



Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldtwpnj.com>

Meeting: 05/04/15 07:00 PM

2015 ORDINANCE AMENDMENT

15-33

AN ORDINANCE OF THE TOWNSHIP OF BLOOMFIELD, COUNTY OF ESSEX, AND STATE OF NEW JERSEY TO AMEND CHAPTER 5 OF THE BLOOMFIELD TOWNSHIP CODE CREATING ARTICLE XXIV, BLOOMFIELD TOWNSHIP COMMUNITY GARDENS, OF THE CODE OF THE TOWNSHIP OF BLOOMFIELD TO PROVIDE FOR THE ESTABLISH OF THE BLOOMFIELD COMMUNITY GARDENS AND THE TOWNSHIP OF BLOOMFIELD COMMUNITY GARDENS COMMITTEE.

WHEREAS, the Township wishes to provide community members an accessible place to garden, encourages and supports the community's interest in organic gardening, and desires to establish public locations where gardeners may share and exchange ideas while producing healthy food for friends and family.

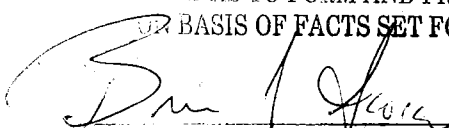
NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of Bloomfield, in the County of Essex, and State of New Jersey, as follows:

SECTION 1. Chapter 5 of the Code of the Township of Bloomfield is hereby amended and supplemented by the creation of Article XXIV, Bloomfield Township Community Garden, to Chapter 5 of the Code of the Township of Bloomfield to read as follows:

§5-126 Bloomfield Township Community Garden

- A. Establishment. A permanent community garden is hereby established within the Township of Bloomfield to be located at Pulaski Park.
- B. Use of Gardens. The Township's Community Gardens are available to all residents of the Township, on a first come, first served basis for the purpose of growing fruits and vegetables, flowers and herbs. Each person renting a plot shall be required to enter into an agreement governing the use of the plot with the Bloomfield Township Community Garden Committee as well an agreement with the Township of Bloomfield pursuant to §5-128 of this ordinance.

ED AS TO FORM AND PROCEDURE
ON BASIS OF FACTS SET FORTH



of Law-Township Attorney

- C. Fees. No person shall be permitted to maintain a plot in a Bloomfield Township Community Garden unless they have registered with the Township Clerk for the plot, signed the required agreements and paid the \$50.00 applicable fee. Fees are payable to the Township of Bloomfield, are nonrefundable, nontransferable and must be paid at the time of registration for the plot. No more than one plot may be rented by a household, however, a household may rent two if there are plots that are not rented after May 15 of any year. Veterans must register for a plot but will not be required to pay the annual rental fee. Resident gardeners who are assigned a plot shall not lose their plot as long as they continually renew their application before December 31 of the year. Control of the plot expires with the season on November 15 and the yearly application and fee must be completed and paid on or before December 31 of the previous rental year or the plot shall be lost and the Township shall issue the plot to the next applicant the Township has or receives.

§5-127 Rules and Regulations. The use of the Bloomfield Township Community Gardens will be subject to the following rules and regulations:

- A. Hours: Dawn to dusk. Fence/Gate, if any are erected, must be kept closed at all times and locked (if lock is present at location) when no gardeners are present.
- B. Season: April 1 through November 15 or as otherwise established by the Bloomfield Township Community Garden Committee. Cultivation and planting must be started by June 1 and plots must be tended through the time of fall clean-up. Persons renting plots are expected to spend an appropriate amount of time to maintain their plot so that it remains attractive (recommended 4 hours per week). Gardeners are also expected to participate in the general meetings and general community garden maintenance.
- C. Parking: In designated or legal parking areas only.
- D. Structures: Elaborate garden structures, fountains or the use of multiple decorative items are prohibited. However, stakes, tomato cages and similar gardening devices are allowed and must be removed at the end of each season.
- E. Weeds: All waste, weeds, etc shall be disposed of off-site except for compostable matter which may be disposed of in areas designated by the Bloomfield Township Garden Committee. No illegal or invasive species are permitted.
- F. Water: If water is available at your Township of Bloomfield Community Garden site, please note that water from the watering spigots provided in the community garden should be treated as non-potable and is for use in the garden only. Hoses are not permitted. Water must be securely turned off after each use.

- G. Fertilizers and Pesticides. The use of non-organic pesticides, fungicides, herbicides and fertilizers are prohibited.
- H. Gardeners are responsible to transport necessary garden tools as there is no on site storage at any Township Community Garden.
- I. Children under 18 must be accompanied by an adult. Pets and other animals are prohibited at all times.
- J. Smoking: Smoking is prohibited at all times.
- K. Rules of Conduct: All gardeners and their visitors shall observe the rules of conduct established by the Bloomfield Township Community Garden Committee as well as the rules and regulations for the use of Township parks and recreation areas, and all other regulations set forth in the Township of Bloomfield Code.
- L. Indemnification: All persons using the Bloomfield Township Community Garden assume any and all risks associated with the use of the community garden. Prior to use of the community garden, each person shall execute and deliver to the Township a hold harmless and indemnification agreement.
- M. Violations. Use of the community garden is a privilege. The Township reserves the right to revoke the use of the community garden by any person for failure to observe the rules and regulations established in this Ordinance or by the Bloomfield Township Garden Committee. Upon violation of any rule or regulation, a written notice will be issued and the violator will be given a reasonable opportunity to correct the violation. If the violation does not cease or is not cured within 14 days, a second written notice will be issued. If the violation has not ceased or been cured within 14 days of the second notice, the use of the community garden for the remainder of the season may be revoked and the plot may be re-assigned. Any person whose permission to use a plot is revoked may appeal the decision to the Township Administrator who shall hold a hearing on the matter within 15 days of the revocation.

§5-128 There is hereby established a Bloomfield Township Garden Committee, which shall consist of eleven (11) members whose terms and powers are hereinafter set forth. The Bloomfield Township Community Gardens shall be managed by the Bloomfield Township Community Garden Committee who shall enforce the rules and regulations set forth in this ordinance under the direction of the Township Administrator. The Bloomfield Township Garden Committee shall require gardeners to sign a use agreement, which will be available at the Township Clerk's office, to supplement the rules and regulations set forth in this ordinance, provided that the Township Administrator has approved the terms of the use agreement.

§5-129 Membership of Committee. The Bloomfield Township Garden Committee shall be comprised of the following persons:

- A. One member of the Township Council of the Township of Bloomfield appointed by the Township Council.
- B. An Engineer of the Township of Bloomfield appointed by the Township Council.
- C. The DPW Director of the Township of Bloomfield appointed by the Township Council.
- D. The five (5) residents of the Township appointed by the Township Council to the Open Space Trust Fund Committee and three (3) additional residents.

§5-130 Terms of office. The terms of office for members of the Bloomfield Township Garden Committee shall be as follows:

- A. The member of the Township Council appointed to the Bloomfield Township Garden Committee shall have a term of one year.
- B. The Township Engineer appointed to the Bloomfield Township Garden Committee shall have a term of one year.
- C. The DPW Director appointed to the Bloomfield Township Garden Committee shall have a term of one year.
- D. Open Space Trust Fund Committee appointees shall remain on the Bloomfield Township Garden Committee during the duration of their appointment to the Open Space Trust Fund Committee.
- E. The balance of the members of the Bloomfield Township Garden Committee shall be appointed by the Township Council and shall serve for a period of calendar three years with their appointment always expiring on December 31 of the third year of appointment.

§5-130 Powers and duties of Committee.

- A. The powers and duties of the Bloomfield Township Garden Committee shall be limited to those enumerated herein. The Bloomfield Township Garden Committee shall serve in an advisory capacity to the Township Council of the Township of Bloomfield and make recommendations to the Council of areas in which to open additional community gardens.
- B. The Bloomfield Township Garden Committee shall also establish rules and regulations, not in conflict with the Township Code, for the use of all of the Bloomfield Township Community Gardens.
- C. The Bloomfield Township Garden Committee shall also keep track of all plot assignments, maintain a waiting list for plots, and accept or deny applications after receipt from Clerk's office. Township shall refund any application fee received by Clerk's office of any applications denied because of the unavailability of a plot. The Committee shall also ensure the proper maintenance and appearance of the gardens and will promote and educate residents on the benefits of gardening and community gardens.

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I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on MAY 4, 2015.

Denise H. Palumbo
Municipal Clerk of the Township of Bloomfield

Neil Zyga
Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance					
☐ Adopt		Yes/Aye	No/Nay	Abstain	Absent
☐ Deny	Elias N. Chalet	☒	☐	☐	☐
☐ Withdrawn	Nicholas Joanow	☒	☐	☐	☐
☐ Table	Carlos Bernard	☒	☐	☐	☐
☐ Not Discussed	Wartyna Davis	☒	☐	☐	☐
☐ First Reading	Joseph Lopez	☒	☐	☐	☐
☐ Table with no Vote	Carlos Pomares	☒	☐	☐	☐
☐ Approve	Michael J. Venezia	☒	☐	☐	☐
☐ Veto by Mayor					
☐ Discussion					
☐ Defeated					
☐ Discussion No Vote					

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