

**COTTAGE CITY COMMISSION
TOWN OF COTTAGE CITY**

ORDINANCE NO. 2020 - 03

AN ORDINANCE OF THE TOWN OF COTTAGE CITY ADDING CHAPTER 17 (COMMUNITY GARDEN) OF THE CODE OF THE TOWN OF COTTAGE CITY REGARDING THE USE AND ADMINISTRATION OF THE LOTS KNOWN AS 4222 COTTAGE TERRACE, AS A COMMUNITY GARDEN; AND GENERALLY RELATING TO USE OF TOWN PROPERTY BY THE MEMBERS OF THE COTTAGE CITY COMMUNITY GARDEN

Introduced By: The Cottage City Commission

WHEREAS, pursuant to Section 75 of the Town Charter, the Town may acquire real, personal, or mixed property within the corporate limits of the Town for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the Town; and

WHEREAS, pursuant to Section 18(2) of the Town Charter, the Cottage City Commission has the power to pass ordinances not contrary to the laws and Constitution of this State, for the specific purposes including to provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the Town; and

WHEREAS, community gardens serve the following purposes: (1) facilitate food security by promoting locally grown produce and healthy dietary choices; (2) promote an increase in food accessibility in more urbanized areas; (3) revitalize bare and blighted spaces within the community; (4) enhance the environment by shortening the distance citizens travel to purchase food, thus decreasing the need for transported food and decreasing the amount of food packaging; (5) promote an avenue of expression through an increase in social interaction within the community; (6) reduce stormwater runoff; and (7) increase residential property values.

WHEREAS, community gardens allow residents to engage youth by providing opportunities for constructive activities, contributions to the community, relationship and interpersonal skill development, exploring cognitive and behavioral competence, and improved nutrition; and

WHEREAS, community gardening among older adults leads to enhanced self-esteem, productive endeavors, social engagement, and exercise, which can prevent osteoporosis, reduce the risk of some cancers, Type 2 diabetes, depression and heart disease; and

WHEREAS, community gardens have a statistically significant positive impact on residential properties within 1000 feet of the garden, increasing the impact over time, and the

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opening of a garden is associated with other changes in the neighborhood, such as increasing rates of homeownership, thus serving as catalysts for economic redevelopment of the community; and

WHEREAS, studies have proven that community gardens provide mental and physical benefits which include living longer lives, lower levels of depression, exposure to vitamin D, and reduces stress; and

WHEREAS, since 2010, the Cottage City Community Garden (“Garden”) has served as a gathering place providing good, local, organic food for the community and a friendly place where people gather to learn the art of gardening from one another, and in March of 2013, many Cottage City Gardeners helped to construct raised garden beds; and

WHEREAS, the Cottage City Community Garden has published team rules, and has established four committees to support the Garden’s administration (co-leaders), communications/marketing, finance, fundraising, and garden maintenance, and in addition to assigning individual garden plots, the Garden is also open to recurring volunteers who want to support sustainable agriculture in their community; and

WHEREAS, in 2015, the Cottage City Community Garden began a partnership with ECO City Farms and met monthly with Christian Melendez, Founding Farmer and Agricultural Educator, to learn more about composting, irrigation, and planting, and under his direction have installed two new compost systems; and

WHEREAS, in 2019, the Garden was certified as Bay-Wise by the University of Maryland Extension Bay-Wise Program for promoting healthy and sustainable growing practices to support the health of the Chesapeake Bay; and

WHEREAS, Town Employees support the garden by filling up the cistern 1-2 times a week; emptying the trash can, processing reimbursements, and including garden news in the Town's digital and mail newsletter, and electronic sign; while all other activities (i.e., collecting and managing applications/fees, writing news articles, contacting vendors, etc.) are managed by the gardeners; and

WHEREAS, the Cottage City Commission further finds that community gardens offer a place where residents and their families can gather to cultivate plants, vegetables, and fruits, and in addition to giving people the opportunity to grow fresh foods for their families, socialize with their neighbors, and get some exercise, these gardens also promote safety, resource conservation, and economic vitality for the Town’s neighborhoods and its residents.

SECTION 1.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE COTTAGE CITY COMMISSION, that the Code of the Town of Cottage City as amended herein below is hereby enacted, adopted, revised and amended such that said Code and the provisions of said

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Code and particularly this new Chapter 17 (Community Garden) thereof shall henceforth read as follows:

CHAPTER 17

COMMUNITY GARDEN

17-1. COMMUNITY GARDEN.

THE COTTAGE CITY COMMISSION MAY GRANT A LEASE, LICENSE OR OTHER PERMISSION TO A NONPROFIT ORGANIZATION, CLUB OR UNINCORPORATED ASSOCIATION OF GARDENERS AND OTHER INTERESTED PERSONS WISHING TO OCCUPY, MAINTAIN AND USE LOTS 24 THROUGH 29, BLOCK C, OF MOYER'S PARK SUBDIVISION, ALSO KNOWN AS 4222 COTTAGE TERRACE, AS A COMMUNITY GARDEN. THE MAJORITY OF GARDENERS OR USERS OF TOWN PROPERTY SHALL BE RESIDENTS OF THE TOWN, AND THE COTTAGE CITY COMMISSION MAY APPROPRIATE FUNDS WITHIN THE ANNUAL OPERATING BUDGET TO IMPROVE THE PROPERTY OR ASSIST IN SUPPORTING THE COMMUNITY GARDEN CLUB ACTIVITIES REGARDING THE TOWN'S PROPERTY.

17-2 APPOINTMENT AND DUTIES OF THE GARDEN COORDINATORS.

A. EACH YEAR BEFORE THE FIRST SATURDAY OF MARCH, THE COTTAGE CITY COMMISSION SHALL APPOINT OR RE-APPOINT TWO (2) INDIVIDUALS AS RECOMMENDED OR NOMINATED BY THE COMMUNITY GARDEN CLUB, OR SIMILAR GROUP FORMED AND ORGANIZED TO MANAGE AND OCCUPY THE TOWN LAND DESIGNATED FOR A COMMUNITY GARDEN. SAID GROUP IS TO BE RESPONSIBLE FOR COORDINATING THE BROAD PLANNING FOR THE GROUP WITH THE TOWN, AND ARE FURTHER RESPONSIBLE FOR ORGANIZING, FUNDING, AND EVENT SCHEDULING FOR THE COTTAGE CITY COMMUNITY GARDEN ACTIVITIES UNDER THE DIRECTION OF THE ENTITY'S INTERNAL COMMITTEES AND THE FULL-BODY OF ITS MEMBERSHIP.

B. THE CO-LEADERS OR COORDINATORS SHALL SERVE AS THE LIAISONS BETWEEN THE VARIOUS GARDEN COMMITTEES, THE GARDENERS, THE COTTAGE CITY COMMISSION AND PARTNERING ORGANIZATIONS. THE COORDINATORS SHALL COLLECT ANY FEES OR DUES LEVIED FOR ASSIGNED GARDEN BEDS AND SEEK ADVICE AND GUIDANCE FROM COTTAGE CITY STAFF CONCERNING MAINTENANCE OF THE PROPERTY, THE APPROPRIATE HANDLING OF FEES AND OTHER ADMINISTRATIVE MATTERS.

17-3 MINIMUM GARDEN RESPONSIBILITIES AND REQUIREMENTS.

THE COTTAGE CITY COMMUNITY GARDEN SHALL OBSERVE, PROVIDE, ENSURE,

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AND MAINTAIN THE FOLLOWING MINIMUM RESPONSIBILITIES AND REQUIREMENTS IN ORDER TO UTILIZE THE TOWN'S REAL PROPERTY FOR ITS PURPOSES:

- A. MAINTAIN SOME STRUCTURE OF A SELF-GOVERNED ORGANIZATION HAVING DULY SELECTED AND IDENTIFIABLE LEADERSHIP AND GOVERNANCE AS A CLUB, GROUP, OR ASSOCIATION,
- B. ENTER INTO AN APPROPRIATE USER AGREEMENT WITH THE TOWN AS A SPONSORING GROUP FOR THE CARE, USE AND MANAGEMENT OF THE GARDEN PROPERTY OWNED BY THE TOWN,
- C. ESTABLISH GUIDELINES AND RULES FOR THE COMMUNITY GARDEN INCLUDING BUT NOT LIMITED TO RULES FOR USE OF THE PROPERTY BY CHILDREN AND GUESTS,
- D. ESTABLISH ELIGIBILITY AND MEMBERSHIP ROSTERS FOR USERS OF THE COMMUNITY GARDEN
- E. ALLOCATE GARDEN SPACE TO THE GARDENERS AS DEEMED EQUITABLE AND COLLECT A NOMINAL FEE FOR BEDS OR SPACES THAT ARE RESERVED EXCLUSIVELY FOR THE USE OF CERTAIN INDIVIDUAL GARDENERS,
- F. REQUIRE INDIVIDUAL GARDENERS TO ENTER INTO A GARDENER'S AGREEMENT (INCLUDING PROVISIONS APPROVED BY THE COTTAGE CITY COMMISSION FOR A WAIVER OF LIABILITY, RELEASE AND INDEMNIFICATION OF THE TOWN)
- G. COOPERATE WITH THE TOWN REGARDING LIABILITY INSURANCE COVERAGE ON THE GARDEN
- H. COORDINATE WITH THE TOWN IF THE GARDEN ORGANIZATION PLANS TO HOST A PUBLIC BENEFIT PARTY OR ANY OTHER TYPE OF GARDEN FESTIVAL OR EVENT THAT WILL DRAW A CROWD, SO THAT ADDITIONAL EVENT INSURANCE COVERAGE OR OTHER PRECAUTIONS MAY BE OBTAINED AS DEEMED NEEDED,
- I. ENSURE THAT NO ANIMAL TRAPS ARE USED IN THE GARDEN AND THAT THE GARDEN TOOLSHED IS LOCKED, WITH ALL TOOLS CONTAINED WITHIN, WHEN NOT BEING USED BY ANY GARDENERS.
- J. ENSURE THAT THE PROPERTY IS CLEANLY, NEATLY, AND EFFICIENTLY

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MAINTAINED AND ORGANIZED TO INCLUDE THE REMOVAL OF EXCESSIVE VEGETATION AND GROWTH ALONG THE FENCE LINES AND ELSEWHERE WITHIN THE TOWN’S PROPERTY.

17-4 TOWN RESPONSIBILITIES AND REQUIREMENTS.

A. MAINTAIN APPROPRIATE LEVELS OF INSURANCE THROUGH THE TOWN’S INSURANCE CARRIER FOR THE PROPERTY, INCLUDING GENERAL LIABILITY COVERAGE OF AT LEAST \$1,000,000 FOR EACH OCCURRENCE AND AT LEAST \$2,000,000 “AGGREGATE” COVERAGE.

SECTION 2.

AND BE IT FURTHER ORDAINED AND ENACTED, that severability is intended throughout and within the provisions of this Ordinance, and if any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3.

AND BE IT FURTHER ORDAINED AND ENACTED, that Section 1 of this Ordinance shall be codified and included within the Code of the Town of Cottage City.

SECTION 4.

AND BE IT FURTHER ORDAINED AND ENACTED, that a fair summary of this ordinance shall be published at least once prior to the date of passage in a newspaper or newspapers having general circulation in the city, and a fair summary of this ordinance shall be published at least once within ten days after the date of passage in a newspaper or newspapers having general circulation in the city.

SECTION 5.

AND BE IT FURTHER ORDAINED AND ENACTED, that the Commissioner-Chairman shall be authorized to sign this Ordinance on behalf of the Commission.

HAVING BEEN INTRODUCED AND HAVING BEEN READ as a regular ordinance and passed by a yea and nay vote of the Cottage City Commission with the affirmative votes of a majority of the whole number of members elected to the legislative body as indicated below at a Public Meeting of the Town of Cottage City held on this _____ day of September 2020, at approximately 7 o'clock p.m., in the Town Hall in Cottage City, Maryland.

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I HEREBY CERTIFY that the above Ordinance No. 2020-03 was passed by the required yeas and nay votes of the Cottage City Commission on the ____ day of September 2020.

ATTEST:

TOWN OF COTTAGE CITY, MARYLAND

Consuella Barbour, Town Manager

By: _____
Wanda Wheatley, Commissioner-Chair

CERTIFICATION

I, HEREBY CERTIFY, as the duly appointed Town Manager of the Town of Cottage City, Maryland, that on the ____ day of September 2020 with ____ Aye votes and ____ Nay votes, the aforesaid Ordinance 2020-03 passed.

Consuella Barbour, Town Manager

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