

DPR Community Garden Bylaws Guidance

The below bylaws are example bylaws to help Community Gardener Groups develop garden bylaws to manage each community garden. Garden bylaws are rules and procedures to manage each garden and assist the transition of new garden managers. The Community Garden Cooperative Agreement requires all Community Gardener Groups to submit their bylaws to DPR. Garden bylaws can be individualized for each individual garden and amended when needed.

Garden bylaws must address, but not limited to:

- All additional garden rules and procedures outside of the DPR Code of Conduct and the Community Garden Cooperative Agreement
 - Current governance structure of the garden
 - Maintenance plan
 - Procedures to amend the bylaws
 - Transitional procedures to replace garden leadership roles
 - Community Inclusion Plan
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Example Garden Bylaws

1. Garden Leadership:

DPR Community Gardens require a minimum of a garden manager but recommends additional leadership roles listed below. Each Community Garden can offer additional positions, committees, and duties as needed. DPR encourages additional leadership to promote increased community participation.

Required role

- Garden Manager
 - Main point of DPR contact (must provide DPR with email and phone number)
 - Manages day to day of garden:
 - Manages public garden email
 - Manages waiting list
 - Responds to garden plot requests (all garden plot requests must receive a response from the garden)

manager confirming an open plot or a confirming a position on the waiting list)

- Assigns new gardeners to open plots
- Removes derelict gardeners and reassigns plots throughout the year.
- Assures any maintenance needed is carried out.
- Coordinates with DPR if anything is needed
- Coordinating a yearly public meeting

Optional roles

- Additional Garden Managers
 - Break up garden manager roles among several managers
 - Must designate one DPR point of contact
- Treasurer
 - If garden is collecting plot membership dues and/or fundraising the treasurer will coordinate finances.
 - Must provide an annual report to DPR upon request
- Communication Director
 - Coordinate any communication efforts
- Outreach Director
 - Coordinate any outreach efforts
- Garden manager may create any additional roles as needed.

Assigning Roles

Managers

- For new community gardens, garden managers must be chosen or approved by the DPR Community Garden Manager.
- For gardens with managers already, those managers may continue their roles
- If a manager leaves its up to the previous manager to chose a new manager.
 - If that manager fails to do so an election must be held within 30 days or DPR may close the garden until a new manager is picked
- If gardeners are having trouble with a garden manager any member may call for a public meeting to discuss the situation. If no resolution is found the meeting participants may vote (with a simple majority to

win) for an election for a new manager that will start the following calendar year after the election.

- If there is an immediate problem with the garden manager, gardeners may contact the DPR Community Garden Specialist to resolve the problem.

Yearly Public Meetings

- DPR requires one public meeting organized by the garden manager or a different role for plot holders and any community members who are interested before the growing season starts. The purpose of this meeting is to remind everyone of the garden rules and to address any concerns.
- Additional meetings may be organized by the garden manager or any gardener to address any concerns.

Public Plots (if applicable)

- Public plots are defined as free plots that can be shared, maintained, and harvested by anyone in the community, including community organizations, as a way to promote community inclusion, increase garden access, and increase benefits to the community.
- Public plots must be accessible to the community. If the public plots are in a gated and locked area, there must be at least 10 hours a week of scheduled time where the garden is unlocked and the public plots are accessible.

2. **Garden Membership:**

Each gardener with a personal plot is considered a member of the garden. Community members and gardeners of public plots and garden programs do not require a membership with the garden.

- Optional Membership fees
 - Membership fees to receive a plot are optional. If a garden chooses to have membership fees no fee may exceed \$30 a year.
 - Any community garden that has over 10 personal garden plots must make at least one personal garden plot available for free to a low-income gardener.
 - If any personal garden plots reserved for low-income gardeners are still open by May 1st, the Community Garden Group may make the open personal plot(s) a communal plot or give it to the

next person on the waiting list only for the rest of the year.

- The following year these plots, previously reserved for low-income gardeners, must become open and available again for any new low-income gardeners until May 1st.
- Communication
 - All gardeners must provide to the garden manager an email and/or a phone number that is checked at least once a week. It is the gardeners responsibility to update the garden manager with any new contact info.
- Membership Qualifications
 - Members are required for the duration of their garden plot to live within the boundaries of the District of Columbia.
- Membership waiting list
 - A structured waiting list for future members will be established to ensure vacated plots become available in an equitable manner.
 - Preference is given to individuals who can provide proof that they live within a mile of the garden. Documented proof includes, but is not limited to, a driver's license, a bill in their name, or a lease. This preference will move local community members to the top of the waiting list behind any previous local resident on the waiting list.
 - DPR may request a copy of the waiting list at anytime.
 - All people requesting to get on the waiting list must receive a response from the garden manager within 30 days of the request.
- Membership Requirements
 - 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.
 - Each garden manager determines the volunteer requirement and how to monitor each person's contribution.

- All gardeners must sign, verifying they have read, understand and accept, the DPR liability form and the DPR Garden Code of Conduct. A hard copy of the garden bylaws and DPR Garden Code of Conduct must be kept on site of the garden at all times. If the Community Garden Group maintains a website, the garden bylaws and DPR Garden Code of Conduct must be present on any website.
 - 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.
 - All members may only garden on one personal garden plot per household.
 - 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.
 - If there are multiple people gardening in one plot, all members must sign a waiver and code of conduct.
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- Membership Duration
 - All gardens with less than 15 plots must implement a 3-year duration for each gardener. At the end of the three years their plot will be given to the next person on the waiting list. Each Gardens with more than 15 plots may choose to put a membership duration on how long a garden member can garden in their plot. Some considerations include, but are not limited to, the following:
 - Garden plot duration limits are more practical for small gardens with large waiting lists to ensure community members eventually get plots. Small gardens will have small garden plot turnover rates.
 - Large gardens with large turnover rates may not need duration limits
 - Exceptions to duration limits for members taking on leadership roles may help the sustainable governance of the garden.
 - DPR reserves the right to implement garden duration plans to ensure equal access.
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- Members voluntarily leaving their plot

- If members wish to leave their garden plot they must contact the garden manager as soon as possible.
- Members cannot assign their plots to a person of their choice.
- The garden manager will assign the plot according to the waiting list.

- Membership removal
 - Safety Violation
 - 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 membership and garden plot. Each case may be determined by DPR and/or the Garden Manager on a case-by-case basis
 - Safety rules include but are not limited to:
 - No physical or verbal behavior that's aggressive, intimidating, threatening, harassing or violent in any way.
 - No Alcohol within Garden
 - No Smoking
 - No pets in garden
 - No non-organic fertilizer, pesticide, herbicide, or fungicide.
 - Do not harvest or disturb other people's personal garden plots.
 - Gardeners must not erect any structures that the garden manager deems a hazard.
 - Procedure for Safety violation
 - Immediate threat
 - 1. If anyone's safety is at risk please contact MPD using 911.
 - If immediate assistance is needed (by staff or gardeners) to remove someone from the premise that does not require calling MPD, please call the Park Rangers at 202-441-2605.
 - Non-immediate threat
 - 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.

- Based on the incident reports collected DPR will determine the following course of action(s) that could include, but not limited to:
 - Request for follow up information
 - Document incident with no further action
 - Issue a warning
 - Require mediation
 - Remove a gardener from their personal plot
 - Ban a gardener from a garden
 - Report incident to MPD
- Garden violations
 - If a garden member violates a non-safety related garden rule that person will get three chances to remediate the violation or they may lose their garden membership and garden plot immediately or at the start of next growing year.
 - Non safety rules include by not limited to:
 - All gardeners must plant their plots within a month of receiving the plot. (weather permitting)
 - All returning gardeners must plant their plots by June 1st.
 - All gardeners must maintain their plot which entails
 - Controlling weeds and pests in and around their plot
 - Harvesting ripe vegetables before they rot
 - All gardeners must complete their volunteer requirement set by the garden manager.
 - Gardeners must not erect any permanent structures or structures that block sun from another garden plot.
 - Three-Step 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. If contact is made, the member who committed the violation must create an action plan to remediate the problem with the garden manager. 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.

3. Optional Garden Fees

If a garden chooses to collect membership fees the following must be set up and approved by DPR before they can collect member fees.

A membership fee collecting garden must be an incorporated entity in the District of Columbia with an Employer Identification Number and business bank account or a legal part of another Group with the following DPR requirements:

All applicants must establish proof of:

1. DC Incorporation

- i. DCRA Office – 1100 4th st. SW, Washington DC 20024 (2nd floor)
 1. (202) 442-4432
 2. File DC Articles of Incorporation for Domestic Non Profit
 - a. File online - \$80
 - i. <https://corp.dcr.dcr.gov/Account.aspx/LogOn?ReturnUrl=%2f>
 - b. File in person - \$130
 - i. <http://dc.gov/DC/DCRA/Publication%20Files/DCRA/Corporations/Domestic%20Nonprofit%20Corporation/Articles%20of%20Incorporation%20of%20Domestic%20Nonprofit%20Corporation%20DNP-1.pdf>

2. Clean Hands Certificate, if the Community Garden Group has been incorporated for over a year.
3. Employer Identification Number (EIN), also called Federal Tax Identification Number. An EIN is free to obtain. You may apply through the Internal Revenue Service website here:
<http://www.irs.gov/Businesses/Small-Businesses-&-Self-Employed/Apply-for-an-Employer-Identification-Number-%28EIN%29-Online>
4. Current Bank Statement registered to the Community Garden Group. Note, in order to open a business account, a certificate of incorporation and an EIN is needed.
5. DPR community gardens are not required to get a 501c3 non profit status but if a group has a federal 501c3 non profit status or is using a 501c3 fiscal agent a 501(c)3 confirmation letter or fiscal agent agreement must be submitted to DPR.
6. If Community Garden is a sub group of a larger organization, DPR will need a copy of the agreement, documentation, or bylaw defining the sub group, as well as DC proof of Incorporation and the organization's EIN and current bank statement of the larger organization.

4. Community Inclusion Plan

The Community Inclusion Plan (CIP) outlines the Community Garden's ongoing attempt to outreach and include the local community. Each CIP will be unique to each garden and designed by the Garden manager or designated role. DPR will offer suggestions and consultation on the development of each CIP.

Both the local community and the community garden benefit through the Community Inclusion Plan. The community gains by increased access to the garden and its many benefits. The community garden benefits by reducing possible sources of tension between gardeners and neighbors, increasing participation in the garden, and increasing cooperation between users with a shared interest in a space.

Inclusive Practice Examples

The Community Inclusion Plan may include, but is not limited to, any of these DPR recommendations:

1. Establish garden and/or outreach programs with local community partners.
2. Provide outreach to communities for garden plots, events, and programs using a variety of methods. Community Garden Groups can use both social media and methods that bridge the digital divide such as:
 - a. Door to door flyer
 - b. Place posters in high traffic areas including a visible public space at the garden
 - c. Use preexisting community networks and partners including schools, churches, community centers, and civic associations.
3. Organize garden events that are open and advertised to the local community (e.g. - fall and spring festivals, garden events, workshops, etc.).
4. Organize and advertise a seasonal set weekly or monthly time for an Open House where garden volunteers can interact and host community members.
5. Create public plots as a way to engage the community and create an inclusive environment for community members who don't have plots. Public plots can be a common area, requiring garden members to help maintain the plots. This will allow greater partnership possibilities. For example, the Group may work with schools and community organizations unable to maintain a garden plot but still be involved. This will also encourage a culture of giving back to the community.
6. Reserve free garden plots for low-income residents and reach out to the community to fill these plots.
7. Organize and advertise adult garden education classes open to the public.
8. Organize youth garden programming and host school fieldtrips.
9. Organize a train the trainer program to train local community members to eventually maintain and govern the garden.

10. Organize volunteer days for gardeners to volunteer outside the garden to help other community partners to build community connections outside the garden.
11. Organize gleaning days to glean unpicked over ripe vegetables to donate for people in need.