TO: HONORABLE CITY COUNCIL
FROM: CITY MANAGER DEPARTMENT: COMMUNITY SERVICES
DATE: MARCH 6, 2006 CMR: 144:06
SUBJECT: REVISED REGULATIONS REGARDING PUBLIC USE OF CITY PARKS AND OPEN SPACE FACILITIES

This is an information report and no Council action is required.

BACKGROUND
On September 4, 1997, the City Council amended the Palo Alto Municipal Code Section 2.08.050 to enable the City Manager to prescribe and enforce regulations for entry into or use by members of the public, of any City real property, building, park or other facility.

An interdepartmental Building Regulations Committee was created by the City Manager in August 1997. The charge of this committee was to develop regulations for the use of City facilities by the public. These regulations were deemed necessary since facilities were at times being used by some members of the public in ways that interfered with the mission and function of City programs and services, resulting in complaints from the public at large. Without a set of defined and enforceable regulations, City staff was not equipped to respond to these complaints and work with facility visitors to encourage appropriate conduct and use of City facilities.

On June 24, 2002, regulations were adopted governing the appropriate use of park and open space facilities. Staff committed to keeping these park rules and regulations current and relevant to park use patterns and emerging recreational needs. The rules have been subsequently revised June 28, 2004, January 24, 2005, and February 3, 2006 to add new sections.

DISCUSSION
The mission of the Palo Alto parks and open spaces is to enable people to enjoy recreational facilities and natural resources and enrich their lives through exploration, recreation and relaxation. To fulfill this mission, staff endeavors to provide a safe, attractive, friendly and appropriate environment in which all visitors can share parks, open space areas and facilities. Recreation and parks staff has identified a number of behaviors that require regulation, including proper management of the community gardens.

Attachment A lists a new section for the Community Garden (paragraph P) that was omitted from previous rules and regulation. The intent of this new rule is to establish hours of operation for the garden so that camping and loitering in the gardens after hours can be regulated for the security of the gardens and the safety of neighbors of the gardens.
Implementation of Regulations
Regulations will enable City staff to communicate with the public in a clear and consistent manner regarding prohibited conduct. The intent is to provide gardeners with the information and opportunity to cease inappropriate conduct and continue to enjoy the use of City community gardens. When users of parks and open space areas do not bring their conduct into accordance with regulations after first being warned, the visitor or gardener may be issued an administrative citation by an Open Space Division official or police officer. Procedures have been developed whereby a visitor who is issued an administrative citation will be afforded due process to contest this decision if they feel it to be unfair.

The current rules and regulations have been posted on the Open Space web pages. Copies of the regulations are also available at Palo Alto community centers. The garden hours of operation and closure have been posted at the gardens.

RESOURCE IMPACT
There is no resource impact associated with the adoption of revised regulations for public use of City community garden areas.

POLICY IMPLICATIONS
These revisions to the existing parks and open space area regulations are consistent with City policy to define and enforce certain standards of behavior in City facilities in order to ensure appropriate use and enjoyment of these facilities for the public at large.

ATTACHMENTS
Attachment A: Revised Park Rules and Regulation Section R1-39

PREPARED BY: ____________________________________________________
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DEPARTMENT HEAD: ____________________________________________
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CITY MANAGER APPROVAL: -------------------------------------------
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Cc: Parks and Recreation Commission
ATTACHMENT A

R1–39. Community Garden

The City of Palo Alto provides, subject to a license agreement, space for Palo Alto residents to enjoy organic gardening on a first-come, first-serve basis as space allows. The Palo Alto Community Gardens are designated for the use of Palo Alto residents only. Gardeners and prospective gardeners must provide sufficient proof of residency (i.e., utility bill in the name of the gardener, driver’s license, etc.) and sign a license agreement with the City. A post office box will not be accepted as a resident address.

A. No non-organic pesticides, herbicides, chemical fertilizers, or chemically treated wood products are to be used in any garden site. Any gardener installing wood borders or planters may be required to show proof that the wood has not been chemically treated. Violation of this rule will be cause for termination of the Community Garden License Agreement and participation in the garden program.

B. Gardeners shall not contract for, or perform, any type of electrical or irrigation work without the written permission of the Garden Coordinator.

C. Plots and walkways shall be kept free of weeds, debris and trash year-round. Any gardener composting is restricted to the confines of their assigned plot. The entire garden plot must be cultivated and contain an average planting density when it is not being mulched. A chair or small bench is acceptable for use as a resting place, but no patio sets, furniture, tables, bar-b-ques, sheds, or other structures or furnishings are allowed.

D. Gardeners are to keep one-half of the width of all the walkways around their garden plot free of weeds and vegetation.

E. All gardeners are expected to help on scheduled workdays. The Community Garden Volunteer Liaison is responsible for scheduling garden workdays. The number of workdays per year will vary according to size of the garden and the amount of maintenance required to keep the garden site well groomed. Gardeners are required to attend at least two workdays per year. Those gardeners who consistently avoid doing their share of community garden work are subject to verbal or written warning, and possible loss of the garden plot.

F. Garden plots are confined to the assigned locations and a gardener may occupy only one garden plot. No person may use a vacant plot or other area in the gardens without the prior written approval from the Community Garden Coordinator. The Garden Coordinator may make exceptions in unusual circumstances (i.e., extremely small plot or sunlight has deteriorated due to shade trees). No garden plot shall be traded, divided, shared, sub-leased, or otherwise changed from the original plot assigned and licensed to the signatory gardener. If any change is desired, contact the Community Garden Coordinator. All requests will be reviewed and decided on an individual basis. An exchange of plots is an option, but must be approved by the Community Garden Coordinator before any exchange occurs.

G. Only vegetables, flowers, berries and herbs may be grown in the plots. Produce from the plot shall not be used for commercial profit. Tall plants, such as corn, berries and tall vines should
be located so that they do not produce shade on adjacent plots, and do not extend into pathways. Permanent plants (i.e., rose bushes) are not to be over 5’ in height. Berries are to be trimmed and maintained. Fruit trees and bushes are not permitted because of their invasive roots and shading potential.

H. In the interest of water conservation, gardeners are required to remain in the vicinity of their plots while watering and are requested to turn off faucets at unattended plots.

I. Automatic watering systems prevent other gardeners from accessing the community water supply and contribute to low water pressure problems at some sites. Therefore, automatic watering systems are not permitted unless each plot in the garden has a designated water faucet. Automatic watering systems (drip systems preferred) will be allowed in some instances upon request and only by the written permission of the Community Garden Coordinator. The approved systems must be checked on a weekly basis and any system found leaking will be removed. Please contact the Garden Coordinator for written approval before installing any type of watering system.

J. Plot holders are expected to conduct themselves in a safe, respectful and courteous manner toward other garden residents. Garden conflicts should be taken to the Garden Liaison for resolution. In the event that the Garden Liaison cannot resolve the issue, the problem is to be taken to the City’s Garden Coordinator for resolution. Non-compliance with this rule may subject the offending gardener to immediate expulsion from the garden program and termination of license agreement.

K. Dogs are not allowed inside any Community Garden site, either on or off a leash. Dispensation will be granted in special cases (i.e., handicapped, blind, etc.). Please contact the Community Garden Coordinator for dispensation consideration.

L. The amount of the fee associated with the right to cultivate any plot will be calculated by quarter on a calendar year basis. If a garden plot is assigned during the year, payment will be made for the remaining quarters and the remaining initial quarter, if the plot is assigned during the first 44 days of the quarter. If the plot is assigned after the first 44 days of the quarter, only the remaining quarters in the calendar year will be charged.

M. Any gardener who is 62 years of age or older, is eligible to receive a 25% discount. The gardener is responsible for informing the Community Garden Coordinator that he or she is eligible to receive the discount. The gardener must provide proof of age.

N. Invoices for the current year’s fees will be mailed in January. Fees are due within 30 days of receiving the invoice. Bills will be considered past due 60 days after the invoice date and a late fee of $10.00 (ten dollars) will be charged. Gardeners who fail to pay are subject to revocation of their license to garden.

O. In the event of early termination of the License Agreement to cultivate a plot, the Community Garden Coordinator is to be contacted in writing by the gardener and a refund will be issued for the remaining quarter(s) of the calendar year. No refunds will be given for a part of a quarter (3 months) and no refunds of less than $10.00 (ten dollars) will be issued. In the event of early termination of the license agreement (even if no refund is made) the garden plot will be
available for reassignment to the next applicant on the waiting list.

P. Pursuant to Palo Alto Municipal Code 22.04.320, no person shall use, remain in or enter any Community Garden (Main Garden; Eleanor Pardee Garden, Johnson Park Garden or Timothy Hopkins Creekside Garden) between 10:30 p.m. and sunrise. Closure times specified in Title 22 as implemented by this regulation shall be posted prominently at each garden.

Violation of any Community Garden Rule may subject the gardener to a verbal or written warning and/or possible revocation of his/her license to use a garden plot. If sufficient improvement is not demonstrated on an on-going basis, the plot will be posted as abandoned, and the license to garden the plot will be revoked. The plot will be issued to the next person on the waiting list. Any items remaining in the plot will be given to the person taking the plot.

The good faith judgment of the Community Garden Coordinator will be sufficient cause for enforcement of the Community Garden Rules, including revocation of the license to garden.