



The Newark Street Community Garden Association

Growing since 1974

USPS: PO Box 5628, Washington DC 20016

WEB: www.newarkstcommunitygarden.org

LISTSERV: <https://groups.io/g/Newarkstcommunitygarden>

EMAIL: president@newarkstcommunitygarden.org

Maureen Spagnolo, President.

This document contains three forms:

The DPR Garden Code of Conduct

The Rules for Newark St. Community Garden Association

Accident Waiver and Release of Liability Form

By paying this invoice, you are certifying that you have read this document, that you are at least 18 years old, that you fully understand its content, and that you are agreeing to these rules. Consequences for failure to adhere to the rules in this document may include but are not limited to the loss of use of a personal garden plot.



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Parks and Recreation



Parks & Environmental Conservation Division

Community Garden Code of Conduct

The following rules comprise the DPR Garden Code of Conduct that all gardeners, participating in any way at a DPR Community Garden, must adhere to. They are in addition to the Rules for Newark St. Community Garden Association. By paying this invoice, you are agreeing to these rules. Consequences for failure to adhere to the code of conduct may include but are not limited to the loss of use of a personal garden plot.

I. Membership Requirements

- A. All members must volunteer a certain number of hours, determined by the garden manager, maintaining common areas or attend a certain number of volunteer events every year to keep their garden plot. Common areas can include, but are not limited to public plots, fences, area around the garden border, garden isles, and tool shed.
- B. Each garden manager determines the volunteer requirement and how to monitor each person's contribution.
- C. By paying this invoice, all gardeners are verifying that they have read, understand, and accept the DPR liability form and this DPR Garden Code of Conduct.
- D. All members must abide by all garden rules, Garden bylaws, DPR rules, and DC laws. Failure to follow any of these rules and laws may result in the loss of the member's garden plot, determined on a case-by-case basis, by either the Garden manager or DPR in its discretion.
- E. All members may only garden one personal garden plot per household.
- F. All members are restricted to one garden plot per household at one DPR community garden. Members cannot garden a personal plot at more than one DPR community garden.
- G. If there are multiple people gardening in one plot, all members must sign a waiver and code of conduct.

II. Members voluntarily leaving their plot

- A. If members wish to leave their garden plot they must contact the garden manager as soon as possible in writing.
- B. Members cannot assign their plots to another person.
- C. The vacated garden plot will be assigned by the Garden Manager according to the waiting **list**

III. Termination of Membership

- A. Safety Violation
 1. If a garden member violates a DC law or a DPR Code of Conduct that affects the safety of the garden, that member may lose their garden plot and/or banned from the garden. Each case may be determined by DPR and/or the Garden Manager on a case-by-case basis in their discretion. Safety rules include but are not limited to:
 - a) No physical or verbal behavior that's aggressive, intimidating, threatening, harassing or violent in any way.
 - b) No Alcohol within Garden or anywhere on DPR property
 - c) No Smoking in the garden or anywhere on DPR property
 - d) No pets in garden
 - e) No non-organic fertilizer, pesticide, herbicide, or fungicide.
 - f) No harvesting or disturbing other people's personal garden plots.
 - g) Gardeners must not erect any structures that the garden manager deems a hazard.
 2. Procedure for Safety violation



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- a) Immediate threat
 - (1) If anyone's safety is at risk please contact MPD using 911.
 - (2) If immediate assistance is needed (by staff or gardeners) that does not require calling MPD, please call the Park Rangers at 202441-2605.
- b) Non-immediate threat
 - (1) All staff members, garden managers, gardeners who witness any safety violation must fill out an incident report as soon as possible and submitted to DPR.
 - (2) Based on the incident reports collected DPR will determine the following course of action(s) that could include, but not limited to:
 - (a) Request for follow up information
 - (b) Document incident with no further action
 - (c) Issue a warning
 - (d) Require mediation
 - (e) Remove a gardener from their personal plot for one calendar year.
 - (f) Ban a gardener from a garden
 - (g) Report incident to MPD

B. Garden violations

- 1. If a garden member violates a non-safety related garden rule that person must remediate the violation or they may lose their garden membership and garden plot immediately.
Non-safety rules include by not limited to:
 - a) All gardeners must plant their plots within a month of receiving the plot (weather permitting).
 - b) All returning gardeners must plant their plots by June 1st.
 - c) All gardeners must maintain their plot which entails
 - (1) Controlling weeds and pests in and around their plot
 - (2) Harvesting ripe vegetables before they rot
 - d) All gardeners must complete their volunteer requirement set by the garden manager.
 - e) Gardeners must not erect any permanent structures or structures that block sun from another garden plot.

C. Warning System

- 1. The garden manager must make a documented attempt by the usual contact method to issue a warning.
- 2. After waiting a week if the problem still persists, the garden manager must make another documented attempt by a different form of contact, stating clear consequences.
- 3. After waiting another week, the garden manager must make a documented attempt over the phone or in person to make contact.
- 4. If contact is made, the member who committed the violation must create an action plan to remediate the problem with the garden manager.
- 5. If there is no contact after a week or if the remediation plan fails, the garden manager may ask the garden member to leave their plot.



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Rules for Newark St. Community Garden Association

NOTE: For general rules for garden membership, please see the DPR Garden Code of Conduct which all gardeners that participate in any way at a DPR Community Garden, must adhere to. These rules cover situations specific to the Newark St. Community Gardens. By paying this invoice, you are agreeing to these rules. Consequences for failure to adhere to the code of conduct include but are not limited to the loss of use of a personal garden plot.

The Purpose of these Rules is to support a community of gardeners who respect their neighbors and garden in a way that does not infringe on others in the garden and makes no negative impact on the environment.

1. Assignment of Plots:

The Membership Committee as directed by the Board of Directors shall be the sole authority on all matters pertaining to who is the current occupant of each garden plot. The Rules Committee as directed by the Board of Directors shall be the sole authority on all matters pertaining to where boundaries between garden plots rightly lie. The Board of Directors may require members to transfer to another plot or alter plot boundaries if such a move is dictated by the legitimate interests of the Garden Association. A majority of the full Board of Directors is required to approve such moves.

2. Use of the Garden Plots

Rule 2.1. Use of your garden plot.

Your assigned garden plot is for your personal use only and you must play the major role in working it. (Please expect to spend several hours a week weeding and maintaining your plot.) You may arrange with friends or relatives to provide incidental or temporary help and to tend your garden during short absences. However, for anticipated absences of more than two weeks, you must notify the Rules Committee of the arrangements you have made for the care of your plot in your absence.

Rule 2.2. You must follow the garden calendar. Begin your plot by May 1st, have it fully utilized by June 1st, and winterize it by November 30th unless you are doing fall/winter gardening.

Rule 2.3. The Garden rules are enforced by regular monitoring of the garden and contacting gardeners who have violated a rule by notifying them by email and phone. The City requires that gardeners maintain open communication with an email address and phone number that are monitored at least weekly.

From June 1st to November 30th, the garden will be inspected on a regular basis as follows and citations will be given for rule violations. The table below lists the violations the Garden Monitor looks for.

Item	Criteria
Your boundaries.	Do not be altered in any way without consent of Board.
Your plot marker (2x2 stake)	Must be clearly visible, not hidden.
Your boundaries with other plots	Keep weed-free and clearly marked. Maintain a 6 inch chip buffer.
Outside paths bordering your plot	Keep free of weeds and plants and well-chipped.
Area inside your plot	Keep neat and tidy, no clutter (attract rats and other rodents).
Paths inside your plot	Weeds (vertical and horizontal) should be kept to a minimum.
The cultivation area	Must be at least 50% of your plot area. Weeds should be kept to a minimum.
Raised beds	Wooden or dark metallic sides preferred. No brightly colored sides. Make sure they do not interfere with access to weeding along fence.



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On your fences	Keep clear. No climbing vines (Many are invasive species).
Fence properties	Temporary, less than 6 feet tall. MUST BE BIRD-FRIENDLY.
Fence materials	Dark or earthy colors only. Dark green only. NO BRIGHT OR FLUORESCENT MATERIALS (INCLUDING BRIGHT GREEN). NO CONCRETE FOOTINGS.
Gates	NO CONCRETE FOOTINGS , height less than 6.5 feet tall.
Streamers and Flashers	Not allowed anywhere.
Trees	Not allowed inside your plot or on the fence line.
Shrubs, rose bushes etc	Allowed but must be kept under 3 feet tall and well-trimmed.
Trellises	Keep less than 6 feet tall. Must be taken down in winter.
Winter Gardening Structures	Keep less than 3 feet tall, plastic covers well anchored.
Standing water, ponds, birdbaths	Not allowed (mosquitos).
Furniture	Outdoor only, minimal size and number, unobtrusive, no bright colors.
Grills, etc	Not allowed in plots or garden area, only picnic area.
Drainage channels, ditches, etc	Keep no deeper than 6 inches. Must not interfere with neighbors.
Garden materials, excess wood	Only short-term storage and minimal amounts.
Trash	Garden has no trash bins. Take trash home (rats).
Children	Must be supervised at all times.
Dogs	Not allowed in garden areas.
Newark St Garden Tools	Must be cleaned and returned to shed immediately after use.
Hoses and watering	Cannot water plot unattended.
Stuff in other plots	CANNOT be removed without approval of Board member.
Planting stuff outside your plot	CANNOT be done without approval of full Board.
Compost bins	Not allowed in plot, use communal one at bottom of garden.
Three or more citations per season.	Your plot may be reassigned.

GENERAL CITATION SCHEDULE

Day Zero	First Citation	Email	The garden is routinely inspected and plots violating one or more of the above rules will be emailed a Citation. You need to respond with a plan or explanation or fix the issue within the week. Email to Rules@newarkstcommunitygarden.org .
Day 7	Second Citation	Email Phone	If you do not respond and your plot is still in violation, you will receive a Second Citation by email followed by a phone call/voicemail notifying you that your plot may be reassigned unless you respond with a plan or explanation or fix the issue within the week.
Day 14	Third Citation	Email Phone	If you still do not respond and your plot is still in violation, you will receive a Third Citation by email followed by a phone call/voicemail notifying you that your plot will be reassigned in one week unless you appeal to the Board. Your appeal should address why you have not corrected the violation and you have not responded to our request for information. Email appeals to Rules@newarkstcommunitygarden.org .
Day 21	Asked to leave		If we have not heard from you and your plot is still not compliant, it will be reassigned.



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Special rules apply to the start and end of the season since these dates are known in advance.

Start your garden by May 1st.

Why	Rules require that you demonstrate effective utilization of your plot by clearing weeds, by working the soil no later than May 1 st , by having the majority of the plot under cultivation by June 1 st and by keeping the plot weed-free throughout the growing season.
May 1	Your plot must show signs of being utilized. If not, you will receive an Official Citation by email giving you one week to start cultivating your plot.
May 7	If you have not responded to the first Citation and your plot is still fallow, you will receive a Second Citation by email followed by a phone call/voicemail notifying you that your plot will be reassigned in one week. You may appeal within the week to the Board as to why your plot should not be reassigned. Appeals should address why you have not cultivated your plot and have not responded to our request for information. Email appeals to Rules@newarkstcommunitygarden.org .
May 14	If we have not heard from you and your plot is still not compliant, it will be reassigned. (It is your responsibility to monitor your email and phone.)
New midseason members	You have two weeks to make a good faith effort to clear and cultivate the plot. If not done, the plot will be reassigned without further notice, (unless prior arrangements were made with Rules).

Winterize your garden by November 30th, except those areas being used for fall/winter gardening.

Why	Garden plots must be neat and have a pleasing, unobtrusive appearance during the off-season in consideration of our neighbors.
November 30th	Your plot must be cleared of all garden materials and structures. Old crops, fruit, and any remaining weeds must be removed from the plot. Trellises and other tall structures may be dismantled and stowed flat on the ground. Bags of garden materials, stakes, hand tools, and other small items structures need to be removed from the plots or stored in a dark or gray box less than 3 feet high. Tomato cages may be stowed neatly in one corner of the plot. Winter gardening protective structures less than 3 feet high are permitted. If your plot, except for any areas used for fall/winter gardening, is not winterized, you will receive a Citation by email followed by a phone call/voicemail notifying you that your plot will be reassigned in one week unless you appeal to the Board.
December 7th	If you have not responded to the Citation and your plot is still not winterized, you will receive a Second Citation by email followed by a phone call/voicemail notifying you that your plot will be reassigned in one week unless you appeal to the Board as to why your plot should not be reassigned. Appeals should address why you have not winterized your plot and have not responded to our request for information. Email appeals to Rules@newarkstcommunitygarden.org .
December 14th	If we have not heard from you and your plot is not compliant, it will be reassigned.



**DISTRICT OF COLUMBIA DEPARTMENT OF PARKS AND RECREATION (“DPR”)
ACCIDENT WAIVER AND RELEASE OF LIABILITY FORM**

Name of Activity, Event, or Program (hereinafter, the “Activity”): Community Gardening

Date(s) of Activity: All year

Location of Activity: Newark St Community Garden

I HEREBY ASSUME ALL OF THE RISKS OF PARTICIPATING IN THIS ACTIVITY, including, but not limited to, any risks that may arise from the condition of the equipment and/or real and personal property owned, managed, maintained, and/or controlled by the District at the location of the Activity.

I recognize that participation in the Activity can carry with it potential risks, including, but not limited to, bodily injury. I certify that I have not been advised to refrain from participating in the Activity by a medical professional. There are no health-related reasons or problems that preclude my participation in this Activity.

I hereby consent to receive medical treatment that may be deemed advisable in the event of injury, accident and/or illness during this Activity. However, this consent does not require DPR to initiate medical care on my behalf. I agree to accept full responsibility for and to pay for the cost of medical care, transportation and any other incidental expenses arising from any such event.

In consideration of receiving permission to participate in this Activity, I hereby take action for myself, my executors, administrators, heirs, next of kin, successors and assigns as follows:

(A) **I WAIVE, RELEASE AND DISCHARGE** the District of Columbia and its agencies, agents, employees, volunteers, contractors, sponsors, advertisers, partners, and/or representatives (each a “District Party” and collectively the “District Parties”) from any and all liabilities, claims, penalties, suits, demands, judgments, costs, interest, and expenses (including, attorneys’ fees and costs) (each a “Loss” and collectively the “Losses”) including, but not limited to, Losses arising from or connected in any way to my death, disability, personal injury, property damage, property theft or actions of any kind which may hereafter occur to me in connection with the Activity including my traveling to and from this Activity;

(B) **I AGREE TO INDEMNIFY and HOLD HARMLESS** the District Parties for, from, and against any and all Losses arising or resulting from participation in this Activity;