during the awarded season(s). Garden beds are not to be left neglected or unattended (i.e. unwatered, unplanted, or overrun with weeds) for more than one week without prior written approval by PCG staff.
- iii.* Parking Community Garden's collective space is divided into individual garden beds with shared borders, which requires being considerate of neighboring gardeners. Vegetables and ornamentals, including their trellises or similar supporting structures should not be planted so close to garden bed boundaries that:
 - 1. The plants cannot be cultivated or harvested without entering a neighboring garden bed,
 - 2. A plant or structure casts excessive shade on a neighboring garden bed, or
 - 3. A plant or structure otherwise encroaches on a neighboring garden bed.
- iv.* No trees, cacti, or illegal plants may be planted.
- v.* No permanent structures shall be placed within the Parking Community Garden.
- vi.* Only organic soil amendments, nutrients and pest controls are authorized to be used within the PCG. These will be made available upon request to the Primary Gardener of each garden bed.

- vii. The use of any chemically treated wood is not permitted. These contain toxic substances that may leach into the soil.

b. ENFORCEMENT

- i. Garden beds will be monitored by PCG Staff for compliance with the Site Rules. An email, phone call, or personal contact shall be made to the Primary Gardener acknowledging the evidence of non-compliance and seeking a plan for compliance.
- ii. Grace Period for Achieving Compliance
 - 1. The Primary Gardener shall have seven days from the date of notice of non-compliance to bring the garden bed into compliance with the PCG Site Rules.
 - a. Should the Primary Gardener not bring the garden bed into compliance within the allotted seven-day grace period:
 - i. Membership with the Parking Community Garden shall be terminated.
 - ii. All plants shall be removed or tilled into the soil at the discretion of the Parking Community Garden staff.
 - iii. Any personal items left in the garden bed following termination shall become property of the Parking Community Garden.
 - iv. The Primary Gardener will be ineligible to apply for Parking Community Garden membership for two (2) calendar years.
 - v. The garden bed may be reassigned at the discretion of the Parking Community Garden staff.
 - b. Repeated Non-Compliance
 - i. Repeated documented instances of non-compliance (defined as three instances in one season or at least one instance in three consecutive seasons) shall be grounds for termination of membership.

IV. GENERAL RULES

- a. This is a community garden. Other members are our neighbors. There shall be no harassment, threats, verbal abuse or acts of violence by any person against any other person. Such acts shall be reported to Parking Community Garden Staff and, if necessary, proper authorities shall be called. Any person committing such acts shall immediately have their membership terminated.

- b. NO ALCOHOL, ILLEGAL SUBSTANCES, OR TOBACCO PRODUCTS INCLUDING E-CIGARETTES.
- c. Unattended watering is not allowed. No use of soaker hoses, drip irrigation systems, or sprinklers is permitted within the Parking Community Garden.
- d. All community accessible tools (trowels, cultivators, rakes, gardening shears, work gloves, watering cans, etc.) stored inside the PCG on-site shed are to be used solely for the purpose for which they are intended and may not be removed from the garden site at any time for any reason. They shall be cleaned and returned to the on-site shed following completion of use.
- e. Waste Disposal
 - i. Each member/Primary Gardener is responsible for appropriately disposing of plant waste and other trash.
 - ii. Plant waste generated within the Parking Community Garden shall be placed in the appropriate compost container.
 - iii. Non-compostable waste shall be properly disposed of by the Primary Gardener.
 - iv. The entire garden, including common areas and garden beds, are to be kept clear of litter including boxes, cans, buckets, baskets, tools, and containers of any kind not in actual use as part of the gardening activity.
- f. NO PETS OF ANY KIND ARE PERMITTED IN THE PCG.

V. SAFETY AND SECURITY

- a. *LOCKS*
 - i. Parking Community Garden locks on the entrance gate and the shed are to remain locked at all times.
 - ii. Only Primary Gardeners shall be provided with access to open locks at the PCG, this access is not to be shared with ANYONE else under any circumstances.
 - iii. At no time should a Primary Gardener allow a Secondary Gardener to access the tool shed.