



COMMUNITY GARDENS: MODEL RESOLUTION LANGUAGE

June 2011

The Public Health Law Center developed the following model language to be used as a tool for cities and counties to use in the promotion of community gardens on both public and private land. The model resolution is provided in both a short and long version. Both resolutions include a framework local governments can use to promote and encourage community gardens as a valuable resource and use of land on both public and private property.

The short resolution provides local governments with information regarding the benefits of community gardens and a general statement of support for the promotion of community gardens.

The long resolution provides information regarding the benefits of community gardens and more detailed policy steps a local government can take to promote community gardens. These include specific action steps to ensure the resolution is implemented and potential ways that local government can get involved in developing a sustainable community garden program.

Creating a resolution is one measure through which a local government can establish specific goals that encourage and support community gardens. The model Community Garden Resolutions, below, commit a local government to implementing a community garden policy, ensures governmental support to community gardens, and streamlines the process for creating a community garden. The local governing body will need to determine where to add language or make changes within specific policies, ordinances, or regulations to ensure the resolution best fits their needs and specific legal structure. Language in *italics* and language in [brackets] indicates language that may be inserted or an area to be changed to meet the needs of a specific local government.

For more information about policy drafting, please refer to the Public Health Law Center's website, www.publichealthlawcenter.org and the *Policy Drafting Checklists*. The Center also offers trainings to certain local communities on drafting effective policies and may be able to review the draft of your resolution as resources permit. Please check the Center's website at www.publichealthlawcenter.org for the latest version of the model resolutions.

To request assistance or provide suggestions, e-mail the Center at: publichealthlaw@wmitchell.edu.

Community Garden: Model Resolution Language - Short Version

Model Resolution Language to Encourage and Preserve Community Gardens

STATEMENT OF PURPOSE: The purpose of this resolution is to adopt a community gardens policy for [_____ County/City]. The resolution calls on the [County/City] to develop such a [*policy within one year from the adoption of this resolution.*] The resolution reflects the [County/City's] support for community gardens as a valuable resource and the [County/City's] commitment to collaborate with the community, neighboring cities, non-profit organizations, and other stakeholders to encourage and preserve community gardens on public and private land.

A RESOLUTION declaring [_____ County/City's] support for the creation, protection and long-term sustainability of community gardens.

WHEREAS, community gardens are any piece of private or public land where plants are grown and maintained by a group of individuals in the community. Community gardens often produce food for individual consumption, but may produce food for sale, be designed for beautification of the community, or be used for educational purposes; and

WHEREAS, community gardens make a significant contribution to the civic and cultural life of communities and create gathering places that bring people together across boundaries of age and ethnicity; and

WHEREAS, community gardens provide access to healthy, culturally specific food for people of all economic backgrounds, allowing residents to improve nutrition and lower food costs; and

WHEREAS, community gardens serve as a tool to fight obesity by positively contributing to the physical activity of participants, increasing access to nutritional foods, and serving as an important environmental and health educational tool; and

WHEREAS, community gardeners and their children eat healthier, more nutrient-rich diets than do non-gardening families; and

WHEREAS, community gardens provide positive attributes as urban green spaces: they beautify areas, build a sense of community among neighbors, abate criminal activity, and prevent trash accumulation, dumping, and littering; and

WHEREAS, community gardens contribute to the preservation, access to, and use of open space, vacant lots, and public parks; and

WHEREAS, community gardens empower residents to become more active in their communities, cultivating cross-cultural and intergenerational volunteers and leaders who come together to preserve open space and create gardens for the benefit of present and future generations.

NOW, THEREFORE, BE IT RESOLVED, that the [_____ County/City] supports the creation of sustainable community gardens on both public and private property and will establish policies and procedures to ensure the success of community gardens on both public and private property.

Community Garden: Model Resolution Language - Long Version

Model Resolution Language to Encourage and Preserve Community Gardens

STATEMENT OF PURPOSE: The purpose of this resolution is to adopt a community gardens policy for [_____ County/City]. The resolution calls on the [County/City] to develop such a [policy within one year from the adoption of this resolution.] The resolution reflects the [County/City's] support for community gardens as a valuable resource and the [County/City's] commitment to collaborate with the community, neighboring cities, non-profit organizations, and other stakeholders to encourage and preserve community gardens on public and private land.

A RESOLUTION declaring [_____ County/City's] support for the creation, protection and long-term sustainability of community gardens.

WHEREAS, community gardens are any piece of private or public land where plants are grown and maintained by a group of individuals in the community. Community gardens often produce food for individual consumption, but may produce food for sale, be designed for beautification of the community, or be used for educational purposes; and

WHEREAS, community gardens make a significant contribution to the civic and cultural life of communities and create gathering places that bring people together across boundaries of age and ethnicity; and

WHEREAS, community gardens provide access to healthy, culturally specific food for people of all economic backgrounds, allowing residents to improve nutrition and lower food costs; and

WHEREAS, community gardens serve as a tool to fight obesity by positively contributing to the physical activity of participants, increasing access to nutritional foods, and serving as an important environmental and health educational tool; and

WHEREAS, community gardeners and their children eat healthier, more nutrient-rich diets than do non-gardening families; and

WHEREAS, community gardens provide positive attributes as urban green spaces: they beautify areas, build a sense of community among neighbors, abate criminal activity, and prevent trash accumulation, dumping, and littering; and

WHEREAS, community gardens contribute to the preservation, access to, and use of open space, vacant lots, and public parks; and

WHEREAS, community gardens empower residents to become more active in their communities, cultivating cross-cultural and intergenerational volunteers and leaders who come together to preserve open space and create gardens for the benefit of present and future generations.

NOW, THEREFORE, BE IT RESOLVED, that the [_____ County/City] establish a Community Garden Policy that provides as follows:

1. The [County/City] supports community gardens as a valuable resource and commits to encouraging and preserving community gardens on public and private land.
2. That in order to encourage and protect community gardens on private and public land the [*Board of Commissions/ City Council*] directs the [*Planning Commission/Park and Recreation Advisory Commission/ Parks Director/City Planner/ Parks Department*], along with other key staff as selected, to develop a [County/City] Community Garden Policy.
3. The [County/City] will work with [non-profit organizations, gardeners and neighborhood groups] to identify public and private land suitable for community gardens.
4. The [County/City] will allow the use of public property, where appropriate, for new community garden sites, [such as undeveloped parcels, road rights of way, marginal park land, and adjacent greenway land] and will include community gardens as a desired use of public property.
5. The [County/City] will create an application process to establish community gardens on public property and provide information on who to contact and what to consider for starting a community garden on public property.
6. The [County/City] will provide guidance for community gardens on private property, including information on [who to contact, best practices, available parcels, and what issues to consider when starting a community garden].
7. The [County/City] will maintain an inventory of community gardens and their condition on public property with permission from private property owners and community garden groups.
8. The [County/City] will incorporate the Community Garden Policy into [County/City's] Comprehensive Plan to encourage and preserve community gardens.
9. The [County/City] Community Garden Policy will provide an assessment of the [County/City's] zoning and land use ordinances in order to encourage and provide ease of entry for community gardening, including but not limited to:
 - a. The [County/City] will take appropriate measures to encourage community gardens on private and public land through re-zoning by identifying land not appropriate for gardens and ensuring that community gardens are permitted uses in all appropriate areas.
 - b. The [County/City] will update zoning codes to ensure land set aside for urban agriculture and community gardens count toward existing green-space set-aside and green building regulations.
 - c. The [County/City] will ensure shared access to community resources, such as water, compost, parking, electricity, and soil testing for both nutrients and contaminants, for public and private community gardens.
 - d. The [County/City] will provide resources and technical assistance for remediation and/or removal of contaminated soil if testing results indicate garden soil is contaminated.

10. The [County/City] will publish the Community Garden Policy, a comprehensive inventory of public community gardens, application procedure, and community garden map on the [County/City] website.
11. The [County/City] will promote cooperation and consistency in the implementation of the Community Garden Policy through communication and collaboration among departments and agencies, including [*the Parks and Recreation Advisory Commission/Department, the Department of Public Works, the Planning Commission/Department, the School District, the Community and Economic Development Office, the Public Health Commission/Department*], to maintain, create, and enhance opportunities for community gardening on public and private land;
12. The [County/City] recognizes the economic, environmental and social value of community gardens and will attempt to provide budgetary support for the coordination of a community garden program.
13. The [County/City] will review all future policies to assess their impact on community gardens and ensure that these policies promote community gardens and do not create unnecessary obstacles or burdens on community gardens.
14. The [County/City] directs the [Parks Director/Director of Parks and Recreation, the Public Health Commission/Department] to create a Community Garden Advisory Committee (“CGAC”), within [three/six months] of the adoption of this resolution. The CGAC will:
 - a. Provide advice and direction to the [County/City/Mayor/City Council/County Government/Park Board/Planning Commission/Parks Department/ City Planner] in the creation and implementation of the Community Garden Policy; and
 - b. Include community members from established public and private community gardens in the [City/County] and from [neighborhoods/communities] seeking to promote and develop new community gardens.
15. The [County/City] directs the [Planning Commission/Park and Recreation Advisory Commission/ Parks Director/ City Planner/ Parks Department] to evaluate the implementation of the Community Garden Policy on an annual basis and present the evaluation to the [Board of Commissions] [three] years from adoption of this resolution and every [three] years thereafter.

BE IT FURTHER RESOLVED that this Policy shall become effective as of _____ 2011.



*For related publications, visit
www.publichealthlawcenter.org*

The Public Health Law Center provides information and technical assistance on issues related to tobacco and public health. The Public Health Law Center does not provide legal representation or advice. This document should not be considered legal advice. For specific legal questions, consult with an attorney.