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COMMUNITY GARDENING

Policy Reference Guide



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Tips for Gardeners



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GUIDE OVERVIEW

Community gardening can have a tremendous positive impact on food access, community vitality, local economies, and environmental conditions in local communities. Individuals, households, organizations, communities, and local governments all play a role in the success of these gardening efforts. Laws and policies supporting local gardening can create a community framework supporting the success of these efforts. This guide provides a road map for how local laws and policies can impact local gardening efforts, recognizing that each community will need to assess how the specific local and legal context of their community impacts specific gardening efforts.

This guide:

- Highlights the benefits of community gardens;
- Identifies opportunities for community garden advocates to work with local decision-makers to craft policies supporting community gardens;
- Examines how state and local laws and policies may impact community gardening activities; and
- Provides examples of local laws and policies that can help promote successful community gardens.

DEFINITION: What is a Community Garden?

A **community garden** is any piece of land where plants are grown and maintained by a group of individuals from the community. Community gardens may produce food for individual consumption or for sale, may be designed for beautification of the community, and may be used for educational purposes.

Other terms that may include community gardening activities are often used, including urban farm, urban agriculture, small-scale food production, community based agriculture, and market gardens. This guide references resources and literature that may use these terms interchangeably or differently. While different terms may be used, community gardening is typically done on a shared plot of land, for food production and consumption by the gardener or within the community. In contrast, urban farms and market gardens often grow some or all of their food for commercial purposes.

Food Gardening Social Ecological Model



Public Policy	Community	Organizational	Household	Individual
Local, state or federal policies and laws that support and increase food gardening practices.	Social networks or norms that establish coordinated efforts of all members of a community to support and engage in food gardening.	Rules, policies, practices and built environment of an organization to promote food gardening practices.	Interpersonal and social supports such as family and friends that provide food gardening support.	Motivating change in individual behavior by increasing knowledge or influencing attitudes or beliefs of food gardening.

Adapted from Angela M. Tagtow & Elizabeth J. Danforth Richey, *Growing Solutions: Cultivating Health and Food Security through Food Gardening in Iowa*, IOWA FOOD SYSTEMS COUNCIL, 5 (2012).



SECTION 1: BENEFITS OF COMMUNITY GARDENS

Community gardens, and other types of small-scale agriculture, have been shown to provide important social, health, environmental and economic benefits, in addition to creating opportunities for local food production. These benefits can be used to develop support for community gardening activities with local policy-makers, businesses, and community members. Evidence shows that community gardens:¹

- 1 Increase access to fresh, healthy, and culturally preferred food, resulting in greater fruit and vegetable consumption by gardening households.
- 2 Support household, community, and municipal food security with seasonal and culturally-appropriate foods and offer economic savings.
- 3 Improve mental well-being by reducing stress, providing a source of physical activity, creating a sense of pride and accomplishment, providing cognitive stimulation, providing connection to nature, and a way to spend time outdoors.
- 4 Provide opportunities for skills development, workforce training, and supplemental income. These opportunities can be especially beneficial for neighborhood youth, immigrants, individuals with disabilities, and the formerly incarcerated.
- 5 Benefit schools, childcare centers, worksites, hospitals, and faith organizations by increasing active learning, creating a stronger school curriculum, encouraging healthier food environments, and improving employee wellness.
- 6 Promote community well-being, build community connections, and increase community engagement.
- 7 Provide environmental benefits, including improved air quality, pollinator habitats, increased biodiversity, and increased rainwater drainage.
- 8 Increase property values of the surrounding community.



Why a Policy Focus?

Local and state laws and policies may explicitly support or restrict community gardens or indirectly impact gardens through laws and policies governing other community activities.

A successful community garden is impacted by a range of local and state laws and policies governing access to land, zoning and land use restrictions, garden structures, gardening activities, and the sale and distribution of garden produce. Local laws and policies can impact the success of community gardening efforts in many ways, including by:

- Providing land, water access, funding, in-kind supplies, technical assistance, and educational workshops;
- Passing local resolutions in support of community gardening;
- Incorporating support for community gardens into local planning documents; and
- Ensuring zoning ordinances allow gardening activities and garden structures.

Impact of Federal Government on Community Gardening Efforts²

Federal laws typically do not directly regulate local community gardening activities. At the same time, federal agencies, such as the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant or the U.S. Department of Agriculture's (USDA) Conservation Innovation Grants may provide funding for some local gardening activities. New federal legislation may also impact gardening activities. For example, the proposed Urban Agriculture Act of 2016 was designed to support urban food production by providing or expanding:

- USDA support for agriculture cooperatives, rooftops, vertical farms & indoor production, and research;
- USDA loan programs supporting risk management, mentorship and education for urban agriculture;
- Investment in community gardens and incentives for healthy food production; and
- Resources for soil remediation and urban composting.

Tribal Sovereignty and Tribal Gardens

Tribal nations across the U.S., including in Minnesota, are deeply engaged in strengthening their food systems and cultural food ways. There are at least 567 federally-recognized American Indian/Alaska Native nations in the U.S., and many of these nations have long history and experience in plant and animal cultivation, and have maintained connections to these experiences despite intense and prolonged disruption by colonization. Tribal gardens are one current aspect of this work. Tribes are sovereign nations, and have a government-to-government relationship with the U.S. and the states they are located in. In stark contrast to city and county governments, which are typically created by state governments and derive much, if not all, of their authority from state constitutions or laws, states do not have jurisdiction over Tribes except as delegated by Congress or determined by federal courts.³ This means that Tribes have their own systems of laws, regulations, and practices.



Minnesota Food Charter



Tribes are using their sovereign authority in many ways to support and grow access to health-promoting foods and plants, protect traditional cultural foods and plants, and support healthy lives for their citizens and future generations. For example, the Mille Lacs Band of Ojibwe has a greenhouse and community garden project. The project is called Mino-Mijim, which means “good food,” and involves community gardens established in each of the Band’s three districts to provide nutritious food, promote youth engagement, and offer opportunities for nutrition education and programs.⁴

Shakopee Mdewakanton Sioux Community owns and operates the Wozupi Tribal Gardens, which is an organic farm that includes a 13-acre vegetable garden, several smaller gardens (including a Medicine Garden), greenhouses, orchards, and a root cellar. The farm is also home to bees and laying hens, and produces maple syrup.⁵

Although this guide focuses on city and county laws that relate to or impact community garden activities, many of the laws and policies highlighted in this guide can also be implemented by Tribes who are interested in establishing or expanding tribal gardens. Native-focused information and resources to support this work are also available:

- The First Nation’s Development Institute’s Native Food Systems Resource Center has several resources about and examples of tribal gardens, including on its [Tribal Gardens, Farms, and Markets](#) webpage.
- [The CDC’s Traditional Foods Project](#) includes many stories and experiences from Tribes about how they developed tribal gardens, and the many ways in which they are working with these gardens.
- The Healthy Community Food Systems project includes a [webpage](#) with links to information about several tribal gardens.



SECTION 2: COMMUNITY

The success of a community garden is closely tied to the support and involvement of the community where the garden is located. Before starting a garden, community members and partners can conduct a **community needs assessment**, a process of gathering information about the community, which can help them learn about the assets, needs and interests of fellow community members and build support for the garden.



Including community members in decision-making around gardening is critical to ensure that benefits of community gardens are shared by all community members and lower-income residents are not displaced.



Community Garden Needs Assessment

A community gardening needs assessment — also called community assessment, community needs assessment, and community food assessment — can include a wide range of information, depending on the characteristics of a community. It can include information about community demographics, strengths and needs of specific populations in the community, the availability of land for community gardens (e.g. vacant lots or tax-forfeited land), potential industrial contaminants, water access, and other local considerations.

Community Engagement

Authentic community engagement is “the intentional process of co-creating solutions to inequities in partnership with people who know through their own experiences the barriers to opportunity. Authentic community engagement is grounded in building relationships based on mutual respect and acknowledging each person’s added value to the developing solutions.”⁶

While community gardens have a wide range of positive community impacts, gardens can also have some negative impacts on community members. For example, community gardens are sometimes associated with increased property values. Increased property values can place an economic burden on some current residents. In addition, low-income residents may depend on gardening for subsistence while other community members may be involved in gardening as a leisure activity.

Building Community Support for a Garden

While some community members may not be involved in garden activities, gardens impact community members beyond those actively engaged in the garden. Community members can be kept informed about garden activities and news through community meetings, a community garden website, social media pages, neighborhood newspapers and newsletters, announcement boards in local businesses, and neighborhood faith communities.



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Tips for Gardeners

Gardeners can gather information to support gardening efforts by:

- Conducting a community needs assessment to understand the potential impact of a community garden on the neighborhood.
- Obtaining information about rates of food insecurity and median income by neighborhood to identify areas of greatest need.
- Identifying the location of retail food options that sell fresh produce and areas that have limited access to fresh produce.
- Determining the impact of zoning districts and other use restrictions on gardening activities in their municipality.



Policy Opportunities

- Develop a policy for community gardens that outlines the process for engaging with community members around gardening policies, activities, and needs.
- Hold listening sessions or public forums to discuss interest in a community garden and the use of available public or private land for a garden.



Ramsey County and St. Paul, Minnesota: The Ramsey County Public Health and Statewide Health Improvement Partnership funded the nonprofit organization Comunidades Latinas Unidas en Servicio to facilitate five listening sessions with Latino community members and Latino-serving organizations to identify health needs and assets. Two of their recommendations involved community gardening.⁷



SECTION 3: DEVELOPING, MAINTAINING, SUSTAINING

Acquiring the necessary support and resources, such as garden skills training, funds, materials for raised beds or toolsheds, and gardening tools, are essential to developing, maintaining, and sustaining a successful community garden. Accessing resources to start a garden is often much easier than finding resources to coordinate and support the garden long-term. Identifying strategies and resources for both short-term needs, such as supplies, and long-term needs, such as garden coordination, can go a long way to the success of a garden effort.



Tips for Gardeners

- Create a plan for how to continue managing and funding the garden.
- Develop partnerships with non-profit organizations, grassroots community-led groups, city departments, local businesses, and faith communities.
- Designate a garden coordinator to manage the logistics of maintaining a garden.
- Work with local SNAP (Supplemental Nutrition Assistance Program) certified retailers to encourage the sale of seeds and plants.

Local Government Support for Community Gardens

Community gardens provide multiple benefits to local communities that can be used to increase government involvement of and support in developing, maintaining, and sustaining a community garden. Local governments can pass resolutions in support of community gardening that acknowledge its benefits and provide technical assistance to support local gardening efforts.



SNAP benefits can be used to purchase edible plants and seeds.⁸



Policy Opportunities

- Develop resolutions, food policy councils, park and recreation agreements, and other local government policies supporting community gardens.



Saint Paul, Minnesota, passed a resolution declaring August 22, 2009, "Community Garden Day." This resolution recognized the wide range of community benefits provided by community gardens, including moderating urban heat islands, filtering storm water, increasing physical activity, and providing healthy food to gardeners.⁹



The Public Health Department of **Madison and Dane County, Wisconsin**, developed a list outlining the duties and resources needed for an agency-run community garden program. Refer to "Community Gardens: Opportunities for Madison and Dane County."¹⁰

Funding and Donations

Community gardens can obtain support from numerous community resources including local businesses and non-profits, municipal governments, educational institutions, and community members. This support can include:

- In-kind material donations from businesses (fencing, plants, soil, etc.);
- Fund-raising activities;
- Grants;
- Local hospital health benefit dollars;
- Access to public or private land for gardening activities;
- Program coordination and other financial and in-kind support through a variety of channels including church groups, businesses, park and recreation departments, housing authorities, and youth based organizations; and
- Free or reduced cost access to local compost, woodchips, water supply, and other public resources.



Policy Opportunities

- Provide local government financial support, dedicated funds, or targeted federal or state resources through grant programs and dedicated funds in the budget of local parks and recreation departments, economic development, or other city departments.



In **Olivia, Minnesota**, the farmer-owned financial services cooperative United FCS donated 3.5 acres of land to start an educational fruit and vegetable farm, called United Acres. The farm employs one full-time farmer as well as local youth as summer farmhands, and will sell their produce to the hospital, expanding the hospital's healthy, fresh and local meals. The farm is a partnership between United FCS, Renville County SHIP, Renville County Hospital and Clinics, University of Minnesota SNAP-Ed, and 4-H, with funding support from United FCS, Agribank, Renville County SHIP, and Renville County Housing and Redevelopment Authority and Economic Development Authority (HRA/EDA).¹¹



Minneapolis, Minnesota's Neighborhood Revitalization Program (NRP) has been used to develop and maintain community gardens. Neighborhoods develop a participation agreement, engage with their communities, draft a plan, review and approve the plan, and submit the plan to the government for review, approval, and funding. Once the plan is approved neighborhood organization staff and resident volunteers implement the plan. The Dowling Community Gardens in Minneapolis has used NRP funds to build accessible raised beds and to make the garden more welcoming.¹²



Seattle, Washington, has provided significant funding and resources to support community gardening in the city, by providing parks with bond monies, public housing funds, and neighborhood matching grants for land and garden maintenance.¹³



Vallejo, California, began a participatory budgeting process to annually allocate a portion of sales tax revenue to projects voted on by citizens. In 2013, the Participatory Budgeting Cycle allocated \$146,500 in funding for community garden projects.¹⁴

- Provide financial assistance to low-income residents who cannot afford the cost of a garden plot.



Olivia, Minnesota's Cross of Calvary Lutheran Church Community Garden partnered with the State Healthwide Improvement Partnership to provide participation fee scholarships.¹⁵



Participatory Budgeting

Participatory budgeting is “a different way to manage public money, and to engage people in government. It is a democratic process in which community members directly decide how to spend part of a public budget. It enables taxpayers to work with government to make the budget decisions that affect their lives.”¹⁶

Garden Skills Training

Community gardens can benefit from technical assistance and support from local governments, educational institutions, and community organizations that have expertise in different gardening activities. Technical assistance can be provided in a wide range of areas including composting, managing pests and diseases, watering and water management, accessing resources, and others. This technical assistance can be provided through gardening resources, garden skills training, and referrals to experts or other community resources.





Tips for Gardeners

- Connect with a local technical assistance organization, such as the local Extension Office or a local community-based non-profit, to identify resources.



Policy Opportunities

- Encourage local governments to provide technical assistance for community gardening programs supporting youth, elderly, disabled, new immigrant, and low-income populations.



Maplewood, Minnesota, provides information about gardening without using pesticides and other chemicals on its website. The guide is offered in English, Spanish, Hmong, and Karen.¹⁷



In **Saint Paul, Minnesota**, the nonprofit Summit Hill Association/District 16 Planning Council operates a community garden. It works with the Saint Paul Planning Council and can provide technical assistance to gardeners in the area it serves.¹⁸



SECTION 4: FINDING LAND

Finding appropriate land for a community garden is fundamental to the garden's success and can be one of the more challenging aspects of starting and maintaining a garden. Community gardens can find land through a number of different avenues including community land trusts, land banks, tax forfeited properties, and undeveloped land within a city or county.



Tips for Gardeners

- Work with a local community-based organization, community land trust, or a community land bank to identify available land or potential garden sites.
- Check to see if the municipality has open space, parkland, undeveloped, or blighted properties that could be used as community garden space.
- Identify privately owned underutilized or vacant land, and contact the county tax assessor's office to figure out who owns the land.
- Contact public housing agencies or affordable housing advocates to explore the possibility of starting community gardens at public housing sites.
- Ensure that garden plots are accessible by walking or public transportation.

Local Plans and Community Gardens

Towns, cities, and counties typically have the authority to control and regulate the use of land within their borders. Determining how land will be used is often addressed in local land use planning documents, such as neighborhood plans, comprehensive plans, and parks and recreation plans. Including language in local planning documents can support the development of new community gardens and sustainability of existing community gardens.



Policy Opportunities

- Incorporate language to encourage and preserve community gardens in local land use plans.



Breitung Township and Tower, Minnesota, included language in the comprehensive plan to promote community gardens and provide greater local food access.¹⁹



The comprehensive plan of **Edmonds, Washington**, indicated that the city would promote “food security and public health by encouraging locally based food production, distribution, and choice through the support of home and community gardens, farmers or public markets, and other small-scale, collaborative initiatives.”²⁰



Burlington, Vermont, adopted revisions to its Open Space Protection Plan in 2014 that more fully included plans for urban agriculture.²¹

Sample Plan Language²²

Sample Language: “[Local government] will review and update regulations governing backyard gardening, community gardens, and urban farming to foster an expansion of food production in the community.”

Sample Language: “[Local government] will support development patterns that preserve agricultural land, and decrease the distance between households and retail food options.”

Sample Language: “[Local government] will review, and simplify or remove its regulation of food- and farm-related land uses, in order to improve the variety and availability of healthy food outlets.”

Sample Language: “[Local government] will support practices that integrate healthy food in residential settings.”

Local Zoning and Community Gardens

Local governments generally use local zoning ordinances to regulate land use in local communities through two main zoning approaches:

- **Zoning Districts** which determine what can be built in a specific zone, such as small homes, apartments, businesses, farms, factories, and airports; and
- **Zoning Uses** which address how something looks and is used in a specific zone, such as height, size, proximity to the street, parking lot location, and design of buildings.

Community gardens can be regulated through either of these zoning approaches. Local gardening can be allowed in a designated urban agriculture or overlay district, or it can be regulated as an activity or use that is permitted, allowed conditionally, or not allowed depending on the specific zoning district. Community gardens can also be supported through other zoning techniques such as residential cluster developments and green or open space density standards.²³



Tips for Gardeners

- Review local zoning ordinances and municipal zoning maps impacting potential garden sites to determine if gardening and garden-related activities are allowed.



Policy Opportunities

- Review municipal codes to identify barriers to local gardening and develop policies that encourage and support community gardens.



King County, Washington, collaborated with the county agriculture commission, the King County Conservation District, local farmers, and state and national regulators to form a regulatory review team and revise the zoning code to promote the economic sustainability of farming, rooted in policies written in the King County strategic and comprehensive plans.²⁴

- Utilize zoning techniques such as **residential cluster developments** to minimize development impacts and preserve open space. Residential Cluster Development, or open space development, is a planning technique used in new single- and multi-family developments. This approach preserves open space that can be used for agriculture, gardens, and natural habitats through strategic positioning of buildings and other structures.



Minneapolis, Minnesota, recognizes cluster development as a unified development of not less than three dwelling units, either attached or detached, in which one or more principal buildings are grouped together in order to preserve common space for the benefit of the residents of the development. Cluster development allows flexibility in the location of residential structures and the size of individual lots in order to encourage a variety of housing types and the efficient use of land.²⁵

- Revise local zoning codes to allow community gardens on public land and in all appropriate zoning districts, such as residential areas, office/residential districts, and commercial districts.



Bloomington, Indiana, allows community gardens as a principle use in all zoning districts subject to certain regulations.²⁶



Belding, Michigan, allows community gardens as a principle use in all zoning districts, with certain size, setback, and other guidelines for garden structures.²⁷



Cleveland, Ohio, revised its zoning ordinances to allow agriculture as a permitted use in the one-family district, and as a permitted accessory use in all residential districts.²⁸

- Designate established community gardens on public and private property as open space to protect from commercial development.



Boston, Massachusetts, allows community gardens, including those on vacant public land, to be zoned as an “open space sub-district,” recognizing that community gardens can provide similar community benefits as other open spaces.²⁹



- Develop a zoning designation or district for urban agriculture, including community gardens.



Cleveland, Ohio, established an Urban Garden District as part of its zoning code to “ensure that urban garden areas are appropriately located and protected to meet needs for local food production, community health, community education, garden-related job training, environmental enhancement, preservation of green space, and community enjoyment on sites for which urban gardens represent the highest and best use for the community.”³⁰





Community Gardens on Public Land

Public land, including parkland public housing sites, city boulevards, and tax-forfeited properties, are often used for local gardening efforts.



Policy Opportunities

- Allow use of public land for community gardens.



The Heart & Soil Community Garden Pilot in **Mankato, Minnesota**, is located on parkland provided by the City of Mankato.³¹



In **Fergus Falls, Minnesota**, community garden plots are city-owned. Individuals who want a plot work with the Parks, Recreation and Forestry Department.³²



A community garden program in **Des Moines, Iowa**, allows the establishment of community gardens on city right-of-ways and real property.³³



Bismarck Parks and Recreation Department in **Bismarck, North Dakota**, supports three community gardens by providing land, water and hoses, tilling, and composting dumpsters for participants, as well as three community orchards. Water and labor costs for tilling come out of the Park's general maintenance budget.³⁴

- Develop an open process for available public land designated as open space to allow community groups to propose projects such as community gardens.



The **Boston, Massachusetts**, Grassroots and Open Space Development Program issues Requests for Proposals that offer land and funding to community groups and community-based organizations to assist in the creation of community garden space by and for economically marginalized residents.³⁵



- Support longer leases (three to five years) for community gardens on public property.



The **Chicago, Illinois**, Park District offers public parkland for community garden space with a letter of commitment that allows garden groups to renew every three years.³⁶

- Create an inventory of open public lots, private lots, tax-forfeited properties, and public parks that are available for community gardens.



Minneapolis, Minnesota, Washington, D.C., Hartford, Connecticut, and Seattle, Washington, maintain an inventory of public and vacant land suitable for gardens.³⁷

Community Gardens on Public and Low-Income Housing Sites

Including community gardens as part of public and low-income housing developments can promote community, increase access to healthy food, and support civic engagement of residents. Developing community gardens in these housing developments can require the involvement of several important stakeholders including the Public Housing Authority, tenant associations, private real estate developers, and local nonprofits.



Minnesota Food Charter



Policy Opportunities

- Collaborate with public housing agencies, local health departments, and local non-profits to start community gardens at public housing or low-income residential sites.



In **Minneapolis, Minnesota**, the Minneapolis Health Department is working with landlords to allow gardening on Minneapolis Public Housing Authority land and rental property. Hope Community, in the Philip's neighborhood of Minneapolis, established community gardens at apartments with a high concentration of affordable housing units. Aeon, a non-profit affordable housing developer, manages 39 properties in the Twin Cities metropolitan area, some of which have community gardens on-site.³⁸



In **Denver, Colorado**, the non-profit Denver Urban Gardens has worked with the Denver Housing Authority to develop gardens on public housing. Denver Urban Gardens has also worked with local non-profits, such as food shelves and community resource centers located in low-income neighborhoods, to start gardens on their property.³⁹



In **Seattle, Washington**, the King County Housing Authority partnered with Healthy Kids Healthy Communities to involve public housing residents in developing community gardens on public housing sites. Seattle's P-Patch program supports two market gardens located on Seattle Housing Authority property that operate a community-supported agriculture program.⁴⁰

Community Gardens on Private Land

Local governments and private land owners can support the development of community gardens on private land. Local governments can create tax incentives for private land used for community gardens. Private land owners can provide access to their land for community gardens and enter into multi-year leases with the community garden group to ensure that the land is maintained as a community garden. Private landowners can also include the use of land as a community garden in transfer of development rights.

If community gardens do not own the garden property, the garden group should have a lease agreement with the property owner. Leases outline the rights and responsibilities of both the property owner and the community garden. Multi-year leases can be especially effective in maintaining the use of the land as a garden for an extended period of time.



Policy Opportunities

- Work with a local non-profit or business, such as a church or hospital, to provide land for a community garden.



In **Minneapolis, Minnesota**, the Sabathani Community Center provides space for a 70-plot community garden in South Minneapolis. One-eighth of the garden plots are used for the Urban Gardeners program, which provides six-week vegetable growing classes to people needing better access to food.⁴¹



In **Shakopee, Minnesota**, Canterbury Park, a local business and horse racing track, is providing land for a community garden used by Shakopee community members, including WIC clients and Canterbury Park and Scott County employees.⁴²

- Create tax incentives for community gardens by waiving or reducing property taxes for community gardens owned or operated by non-profit or community garden groups.



In **San Francisco, California**, land used for a community garden is taxed at the current tax rate for the state's irrigated farmland.⁴³



In **Washington, D.C.**, private land qualifies for a 90% property tax abatement if used for urban agriculture or leased to a third party for a community garden or urban farm for a minimum of three years.⁴⁴



In **New Jersey**, the state legislature passed an act to support the lease and sale of some unused properties to certain nonprofit organizations to encourage and facilitate urban farming and gardening. This state law includes a property tax exemption for land leased or sold for urban farms.⁴⁵



Minnesota Food Charter

Community Organizations and Land Access for Gardens

Community-based organizations can be key partners to local gardening efforts by providing land for gardens, identifying potential garden sites, or purchasing land that can be used for gardens. **Community land trusts (CLT)** and **land banks** are possible resources that community gardens can use to find available land for community gardens, protect established gardens, and create sustainable long-term community garden programs.

Community Land Trust

Community land trusts are “nonprofit organizations — governed by a board of CLT residents, community residents and public representatives — that provide lasting community assets and permanently affordable housing opportunities for families and communities. CLTs develop rural and urban agriculture projects, commercial spaces to serve local communities, affordable rental and cooperative housing projects, and conserve land or urban green spaces.”⁴⁶

Land Bank

A **land bank** is an entity established to promote community stabilization and to encourage the reuse or redevelopment of property. The land bank can be established by a public entity or can be a nongovernmental nonprofit organization. The land bank can purchase and obtain properties that have been donated, abandoned or foreclosed upon, and maintain and facilitate the redevelopment, marketing, and disposal of the properties. Land banks can also acquire properties through donation or purchase.⁴⁷

Keeping a Garden Site

Once a garden has been established on a piece of property, maintaining ongoing use of the garden site is important. Developing a site into a productive garden operation requires a significant investment of time and resources — both to build the soil and garden infrastructure in addition to cultivating community support for the garden. Community gardeners may invest time and resources into a plot of land only to have the garden plot slated for development, demolished by the municipality for violating local laws, or shut down if a private landowner will not renew the lease for the garden property.



Policy Opportunities

- Work with community organizations to identify open space available for community gardens.



In **Minneapolis, Minnesota**, the Twin Cities Agricultural Land Trust is a community-driven network that “provides advocacy, holds land, facilitates and advocates for affordable ownership and/or leasing of agricultural land by growers, and connects stakeholders to resources and education for people seeking long-term, affordable land access to grow food.”⁴⁸



In **St. Paul, Minnesota**, the Farm-Faith Project is a partnership between the Saint Paul Area Council of Churches and the Hmong American Partnership to provide immigrant communities with farming opportunities, economic skills, and gardening spaces at churches.⁴⁹



In **New Haven, Connecticut**, the New Haven Land Trust, formed in 1982, manages almost 50 community gardens, providing technical assistance, supplies, and land.⁵⁰



In **Shelby County, Tennessee**, the Shelby County Land Bank provides land and works in collaboration with local non-profits, such as the Memphis Urban Gardening Program and Grow Memphis, as well as its local Extension office and other partners.⁵¹



In **Chicago, Illinois**, “Chicago’s NeighborSpace, funded and operated through the City, Parks District, and Forest Preserve District, acquires property to preserve land for community gardens. The program acts as a land trust for community gardens and accepts liability for each site.”⁵²



SECTION 5: EVALUATING POTENTIAL GARDEN SITES

When considering a site for a garden, community members should assess whether or not the site is suitable for gardening. Key considerations include soil conditions, access to water, and quality of sunlight.

Soil Conditions

Key considerations impacting whether or not a site is suited for gardening include determining if the soil may be contaminated from past uses or if there are any current or anticipated industrial activities nearby; testing the soil for nitrogen, phosphorus, potassium, and other essential nutrients; assessing the general texture of the soil — i.e. proportions of sand, silt, and clay; and evaluating the structure of the soil — i.e. the size and ratio of different particles of soil.



Tips for Gardeners

- Conduct a site assessment to determine past uses of property.
- Test soil for nutrients prior to applying soil amendments to identify needed nutrients.
- Work with a local Extension service or other local expert to test soil for contaminants if necessary.
- If soil has contaminants, consult with a trained environmental professional to determine how to address the contamination.
- Assess soil texture and structure to determine if soil amendments are needed for vegetable cultivation.



Minnesota Food Charter



Policy Opportunities

- Work with the local government to make information regarding historical land uses on specific properties available to the public.



Minneapolis, Minnesota, provides some information about historical land use, available in person at the [Minneapolis Development Review building](#).⁵³



Homewood, Alabama, requires potential community garden sites to be tested for soil quality. Sites with poor soil quality must use raised garden beds.⁵⁴

Water Access

Adequate water access is critical to the success of community gardening efforts. Water can come from different sources, including capturing rain water, reaching agreements with adjoining property owners for water usage, installing municipal water access on the garden site, and working with a local government to use water from nearby water hydrants or other public water sources.



Tips for Gardeners

- Include water usage in the community garden lease and in community garden rules.
- If the garden is located on public land, work with local officials to see if the garden can be connected to the nearest water main, or if a new water line can be installed.



Policy Opportunities

- Work with the local government to use public water supplies for community gardens.



The city of **Bird Island, Minnesota**, partnered with the Statewide Health Improvement Partnership to start a community garden on city property. The city Public Works Department provides hydrant and hose water; oversees maintenance regarding compost, soil and mowing; and facilitates basic repairs on fencing and other infrastructure.⁵⁵



-
- Create a fund that gardens can use to support on-site water access and water infrastructure.



In 2012, **Baltimore, Maryland**, adopted a Garden Irrigation Fund program in collaboration with the Parks & People Foundation, Baltimore Green Space and Baltimore's Office of Sustainability and Department of Public Works. This fund provides up to \$3000 per community garden to support the installation of direct lines to provide water access for garden sites.⁵⁶

-
- Install meters to determine water usage and fair price.



Mora, Minnesota, allows the use of second water meters to measure outdoor water uses such as irrigation. The customer is not charged a sanitary sewer fee for water that flows through these meters. Individuals who want a second meter must fill out an application.⁵⁷



Lake Crystal, Minnesota, allows second water meters for outdoor use. There is a fee to apply for a second water meter. There is a regular rate for water usage and a current monthly base fee is charged regardless of how much water is used.⁵⁸



The Glacial Lakes Sanitary Sewer and Water District (GLSSWD) in **Kandiyohi County, Minnesota**, utilizes water meters to bill customers for both water and sewer usage. Customers may use a second water meter for outdoor use to avoid being charged for sewage for the outdoor water use.⁵⁹

Sunlight

Sufficient sunlight exposure is crucial for garden plant growth. Local laws may impact whether trees obstructing sunlight can be removed.



Tips for Gardeners

- Assess potential community garden sites for impact of tree canopy on sunlight and which trees may be part of public forestry programs.
- Work with local officials to identify local ordinances or initiatives for community trees to determine potential impact on community garden sites.



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Policy Opportunities

- Work with the local government to identify any municipal forestry policies that could impact community gardens.



In **Galveston, Texas**, community gardens are required to be “located in areas that receive adequate sunlight ... without the removal or excessive trimming of trees.”⁶⁰



SECTION 6: DESIGNING A COMMUNITY GARDEN

When developing a community garden site, it is important to learn about any local zoning requirements that may impact garden design or different garden structures. The garden design and structures should also consider the needs of different gardeners to ensure that the garden is accessible to a wide range of individuals with different abilities.

Garden Accessibility for Individuals with Disabilities

By planning thoughtfully, a community garden can be enjoyed by individuals with physical disabilities through the use of helpful design elements.

Generally, the Americans with Disabilities Act (ADA) requires that places that are open to the public be made physically accessible to all individuals. At the same time, terrain or other unavoidable barriers may prevent a community garden from being completely accessible. The ADA recognizes that there may be some limitations to making some public places accessible. As a result, a community garden may be considered ADA compliant even if it is not entirely





accessible. While there are no strict regulations or design requirements for community gardens under the ADA, community gardens should ensure that community garden plots are as accessible as the specific garden conditions allow.⁶¹



Tips for Gardeners

- Ensure garden paths and raised beds are accessible to individuals with disabilities.
- Determine if any resources may be available from local government or non-profits to create accessible garden plots.



Policy Opportunities

- Work with the local municipal government or a non-profit organization to develop accessibility guidelines for community gardens.



Madison, Wisconsin, developed accessibility guidelines for community gardens, called *Madison's Inclusive Community Gardens*, in partnership with Community Action for South Central Washington.⁶²



In **Galveston, Texas**, community gardens must "be located on land that is level enough to support the intended use and meet all Americans with Disabilities Act requirements without the use of retaining walls that exceed three feet (3') in height."⁶³

Gardening Structures

Community gardens often benefit from and use a number of different types of permanent, semi-permanent, and temporary structures to support gardening activities. These structures can include fences, trellises, raised beds, sheds, hoop houses, greenhouses, and signs. The use of these structures may be impacted by state building codes and local zoning ordinances. Generally, state laws create minimum requirements for buildings and other structures to protect health, safety and welfare. Local laws often go beyond state law to address issues that are important to the local community. Local regulations often impact where certain structures are allowed, the size of different structures, building materials, and other details impacting neighborhood livability.



Impact of State Building Code on Community Garden Structures

In Minnesota, the State Building Code sets requirements for temporary and permanent structures to protect health, safety, welfare, comfort, and security. Permanent and temporary gardening structures, such as hoop houses and green houses, may be required to meet minimal structural requirements, including snow load requirements. Agricultural buildings on agricultural lands are exempted from certain provisions of the State Building Code.⁶⁴



Tips for Gardeners

- Identify any restrictions impacting the use of different types of gardening structures in different zoning districts.
- Review local fence requirements to ensure they are not overly restrictive and are appropriate for the needs of community gardens, including height, building material, and design requirements.
- Assess local ordinances regulating the use of signs in different zoning districts to determine if there are any restrictions on the use of community garden signs, including size, content, location, and building materials.



Policy Opportunities

- Ensure local zoning codes allow semi-permanent and permanent gardening structures, including raised beds, tool sheds, fences, and other structures in community gardens.



In **Moorhead, Minnesota**, greenhouses, tool houses, sheds and similar storage buildings are permitted in low-density, residential zones.⁶⁵



Cleveland, Ohio's local zoning ordinances allow the following as accessory uses to gardens in residential districts: fences (subject to certain specifications), sheds, greenhouses, coops, cages, beehives, hoop houses, cold frames, barns, rain barrels, composting, farm stands (subject to certain specifications), and similar structures not exceeding 15 feet in height.⁶⁶



- Work with the local government to ensure that fence requirements are appropriate for the needs of community gardens.



Northfield, Minnesota, restricts fences to 6 feet in height in residential districts. Barbed wire and electric fences are prohibited. Fences must remain within the property owner's property.⁶⁷



Mankato, Minnesota, requires a building permit for fences higher than 30 inches. Fences cannot obstruct the view of any street right-of-way 25 feet from an intersection.⁶⁸



South Saint Paul, Minnesota, allows fences around community gardens for wildlife management so long as specific criteria are met.⁶⁹

- Work with local policymakers to revise setback requirements if they are burdensome for community gardens, especially those located in small urban plots.



Wauwatosa, Wisconsin, places setback requirements on some accessory structures in community gardens, but exempts certain items, like picnic tables and bicycle racks, from those requirements.⁷⁰

- Encourage the local government to permit but not require signs for community gardens.



In **Minneapolis, Minnesota**, signs that are less than three square feet in area and display "the name of the proprietor or the nature of the business conducted at that location" do not require a permit.⁷¹



In **Austin, Texas**, signs are allowed in market gardens as long as they are four feet square in area or smaller and a maximum of four feet tall. Signs for urban farms have different size and height requirements.⁷²



San Francisco, California, will provide funding for community garden signs, if funding is available, to provide uniform signs in the city and ensure that the signs are compatible with the garden environment. The signs may list community garden rules.⁷³



SECTION 7: PREPARING THE GARDEN SITE

Community gardens can be impacted by local or state laws regulating digging in areas with underground utilities, the management of compost, and the use of equipment.

Call Before You Dig

All states require people to call before digging to allow utility companies to mark any underground utility lines in the digging area. Calls must be placed in advance to allow time for the location of buried lines to be marked with flags or paint. Advance notice deadlines vary between states. Individuals should make a free call to "811" in advance of digging. Not following this requirement may result in potential fines and repair costs, not to mention possible injuries or accidents if a utility line is hit while digging. State-specific call centers can be found on call811.com.⁷⁴



Tips for Gardeners

- Always call 811 or the designated state call center before digging to ensure a safe environment.
- Check state laws for specific information on how far in advance to call and how long the utility marks are valid.
- Call each time before starting a digging job, as erosion or root structure growth may shift utility line locations.

Minnesota Call Before You Dig Requirements

Minnesota state law requires gardeners to notify a call center about planned gardening activities that disturb the soil to a depth of 12 inches or more at least 48 hours (excluding weekend and holidays) before digging. This requirement will likely impact most gardening activities using machine-powered equipment, such as roto tillers, in addition to activities preparing a new garden site prior to planting. After a call is placed, someone will come to the digging location to mark the location of utility lines in the digging area. The utility line markings can include paint, flags, or stakes. These markings are valid for 14 calendar days. Minnesota's one call center is [Gopher State One Call](#).⁷⁵



Building Healthy Soil and Compost

Ensuring the soil is healthy and has the nutrients and soil structure and texture needed to support growing vegetables is essential to a successful garden, both when starting a new garden and in maintaining the productivity of the garden over time. Augmenting garden soil with organic compost, either from the garden debris, or from other sources, is a common practice with local gardens. Local and state laws may impact the location and size of compost piles on the garden site, the use of municipal compost resources, and the transport of compost to the garden.



Tips for Gardeners

- Check local ordinances to determine if composting is allowed on-site.
- Contact municipal waste management services to determine if compost is available for community gardeners.



Policy Opportunities

- Provide low- or no-cost compost for community gardens through municipal waste management services.



Minneapolis, Minnesota, provides registered community gardens with low- or no-cost compost. The city prioritizes gardens that started recently, have poor soil quality, or have never received compost before.⁷⁶



In **Shakopee, Minnesota**, the Shakopee Mdewakanton Sioux Community has donated compost from their Organics Recycling Facility to several community gardens in Scott County.⁷⁷



In **Hartford, Connecticut**, individuals who run community gardens are required to manage compost piles so that they do not become a nuisance.⁷⁸



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Equipment

The use of gardening equipment, such as roto tillers, small tractors, and other equipment, may be regulated by municipal ordinance. In addition, some municipalities may have noise ordinances or other regulations impacting when certain types of activities can take place in a garden.



Tips for Gardeners

- Check municipal code for use restrictions on certain types of equipment and noise ordinances impacting when certain activities can take place in a garden.



Policy Opportunities



In **Byron, Minnesota**, the Byron Park Board passed a policy indicating that garden plots would be tilled by the Park Board or a community gardener once a year unless a no till agreement was entered into between the gardener and the Park Board. The policy also included specific details regarding the use of the City's tiller by community gardeners.⁷⁹



In **Ferguson, Missouri**, motorized equipment can only be used at community gardens in residential zones between 9:00 AM and 8:00 PM.⁸⁰



SECTION 8: GARDENING ACTIVITIES AND GARDEN RULES

Garden rules and policies provide gardeners with a shared understanding of the responsibilities of gardening in a communal space. Garden rules can also provide a framework for addressing problems in the garden and ensure that gardeners understand any local ordinances or state laws they must follow. The process of developing rules can help build the gardening community, create a code of conduct, and define important shared values, and provide direction regarding allowable practices. The rules also serve as a guide for acceptable behavior and help to manage any conflicts between gardeners. Garden rules can address a wide range of activities in the garden, including noise, tobacco use, use of chemicals, permissible and prohibited plants, and beekeeping activities, amongst others.



Tips for Gardeners

- Post key garden rules at the community garden site.
- Require each gardener to review and sign an agreement to follow garden rules as a condition of gardening in the community garden.
- Review rules of other community gardens as guidance for developing rules for new gardens or revising existing garden rules.



Policy Opportunities

- Local governments can work with residents to form a committee or other group to help establish community gardening policies and standards.



In **Mankato, Minnesota**, only nonprofit organizations can use city land for community gardens, while the produce grown there cannot be sold, plots must be open to members of the public on a non-discriminatory basis, and the space must be properly maintained.⁸¹



San Jose, California, maintains a community garden program on city land that is open to all of its adult residents. Those who rent plots must keep their space well-maintained, clean and return any tools they use, and follow a list of other rules.⁸²



In **Springfield, Massachusetts**, community gardens, including those on public property, are open only during certain hours and must be maintained in specific ways to protect the environment and not disturb the surrounding community.⁸³



Noise Regulations

Local noise regulations may impact what activities are allowed in community gardens.



Tips for Gardeners

- Review local regulations and garden rules to ensure that noise ordinances do not unfairly prevent community garden activities while also respecting the impact of garden activities on community members.



Policy Opportunities

- Ensure that community garden policies are consistent with local noise regulations.



Montrose, Minnesota, requires gardeners to wear headphones for listening to music when working in the community garden.⁸⁴



Newport, Minnesota, prohibits loud music in the community garden. This is located in the agreement gardeners sign.⁸⁵

Tobacco Use

Tobacco-free restrictions at parks, recreational facilities, beaches, patios, and other outdoor areas have spread across the U.S. Outdoor exposure to secondhand smoke — especially by children — is harmful to health and can cause breathing difficulties, eye irritation, headaches, nausea, and asthma attacks. Exposure to tobacco can also harm the plants being grown in a community garden. A virus found in cigarettes or other tobacco products — the tobacco mosaic virus (or TMV) — can stunt plant growth and impact yield as well.



Tips for Gardeners

- Prohibit the use of tobacco products and electronic cigarettes in community gardens.
- Encourage gardeners to wash hands after using tobacco products and before working with plants.
- Provide gardeners with information on the tobacco mosaic virus.
- Ensure the proper disposal of cigarette butts and other tobacco waste.



Policy Opportunities

- Public and privately operated community gardens have the ability to restrict the use of tobacco and electronic cigarettes.



Harmony, Minnesota, prohibits the use of alcohol and tobacco in the community garden.⁸⁶



Due to the risk of disease to certain types of plants, **Precious Stones of Avon Community Garden, Minnesota**, prohibits smoking and chewing tobacco products in the garden.⁸⁷



The **Las Flores Community Garden, California**, prohibits tobacco products and e-cigarettes in its garden.⁸⁸



At **Mesa Community College, Arizona**, smoking, chewing tobacco, and open flames are not allowed in the school's community garden.⁸⁹



Chemical Use in the Garden

Some rodents, insects, weeds, and harmful plant and soil diseases can cause damage to community garden crops. While pesticides and herbicides may be available to help control these unwanted garden pests, some pesticides and herbicides can cause health harms to community gardeners, pets, and garden visitors, and negatively impact beneficial insects, such as bees and other needed pollinators.

Community gardens must weigh the risks and benefits of chemical use in the garden when developing rules governing chemical use. Many gardens restrict the use of chemicals or prioritize nonchemical strategies to address garden diseases and pests rather than the use of chemical interventions.

Minnesota's Executive Order to Protect Pollinators⁹⁰

The Governor of Minnesota issued an Executive Order, "Directing Steps to Reverse Pollinator Decline and Restore Pollinator Health in Minnesota." This Executive Order recognizes the significant risk to Minnesota's agricultural system and economy as a result of the recent decline in pollinators around the state and directs state departments and agencies to take specific steps to protect pollinators throughout Minnesota. The Executive Order includes specific actions to limit or restrict the use of pesticides, increase pollinator habitat throughout the state, raise public awareness about pollinator issues, and promote statewide coordination on pollinator protection efforts.



Tips for Gardeners

- Include restrictions on the use of pesticides and herbicides and include pest control guidelines in garden rules.
- Discuss use of chemicals on property surrounding community garden site with private landowners.
- Work with local government to ensure herbicide and chemical use on public land does not impact community gardens.



Policy Opportunities

- Work with the local government to develop local ordinances restricting the use of pesticides in and around community gardens.



Delano, Minnesota, requires community gardeners to use mulches and regular weeding to control weeds. Mixing and storing strong chemicals is prohibited. Gardeners are not allowed to use insecticides, fertilizers or weed repellants that will affect other plots or negatively affect the future use of the plot.⁹¹



Newport, Minnesota, requires community gardeners to keep garden plots free from weeds and other materials that will harm the community garden. The policy also discourages, but does not appear to prohibit the use of synthetic or organic chemical herbicides and pesticides.⁹²



Eugene, Oregon, prohibits the use of registered pesticides within a community garden or within 25 feet of the outside perimeter of a community garden.⁹³

Beneficial Plants and Noxious and Invasive Weeds

Native plants grow well in perennial community gardens because they are adapted to the local climate and insects, contribute to a healthy ecosystem, and benefit native pollinators. At the same time, noxious and invasive weeds can directly or indirectly injure or cause damage to crops, other agricultural interests, or natural resources. Specific noxious and invasive weeds are identified by federal and state law.



Tips for Gardeners

- Encourage the use of native plants when possible, potentially as buffer plantings around the edge of the garden to attract pollinators.
- Look at federal and state law to determine what plants are classified as noxious weeds.
- Provide information to gardeners on risks of introducing invasive weeds and plants, as well as tips for identification.



Policy Opportunities

- Prohibit plants classified as noxious weeds in community gardens.



Montrose, Minnesota, prohibits growing horseradish, mint, and other perennials that are invasive in the community garden.⁹⁴



Newport, Minnesota, prohibits growing trees and illegal plants in community gardens.⁹⁵



Sparta, North Carolina, specifically exempts community gardens from some restrictions on growing vegetation more than 18 inches in height to allow gardeners to grow and produce vegetable plants that might otherwise meet vegetation growth restrictions and be classified as a nuisance.⁹⁶

- Work with the local government to ban noxious weeds within a certain radius of community gardens.



Coon Rapids, Minnesota, prohibits planting noxious weeds or growing herbaceous vegetation higher than 8 inches within 100 feet of an occupied dwelling, office, commercial or industrial building, within a sight triangle, or within a public right-of-way.⁹⁷

- Work with the local government to pass support native plantings in or around community gardens.



Coon Rapids, Minnesota, passed a native plant ordinance that includes certain conditions that must be met in order for a property owner or agent to create a native plant landscape area.⁹⁸



Fridley, Minnesota, defines a Designated Natural Area as "an area of native plants that has never been disturbed or an area intentionally planted with native perennial vegetation greater than ten (10) inches in height that has an edged border separating it from areas of turf grass." The area must be free of noxious weeds and must not be overgrown.⁹⁹



Beekeeping

Community gardeners and urban farmers may be interested in beekeeping to support local pollinators and promote plant health. Many municipalities around the country are revising their zoning code to allow beekeeping within city or town limits.



Tips for Gardeners

- Ensure local ordinances allow beekeeping.
- Explore the possibility of including beekeeping in the community garden.



Policy Opportunities

- Amend zoning ordinances to allow community gardens to keep bees in a manner that prevents nuisances and/or unsanitary conditions.



Duluth, Minnesota, allows beekeeping with a license within city limits as well as rooftop aviaries, given certain restrictions around where on the lot hives may be located, among other restrictions.¹⁰⁰



Cheverly, Maryland, allows beekeeping in some community gardens for educational purposes and requires them to be maintained in specific ways.¹⁰¹



Denver Urban Gardens, in **Denver, Colorado**, strongly supports beekeeping and believes community gardens provide excellent locations for hives. Community gardens are encouraged to either arrange with a local beekeeper to place and maintain a hive or two in the garden, or start a hive to be maintained by the gardeners themselves if already experienced with beekeeping. DUG will work with individual gardens to determine if the local beekeeping ordinance allows beekeeping in the garden and will assist gardeners in applying for a zoning variance if beekeeping is not allowed.¹⁰²



Thornton, Colorado, requires hives associated with a community garden to be surrounded on all sides by a fence to secure the hive from access by unauthorized persons.¹⁰³



SECTION 9: GARDEN LIABILITY ISSUES

Property owners, local governments, and other organizations involved in establishing community gardens may be concerned about liability risks in case of injury or damage to persons or property as a result of gardening activities. These concerns can be effectively resolved and do not need to get in the way of a garden operation. Liability risks for community gardens are often managed through liability insurance and waivers and releases. In addition, local governments providing public land for community gardens may be protected from liability for injuries if protections against liability for local governments is included in state law.

Liability Insurance

Liability insurance covering community garden activities can provide some protection to a community garden organization and property owners if someone is hurt or property is damaged at the garden site. At the same time, requiring liability insurance for small community gardens can be a barrier if the garden group cannot find affordable liability insurance for the garden.





Tips for Gardeners

- Contact the American Community Garden Association for information about low-cost insurance options for community gardens.
- Ask a partner organization or local government sponsoring the garden, such as a community group, church, or horticultural nonprofit, to include the garden as part of their liability insurance coverage.
- Review state law to see if community gardens on municipal property are included in general immunity from liability for municipalities.



Policy Opportunities

- Work with the local municipality, community partners and non-profits to include community gardens as part of their insurance coverage.



In **Madison and Dane County, Wisconsin**, “more than 1,000 families use over 1,700 [Community Action Coalition for South Central Wisconsin] (CAC)-supported plots, covering roughly ten acres of public use land. For these 26 gardens, CAC holds leases and insurance.”¹⁰⁴



In **Homewood, Alabama**, community garden permit holders are not allowed to hold the city or government officials liable for injuries.¹⁰⁵



In **Ferguson, Missouri**, community gardens on city land must have a sign saying that the city is immune from liability.¹⁰⁶

Waivers and Releases

Some community gardens require gardeners to sign a waiver and release indicating that the gardener will not seek damages from the land owner or community garden organization for any injuries or damages resulting from garden activities. Waivers and releases can be included as part of the lease agreement between the property owner and garden group and as part of a garden agreement between the garden group and individual gardeners.



Tips for Gardeners

- Include a waiver and release language in the community garden lease to clarify that the land owner is not responsible for injuries or damages from garden activities.
- Include information regarding responsibility for injuries and damages in the garden rules and gardener agreement forms.



Policy Opportunities

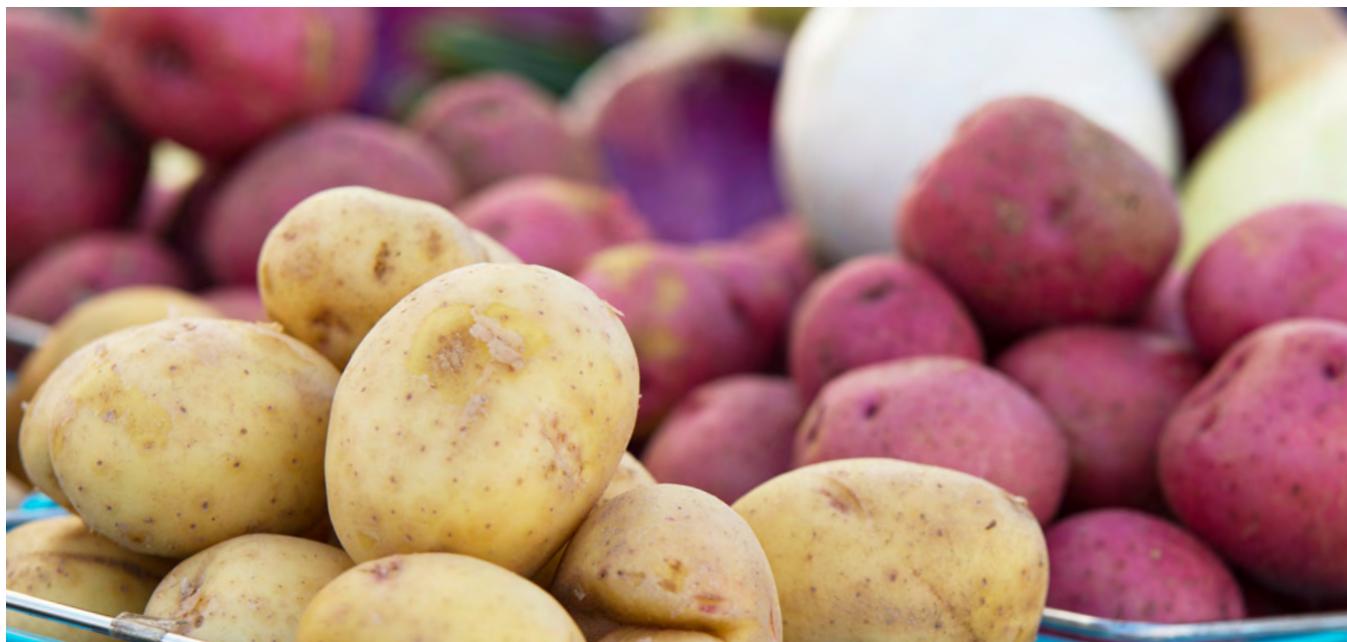
- Require gardeners to sign a waiver and release to participate in the garden.



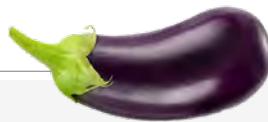
Delano, Minnesota, requires individuals who rent community garden plots to sign a document with community garden rules and a waiver of liability.¹⁰⁷



In **Newport, Minnesota**, individuals who rent a community garden plot must sign an agreement that includes a waiver of liability clause. The city is not responsible for injuries, vandalism or theft.¹⁰⁸



Minnesota Food Charter



SECTION 10: SALE AND USE OF GARDEN PRODUCE

Community gardeners may be interested in donating produce to a local nonprofit or selling produce on-site, at a farm stand or farmers' markets, or other local sales options. Both state and local laws may impact the sale and use of garden produce including whether or not the produce can be sold and where it can be sold.

Sale and Use of Garden Products

Community gardeners may be interested in selling produce on-site, at a farm stand or farmers' markets, as part of a Community Supported Agriculture (CSA) initiative, or by donating produce to a local food shelf. These activities may be impacted by local ordinances or state law.

Minnesota Laws

Sale of Garden Produce

Minnesota's Constitution specifically prohibits local and state governments from requiring someone selling "products of the farm or garden occupied and cultivated" by the individual to obtain a license to do so.¹⁰⁹

Cottage Food Law

Minnesota's Cottage Food Law allows an individual to sell food that he or she has prepared if the food is not potentially hazardous and the seller follows specific requirements.¹¹⁰



Tips for Gardeners

- Review local ordinances to determine if there are any restrictions on the sale of produce from community gardens.
- Encourage gardeners to donate garden produce to local nonprofits.
- Partner with a local food shelf or shelter to identify produce that would benefit those served.
- Dedicate a garden plot to grow food to be donated to a local food shelf, shelter, or other community organization.



Policy Opportunities

- Work with local government to allow the sale of community garden produce or to develop a market garden designation to allow the sale of garden produce from certain types of gardens.



In **Mankato, Minnesota**, gardens are permitted in residential districts but retail sales of produce is not permitted.¹¹¹



In **Shakopee, Minnesota**, the Canterbury Community Garden maintains a communal plot with produce that is donated to the foodshelf.¹¹²



Des Moines, Iowa's comprehensive plan includes language supporting the expansion of community gardens and establishment of community gardens and farmers' markets as an allowed use in residential neighborhoods.¹¹³



Richmond, California's general plan prioritizes working with non-profits and regulatory agencies to explore the potential for creating, expanding and sustaining local urban agriculture, including community gardens. The plan recognizes the potential urban agriculture has to supplement the availability of fresh fruit and vegetables in the community, provide economic opportunities to residents, lower food costs, reduce overall energy consumption, and build social cohesion.¹¹⁴



SECTION 11: SEED-SAVING

Gardeners may be interested in saving and sharing seeds from garden produce. Seed saving and sharing can help to preserve plant diversity, support pollinators, save money, and build community. At the same time, state and local laws may impact seed saving and sharing as some laws focused on commercial seed cultivation may impact non-commercial seed sharing and saving.

Minnesota Seed Saving and Seed Sharing¹¹⁵

Minnesota's Seed Law includes specific requirements for labeling, definitions, and procedures for the sale of seeds in the state of Minnesota. This state law provides an exception from some of these requirements for "interpersonal sharing of seed for home, educational, charitable, or personal noncommercial use." Seed fee permits are still applicable for those eligible initial seed labelers for agricultural, vegetable, flower, and wildflower seeds in Minnesota, although community gardens may be considered an exception under the law.



Tips for Gardeners

- Promote use of local seed sources and seed-saving by community gardeners.
- Review state laws impacting seed saving and sharing to determine if any community seed sharing activities are impacted.



Policy Opportunities

- Local governments can support seed sharing and seed saving for community gardeners.



Duluth, Minnesota, passed a resolution in support of the Duluth Public Library's seed sharing program and called for a revision of Minnesota Seed Law to remove labeling, testing, and permitting requirements to non-commercial interpersonal and/or seed library sharing.¹¹⁶



In **Minneapolis and St. Paul, Minnesota,** the Do It Green! Seed Library Program is a program that provides free native and organic seeds to Twin Cities residents.¹¹⁷

General Resources

Gardening Matters, <http://www.gardeningmatters.org>.

American Community Gardening Association, <http://www.communitygarden.org/index.php>.

Food Access Planning Guide, Minn. Food Charter, <http://mnfoodcharter.com/planningguide> (Last visited Sept. 1, 2017).

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