

ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING THE KEYPORT BOROUGH CODE TO ESTABLISH WITHIN CHAPTER 9 A CHAPTER ENTITLED “KEYPORT BOROUGH COMMUNITY GARDEN”

WHEREAS, the Borough of Keyport, County of Monmouth (the " Borough") is a public body corporate and politic of the State of New Jersey (the " State"); and,

WHEREAS, the Borough wishes to provide community members with an accessible place to garden and where gardeners may share and exchange ideas while producing healthy foods for friends and family; and,

WHEREAS, Chapter 9 of the Borough’s Revised General Ordinance is presently “reserved”;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Keyport, in the County of Monmouth, New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Chapter 9 shall be entitled “Keyport Borough Community Garden,” which shall include the following new sections:

§9-1 ESTABLISHMENT. A permanent community garden is hereby established within the Borough of Keyport to be located at Elizabeth Street also known as Block 84, Lot 18 on the official Tax Map of the Borough and shall be designated as the Keyport Borough Community Garden.

§ 9-2. MANAGEMENT. The community garden shall be managed by the Keyport Garden Club, who shall enforce the rules and regulations established by and under the direction of the Borough Administrator. The Garden Club shall require gardeners to sign a use agreement to supplement the rules and regulations set forth in this chapter, provided that the Borough Administrator has approved the terms of the use agreement. Fees for the usage of the community garden shall be collected by the Borough and deposited into the Borough's Open Space Trust Fund.

§ 9-3. USE OF GARDEN. The community garden is available to all residents of the Borough, ages 18 and over, on a first-come, first-served basis for the purpose of growing fruits and vegetables, flowers and herbs. The community garden is also available to nonresidents provided there are plots available after registration has been open to residents for 30 days. Residents and nonresidents may rent plots for one year at a time. Each person renting a plot shall be required to enter into an agreement governing the use of the plot(s) with the Borough of Keyport.

§ 9-4. FEES. No person shall be permitted to maintain a plot in the Keyport Community Garden unless they have registered for the plot, signed the required agreements and paid the applicable fee.

§9-5. RULES AND REGULATIONS. The use of the Keyport Community Garden will be subject to the following rules and regulations:

a. The annual fee for rental of a 4'x8' flat bed or raised bed shall be \$45.00 for a resident, \$25.00 reduced rate for senior citizens who are residents, and \$70.00 for a nonresident. Fees are payable to the Borough of Keyport, are nonrefundable and must be paid at the time of registration for the plot. Those who maintain good gardening status shall be permitted to maintain their plot on a year to year basis so long as the annual fee is paid by March 1st of each calendar year.

b. No more than one plot may be rented by a household unless open plots remain after registration has been open for 60 days.

1. Hours: Dawn to dusk. Gates must be kept closed and locked at all times.

2. Season: Each season shall start on March 1st and shall run the entire year (March 1st to February 28th), or as otherwise established by the Garden Club. Cultivation and planting must be started by June 1 and plots must be tended through the time of fall cleanup. Persons renting plots are expected to spend at least two hours per week on plot maintenance in order to cultivate a productive and attractive garden plot.

3. Parking: In designated areas only.

4. Structures: Elaborate garden structures, fountains or the use of multiple decorative items is prohibited. The Garden Club and/or the Borough Administrator must approve any structures or decorative items used in an individual plot to be sure that such structures do not shade adjacent plots.

5. Weeds: All waste, weeds, etc. shall be disposed of offsite.

6. Water: Water from the watering spigots provided in the community garden is non-potable and is for the use of the garden only. Hoses will be provided. Water must be securely turned off after each use. Access to the

water will not be available between those months during which time there shall be frost (i.e., October to April).

7. Fertilizers and Pesticides: The use of nonorganic pesticides, fungicides, herbicides and fertilizers is prohibited.

8. Pets: Pets and other animals are prohibited at all times.

9. Children/Minors: While children are welcomed to the garden, they must be accompanied and supervised by an adult at all times.

10. Smoking: Smoking is prohibited at all times.

11. No invasive species or corn may be planted in the community garden without the consent of the Garden Club or the Borough.

12. Compost: Compost shall not be permitted at the community garden.

13. Growing Season: The official growing season is from May to November. By no later than December 1 of each year, gardeners are responsible for clearing their plot of all plant material.

14. Rules of Conduct: All gardeners and their visitors shall observe the rules of conduct established by the Garden Club, as well as the rules and regulations for the use of Borough parks and recreation areas. Failure to do so may result in the forfeiture of the gardening plot. No refunds will be permitted for any violations of the rules of conduct.

§ 9-6. INDEMNIFICATION. All persons using the Keyport 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 Borough an agreement for the use of the Community Garden which shall contain hold harmless and indemnification language.

§ 9-7. VIOLATIONS. Use of the community garden is a privilege. The Borough 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 chapter. 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 reassigned. Any person whose permission to use a plot is revoked may appeal the decision to the Borough Administrator, who shall hold a hearing on the matter within 15 days of the revocation.

Section 3. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed.

Section 4. Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

Section 5. Except as amended by this ordinance, all other provision of the Borough's Revised General Ordinances shall remain in full force and effect.

Section 6. The Borough Clerk is hereby directed, upon adoption of the ordinance after public hearing thereon, to publish notice of the passage thereof.

Section 7. This ordinance shall be in full force and effect from and after its adoption and any publication according to law.

Introduced: October 3, 2023
First Publication: October 9, 2023
Second Reading: October 17, 2023
Public Hearing & Adoption:
Final Publication:
Effective Date:

Michele Clark, RMC
Clerk, Borough of Keyport

Mayor Rose Araneo
Borough of Keyport