

## GARDEN RULES

This document sets out the rules that govern the \_\_\_(NAME OF COMMUNITY GARDEN)\_\_\_ Community Garden (“the Garden”). These Rules are intended to help all our Gardeners grow fresh, healthy food in a thriving garden, to help create a sense of community among our gardeners, and to help the garden to be a good neighbour.

The Vancouver Community Garden Builders (the “Licensee”) is a social enterprise that has a License Agreement with the landowner for use of the land, acts as garden manager (“Garden Manager”) and administers these Rules. Every person who has a plot in the Garden (called “Gardeners”) must sign a gardener agreement with the Licensee in which the Gardener agrees to comply with these Rules.

1. ACCESS TO THE GARDEN	
<b>Season:</b>	The Garden is open and accessible all year.
<b>Hours:</b>	Gardeners may be in the Garden between dawn to dusk.
<b>Keys and Security:</b>	Where applicable, the Garden Manager will give each Gardener the combination or code to open the lock for access shed/toolbox. On leaving the Garden, Gardeners are responsible for locking the shed/toolbox if there are no other individuals in the Garden. Gardeners will follow any additional security guidelines that may be announced by the Garden Manager.

2. GARDEN PLOTS	
<b>Use of Own Plot:</b>	Gardeners may use only the plots assigned to them by the Garden Manager. Gardeners will maintain their plants within their plots and will trim any plants that extend into neighboring plots or into common areas. Gardeners may not alter the dimensions of their plot.
<b>Plantings:</b>	Gardeners may plant vegetables, fruits, and flowers. Gardeners may not maintain plantings or plant-supporting structures that impede the security of the garden or impede adjacent gardeners’ access to sunlight by the nature of their height, material or density. Gardeners may not grow any plants above 4 feet in height.
<b>Supplies:</b>	Gardeners are solely responsible for the planning and management of their own plots, including providing their own seeds, plants, organic fertilizer, and any tools not provided by Licensee, Garden Manager or Gardeners collectively.
<b>Organic Methods:</b>	Gardeners will garden organically. Gardeners will check with the Garden Manager before applying any fertilizers, pesticides, herbicides, or rodenticides, even if labeled “organic.” Use of compost, organic mulch, and weeding is always acceptable.
<b>Water:</b>	Each Gardener is responsible for watering his or her own plot using the hose provided by Licensee. Gardeners will not overwater their plants or leave a hose unattended.

<b>Tools:</b>	Gardeners may bring their own tools into the Garden to use in their plots, but the Garden Manager or Licensee are not responsible for the loss of these tools. Gardeners are responsible for any damage caused by tools they bring into the Garden and so should use them with care. Gardeners may not use any power tools, such as those that require gasoline, batteries, or electricity.
<b>Plot Maintenance and Trash:</b>	Gardeners will maintain their plots and adjacent paths in a clean and neat fashion, promptly removing any weeds, overgrowth, or other waste from their plot. Gardeners will promptly harvest edible plants. Gardeners are responsible for hauling and disposing of their own trash, such as weeds, boxes, trays, bags, packets, and similar items.
<b>Yearly Clean-up:</b>	Gardeners will perform a yearly clean-up on their plots on a date to be determined by the Garden Manager.
<b>Compost:</b>	Gardeners will place any organic waste such as weeds, dead plants, or rotten produce, in the compost pile designated by the Garden Manager. The gardeners should cut any organic waste to 4" length before putting it into a compost bin and follow other compost rules as designated by the Garden Manager.
<b>Absence:</b>	Gardeners may not abandon their plots. Abandonment means failing to maintain a plot for 3 weeks. If a Gardener expects to be away from the Garden for more than 3 weeks, but less than 2 months, he or she must inform Garden Manager. The Gardener and the Garden Manager will then determine an alternative, such as a temporary substitute, acceptable to both. Gardeners who are away for more than 2 months will lose their plots.
<b>No Personal Property:</b>	Gardeners may not keep any personal property on their plots or in the Garden when they are not in the Garden. If Gardeners leave personal property on their plots after the termination of their participation in the Garden, Licensee can keep and sell the abandoned property.

### 3. COMMON AREAS AND RESPONSIBILITIES

<b>Common Tools:</b>	Licensee, Garden Manager or Gardeners collectively may provide a set of tools in a storage shed in the Garden for use by all Gardeners (the "Common Tools"). Gardeners will return the Common Tools to the storage shed as soon as they are finished using them. If a Common Tool appears dangerous or in disrepair, Gardener will not use the Common Tool and inform Garden Manager immediately.
<b>Common Responsibilities:</b>	Gardeners will keep clean and neat any common areas, such as pathways and storage sheds. Gardeners will promptly report any concerns about the safety of the Garden to the Garden Manager. If there is vandalism, storm damage, or other damage to the Garden, all Gardeners are expected to help in cleaning up and restoring the Garden to its prior condition, but the Licensee will bear the cost of the repairs.
<b>Garden Work Days:</b>	All Gardeners must participate in 4 Garden Work Days per year, where they participate in cleaning and maintaining the Garden. The Garden Manager will organize these sessions on a monthly basis.

4. COMMUNICATION	
<b>Garden Management :</b>	The Garden Manager has complete authority to interpret the Rules and make decisions.
<b>Communication:</b>	The Garden Manager may designate two members as “Garden Coordinators” to be the official point of contact for the Licensee and Garden Manager with the Gardeners.
<b>Contact Information:</b>	The Garden Manager will provide a list of all gardeners’ contact information and plot assignment. Gardeners must tell the Garden Manager of any change in their contact e-mail addresses or phone numbers.
<b>Gardener Input:</b>	Gardeners are encouraged to provide suggestions about Garden operations to the Garden Coordinators and Garden Managers. Gardeners should contact the Garden Manager directly at the number provided by the Garden Manager, not the Licensee’s office, with any questions relating to day-to-day operational matters.
<b>Gardener Orientation:</b>	New Gardeners must attend a Licensee or Garden Manager-led orientation to become familiar with how the Garden functions and their responsibilities as a Gardener.
<b>Annual Meeting/Registration:</b>	Once a year, the Garden Manager will invite all Gardeners to an annual meeting to notify Gardeners of any changes made in how the Garden operates, these Rules, in assignments of plots, to discuss any issues or concerns. Licensee or Garden Manager will give written notice of the annual meeting, sent by email or first-class mail, no fewer than 14 days in advance. At every annual meeting, annual garden fees are due.
<b>Confidentiality:</b>	Licensee, Garden Manager and other Gardeners will not use any personally identifiable information, including Gardener’s name, email address, telephone number, or street address, for purposes other than the operation of the Garden.

5. CONDUCT	
<b>General Conduct:</b>	Gardeners are expected to be civil, honest, and cooperative in dealing with the Landowner, Licensee, Garden Manager, Garden neighbors, other Gardeners, and guests of other Gardeners.
<b>Guests:</b>	Gardeners may bring guests, including children, into the Garden, provided that the guests comply with the Rules. Gardeners will supervise any child under the age of sixteen. Gardeners will be responsible for the conduct of children and their guests including making sure they do not damage or interfere with activities on other plots or otherwise engage in inappropriate conduct. Guest violations of these Rules are treated as violations by the Gardener.
<b>Respect Others’ Property:</b>	Gardeners may not enter other plots, use another Gardener’s tools or supplies, or harvest another Gardener’s produce, without the explicit permission of the other Gardener. Gardeners may not enter property next to the Garden without the owner’s permission.

<b>No Illegal Plants:</b>	Gardeners may not grow any plants considered illegal under provincial or federal law.
<b>Compliance:</b>	Gardeners must comply with all applicable local, provincial, and federal laws.
<b>No Smoking:</b>	Gardeners may not smoke in the Garden.
<b>No Alcohol/Drug Use:</b>	Gardeners may not consume or use alcohol or illegal drugs while on the Garden premises. Gardeners may not bring alcohol or illegal drugs onto the Garden premises. Gardeners may not come into the Garden while under the influence of alcohol or illegal drugs.
<b>No Loud Music:</b>	Gardeners may not play music or the radio loud enough to be a nuisance to other Gardeners or to the Garden's neighbors.
<b>No Sales:</b>	The Garden is for personal, non-commercial use only; Gardeners may not sell any produce or flowers grown in the Garden.

## 6. PROBLEMS

<b>Dispute Resolution:</b>	Gardeners will raise with the Garden Manager and Garden Coordinator any disputes about the Garden or with fellow Gardeners. The Garden Manager and Garden Coordinators have the power to hear these disputes and will resolve them in the best interest of the Garden.
<b>Rules Violation:</b>	<p>Gardeners may lose their rights to participate in the Garden if they fail to comply with any of these Rules. If a Gardener:</p> <ul style="list-style-type: none"> <li>• endangers other Gardeners, Garden Manager, Licensee, neighbours, or other individuals;</li> <li>• takes or uses another Gardener's tools, supplies, or produce without permission;</li> <li>• encroaches on Garden neighbours' property;</li> <li>• grows illegal plants;</li> <li>• uses alcohol or illegal drugs in the Garden; or</li> </ul> <p>The Licensee may, at its discretion, terminate immediately the Gardener's right to participate in the Garden. If that occurs, the Gardener must leave the Garden by the end of Garden hours on the termination day and may not re-enter without Licensee's or Garden Manager's permission.</p> <p>If a Gardener violates any other of these Rules, Garden Manager will inform Gardener of the violation by sending an email to Gardener or putting a red flag on Gardener's plot. Gardener will have one week to correct the violation. If the violation is not corrected within one week, as determined by the Garden Manager in its discretion, the Licensee or Garden Manager may, at its discretion, terminate the Gardener's Agreement. After termination, Gardener will have two weeks to harvest and clean up the plot.</p> <p>Upon termination for any reason, a Gardener will promptly return to the Garden Manager any Licensee or Garden Manager property. Terminated Gardeners are not entitled to any refunds or other payments from the Licensee.</p>

<b>No Limit on Licensee Rights:</b>	The process described in this Section F does not (i) limit the Licensee's or Garden Manager's ability to enforce its rights under these Rules; (ii) limit or qualify a Gardener's obligation to comply with applicable law or the Rules; or (iii) limit the Licensee's or Garden Manager's right to notify and/or involve government authorities as it may determine.
<b>No Refund or Other Claims:</b>	Gardeners under no circumstances will be entitled, directly or indirectly, to any refunds, any direct, incidental, consequential, punitive, or other damages, any other forms of compensation from the Licensee or Garden Manager or the landowner of the Garden's land, or to obtain an injunction, specific performance, or other equitable remedy, as a consequence of termination from participation in the Garden.

## 7. OTHER PROVISIONS

<b>Changes in the Rules:</b>	Licensee may amend these Rules in its discretion without advance notice. Licensee will provide all Gardeners with a copy of the current Rules, will post a copy of the current Rules at the Garden, and will summarize any changes in the next annual meeting. The Gardeners, through the Garden Managers and Garden Coordinators, may propose adjustments to the Rules for the Licensee's consideration.
<b>Master Licence Agreement:</b>	The Gardener Agreements with individual Gardeners are subject to the Licence Agreement between the landowner who owns the Garden land and Licensee. As a result, if the landowner terminates the Licence Agreement, the Garden will close, and the Gardener Agreement will terminate. At that time the Gardeners will no longer have access to the Garden.
<b>Garden Agreement Controls:</b>	Nothing in these Rules limits, qualifies, or otherwise affects the Gardener Agreement between the Licensee and each Gardener. Should there be any ambiguity or conflict between the Gardener Agreement and these Rules, the Gardener Agreement will control.
<b>Waiver:</b>	Any waiver by the Licensee of these Rules must be in writing and signed by the Licensee. Failure, neglect, or delay by the Licensee at any time to enforce the provision of these Rules will not be considered a waiver of the Licensee's rights under these Rules. Waiver of any breach or provision of these Rules or failure to enforce any breach or provision of these Rules will not be considered a waiver of any later breach or the right to enforce any provision of these Rules.
<b>Translation Not Binding:</b>	Licensee may provide Gardeners with a translation of these Rules and related summaries or other explanatory materials. Licensee does so as a convenience. Should there be any ambiguity or conflict between the English and the translated versions of these documents, the English language versions will control. They, not the translations, are the official, legally binding documents.
<b>Other Rules:</b>	